



State Legislative Committee Meeting Agenda

November 7, 2024
2:00 p.m. – 3:00 p.m.

Agenda Items

Recommended Action

- | | |
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| 1. Welcome and Roll Call | |
| 2. Review of Submitted Legislative Proposals | |
| • Sharing Personally Identifiable Information (PII) with Law Enforcement (SDMTS) | Hold & Discuss |
| • Zero-Emission Vehicle Axle Weight Limits (SDMTS) | Discuss |
| 3. 2025 State Legislative Program Adoption | Approve |
| 4. Reminders | |
| 5. Other Business | |
| 6. Association's Bill Matrix | |
| 7. Adjourn | |

Legislative Proposal Staff Analysis Rider Personally Identifiable Information

The Proposal: Submitted by the San Diego Metropolitan Transit System (MTS), this proposal would explicitly authorize transit agencies to share a rider's personally identifiable information (PII) collected by an agency's electronic fare collection system with law enforcement without first needing a search warrant. Specifically, this proposal would amend Section 31490 of the Streets and Highways Code (SHC 31490) to add a subsection that would allow a transit agency to provide PII collected by an electronic fare system subscriber to a law enforcement agency as part of an investigation into a crime committed on a transit vehicle, at a transit station, or against the transportation agency without first obtaining a search warrant. This proposal would also amend Section 1524 of the Penal Code (PC 1524) to make it clear that search warrants may be issued for purposes of complying with SHC 31490.

Background and Analysis: In 2010, SB 1268 (Simitian) was enacted to prohibit transportation agencies from selling or providing the PII collected from electronic toll collection systems unless a search warrant had been obtained. PII can include, but is not limited to, the rider's name, credit card number, billing address, and vehicle information. Since the passage of SB 1268, only two other measures have been successful in amending existing the PII statute in the toll/fare collection area – AB 179 (Bocanegra, 2013) and AB 2645 (Lackey, 2024).

AB 179 extended the protections associated with electronic toll collection systems to electronic fare collection systems used by transit agencies and was passed in response to transit riders' concerns about PII being shared. AB 2645 amended SHC 31490 to clarify that the law does not prohibit a transportation agency from providing the date, time, and location of a vehicle license plate captured from an electronic toll collection system to a law enforcement agency without a search warrant in response to alerts from the state's Emergency Alert System, including AMBER Alerts, Silver Alerts, and Ebony Alerts.

It has been difficult for agencies to obtain a search warrant for violations (particularly infractions and misdemeanors) unless they are explicitly enumerated in statute (stolen property, electronic crimes, certain crimes against children, firearms used in committing a crime, etc.) pursuant to PC 1524. Ironically, a law enforcement agency may only obtain a search warrant if they have the suspect's name (personal information), which could be collected from the PII associated with their fare payment to the affected transit agency. However, the transit agency may only provide rider PII to law enforcement if they have been served with a search warrant granting access to such information. This creates a challenging circumstance for transit agencies because current law can preclude agencies from sharing identifying information with law enforcement, inhibiting their ability to successfully identify and charge the suspect.

Staff Recommendation: At MTS' approval and direction, Association staff recommends the Committee **HOLD** this legislative proposal and **DISCUSS** dovetailing this legislative proposal into the Association's larger efforts related to operator and rider safety, particularly in the context of giving law enforcement and prosecutors more tools to enforce violations occurring on transit systems.

In conversations with legislative committee staff, Association staff believes that to make this proposal work as a standalone effort, the language would need to be amended significantly in ways that may dilute the overall objective of the bill and make enforcement more inefficient for transit agencies, while also calling attention to processes and procedures that agencies may not want daylight on.

Amendments from legislative committee staff include narrowing the scope of the bill to specify certain misdemeanors in PC 1524, explicitly excluding infractions, and establishing clear limitations on the PII released to law enforcement; all of this under the pretext of first needing to secure a search warrant (meaning no exemption from the search warrant requirements proposed by MTS). Having said all that, staff made it clear that adopting these changes would not necessarily guarantee support from the Legislature, as the body has been averse to weakening PII protections. Further, we would certainly see significant pushback sustained from privacy and consumer protection organizations (ACLU, EFF, WCLP, etc.).



**Proposed Draft Language
Rider Personally Identifiable Information**

STREETS AND HIGHWAYS CODE - SHC

DIVISION 17. TOLL FACILITIES AND RELATED MATTERS [30000 - 31490]

(Heading of Division 17 amended by Stats. 2013, Ch. 375, Sec. 1.)

CHAPTER 8. Electronic Toll Collection and Electronic Transit Fare Collection Systems [31490-31490.]

(Heading of Chapter 8 amended by Stats. 2013, Ch. 375, Sec. 2.)

31490.

(a) Except as otherwise provided in this section, a transportation agency may not sell or otherwise provide to any other person or entity personally identifiable information of any person who subscribes to an electronic toll or electronic transit fare collection system or who uses a toll bridge, toll lane, or toll highway that employs an electronic toll collection system.

(b) A transportation agency that employs an electronic toll collection or an electronic transit fare collection system shall establish a privacy policy regarding the collection and use of personally identifiable information and provide to subscribers of that system a copy of the privacy policy in a manner that is conspicuous and meaningful, such as by providing a copy to the subscriber with the transponder, electronic transit pass, or other device used as an electronic toll or transit fare collection mechanism, or, if the system does not use a mechanism, with the application materials. A transportation agency shall conspicuously post its privacy policy on its Internet Web site. For purposes of this subdivision, "conspicuously post" has the same meaning as that term is defined in paragraphs (1) to (4), inclusive, of subdivision (b) of Section 22577 of the Business and Professions Code. The policy shall include, but need not be limited to, a description of the following:

- (1) The types of personally identifiable information that is collected by the agency.
- (2) The categories of third-party persons or entities with whom the agency may share personally identifiable information.
- (3) The process by which a transportation agency notifies subscribers of material changes to its privacy policy.

(4) The effective date of the privacy policy.

(5) The process by which a subscriber may review and request changes to any of his or her personally identifiable information.

(c) A transportation agency may, within practical business and cost constraints, store only personally identifiable information of a person such as, to the extent applicable, the account name, credit card number, billing address, vehicle information, and other basic account information required to perform account functions such as billing, account settlement, or enforcement activities. All other information shall be discarded no more than four years and six months after the billing cycle has concluded, the bill has been paid, and all toll or fare violations, if applicable, have been resolved.

(d) A transportation agency shall make every effort, within practical business and cost constraints, to purge the personal account information of an account that is closed or terminated. In no case shall a transportation agency maintain personal information more than four years and six months after the date an account is closed or terminated.

(e) (1) Except as specified in subdivisions (e)(2) and (e)(3), Aa transportation agency may make personally identifiable information of a person available to a law enforcement agency only pursuant to a search warrant. Absent a provision in the search warrant to the contrary, the law enforcement agency shall immediately, but in any event within no more than five days, notify the person that his or her records have been obtained and shall provide the person with a copy of the search warrant and the identity of the law enforcement agency or peace officer to whom the records were provided.

(2) This section does not prohibit a peace officer, as defined in Section 830.1 or 830.2 of the Penal Code, when conducting a criminal or traffic collision investigation, from obtaining personally identifiable information of a person if the officer has good cause to believe that a delay in obtaining this information by seeking a search warrant would cause an adverse result, as defined in subparagraphs (A) to (E), inclusive, of paragraph (2) of subdivision (a) of Section 1524.2 of the Penal Code.

(3) A transportation agency may provide personally identifiable information of an electronic fare system subscriber to a law enforcement agency as part of an investigation into a crime committed on a transit vehicle, at a transit station, or against the transportation agency without first obtaining a search warrant.

(f) This section does not prohibit a transportation agency in subdivision (a) from providing aggregated traveler information derived from collective data that relates to a group or category of persons from which personally identifiable information has been removed.

(g) This section does not prohibit a transportation agency, with respect to an electronic toll collection system, from providing the license plate number of an intermodal chassis to the owner of the chassis for purposes of locating the driver of the chassis in the event the driver fails to pay a toll.

(h) This section, with respect to an electronic toll collection system, does not prohibit a transportation agency from sharing data with another transportation agency solely to comply with interoperability specifications and standards adopted pursuant to Section 27565 regarding electronic toll collection devices and technologies. A third-party vendor may not use personally identifiable information obtained under this subdivision for a purpose other than described in this subdivision.

(i) Subdivision (d) shall not prohibit a transportation agency, or its designee, from performing financial and accounting functions such as billing, account settlement, enforcement, or other financial activities required to operate and manage the electronic toll collection system or transit fare collection system. This section, with respect to electronic transit fare collection systems, does not prohibit the sharing of data between transportation agencies for the purpose of interoperability between those agencies. A third-party vendor may not use personally identifiable information obtained under this subdivision for a purpose other than as described in this subdivision.

(j) This section does not prohibit a transportation agency from communicating, either directly or through a contracted third-party vendor, to subscribers of an electronic toll collection system or an electronic

transit fare collection system about products and services offered by, the agency, a business partner, or the entity with which it contracts for the system, using personally identifiable information limited to the subscriber's name, address, and electronic mail address, provided that the transportation agency has received the subscriber's express written consent to receive the communications.

(k) A transportation agency may not use a nonsubscriber's personally identifiable information obtained using an electronic toll collection or electronic transit fare collection system to market products or services to that nonsubscriber. This subdivision shall not apply to toll-related products or services contained in a notice of toll evasion issued pursuant to Section 23302 of the Vehicle Code.

(l) For purposes of this section, "transportation agency" means the Department of Transportation, the Bay Area Toll Authority, any entity operating a toll bridge, toll lane, or toll highway within the state, any entity administering an electronic transit fare collection system and any transit operator participating in that system, or any entity under contract with any of the above entities.

(m) For purposes of this section, "electronic toll collection system" is a system where a transponder, camera-based vehicle identification system, or other electronic medium is used to deduct payment of a toll from a subscriber's account or to establish an obligation to pay a toll, and "electronic transit fare collection system" means a system for issuing an electronic transit pass that enables a transit passenger subscriber to use the transit systems of one or more participating transit operators without having to pay individual fares, where fares are instead deducted from the subscriber's account as loaded onto the electronic transit pass.

(n) For purposes of this section, "person" means any person who subscribes to an electronic toll collection or electronic transit fare collection system or any person who uses a toll bridge, toll lane, or toll road that employs an electronic toll collection system.

(o) For purposes of this section, "personally identifiable information" means any information that identifies or describes a person including, but not limited to, travel pattern data, address, telephone number, email address, license plate number, photograph, bank account information, or credit card number. For purposes of this section, with respect to electronic transit fare collection systems, "personally identifiable information" does not include photographic or video footage.

(p) For purposes of this section, "interoperability" means the sharing of data, including personally identifiable information, across multiple transportation agencies for the sole purpose of creating an integrated transit fare payment system, integrated toll payment system, or both.

(q) (1) In addition to any other remedies provided by law, a person whose personally identifiable information has been knowingly sold or otherwise provided in violation of this section may bring an action to recover either actual damages or two thousand five hundred dollars (\$2,500) for each individual violation, whichever is greater, and may also recover reasonable costs and attorney's fees.

(2) A person whose personally identifiable information has been knowingly sold or otherwise provided three or more times in violation of this section may bring an action to recover either actual damages or four thousand dollars (\$4,000) for each individual violation, whichever is greater, and may also recover reasonable costs and attorney's fees.

(r) Nothing in subdivisions (c) and (d) shall preclude compliance with a court order or settlement agreement that has been approved on or before April 25, 2010.

(s) A transportation agency that employs an electronic toll collection or electronic transit fare collection system may impose an administrative fee on persons who use those systems in an amount sufficient to cover the cost of implementing this section.

(Amended by Stats. 2013, Ch. 375, Sec. 3. Effective January 1, 2014.)

PENAL CODE - PEN

PART 2. OF CRIMINAL PROCEDURE [681 - 1620]

(Part 2 enacted 1872.)

TITLE 12. OF SPECIAL PROCEEDINGS OF A CRIMINAL NATURE [1473 - 1564]

(Title 12 enacted 1872.)

CHAPTER 3. Of Search Warrants [1523 - 1542.5]

(Chapter 3 enacted 1872.)

1524.

(a) A search warrant may be issued upon any of the following grounds:

(1) When the property was stolen or embezzled.

(2) When the property or things were used as the means of committing a felony.

(3) When the property or things are in the possession of any person with the intent to use them as a means of committing a public offense, or in the possession of another to whom that person may have delivered them for the purpose of concealing them or preventing them from being discovered.

(4) When the property or things to be seized consist of an item or constitute evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

(5) When the property or things to be seized consist of evidence that tends to show that sexual exploitation of a child, in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under 18 years of age, in violation of Section 311.11, has occurred or is occurring.

(6) When there is a warrant to arrest a person.

(7) When a provider of electronic communication service or remote computing service has records or evidence, as specified in Section 1524.3, showing that property was stolen or embezzled constituting a misdemeanor, or that property or things are in the possession of any person with the intent to use them as a means of committing a misdemeanor public offense, or in the possession of another to whom that person may have delivered them for the purpose of concealing them or preventing their discovery.

(8) When the property or things to be seized include an item or evidence that tends to show a violation of Section 3700.5 of the Labor Code, or tends to show that a particular person has violated Section 3700.5 of the Labor Code.

(9) When the property or things to be seized include a firearm or other deadly weapon at the scene of, or at the premises occupied or under the control of the person arrested in connection with, a domestic violence incident involving a threat to human life or a physical assault as provided in Section 18250. This section does not affect warrantless seizures otherwise authorized by Section 18250.

(10) When the property or things to be seized include a firearm or other deadly weapon that is owned by, or in the possession of, or in the custody or control of, a person described in subdivision (a) of Section 8102 of the Welfare and Institutions Code.

(11) When the property or things to be seized include a firearm that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the prohibitions regarding firearms pursuant to Section 6389 of the Family Code, if a prohibited firearm is possessed, owned, in the custody of, or controlled by a person against whom a protective order has been issued pursuant to

Section 6218 of the Family Code, the person has been lawfully served with that order, and the person has failed to relinquish the firearm as required by law.

(12) When the information to be received from the use of a tracking device constitutes evidence that tends to show that either a felony, a misdemeanor violation of the Fish and Game Code, or a misdemeanor violation of the Public Resources Code has been committed or is being committed, tends to show that a particular person has committed a felony, a misdemeanor violation of the Fish and Game Code, or a misdemeanor violation of the Public Resources Code, or is committing a felony, a misdemeanor violation of the Fish and Game Code, or a misdemeanor violation of the Public Resources Code, or will assist in locating an individual who has committed or is committing a felony, a misdemeanor violation of the Fish and Game Code, or a misdemeanor violation of the Public Resources Code. A tracking device search warrant issued pursuant to this paragraph shall be executed in a manner meeting the requirements specified in subdivision (b) of Section 1534.

(13) When a sample of the blood of a person constitutes evidence that tends to show a violation of Section 23140, 23152, or 23153 of the Vehicle Code and the person from whom the sample is being sought has refused an officer's request to submit to, or has failed to complete, a blood test as required by Section 23612 of the Vehicle Code, and the sample will be drawn from the person in a reasonable, medically approved manner. This paragraph is not intended to abrogate a court's mandate to determine the propriety of the issuance of a search warrant on a case-by-case basis.

(14) Beginning January 1, 2016, the property or things to be seized are firearms or ammunition or both that are owned by, in the possession of, or in the custody or control of a person who is the subject of a gun violence restraining order that has been issued pursuant to Division 3.2 (commencing with Section 18100) of Title 2 of Part 6, if a prohibited firearm or ammunition or both is possessed, owned, in the custody of, or controlled by a person against whom a gun violence restraining order has been issued, the person has been lawfully served with that order, and the person has failed to relinquish the firearm as required by law.

(15) Beginning January 1, 2018, the property or things to be seized include a firearm that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the prohibitions regarding firearms pursuant to Section 29800 or 29805, and the court has made a finding pursuant to subdivision (c) of Section 29810 that the person has failed to relinquish the firearm as required by law.

(16) When the property or things to be seized are controlled substances or a device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance pursuant to the authority described in Section 11472 of the Health and Safety Code.

(17) (A) When all of the following apply:

(i) A sample of the blood of a person constitutes evidence that tends to show a violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code.

(ii) The person from whom the sample is being sought has refused an officer's request to submit to, or has failed to complete, a blood test as required by Section 655.1 of the Harbors and Navigation Code.

(iii) The sample will be drawn from the person in a reasonable, medically approved manner.

(B) This paragraph is not intended to abrogate a court's mandate to determine the propriety of the issuance of a search warrant on a case-by-case basis.

(18) When the property or things to be seized consists of evidence that tends to show that a violation of paragraph (1), (2), or (3) of subdivision (j) of Section 647 has occurred or is occurring.

(19) (A) When the property or things to be seized are data, from a recording device installed by the manufacturer of a motor vehicle, that constitutes evidence that tends to show the commission of a felony or misdemeanor offense involving a motor vehicle, resulting in death or serious bodily injury to

any person. The data accessed by a warrant pursuant to this paragraph shall not exceed the scope of the data that is directly related to the offense for which the warrant is issued.

(B) For the purposes of this paragraph, "recording device" has the same meaning as defined in subdivision (b) of Section 9951 of the Vehicle Code. The scope of the data accessible by a warrant issued pursuant to this paragraph shall be limited to the information described in subdivision (b) of Section 9951 of the Vehicle Code.

(C) For the purposes of this paragraph, "serious bodily injury" has the same meaning as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code.

(20) When the property or things to be seized consists of evidence that tends to show that a violation of Section 647.9 has occurred or is occurring. Evidence to be seized pursuant to this paragraph shall be limited to evidence of a violation of Section 647.9 and shall not include evidence of a violation of a departmental rule or guideline that is not a public offense under California law.

(21) When the information to be obtained is being sought pursuant to subdivision (e) of Section 31940 Streets and Highways Code.

(b) The property, things, person, or persons described in subdivision (a) may be taken on the warrant from any place, or from any person in whose possession the property or things may be.

(c) Notwithstanding subdivision (a) or (b), a search warrant shall not be issued for any documentary evidence in the possession or under the control of any person who is a lawyer as defined in Section 950 of the Evidence Code, a physician as defined in Section 990 of the Evidence Code, a psychotherapist as defined in Section 1010 of the Evidence Code, or a member of the clergy as defined in Section 1030 of the Evidence Code, and who is not reasonably suspected of engaging or having engaged in criminal activity related to the documentary evidence for which a warrant is requested unless the following procedure has been complied with:

(1) At the time of the issuance of the warrant, the court shall appoint a special master in accordance with subdivision (d) to accompany the person who will serve the warrant. Upon service of the warrant, the special master shall inform the party served of the specific items being sought and that the party shall have the opportunity to provide the items requested. If the party, in the judgment of the special master, fails to provide the items requested, the special master shall conduct a search for the items in the areas indicated in the search warrant.

(2) (A) If the party who has been served states that an item or items should not be disclosed, they shall be sealed by the special master and taken to court for a hearing.

(B) At the hearing, the party searched shall be entitled to raise any issues that may be raised pursuant to Section 1538.5 as well as a claim that the item or items are privileged, as provided by law. The hearing shall be held in the superior court. The court shall provide sufficient time for the parties to obtain counsel and make motions or present evidence. The hearing shall be held within three days of the service of the warrant unless the court makes a finding that the expedited hearing is impracticable. In that case, the matter shall be heard at the earliest possible time.

(C) If an item or items are taken to court for a hearing, any limitations of time prescribed in Chapter 2 (commencing with Section 799) of Title 3 of Part 2 shall be tolled from the time of the seizure until the final conclusion of the hearing, including any associated writ or appellate proceedings.

(3) The warrant shall, whenever practicable, be served during normal business hours. In addition, the warrant shall be served upon a party who appears to have possession or control of the items sought. If, after reasonable efforts, the party serving the warrant is unable to locate the person, the special master shall seal and return to the court, for determination by the court, any item that appears to be privileged as provided by law.

(d) (1) As used in this section, a “special master” is an attorney who is a member in good standing of the California State Bar and who has been selected from a list of qualified attorneys that is maintained by the State Bar particularly for the purposes of conducting the searches described in this section. These attorneys shall serve without compensation. A special master shall be considered a public employee, and the governmental entity that caused the search warrant to be issued shall be considered the employer of the special master and the applicable public entity, for purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, relating to claims and actions against public entities and public employees. In selecting the special master, the court shall make every reasonable effort to ensure that the person selected has no relationship with any of the parties involved in the pending matter. Information obtained by the special master shall be confidential and may not be divulged except in direct response to inquiry by the court.

(2) In any case in which the magistrate determines that, after reasonable efforts have been made to obtain a special master, a special master is not available and would not be available within a reasonable period of time, the magistrate may direct the party seeking the order to conduct the search in the manner described in this section in lieu of the special master.

(e) Any search conducted pursuant to this section by a special master may be conducted in a manner that permits the party serving the warrant or that party’s designee to accompany the special master as the special master conducts the search. However, that party or that party’s designee may not participate in the search nor shall they examine any of the items being searched by the special master except upon agreement of the party upon whom the warrant has been served.

(f) As used in this section, “documentary evidence” includes, but is not limited to, writings, documents, blueprints, drawings, photographs, computer printouts, microfilms, x-rays, files, diagrams, ledgers, books, tapes, audio and video recordings, films, and papers of any type or description.

(g) No warrant shall issue for any item or items described in Section 1070 of the Evidence Code.

(h) No warrant shall issue for any item or items that pertain to an investigation into a prohibited violation, as defined in Section 629.51.

(i) Notwithstanding any other law, no claim of attorney work product as described in Chapter 4 (commencing with Section 2018.010) of Title 4 of Part 4 of the Code of Civil Procedure shall be sustained where there is probable cause to believe that the lawyer is engaging or has engaged in criminal activity related to the documentary evidence for which a warrant is requested unless it is established at the hearing with respect to the documentary evidence seized under the warrant that the services of the lawyer were not sought or obtained to enable or aid anyone to commit or plan to commit a crime or a fraud.

(j) Nothing in this section is intended to limit an attorney’s ability to request an in-camera hearing pursuant to the holding of the Supreme Court of California in *People v. Superior Court (Laff)* (2001) 25 Cal.4th 703.

(k) In addition to any other circumstance permitting a magistrate to issue a warrant for a person or property in another county, when the property or things to be seized consist of any item or constitute evidence that tends to show a violation of Section 530.5, the magistrate may issue a warrant to search a person or property located in another county if the person whose identifying information was taken or used resides in the same county as the issuing court.

(l) This section shall not be construed to create a cause of action against any foreign or California corporation, its officers, employees, agents, or other specified persons for providing location information.

(Amended by Stats. 2022, Ch. 627, Sec. 7. (AB 1242) Effective September 27, 2022. Note: This section was amended on November 8, 2016, by initiative Prop. 63.)

Legislative Proposal Staff Analysis Zero-Emission Vehicle Axle Weight Limits

The Proposal: Submitted by the San Diego Metropolitan Transit System, this proposal would establish new sunset dates for maximum vehicle weights for transit buses. This would allow transit agencies to continue to legally procure new transit buses as mandated per the Innovative Clean Transit (ICT) Regulation, while simultaneously providing original equipment manufacturers (OEMs) with the additional time needed to develop improved zero-emission (ZE) technology that addresses existing range anxiety concerns without deviating from established ZE vehicle weight limits.

Background and Analysis: In December 2018, the California Air Resources Board adopted the ICT, requiring transit agencies to transition entirely to ZE fleets no later than 2040. The regulation establishes tiered deadlines, requiring agencies to transition to fully ZE bus fleets over the course of several years depending on the size of the agency, starting in 2023 for large agencies and 2026 for small agencies. As the purchase schedule deadline draws nearer for some and is already in full effect for many, transit agencies are procuring ZE buses in larger volumes, but many of the buses that are currently on the market are over allowable vehicle curb weight limits. This is in part because ZE technology is still evolving to address range issues and as a result, buses and accompanying batteries have gotten larger and necessarily, heavier. However, in order to accommodate longer routes and increasing ridership, many agencies are limited to procuring the heavier buses with slightly higher, but still insufficient ranges due to battery size limitations. The alternative is procuring smaller, lighter buses that are well below the curb weight limit but have even smaller batteries and as a result, more prohibitive ranges that would require additional buses. For years, OEMs have indicated the need for significant ZE technological advancements to equip buses with more efficient batteries that can hold a much longer charge and keep buses under the maximum vehicle weight limits.

This is a long-standing issue that has been addressed in prior legislation, beginning in 2012. The California Transit Association sponsored AB 1706 (Eng, 2012), which was signed into law and allowed transit agencies to procure new overweight transit buses on a like-for-like basis, or to incorporate a new type of bus into their fleets, through January 1, 2015. This provided transit agencies the flexibility to procure larger buses that accounted for increased ridership and were also in alignment with state and federal mandates that called for heavier buses. As this bill progressed through the Legislature, the Association was met with concerns from local governments regarding the damaging effects that heavier buses would have on public transportation infrastructure and the costs that local governments would incur as a result of increased road maintenance.

In 2014, the Association sponsored AB 1720 (Bloom), extending the sunset date to January 1, 2016 acting as a stopgap to allow additional time for transit agencies and stakeholders to continue negotiating conversations regarding road maintenance concerns. AB 1250 (Bloom,

2015) became law and set into motion a long-term resolution that addressed the concerns of all stakeholders. AB 1250 established a maximum curb weight of 25,000 pounds per axle for ZE buses, declining gradually over a set schedule of several years to a final maximum weight of 22,000 pounds starting January 1, 2022. This declining schedule approach would allow time for ZE technological and bus advancements to develop lighter, but equally efficient, ZE buses that satisfy both the state's vehicle weight and environmental objectives.

Concerns about the effects of heavier trucks and buses on roadways are not new but recently passed legislation indicates the Legislature's concern about this issue as well. In 2020, the University of California Institute of Transportation Studies (ITS) [conducted a study](#) pursuant to AB 2061 (Frazier, 2018) investigating the effects of heavier alternative fuel vehicles on GHG emissions and transportation infrastructure damage. On the light-duty side, AB 251 (Ward, 2023) became law, establishing a similar requirement for the California Transportation Commission to conduct a task force to study the relationship between vehicle weight, degradation to roadways, and injuries to road users.

Staff Recommendation: Association staff recommends the Committee **DISCUSS** this legislative proposal. ZE bus and battery technology have undergone significant advancements, but they have not gotten any smaller or less heavy than those of earlier generations. With the 2026 ICT purchasing deadline just around the corner for small agencies, many public transit agencies are faced with the threat of falling out of compliance for vehicle weight limitations due to procurements of new buses that are overweight. The Committee should consider the difficult history of adjusting alternative fuel bus weight limits and implementation schedules and should anticipate similar conversations this year with local government organizations such as CSAC and the League of California Cities around transportation infrastructure degradation.

In our outreach to stakeholders, the League of California Cities have shared their longstanding concerns with Association staff about the increasing weights of ZE buses and as this bill aims to address that concern within an already established, albeit slightly altered, timeline, we have received the green light from them on the proposed language. We received similar feedback from CSAC, who noted their likely support of the proposal if introduced as currently drafted. Association staff has also touched base with OEMs to determine whether the new deadlines established by this proposal would provide enough time to sufficiently advance zero-emission technology. Very recently, we received proposed amendments from one of our member OEMs that would increase the final imposed weight limit from 22,000 pounds to 22,750 pounds. Association staff notes that this would account for the fact that 22,000 pounds may be prohibitive and could be difficult to achieve technologically, considering each of the necessary components of a zero-emission bus. Since we've received this draft amendment, Association staff is awaiting updated feedback from the League of California Cities and CSAC.

Additionally, Association staff encourages the Committee to consider the broader implications of addressing this issue through legislation ourselves – specifically, on our members' near-term compliance obligations under the ICT regulation and on our bargaining power with CARB. Today, the ICT regulation includes language that permits transit agencies to seek an exemption from the regulation's purchase requirements whenever a zero-emission bus type is considered "unavailable for purchase." A zero-emission bus type is considered "unavailable for purchase" whenever the "physical characteristics of the zero-emission bus would result in a transit agency violating any federal, state, or local laws, regulations, or ordinances." This language was specifically pursued by the Association in 2018, as the ICT regulation was being negotiated, to

ensure that the regulation could not force transit agencies to purchase zero emission buses that violated the curb weight schedule established by AB 1250 and/or federal ADA requirements. Therefore, we flag that, if this curb weight issue were not addressed in new legislation, it would functionally create additional opportunities for transit agencies to seek an exemption for the regulation's purchase requirements, and could create new bargaining power for the Association to either seek additional changes to the ICT regulation or to compel the Administration and/or CARB to pursue this legislation themselves.



**Proposed Draft Language
ZEV Axle Weight Limits**

Vehicle Code - VEH

DIVISION 15. SIZE, WEIGHT, AND LOAD [35000 - 35796]

(Division 15 enacted by Stats. 1959, Ch. 3.)

CHAPTER 5. Weight [35550 - 35796]

(Chapter 5 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Axle Limits [35550 - 35558]

(Article 1 enacted by Stats. 1959, Ch. 3.)

35554.

(a) (1) Notwithstanding Section 35550, the maximum gross weight on any one axle of a bus shall not exceed 20,500 pounds.

(2) This subdivision does not apply to a transit bus procured through a solicitation process pursuant to which a solicitation was issued before January 1, 2016. This subdivision does not apply to a bus purchased during an option period in a multiyear contract to purchase transit buses that is entered into before January 1, 2016, by a publicly owned or operated transit system, or an operator of a transit system under contract with a publicly owned or operated transit system, provided, however, that the option period does not exceed five years from the date of the original contract, or extend beyond January 1, 2021, whichever is earlier.

(b) A transit bus is not subject to Section 35550.

(c) Notwithstanding subdivision (a), the following provisions shall apply to a transit bus:

(1) The curb weight on any one axle of a transit bus procured through a solicitation process pursuant to which a solicitation was issued between January 1, 2016, and December 31, 2018, inclusive, shall not exceed 23,000 pounds.

(2) The curb weight on any one axle of a transit bus procured through a solicitation process pursuant to which a solicitation was issued on or after January 1, 2019, shall not exceed 22,000 pounds.

(d) Notwithstanding subdivisions (a) and (c), the following provisions shall apply to ~~an articulated transit bus or~~ zero-emission transit bus:

(1) The curb weight on any one axle of ~~an articulated transit bus or~~ zero-emission transit bus procured through a solicitation process pursuant to which a solicitation was issued between January 1, 20~~16~~27, and December 31, 20~~17~~28, inclusive, shall not exceed 25,000 pounds.

(2) The curb weight on any one axle of ~~an articulated transit bus or~~ zero-emission transit bus procured through a solicitation process pursuant to which a solicitation was issued between January 1, 20~~18~~29, and December 31, 20~~19~~30, inclusive, shall not exceed 24,000 pounds.

(3) The curb weight on any one axle of ~~an articulated transit bus or~~ zero-emission transit bus procured through a solicitation process pursuant to which a solicitation was issued between January 1, 20~~20~~31, and December 31, 20~~21~~32, inclusive, shall not exceed 23,000 pounds.

(4) The curb weight on any one axle of ~~an articulated transit bus or~~ zero-emission transit bus procured through a solicitation process pursuant to which a solicitation was issued on or after January 1, 20~~22~~33, shall not exceed ~~22,000~~22,750 pounds.

(e) Nothing in this article shall be construed to authorize a vehicle described in paragraph (2) of subdivision (a) or described in subdivision (c) or (d) to be operated in violation of Section 35753.

(f) A transit operator operating an articulated transit bus shall, by July 1, 2016, provide notice to all cities and counties in whose jurisdiction the bus will operate in the upcoming calendar year, identifying the approximate routes upon which the bus is expected to be scheduled for service, including the names of streets and roads upon which that service is likely to take place. Thereafter, a transit operator operating an articulated transit bus shall annually provide notice by July 1, to all cities and counties in whose jurisdiction the bus will operate in the upcoming calendar year, identifying any changes to the service on those routes and any new routes upon which the bus is expected to be scheduled for the upcoming year. The notice shall include data from information provided by the bus manufacturer to the transit operator, identifying the weight of the articulated bus.

(g) For purposes of this section, the term "curb weight" means the total weight of a fully loaded transit bus, including maximum fuel, oil, and coolant, and all equipment used in the normal operation of the bus, except without passengers or a driver.

(h) Notwithstanding subdivisions (a) to (g), inclusive, a transit bus shall not operate on the Dwight D. Eisenhower System of Interstate and Defense Highways in excess of the weight limitation for transit buses specified in federal law.

(i) If the gross weight imposed upon the highway by the wheels on any one axle of a transit bus exceeds 20,000 pounds, the axle shall be supported by four wheels bearing load upon the highway.

(Amended (as amended by Stats. 2014, Ch. 263, Sec. 2) by Stats. 2015, Ch. 484, Sec. 1. (AB 1250) Effective January 1, 2016.)

DRAFT

2025 STATE LEGISLATIVE PROGRAM

The California Transit Association's 2025 State Legislative Program is an integral part of making our vision a reality and is part and parcel of our mission to further the interests of public transportation as defined in the Association's 2023-2028 Strategic Plan.

The Association's Strategic Plan, which identifies advocacy as our top priority, sets our advocacy goal as follows:

Influence state and federal decision makers to enact policies and funding solutions supporting, expanding, developing, and advancing public transit.

The Association's Strategic Plan dictates our ongoing responsibilities as they pertain to our advocacy work as follows:

- *Protect existing transit operations and capital funds.*
- *Secure new sources of funding for transit operations and capital projects.*
- *Enhance public awareness of the essential nature of public transit and build support for increased transit funding.*
- *Ensure passage of transit legislation and regulations that support transit and defeat of those legislative and regulatory measures which impede transit's ability to meet the public's mobility needs.*
- *Ensure the passage of legislation and regulations does not create new unfunded mandates on transit agencies.*

To further refine the above responsibilities, the Association's Strategic Plan focuses our advocacy efforts from 2023 to 2028 on the following objectives:

- *Secure new transit operations funding to address the pandemic-induced looming fiscal cliff and support transit's recovery from the pandemic.*
- *Provide support to public transit agencies in the transition to zero-emission vehicles; address agency needs for recharging/ refueling infrastructure, maintenance facilities, etc.*
- *Update the Transportation Development Act (TDA).*
- *Enhance transit industry workforce recruitment and training efforts.*
- *Address driver and passenger safety and security concerns related to inappropriate behavior on transit vehicles and at stations; address the impact of unhoused persons on transit vehicles and at stations.*

2025 STATE LEGISLATIVE PROGRAM – SUMMARY OF ACTION ITEMS

The following summarizes the highest priority policy goals the California Transit Association will pursue in 2025, including sponsored legislation we will seek.

- **Transit Funding and Rebuilding Ridership:** Protect existing transit capital and operations funding and continue to pursue additional dedicated, formula funding for transit and rail agency operations, as well as resources to return riders to public transportation systems. The Association will also engage in any efforts to extend the Cap-and-Trade program beyond 2030 and advocate for the continuation and growth of dedicated resources from the program for transit agencies.
- **Transit Transformation Task Force:** Continue to work with CalSTA, state agencies, transit agencies, regional partners, legislative committee staff, and other stakeholders in the Transit Transformation Task Force established by SB 125 (Committee on Budget and Fiscal Review) [Chapter 54, Statutes of 2023].
- **Protecting Transit Workers and Riders:** Pursue legislation to protect transit employees and passengers from assault and battery. Continue to work with the Transit Operator and Rider Safety Subcommittee to identify policy changes and best practices to protect transit workers and riders.
- **CEQA and Permit Streamlining:** Work with stakeholders on legislation to further refine existing CEQA statutory exemptions for rail & transit agencies and explore opportunities to expedite state and local permit reviews & approvals.
- **Zero-Emission Transit:** Monitor implementation of the Innovative Clean Transit regulation, the Commercial Harbor Craft regulation, the In-Use Locomotive regulation, the Low-Carbon Fuel Standard, the Clean Truck Check, and the Advanced Clean Fleets regulation, and work to address the impacts associated with deploying ZEVs, including pursuing dedicated funding for zero-emission transit vehicle deployment and supportive infrastructure, engaging CARB through various forums, and potentially pursuing relief from the regulations.
- **Zero-Emission Vehicle Weight Limits:** Pursue legislation to adjust current curb weight limit schedules, allowing additional time for zero-emission technology to advance and develop buses and batteries that are lighter in weight.
- **Prioritizing Electricity for Transit Agencies:** Pursue legislation, as necessary, to ensure priority access to electricity for transit agencies during grid disruptions.
- **Homelessness:** Continue to monitor implementation of AB 1377 (Friedman) [Chapter 728, Statutes of 2023]. Continue to work with the Transit Operator and Rider Safety Subcommittee identify additional policy changes and best practices to address homelessness on California transit systems.
- **Cap & Trade Funding:** Pursue additional dedicated funding from the Greenhouse Gas Reduction Fund (GGRF). Develop a proposed Cap and Trade expenditure plan for transit and establish a subcommittee of the State Legislative Committee to develop the Association's strategy for maximizing the state's investment in public transit.
- **Driver Testing:** Work to improve driver testing, certification, and licensing timeframes.

2025 STATE LEGISLATIVE PROGRAM – ALL ACTION ITEMS

The following summarizes all policy goals the California Transit Association will actively pursue in 2025, whether through sponsoring legislation or in supporting the work of other groups. These are a mix of our existing goals and new items added for 2025.

RESPONSIBILITY: Protect existing transit operations and capital funds.

A. The Association will continue its participation in the Transit Transformation Task Force to develop recommendations for transit ridership recovery and structural reforms to state transit funding and performance metrics.

SB 125 (Committee on Budget and Fiscal Review) [Chapter 54 Statutes of 2023] required the California State Transportation Agency, on or before January 1, 2024, to establish and convene a Transit Transformation Task Force comprised of representatives from transit agencies, academic institutions, nongovernmental organizations, and other stakeholders. The Task Force was constituted in December 2023. SB 125 further requires the Task Force, to prepare and submit a report of findings and policy recommendations, based on the Task Force's efforts, to the appropriate policy and fiscal committees of the Legislature on or before October 31, 2025. SB 125 requires the report to include a detailed analysis of various issues and recommendations on a variety of transit-related topics, including, among others, transit ridership recovery, long-term funding for transit agencies, and Transportation Development Act (TDA) reform.

Throughout 2024, the Association, through representation by Association staff and in coordination with member agencies, participated regularly in the Transit Transformation Task Force to support CalSTA's data collection needs and to inform the recommendations developed by the Task Force on topics, including, but not limited to, transit ridership recovery, long-term funding for transit agencies, and TDA reform. The Association's participation on the Task Force, and the positions we articulate in Task Force meetings, is supported by the Association's internal Transit Transformation Advisory Committee, which was established by the Executive Committee in February 2024. In 2025, the Association will continue to participate on the Task Force through Association staff and members, as directed by the Transit Transformation Advisory Committee.

B. Protect existing State transit funds, including the General Fund moneys appropriated in SB 108 (Wiener) [Chapter 35, Statutes of 2024], SB 109 (Wiener) [Chapter 36, Statutes of 2024], SB 1 (Beall and Frazier) [Chapter 5, Statues of 2017] funding, TDA, PTA, and Cap & Trade revenues for transit, from being eliminated, terminated, shifted or otherwise used for non-transit purposes, without specific repayment terms, and restore or obtain repayment of all previous loans or shifts of transit funds.

The Association will advocate for the maintenance of existing transit funding sources committed to transit capital and operations in the FY 2024-25 and FY 2023-24 State Budgets and through Senate Bill 1. The Association will partner with local government, the environmental community, and other interested transportation stakeholders, among others, and form coalitions advocating for protection of transit funding. In 2024, previously committed SB 125 funding was at risk of being cut and minimal new transit funding was available because of the state's significant budget deficit. Anticipating another, albeit lesser, budget deficit in FY 2025-26, the Association will advocate for maintenance of these and all other public transit funds as well as the release of this funding on the timelines prescribed in statute. The Association will also closely monitor the implementation of SB 125 and AB 173 (Committee on Budget) [Chapter 56, Statutes of 2024], the transportation trailer bill included in the Budget Act of 2024, engage in the guideline development process this bill initiates, and seek legislative fixes should any issues arise.

C. Preserve the relative share of Cap & Trade revenues for public transit established in 2014 legislation and explore flexibility regarding the use of existing Cap & Trade revenues.

There is an expectation that, in the coming Legislative Session, the Governor and the Legislature will set out to extend the Cap and Trade program beyond 2030. The Association will work to protect the existing long-term Cap & Trade revenue allocated to transit in SB 862 (Committee on Budget and Fiscal Review) [Chapter 36, Statutes of 2014] through the Low-Carbon Transit Operations Program (5 percent) and the Transit and Intercity Rail Capital Program (10 percent) and support continued appropriations of Cap & Trade funds to the Low Carbon Transportation program to be used for transit and the Zero-Emission Transit Capital Program, consistent with SB 125. Should changes be made to the overall expenditure plan for continuously appropriated Cap & Trade revenues, the Association will work to ensure an equal, if not greater, amount of revenue is dedicated to transit. The Association will work with the Executive Committee Chair to establish a subcommittee of the State Legislative Committee to develop and enact a strategy to uphold and protect the state's continued investment in public transit.

D. Monitor implementation of the Governor's executive orders to address climate change through transportation investments.

Executive Order N-19-19 directs the California State Transportation Agency (CalSTA) to invest its annual portfolio of \$5 billion toward construction, operations, and maintenance to help reverse the trend of increased fuel consumption and reduce greenhouse gas emissions associated with the transportation sector. CalSTA, in consultation with the Department of Finance, is also directed to align transportation spending, programming, and mitigation with the state's climate goals.

Executive Order N-79-20 states that it shall be the goal of California that 100 percent of in-state sales of new passenger cars and trucks will be zero-emission by 2035. The order further directs Caltrans and the California Transportation Commission, in consultation with the Department of Finance and other State agencies to "identify near term actions and investment strategies to improve clean transportation, sustainable freight and transit options...including building towards an integrated, statewide rail, and transit network." The Executive Orders led CalSTA to develop Climate Action Plan for Transportation Infrastructure (CAPTI) in 2021 with input from a variety of stakeholders. The Plan details how the state proposes to use discretionary transportation funds to "combat and adapt to climate change while supporting public health, safety and equity."

CalSTA will release an updated CAPTI plan in 2025 and has been hosting workshops throughout 2024. The Association will monitor and engage in the implementation of CAPTI, including the update to the plan, to ensure it is implemented in a manner that maximizes benefits to transit agencies, while working to ensure state and federal funds are made available to achieve the goals outlined in the plan.

E. Support efforts to implement the Infrastructure Investment and Jobs Act in California and, if necessary, assist the Federal Legislative Committee in securing a surface transportation reauthorization bill with the best outcomes for transit.

RESPONSIBILITY: Secure new sources of funding for transit operations and capital projects and enhance public awareness of the essential nature of public transit and build support for increased transit funding.

A. Advocate for additional state funding to address transit and rail agencies' operating needs and return riders to transit systems.

The COVID-19 pandemic dramatically reduced state and local transit revenue sources and increased the cost of transit operations, threatening the viability of public transit in the short and long-term. At the same time, the pandemic also undermined transit ridership and emphasized the importance of transit agencies exploring new strategies and investments to regain and expand their place in California's transportation network. Despite success in securing and maintaining flexible funding in the FY 2024-25 State Budget to address operations funding needs, additional operations funding is still necessary to maintain and expand service. Acknowledging the state's budget outlook, the Association will continue to seek additional short-term operations funding, where able, through a range of revenue options established by the Association's

Transit Operations Funding Subcommittee and pursue, through the Transit Transformation Task Force, mechanisms for additional long-term operations funding.

B. Advocate for additional state funding and flexibility to support the transition to zero-emission transit vehicles across all modes.

The Association will continue to advocate to ensure funding is approved by the State Legislature for the Clean Truck, Bus, and Off-Road Equipment Program – which includes, but is not limited to the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) and Clean Off-Road Equipment Voucher Project (CORE) – and emerging opportunities to support zero-emission transit vehicle deployment and the California Energy Commission’s various clean transportation programs that support zero-emission transit vehicle infrastructure buildout. For HVIP and the CEC Clean Transportation Programs specifically, the Association will advocate for an increase in the amount of funding available to transit agencies overall, including through the appropriation of new funding to the transit set-asides, and for an increase in transit vehicle voucher amounts to address the increasing cost of transit vehicles. Additionally, the Association will continue to engage on HVIP and TIRCP guidelines to better align these programs and their requirements to reflect the needs and limitations of transit agencies and, thus, increase the share of funding available to transition to zero-emission buses.

C. Support new local government funding options to support transit and infrastructure near transit.

The Association supports new local funding tools enabling local governments to maintain and expand transit service and promote infrastructure, including affordable housing, near public transit. These tools could come in the form of changes to Infrastructure Financing District law, the creation of new tax-increment financing tools, CEQA incentives for development closer to transit stations, lower voter-thresholds for special taxes or fees, sub-regional initiatives for local sales tax measures, authority for transit agencies to develop projects on their own property, and the inclusion of transit-oriented development projects in new housing programs.

D. Seek resources to assist transit agencies in managing homelessness.

The Association will monitor implementation of AB 1377 (Friedman) [Chapter 728, Statutes of 2023]. Through the Transit Operator and Rider Safety Subcommittee, the Association will continue to work to identify funding models and sources, which can be used by transit agencies to combat homelessness on their systems and will work the Legislature and the Administration to such funding.

E. Advocate for resources to help transit agencies recruit, retain, and train employees.

The state and federal government have made landmark investments in transit in recent years, however, labor shortages in transit operations and maintenance continue to undercut the benefits of these investments. There has been a dire shortage of transit bus drivers and bus maintenance positions for years, exacerbated by the fiscal cliffs that many transit agencies are facing.

To address this issue, the Association will advocate for programs and resources to fund transit workforce development or establish new training programs, through pilots or other means, in community colleges to ensure a strong pool of skilled transit workers for the future.

RESPONSIBILITY: Ensure passage of transit legislation and regulations that support transit and defeat of those legislative and regulatory measures which impede transit’s ability to meet the public’s mobility needs, and ensure the passage of legislation and regulations does not create new unfunded mandates on transit agencies.

A. Sponsor legislation to better protect transit agency operators, employees, and passengers.

The Association, in collaboration with its Transit Operator and Rider Safety Subcommittee, will work with transit labor representatives to secure legislation to enhance penalties for individuals convicted of crimes

that harm a transit agency's workforce and passengers, and provide transit agencies with additional tools to prohibit violent passengers from entering transit facilities. The Association will also seek additional input on what practices agencies can implement to better deter unruly passengers and protect workers & passengers.

B. Sponsor legislation to adjust statutory weight limit deadlines to accommodate advancements in zero-emission technology.

The Association, in collaboration with its Maintenance Committee, will work with local government representatives to secure legislation establishing a set of updated deadlines for zero-emission bus curb weight limits that allow ample time for the advancement and weight reduction of zero-emission technology.

CB. Identify and pursue legislative and regulatory strategies to address the impacts of the Innovative Clean Transit regulation, Commercial Harbor Craft regulation, In-Use Locomotive regulation, Clean Truck Check, and Low Carbon Fuel Standard on public transit agencies.

The Association will continue to educate the Legislature, CARB, the Public Utilities Commission (PUC) and the California Energy Commission on the real-world costs and experiences of transit agencies deploying zero-emission transit vehicles. More specifically, the Association will continue to work with its Executive Committee and ZEV Task Force to identify and pursue legislative and regulatory strategies to relieve the financial and operational pressure of deploying ZEVs and complying with state regulations. This work will include continued engagement with CARB on the ICT regulation's Phase II Comprehensive Review; participation in the soon-to-be established ICT working group at CARB, intended to review the implementation status of the Innovative Clean Transit (ICT) regulation, evaluate barriers to transit agencies' short- and long-term compliance with the regulation, and develop state-level strategies to support California transit agencies in transitioning to zero-emission transit bus technologies, including potentially, modifications to the ICT regulation; and, introducing legislation to extend AB 2622 (Mullin) [Chapter 353, Statutes of 2022] and, thus, maintain the sales and use tax exemption for zero-emission transit buses. This work may also include engagement with CARB on the Low Carbon Fuel Standard to ensure that transit agencies are able to maximize their credit generation from the program.

Additionally, the Association will continue to engage with CARB on the Clean Truck Check and its undue inclusion of the public transit industry in its requirements. The Association will continue to work with its Maintenance Committee to determine the effects of these new requirements and uplift concerns to CARB about the financial and maintenance burdens created for agencies as a result of the regulation.

DB. Work with stakeholders on legislation that would further refine California's statutory CEQA exemptions for public transit & active transportation projects, and support efforts to streamline state & local permitting processes for transit projects.

In previous legislative sessions, the Association sponsored/co-sponsored and supported measures to streamline environmental & judicial reviews, as well as expand transit priority on local streets and roads and state highways, including SB 288 (Wiener) [Chapter 200, Statutes of 2020], SB 1283 (Beall, 2020), AB 476 (Mullin, 2021), AB 917 (Bloom) [Chapter 350, Statutes of 2021], SB 922 (Wiener) [Chapter 987, Statutes of 2022], SB 149 (Caballero) [Chapter 60, Statutes of 2023], and AB 2503 (Lee) [Chapter 718, Statutes of 2024]. The Association will continue to collaborate with stakeholders and legislative leaders to advocate for inclusion of transit projects within statutory CEQA exemptions, where applicable.

EC. Monitor and pursue, as necessary, regulatory and legislative solutions to reduce the cost of electricity and hydrogen procured by transit agencies, and to ensure the reliability of these energy sources.

To address the high cost of electricity and hydrogen as a fuel, the Association will continue to work with its ZEV Task Force to monitor the implementation of new commercial electricity vehicle rates, approved by the PUC in 2018 and 2019, and will engage the PUC to ensure that approved rate designs reduce the cost of

operating battery-electric buses and are extended, as appropriate. Additionally, the Association will engage with the CEC to develop and implement strategies for reducing the prohibitive cost of hydrogen as a fuel. As public transit agencies statewide replace their vehicles, rolling stock, and vessels with all-electric fleets, the Association has heard concerns from transit agencies about the ability to maintain service during public safety driven power shutoffs and rolling blackouts. The Association will take appropriate legislative or regulatory action to advocate for public transit priority during situations of widespread power loss.

FD. Work to improve driver testing, certification, and licensing processes.

The Association will continue to work with the California State Transportation Agency, Department of Motor Vehicles, and other relevant state entities on driver testing, certification, and licensing, and pursue legislation or new funding, if appropriate, to improve the time it takes to deploy new bus operators. These efforts will continue to be focused, in part, on addressing the challenges related to transit agencies meeting the 10-test rule for the Employer Testing Program.

GE. Support alternative procurement methods and measures that improve the construction of transit capital projects and encourage development near transit.

The Association supports state policy objectives and legislation that enable transit agencies to use alternative procurement methods, such as design-build, construction manager/general contractor, and job order contracting, to help streamline construction & maintenance and reduce costs. The Association also supports efforts that allow local governments to maintain and expand transit service and promote infrastructure, including affordable housing, near public transit.

HF. Continue to Monitor PEPRA 13(c)-Related Litigation, and engage where necessary.

The Association will continue to monitor developments regarding Public Employees' Pension Reform Act of 2013-related objections to the certification of federal transit grants for California as well as the effects of the final judgement issued by the Appellate Court remanding the case to the District Court.

Additionally, the Association will engage the Newsom Administration and California State Legislature to urge their engagement with the next Presidential Administration to highlight the devastating impacts of the United States Department of Labor's policy on California transit agencies and seek relief from its implementation.

IG. Monitor and support efforts to advance racial and social justice, transportation equity, and workforce equity through state transportation policy.

The Association will implement the recommendations of the *Actions for a More Equitable, Inclusive, and Diverse Association* report by reviewing and engaging on state transportation policy intended to advance racial and social justice and transportation and workforce equity. Such policy may relate to issues, including but not limited to, transit access and affordability, policing, workforce development and training, and zero-emission technologies.