



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

**BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING**

COMMITTEE MEMBERS

DAVID HUDSON - CHAIR
MARGARET ABE-KOGA
JOHN GIOIA
REBECCA KAPLAN
JIM SPERING
SHIRLEE ZANE

DOUG KIM - VICE CHAIR
DAVID CANEPA
SCOTT HAGGERTY
KAREN MITCHOFF
BRAD WAGENKNECHT

**THURSDAY
MARCH 22, 2018
9:30 A.M.**

**1ST FLOOR BOARD ROOM
375 BEALE STREET
SAN FRANCISCO, CA 94105**

**VIDEO CONFERENCE LOCATION:
SANTA ROSA JUNIOR COLLEGE
DOYLE LIBRARY, ROOM 4248
1501 MENDOCINO AVENUE
SANTA ROSA, CA 95401**

AGENDA

1. CALL TO ORDER - ROLL CALL – PLEDGE OF ALLEGIANCE – PUBLIC MEETING PROCEDURE

The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members. The Committee Chair shall lead the Pledge of Allegiance.

This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes> at the time of the meeting. Closed captioning may contain errors and omissions, and are not certified for their content or form.

Public Comment on Agenda Items: *The public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.*

Speakers may speak for up to three minutes on each item on the Agenda. However, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

Staff/Phone (415) 749-

2. **APPROVAL OF THE MINUTES OF FEBRUARY 22, 2018**

Clerk of the Boards/5073

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of February 22, 2018.

3. **CONSIDERATION OF NEW BILLS**

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Committee will discuss and review new bills and take positions where appropriate.

4. **SACRAMENTO UPDATE**

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Committee will receive an update on recent events of significance in Sacramento.

5. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

Pursuant to Government Code Section 54954.3 Speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed up to three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

6. **COMMITTEE MEMBERS' COMMENTS/OTHER BUSINESS**

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

7. **TIME AND PLACE OF NEXT MEETING – AT THE CALL OF THE CHAIR**

At the Call of the Committee Chair

8. **ADJOURNMENT**

The Committee meeting shall be adjourned by the Committee Chair.

CONTACT:

ACTING MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the “Members of the Legislative Committee” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Committee meeting. Any correspondence received after that time will be presented to the Committee at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at rsanders@baaqmd.gov.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
375 BEALE STREET, SAN FRANCISCO, CALIFORNIA 94105
FOR QUESTIONS PLEASE CALL (415) 749-4941**

**EXECUTIVE OFFICE:
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS**

MARCH 2018

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i> - CANCELLED	Monday	19	9:30 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of every other Month)</i>	Monday	19	9:30 a.m.	1 st Floor Board Room
Board of Directors Regular Mtg. <i>(Meets on the 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	21	9:30 a.m.	1 st Floor Board Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i> - CANCELLED	Thursday	22	9:30 a.m.	1 st Floor Board Room
Board of Directors Legislative Committee <i>(At the Call of the Chair)</i>	Thursday	22	9:30 a.m.	1 st Floor Board Room
Board of Directors Executive Committee & Advisory Council Joint Mtg. <i>(EC Meets on the 3rd Monday of each Month) and (AC Meets At the Call of the Chair)</i>	Monday	26	9:30 a.m.	1 st Floor Board Room
Advisory Council Mtg. <i>(At the Call of the Chair)</i>	Monday	26	12:00 p.m.	1 st Floor Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	28	9:30 a.m.	1st Floor, Yerba Buena Room #109

APRIL 2018

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Public Engagement Committee <i>(At the Call of the Chair)</i>	Monday	2	9:30 a.m.	1 st Floor Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	4	9:30 a.m.	1 st Floor Board Room
Board of Directors Ad Hoc Refinery Oversight Committee <i>(At the Call of the Chair)</i>	Monday	9	9:30 a.m.	1 st Floor Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	16	9:30 a.m.	1 st Floor Board Room

APRIL 2018

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Mtg. <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	18	9:30 a.m.	1 st Floor Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	25	9:30 a.m.	1st Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	26	9:30 a.m.	1 st Floor Board Room

MAY 2018

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:30 a.m.	1 st Floor Board Room
Board of Directors Personnel Committee <i>(At the Call of the Chair)</i>	Monday	7	9:30 a.m.	1 st Floor Board Room
Board of Directors Regular Mtg. <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:30 a.m.	1 st Floor Board Room
Board of Directors Climate Protection Committee <i>(Meets on the 3rd Thursday of every other Month)</i>	Thursday	17	9:30 a.m.	1 st Floor Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	21	9:30 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee <i>(Meets on the 3rd Monday of every other Month)</i>	Monday	21	10:30 a.m.	1 st Floor Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	23	9:30 a.m.	1st Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i>	Thursday	24	9:30 a.m.	1 st Floor Board Room

HL – 3/15/18 – 8:45 p.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson David Hudson and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 12, 2018

Re: Approval of the Minutes of February 22, 2018

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of February 22, 2018.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of February 22, 2018.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Committee Meeting of February 22, 2018

AGENDA 2A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of February 22, 2018

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, California 94105
(415) 749-5073

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Thursday, February 22, 2018

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, David Hudson, called the meeting to order at 11:03 a.m.

Present: Chairperson David Hudson; and Directors Margaret Abe-Koga, David Canepa, Rebecca Kaplan, Karen Mitchoff, and Brad Wagenknecht.

Absent: Vice-Chairperson Doug Kim; Directors John Gioia, and Shirlee Zane.

Also Present: Board of Directors (Board) Member, Scott Haggerty (Chair Hudson invited him to vote.)

2. PUBLIC COMMENT PERIOD

No requests received.

3. APPROVAL OF THE MINUTES OF MAY 11, 2017

Public Comments:

No requests received.

Committee Comments:

None.

Committee Action:

Director Canepa made a motion, seconded by Director Abe-Koga, to **approve** the minutes of May 11, 2017; and the motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Haggerty, Hudson, Kaplan, and Mitchoff.
NOES: None.
ABSTAIN: None.

ABSENT: Gioia, Kim, Wagenknecht, and Zane.

4. CONSIDERATION OF NEW BILLS

Thomas Addison, Senior Policy Advisor, presented to the Committee a potential legislative agenda for 2018, recommended by Air District staff. Mr. Addison explained that the District's priority for 2018 is to secure adequate funding from the California Air Resources Board (CARB) to implement Assembly Bill (AB) 617, which passed in July 2017, and requires a wide variety of new obligations and substantial workload increase from the Air District.

Public Comments:

Public comments were made by Jed Holtzman, 350 Bay Area; and Bill Quinn, California Council for Environmental and Economic Balance.

Committee Comments:

The Committee and staff discussed how the California Air Pollution Control Officers Association also views this as a critical issue, and the need for a united front from all air districts in California; the probability of a potential budget trailer being introduced during the current Legislative session, to promote long-term, ongoing funding from CARB for the implementation of AB 617; the estimated dollar amount that this Air District will require per year; and how this District's air monitoring activities and collected data can lend themselves to this effort.

Committee Action:

Director Mitchoff made a motion, seconded by Director Kaplan, to **recommend** that the Board of Directors considers a legislative agenda for 2018 that focuses on securing state budget funding to cover the costs of the work that the Air District has been assigned under AB 617; and the motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Haggerty, Hudson, Kaplan, and Mitchoff.

NOES: None.

ABSTAIN: None.

ABSENT: Gioia, Kim, Wagenknecht, and Zane.

5. CONSIDERATION OF NEW BILLS

Mr. Addison delivered the staff report *Consideration of New Bills*, including discussion and review of the following bills, issues, and recommended positions:

- SUPPORT IF AMENDED for Assembly Bill 1975 (Chu), which establishes the South Bay Interagency Odor Taskforce;
- SUPPORT for Assembly Bill 2008 (Salas), which excludes Carl Moyer grants from taxable income; and
- OPPOSITION to new and/or potential bills that use CalEnviroScreen as a funding allocation mechanism;

- OPPOSITION to any legislation regarding the composition of this Air District’s Board of Directors that does not originate with the Board, but is instead proposed by others; and
- OPPOSITION to budgetary proposals, initiated by the Department of Finance, to transfer fees (\$26 million annually) assessed on purchasers of new tires in the State of California, from the Carl Moyer program, to the Department of Fish and Wildlife.
- Upon discussion, there was a consensus of the Committee to recommend the OPPOSITION of Assembly Bill 1756 (Brough), which repeals Senate Bill (SB) 1 (transportation funding measure of 2017.)

Public Comments:

Public comments were made by Jed Holtzman, 350 Bay Area.

NOTED PRESENT: Director Wagenknecht was noted present at 11:36 a.m.

Committee Comments:

The Committee and staff discussed the development of, and the District’s position on, SB 1, and the Committee’s general consensus of opposing AB 1756; how much revenue would be lost by the state, were AB 2008 to pass, and whether alternative sources of revenue to offset that loss could be identified; the request for more details on bills authored by Bay Area legislators; the request for the CalEnviroScreen 3.0 version map of the Bay Area and a side-by-side comparison of that map and the District’s frequently-used map that shows how overall air pollution is down but high risks remain in some communities; and the Committee’s concerns regarding legislation that would change the composition of this Board.

Committee Action:

Director Canepa made a motion, seconded by Director Abe-Koga, to **approve** staff’s recommendations to the Board of Directors; and the motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Kaplan, Mitchoff, and Wagenknecht.
NOES: None.
ABSTAIN: Hudson.
ABSENT: Gioia, Haggerty, Kim, and Zane.

6. COMMITTEE MEMBERS’ COMMENTS / OTHER BUSINESS

None.

7. TIME AND PLACE OF NEXT MEETING

Thursday, March 22, 2018, Bay Area Air Quality Management District office, 375 Beale Street, 1st floor Board Room, San Francisco, CA 94105, at 9:30 a.m.

8. ADJOURNMENT

The meeting adjourned at 12:07 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson David Hudson and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 12, 2018

Re: Consideration of New Bills

RECOMMENDED ACTION

The Committee will discuss and review new bills and consider recommending positions on them to the Board of Directors.

DISCUSSION

AB 1796 is authored by Assemblymember Al Muratsuchi (D-Torrance), and addresses electric vehicle (EV) charging in rent-controlled units. Since the passage of AB 2565 in 2014, landlords of California residential and commercial buildings, who are approached by a tenant who wants to install EV charging are generally required to allow this installation, provided the tenant bears all costs associated with the installation. This has helped expand the number of potential EV purchasers beyond just homeowners, accelerating EV market penetration. This general requirement, however, does not apply to rent-controlled buildings. AB 1796 would have this requirement apply to rent-controlled buildings. Because a significant portion of some Bay Area cities are subject to rent control, staff believe that this measure would help increase EV purchase and use in the region, both of new and used EVs. California has set ambitious goals for electrifying transportation via regulation, Executive Orders, and statute. AB 1796 will help achieve these goals, and staff are recommending a “**Support**” position.

AB 2061, authored by Assemblymember Jim Frazier (D-Discovery Bay), takes on the subject of truck weight limits. Specifically, it would allow battery electric, fuel cell, or natural gas big rig trucks, to exceed the current weight limit of 80,000 pounds (applicable to all trucks) by 2,000 pounds. Heavier propulsion systems for cleaner vehicles, in combination with existing uniform weight limits means, that they effectively have a lower payload than their diesel counterparts. Thus, cleaner trucks have to make more trips to haul a given quantity of material, which does not help climate, air quality, or congestion goals. This, in addition to significantly higher purchase pricing, means that the cleanest choices for moving goods over our highways are less attractive to potential purchasers. Federal law has increased the weight limit for the clean trucks, as have 24 other states. California has yet to do so, and AB 2061 would resolve this issue. Staff believe this bill will encourage adoption of cleaner technologies, and reduce emissions of greenhouse gases, criteria emissions, and air toxics. Staff recommend a “**Support**” position.

AB 2940 is authored by Assemblymember Anna Caballero (D-Salinas), and makes changes to the Air Resources Board's (ARB) Truck and Bus regulation. Sponsored by the California Farm Bureau Federation, it allows agricultural vehicles and vehicles driven less than 5,000 miles annually, to not comply with vehicle cleanup deadlines in ARB's regulation. The Truck and Bus regulation was adopted in 2008, in a full public process where all affected interests had substantial input and consideration given to their issues. Agricultural interests and vehicle owners in fact successfully secured substantial additional time to comply with cleanup requirements. Additionally, during the regulatory adoption process, ARB had to consider issues of cost-effectiveness and technological feasibility. Generally, trucks over 14,000 pounds used in ranching and farming are required to be upgraded to 2010 model year engines by 2023. Additionally, any truck driven less than 1,000 miles annually with an older, dirtier engine is exempt from cleanup requirements.

This bill would increase the annual mileage limitation to 5,000 miles annually, for any truck. It also delays for four years regulatory requirements on agricultural trucks. AB 2940 will thus significantly decrease the emission reductions of toxic diesel particulate matter, criteria emissions, and greenhouse gases that the current regulation will deliver, negatively affecting public health. Furthermore, staff believe it is inappropriate for the Legislature to circumvent the open public process and regulatory decision making at ARB, and effectively weaken air quality regulations by statute. Many thousands of owners of agricultural and other trucks have acted in good faith and complied with regulatory requirements, and spent significant funds to do so. AB 2940 would unfairly penalize these individuals and businesses by given a significant financial advantage to less scrupulous competitors who have delayed complying. Thus, staff recommend an **“Oppose”** position.

AB 3059 is authored by Assemblymember Richard Bloom (D-Santa Monica). It would authorize four congestion pricing pilot projects, with two in southern California and two in northern California. Interested cities or counties could choose to participate by passing an ordinance and gaining approval of their congestion management agency. Projects must be done in a way to advance transportation equity.

Congestion pricing essentially uses price signals to encourage motorists to reduce discretionary driving during times of peak congestion. Cities like London and Stockholm have implemented programs, and have seen substantial congestion reduction as a result. The Air District has long had congestion pricing as a strategy in our Clean Air Plan, including in our 2017 current plan (“TR11-Value Pricing Strategies”). Staff are recommending a **“Support”** position.

SB 1144, authored by Senator Bill Dodd (D-Napa), would increase penalties for those who violate air quality regulations. Specifically, the bill would increase civil penalty ceilings for serious and serial violations at powerplants, refineries, and petrochemical plants. Senator Dodd's district contains three of the five Bay Area refineries. The extensive flaring and resulting community impacts in Benicia from the Valero refinery power outage last year are important triggers to this legislation being brought forward.

Over the last two decades, the Air District has sponsored multiple bills to increase penalty ceilings, and supported others. If the financial consequences of violating our regulations are too low, stationary sources have less incentive to comply with regulations, potentially jeopardizing public health. While for many violations the existing ceilings are adequate, unfortunately there are instances where they are clearly inadequate. For example, the Richmond Chevron refinery fire, which had roughly 15,000 people seeking medical attention, was an incident for which existing penalty ceilings were clearly inadequate. It triggered the District to sponsor SB 691 in 2013 (authored by Senator Loni Hancock), which ultimately failed on the Assembly Floor. The Air District was supportive of the language in last year's AB 617 (authored by Christina Garcia) that raised the strict liability penalty ceiling from \$1,000 per day to \$5,000 per day. However, that bill failed to raise the strict liability ceiling for federally-enforceable requirements at Title V facilities (such as refineries), so that ceiling today remains at \$10,000.

Staff are recommending a “**Support if Amended**” position on SB 1144. While we support the bill's intentions, we think it would benefit significantly from some revisions. For example, existing language in statute already requires that serious and serial violations be more heavily penalized. Additionally, the bill defines serious violations in ways we see as unintentionally problematic. The problem with current law is that for violators with deep pockets, today's ceilings are inadequate. Because over 90% of violations are in the strict liability category, and virtually all the rest are in the negligence category, we believe the bill should focus on increasing ceilings in these categories, especially given that AB 617 only increased strict liability ceilings for non-Title V sources. The author and his staff have requested our input on the issue, and adopting the above position will help direct that collaboration.

SB 1427 is authored by Senator Jerry Hill (D-Redwood City), and is sponsored by the Metropolitan Transportation Commission. Called the Roadway Reliability Improvement Act, it is being designed to increase enforcement of High-Occupancy Vehicle (HOV) lanes to improve compliance rates. Statewide, Caltrans found in 2016 that over two-thirds of the lanes failed to meet federal performance standards. The point of having these lanes is to encourage travelers to carpool or vanpool or take transit, and to purchase clean air vehicles which access the lanes via decals. All these behaviors have significant public health benefits and reduce greenhouse gas emissions. Unfortunately, poor performance and congestion in the lanes greatly reduces the incentives for these behaviors. In the Bay Area, cheaters in solo vehicles make up on average 24% of traffic in these lanes, and in some corridors the percentage is as high as 39%.

SB 1427 is designed to reduce cheating by increasing enforcement by the California Highway Patrol (CHP), authorizing toll agencies to share information with CHP, and piloting vehicle occupancy detection systems. Staff are recommending a “**Support**” position.

Copies of the bills discussed above are attached. Also attached is a lengthy list of bills with air quality implications that have been introduced in 2018. This year the bill introduction deadline was February 16, 2018, and bills cannot be amended for 30 days after introduction. Thus, staff expect many bills still in spot form as of the date of this memorandum will have more detailed language shortly thereafter. Therefore, staff may need to bring additional bills of significance to the committee for its consideration on March 22, 2018.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison

Attachment 3A: Assembly Bill No. 1796

Attachment 3B: Assembly Bill No. 2061

Attachment 3C: Assembly Bill No. 2940

Attachment 3D: Assembly Bill No. 3059

Attachment 3E: Senate Bill No. 1144

Attachment 3F: Senate Bill No. 1427

Attachment 3G: BAAQMD Bill Discussion List

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1796

Introduced by Assembly Member Muratsuchi

January 9, 2018

An act to amend Section 1947.6 of the Civil Code, relating to tenancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1796, as introduced, Muratsuchi. Rental property: electric vehicle charging stations.

Existing law requires a lessor of a dwelling to approve a written request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee in accordance with specified requirements. Existing law provides exemptions for specified dwellings, including an exemption for a dwelling that is subject to the residential rent control ordinance of a public entity.

This bill would eliminate that exemption, thereby requiring a lessor of a dwelling subject to the residential rent control ordinance of a public entity to approve a written request of a lessee to install an electric vehicle charging station in accordance with specified requirements.

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

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

- 1 SECTION 1. Section 1947.6 of the Civil Code is amended to
2 read:
3 1947.6. (a) For any lease executed, extended, or renewed on
4 and after July 1, 2015, a lessor of a dwelling shall approve a written
5 request of a lessee to install an electric vehicle charging station at

1 a parking space allotted for the lessee that meets the requirements
2 of this section and complies with the lessor’s procedural approval
3 process for modification to the property.

4 (b) This section does not apply to residential rental properties
5 where:

6 (1) Electric vehicle charging stations already exist for lessees
7 in a ratio that is equal to or greater than 10 percent of the designated
8 parking spaces.

9 (2) Parking is not provided as part of the lease agreement.

10 (3) A property where there are less than five parking spaces.

11 (4) A dwelling that is subject to the residential rent control
12 ordinance of a public entity. *This paragraph shall not apply to a*
13 *lease executed, extended, or renewed on and after January 1, 2019.*

14 (c) For purposes of this section, “electric vehicle charging
15 station” or “charging station” means any level of electric vehicle
16 supply equipment station that is designed and built in compliance
17 with Article 625 of the California Electrical Code, as it reads on
18 the effective date of this section, and delivers electricity from a
19 source outside an electric vehicle into a plug-in electric vehicle.

20 (d) A lessor shall not be obligated to provide an additional
21 parking space to a lessee in order to accommodate an electric
22 vehicle charging station.

23 (e) If the electric vehicle charging station has the effect of
24 providing the lessee with a reserved parking space, the lessor may
25 charge a monthly rental amount for that parking space.

26 (f) An electric vehicle charging station and all modifications
27 and improvements to the property shall comply with federal, state,
28 and local law, and all applicable zoning requirements, land use
29 requirements, and covenants, conditions, and restrictions.

30 (g) A lessee’s written request to make a modification to the
31 property in order to install and use an electric vehicle charging
32 station shall include, but is not limited to, his or her consent to
33 enter into a written agreement that includes, but is not limited to,
34 the following:

35 (1) Compliance with the lessor’s requirements for the
36 installation, use, maintenance, and removal of the charging station
37 and installation, use, and maintenance of the infrastructure for the
38 charging station.

1 (2) Compliance with the lessor’s requirements for the lessee to
2 provide a complete financial analysis and scope of work regarding
3 the installation of the charging station and its infrastructure.

4 (3) A written description of how, when, and where the
5 modifications and improvements to the property are proposed to
6 be made consistent with those items specified in the “Permitting
7 Checklist” of the “Zero-Emission Vehicles in California:
8 Community Readiness Guidebook” published by the Office of
9 Planning and Research.

10 (4) Obligation of the lessee to pay the lessor all costs associated
11 with the lessor’s installation of the charging station and its
12 infrastructure prior to any modification or improvement being
13 made to the leased property. The costs associated with
14 modifications and improvements shall include, but are not limited
15 to, the cost of permits, supervision, construction, and, solely if
16 required by the contractor, consistent with its past performance of
17 work for the lessor, performance bonds.

18 (5) Obligation of the lessee to pay as part of rent for the costs
19 associated with the electrical usage of the charging station, and
20 cost for damage, maintenance, repair, removal, and replacement
21 of the charging station, and modifications or improvements made
22 to the property associated with the charging station.

23 (h) The lessee shall maintain in full force and effect a lessee’s
24 general liability insurance policy in the amount of one million
25 dollars (\$1,000,000) and shall name the lessor as a named
26 additional insured under the policy commencing with the date of
27 approval of construction until the lessee forfeits possession of the
28 dwelling to the lessor.

AMENDED IN ASSEMBLY MARCH 5, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2061

**Introduced by Assembly Member Frazier
(Principal coauthor: Assembly Member Gipson)
(Coauthors: Assembly Members Gonzalez Fletcher and Reyes)
(Coauthor: Senator Hueso)**

February 7, 2018

An act to amend Section 35551 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2061, as amended, Frazier. Near-zero-emission and zero-emission vehicles.

Existing law sets specified limits on the total gross weight imposed on the highway by a vehicle with any group of 2 or more consecutive axles.

This bill would authorize a near-zero-emission vehicle or a zero-emission vehicle, as defined, to exceed axle, tandem, gross, or bridge formula weight limits, up to a 2,000 pound maximum, by an amount equal to the difference between the weight of the vehicle attributable to the fueling *and propulsion* system carried by that vehicle and the weight of a comparable diesel ~~tank~~ *and fueling and propulsion* system.

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

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

1 SECTION 1. Section 35551 of the Vehicle Code is amended
2 to read:

3 35551. (a) Except as otherwise provided in this section or
4 Section 35551.5, the total gross weight in pounds imposed on the
5 highway by any group of two or more consecutive axles shall not
6 exceed that given for the respective distance in the following table:

7	8					
9	10					
11	12					
13	14					
15	16					
17	18					
19	20					
21	22					
23	24					
25	26					
27	28					
29	30					
31	32					
33	34					
35	36					
37	38					
	Distance in					
	feet between					
	the extremes					
	of any group					
	of 2 or more					
	consecutive					
	axles	2 axles	3 axles	4 axles	5 axles	6 axles
4	.....	34,000	34,000	34,000	34,000	34,000
5	.....	34,000	34,000	34,000	34,000	34,000
6	.....	34,000	34,000	34,000	34,000	34,000
7	.....	34,000	34,000	34,000	34,000	34,000
8	.....	34,000	34,000	34,000	34,000	34,000
9	.....	39,000	42,500	42,500	42,500	42,500
10	.....	40,000	43,500	43,500	43,500	43,500
11	.....	40,000	44,000	44,000	44,000	44,000
12	.....	40,000	45,000	50,000	50,000	50,000
13	.....	40,000	45,500	50,500	50,500	50,500
14	.....	40,000	46,500	51,500	51,500	51,500
15	.....	40,000	47,000	52,000	52,000	52,000
16	.....	40,000	48,000	52,500	52,500	52,500
17	.....	40,000	48,500	53,500	53,500	53,500
18	.....	40,000	49,500	54,000	54,000	54,000
19	.....	40,000	50,000	54,500	54,500	54,500
20	.....	40,000	51,000	55,500	55,500	55,500
21	.....	40,000	51,500	56,000	56,000	56,000
22	.....	40,000	52,500	56,500	56,500	56,500
23	.....	40,000	53,000	57,500	57,500	57,500
24	.....	40,000	54,000	58,000	58,000	58,000
25	.....	40,000	54,500	58,500	58,500	58,500
26	.....	40,000	55,500	59,500	59,500	59,500
27	.....	40,000	56,000	60,000	60,000	60,000

1	28	40,000	57,000	60,500	60,500	60,500
2	29	40,000	57,500	61,500	61,500	61,500
3	30	40,000	58,500	62,000	62,000	62,000
4	31	40,000	59,000	62,500	62,500	62,500
5	32	40,000	60,000	63,500	63,500	63,500
6	33	40,000	60,000	64,000	64,000	64,000
7	34	40,000	60,000	64,500	64,500	64,500
8	35	40,000	60,000	65,500	65,500	65,500
9	36	40,000	60,000	66,000	66,000	66,000
10	37	40,000	60,000	66,500	66,500	66,500
11	38	40,000	60,000	67,500	67,500	67,500
12	39	40,000	60,000	68,000	68,000	68,000
13	40	40,000	60,000	68,500	70,000	70,000
14	41	40,000	60,000	69,500	72,000	72,000
15	42	40,000	60,000	70,000	73,280	73,280
16	43	40,000	60,000	70,500	73,280	73,280
17	44	40,000	60,000	71,500	73,280	73,280
18	45	40,000	60,000	72,000	76,000	80,000
19	46	40,000	60,000	72,500	76,500	80,000
20	47	40,000	60,000	73,500	77,500	80,000
21	48	40,000	60,000	74,000	78,000	80,000
22	49	40,000	60,000	74,500	78,500	80,000
23	50	40,000	60,000	75,500	79,000	80,000
24	51	40,000	60,000	76,000	80,000	80,000
25	52	40,000	60,000	76,500	80,000	80,000
26	53	40,000	60,000	77,500	80,000	80,000
27	54	40,000	60,000	78,000	80,000	80,000
28	55	40,000	60,000	78,500	80,000	80,000
29	56	40,000	60,000	79,500	80,000	80,000
30	57	40,000	60,000	80,000	80,000	80,000
31	58	40,000	60,000	80,000	80,000	80,000
32	59	40,000	60,000	80,000	80,000	80,000
33	60	40,000	60,000	80,000	80,000	80,000

34

35 (b) In addition to the weights specified in subdivision (a), two
36 consecutive sets of tandem axles may carry a gross weight of
37 34,000 pounds each if the overall distance between the first and
38 last axles of the consecutive sets of tandem axles is 36 feet or more.
39 The gross weight of each set of tandem axles shall not exceed

1 34,000 pounds and the gross weight of the two consecutive sets
2 of tandem axles shall not exceed 68,000 pounds.

3 (c) The distance between axles shall be measured to the nearest
4 whole foot. When a fraction is exactly six inches, the next larger
5 whole foot shall be used.

6 (d) This section does not affect the right to prohibit the use of
7 any highway or any bridge or other structure thereon in the manner
8 and to the extent specified in Article 4 (commencing with Section
9 35700) and Article 5 (commencing with Section 35750) of this
10 chapter.

11 (e) The gross weight limits expressed by this section and Section
12 35550 shall include all enforcement tolerances.

13 (f) (1) A near-zero-emission or zero-emission vehicle may
14 exceed axle, tandem, gross, or bridge formula weight limits by an
15 amount, not to exceed a maximum of 2,000 pounds, that is equal
16 to the difference between the weight of the vehicle attributable to
17 the fueling *and propulsion* system carried by that vehicle and the
18 weight of a comparable diesel ~~tank~~ *and fueling and propulsion*
19 system.

20 (2) For purposes of this subdivision, the terms
21 “near-zero-emission vehicle” and “zero-emission vehicle” have
22 the same meanings as defined in subdivisions (c) and (d) of Section
23 44258 of the Health and Safety Code.

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2940

Introduced by Assembly Members Caballero and Aguiar-Curry

February 16, 2018

An act to amend Sections 4000.15 and 4156 of the Vehicle Code, relating to vehicle emissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2940, as introduced, Caballero. Vehicle emissions.

Existing law, commencing January 1, 2020, prohibits the registration, or renewal or transfer of registration, for specified diesel-fueled commercial vehicles unless the vehicle is subject to exemption from that prohibition, or is compliant with specified air pollution control technology, in which case the Department of Motor Vehicles is authorized to register the vehicle.

This bill would additionally authorize the department to allow the registration, or renewal or transfer of registration, for low-use vehicles and agricultural vehicles that meet certain requirements.

Existing law authorizes the department, in its discretion, to issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by the department and paid to the department by the owner or other person in lawful possession of the vehicle. Existing law authorizes the department to issue a temporary permit to operate a diesel-fueled vehicle for which registration may be refused pursuant to specified emission standards requirements.

This bill would additionally require the department to issue the permit within 48 hours of a determination of noncompliance with current emission requirements.

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

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

1 SECTION 1. Section 4000.15 of the Vehicle Code is amended
2 to read:
3 4000.15. (a) Effective January 1, 2020, the department shall
4 confirm, prior to the initial registration or the transfer of ownership
5 and registration of a diesel-fueled vehicle with a gross vehicle
6 weight rating of more than 14,000 pounds, that the vehicle is
7 compliant with, or exempt from, applicable air pollution control
8 technology requirements pursuant to Division 26 (commencing
9 with Section 39000) of the Health and Safety Code and regulations
10 of the State Air Resources Board adopted pursuant to that division.
11 (b) Except as otherwise provided in subdivision (c), for
12 diesel-fueled vehicles subject to Section 43018 of the Health and
13 Safety Code, as applied to the reduction of emissions of diesel
14 particulate matter, oxides of nitrogen, and other criteria pollutants
15 from in-use diesel-fueled vehicles, and Section 2025 of Title 13
16 of the California Code of Regulations as it read *on* January 1, 2017,
17 or as subsequently amended:
18 (1) The department shall refuse registration, or renewal or
19 transfer of registration, for a diesel-fueled vehicle with a gross
20 vehicle weight rating of 14,001 pounds to 26,000 pounds for the
21 following vehicle model years:
22 (A) Effective January 1, 2020, vehicle model years 2004 and
23 older.
24 (B) Effective January 1, 2021, vehicle model years 2007 and
25 older.
26 (C) Effective January 1, 2023, vehicle model years 2010 and
27 older.
28 (2) The department shall refuse registration, or renewal or
29 transfer of registration, for a diesel-fueled vehicle with a gross
30 vehicle weight rating of more than 26,000 pounds for the following
31 vehicle model years:
32 (A) Effective January 1, 2020, vehicle model years 2000 and
33 older.
34 (B) Effective January 1, 2021, vehicle model years 2005 and
35 older.

1 (C) Effective January 1, 2022, vehicle model years 2007 and
2 older.

3 (D) Effective January 1, 2023, vehicle model years 2010 and
4 older.

5 (c) (1) As determined by the State Air Resources Board,
6 notwithstanding effective dates and vehicle model years identified
7 in subdivision (b), the department may allow registration, or
8 renewal or transfer of registration, for a diesel-fueled vehicle that
9 has been reported to the State Air Resources Board, and is using
10 an approved exemption, or is compliant with applicable air
11 pollution control technology requirements pursuant to Division
12 26 (commencing with Section 39000) of the Health and Safety
13 Code and regulations of the State Air Resources Board adopted
14 pursuant to that division, ~~including vehicles equipped with the
15 required model year emissions equivalent engine or otherwise
16 using an approved compliance option.~~ *division and Section 2025
17 of Title 13 of the California Code of Regulations as it read on
18 January 1, 2017, or as subsequently amended, including any of
19 the following:*

20 (A) *Vehicles equipped with the required model year emissions
21 equivalent engine or otherwise using an approved compliance
22 option.*

23 (B) *Low-use vehicles that do not exceed 5,000 miles annually
24 after January 1, 2020, that meet the reporting and recordkeeping
25 requirements in accordance with paragraph (12) of subdivision
26 (r) of, and subdivision (s) of, Section 2025 of Title 13 of the
27 California Code of Regulations.*

28 (C) *Agricultural vehicles that have been reported as of January
29 31, 2019, and qualified for the provisions of subdivision (m) of
30 Section 2025 of Title 13 of the California Code of Regulations and
31 the reporting and recordkeeping requirements in accordance with
32 paragraph (14) of subdivision (r) of, and subdivision (s) of, Section
33 2025 of Title 13 of the California Code of Regulations.*

34 (2) The State Air Resources Board shall notify the department
35 of the vehicles allowed to be registered pursuant to this subdivision.

36 (3) *Any amendment of Section 2025 of Title 13 of the California
37 Code of Regulations required in connection with the changes made
38 to this subdivision by the act that added this paragraph shall be
39 limited in application to those vehicles described in subparagraphs
40 (B) and (C) of paragraph (1).*

1 SEC. 2. Section 4156 of the Vehicle Code is amended to read:
2 4156. (a) Notwithstanding any other provision of this code,
3 and except as provided in subdivision (b), the department in its
4 discretion may issue a temporary permit to operate a vehicle when
5 a payment of fees has been accepted in an amount to be determined
6 by, and paid to the department, by the owner or other person in
7 lawful possession of the vehicle. The permit shall be subject to the
8 terms and conditions, and shall be valid for the period of time, that
9 the department shall deem appropriate under the circumstances.

10 (b) (1) The department shall not issue a temporary permit
11 pursuant to subdivision (a) to operate a vehicle for which a
12 certificate of compliance is required pursuant to Section 4000.3,
13 and for which that certificate of compliance has not been issued,
14 unless the department is presented with sufficient evidence, as
15 determined by the department, that the vehicle has failed its most
16 recent smog check inspection.

17 (2) Only one temporary permit may be issued pursuant to this
18 subdivision to a vehicle owner in a two-year period.

19 (3) A temporary permit issued pursuant to paragraph (1) is valid
20 for either 60 days after the expiration of the registration of the
21 vehicle or 60 days after the date that vehicle is removed from
22 nonoperation, whichever is applicable at the time that the temporary
23 permit is issued.

24 (4) A temporary permit issued pursuant to paragraph (1) is
25 subject to Section 9257.5.

26 (c) (1) The department may issue a temporary permit pursuant
27 to subdivision (a) to operate a vehicle for which registration may
28 be refused pursuant to Section 4000.15. *The department shall issue*
29 *the temporary permit within 48 hours of a determination of*
30 *noncompliance with current emission requirements.*

31 (2) Only one temporary permit may be issued pursuant to this
32 subdivision for any vehicle, unless otherwise approved by the State
33 Air Resources Board.

34 (3) A temporary permit issued pursuant to paragraph (1) is valid
35 for either 90 days after the expiration of the registration of the
36 vehicle or 90 days after the date that vehicle is removed from
37 nonoperation, whichever is applicable at the time the temporary
38 permit is issued.

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CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL**No. 3059**

Introduced by Assembly Member Bloom
(Principal coauthor: Senator Wiener)

February 16, 2018

An act to add Chapter 2.55 (commencing with Section 65087) to Division 1 of Title 7 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 3059, as introduced, Bloom. Congestion pricing demonstration pilot projects.

(1) Existing law provides for the development of a congestion management program for each county that includes an urbanized area by a designated congestion management agency. Existing law authorizes the Metropolitan Transportation Commission and the Bay Area Air Quality Management District to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 agencies with a specified number of covered employees to offer those employees certain commute benefits.

This bill would authorize 2 congestion pricing demonstration projects in northern California and 2 in southern California. The bill would define "congestion pricing" to mean the assessment of a charge on motor vehicles using local streets and roads in a participating jurisdiction, which charge could vary based on the time of day or the day of the week. The bill would require the governing body of an eligible participating jurisdiction, as defined, to adopt a congestion pricing ordinance containing various elements, and would require the proposed ordinance to be approved by the applicable congestion management agency subject to a finding that the proposed demonstration project is

likely to be successful. The bill would require a charge by a congestion pricing ordinance to be imposed consistent with the California Constitution and federal law. The bill would enact other related provisions.

(2) Existing law prohibits a local agency from imposing a tax, permit fee or other charge, except as specified, after December 31, 1990, unless the charge had been imposed prior to June 1, 1989.

This bill would provide that this prohibition does not apply within a jurisdiction undertaking a congestion pricing demonstration project for the duration of that demonstration project.

This bill, by imposing new duties on congestion management agencies, would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Chapter 2.55 (commencing with Section 65087)
2 is added to Division 1 of Title 7 of the Government Code, to read:

3
4 CHAPTER 2.55. CONGESTION PRICING DEMONSTRATION PILOT
5 PROJECTS
6

7 65087. The Legislature finds and declares both of the following:

8 (a) It is the intent of the Legislature to authorize at least two
9 congestion pricing demonstration pilot projects in northern
10 California and two in southern California.

11 (b) It is the intent of the Legislature that the congestion pricing
12 demonstration pilot projects should be based on similar best
13 practice congestion pricing programs previously implemented
14 elsewhere in the world.

15 (c) It is the intent of the Legislature that any congestion pricing
16 demonstration pilot projects be implemented in such a way as to

1 advance transportation equity, whether through rebates,
2 exemptions, pricing structure, or revenue investment.

3 65087.1. For the purposes of this chapter, “congestion pricing”
4 means the assessment of a charge on motor vehicles using local
5 streets and roads in an eligible participating jurisdiction. The charge
6 may vary based on the time of day or the day of the week.

7 65087.2. An “eligible participating jurisdiction” means a city,
8 county, or a city and county that is able to comply with all of the
9 requirements of this chapter.

10 65087.3. Eligible participating jurisdictions shall be limited to
11 two congestion pricing demonstration pilot projects in northern
12 California and two in southern California.

13 65087.4. (a) A participating jurisdiction may elect to conduct
14 a congestion pricing demonstration pilot project by the adoption
15 of a congestion pricing ordinance by its governing body and
16 approval of the ordinance by the applicable congestion management
17 agency for the local jurisdiction designated pursuant to Chapter
18 2.6 (commencing with Section 65088). The congestion
19 management agency, before giving its approval, shall make a
20 finding that the demonstration project is likely to be successful.
21 Prior to approval, the participating jurisdiction and the congestion
22 management agency shall evaluate and recommend program design
23 features to maximize the benefits and minimize the impacts of any
24 congestion pricing demonstration project to disadvantaged
25 communities. An eligible jurisdiction electing to participate shall
26 also consult with the applicable transportation planning agency
27 and the California Transportation Commission in developing its
28 ordinance.

29 (b) The congestion pricing ordinance shall specify the duration
30 of the congestion pricing demonstration pilot project, the amount
31 of congestion pricing charges to be imposed, collection and
32 enforcement mechanisms, a financing plan to implement the
33 project, a transit and active transportation plan to implement
34 transportation alternatives, a public outreach plan, congestion
35 reduction objectives and goals to be achieved, and other necessary
36 and related matters.

37 (c) A charge imposed by a congestion pricing ordinance shall
38 be imposed consistent with the California Constitution and federal
39 law.

1 65087.5. (a) Before approving a participating jurisdiction’s
2 congestion pricing demonstration pilot project, the applicable
3 congestion management agency shall conduct at least two public
4 outreach meetings within the affected jurisdiction.
5 (b) A congestion management agency may incorporate a
6 congestion pricing demonstration pilot project into its congestion
7 management plan adopted pursuant to Chapter 2.6 (commencing
8 with Section 65088) of this division.
9 65087.6. Section 9400.8 of the Vehicle Code shall not apply
10 within a participating jurisdiction for the duration of the congestion
11 pricing demonstration pilot project.
12 65087.7. The applicable congestion management agency shall
13 evaluate the congestion pricing demonstration pilot project using
14 the following performance criteria:
15 (a) Reduction of vehicle miles traveled.
16 (b) Increase in transit usage within the participating jurisdiction,
17 and to and from the participating jurisdiction.
18 (c) Increase in the use of active transportation within the
19 participating jurisdiction, and to and from the participating
20 jurisdiction.
21 (d) Any vehicular traffic diversion impacts, including any
22 mitigation of those impacts.
23 (e) Improvement of public safety within the participating
24 jurisdiction.
25 (f) An assessment of whether the demonstration project achieved
26 its objectives and goals as outlined in the congestion pricing
27 ordinance.
28 SEC. 2. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.

SENATE BILL**No. 1144**

Introduced by Senator DoddFebruary 14, 2018

An act to amend Sections 42400.7, 42402, 42403, and 42405.5 of, and to add Section 42402.7 to, the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1144, as introduced, Dodd. Nonvehicular air pollution: penalties and fines.

(1) Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes maximum criminal and civil penalties for any person, as defined, for violations of air pollution laws from nonvehicular sources. Existing law generally establishes the maximum criminal and civil penalties at \$5,000, annually adjusted based on the California Consumer Price Index.

This bill would establish additional civil penalties and fines on specified petroleum refineries, petrochemical plants, and fossil-fuel-burning, electricity-generating power plants that emit an air contaminant in violation of specified rules, regulations, emissions limitations, permits, or orders of a district or district hearing board and when the violation presents a serious threat to the health or welfare of the public. The bill also would make various conforming changes. By adding to the duties of air districts, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

1 SECTION 1. Section 42400.7 of the Health and Safety Code
2 is amended to read:

3 42400.7. (a) The recovery of civil penalties pursuant to
4 Section 39674, 42401, 42402, 42402.1, 42402.2, 42402.3, ~~or~~
5 ~~42402.4~~ 42402.4, *or* 42402.7 precludes prosecution under Section
6 42400, 42400.1, 42400.2, 42400.3, 42400.3.5, or 42400.4 for the
7 same offense. When a district refers a violation to a prosecuting
8 agency, the filing of a criminal complaint is grounds requiring the
9 dismissal of any civil action brought pursuant to this article for
10 the same offense.

11 (b) If the pending civil action described in subdivision (a)
12 includes a request for injunctive relief, that portion of the civil
13 action shall not be dismissed upon the filing of a criminal complaint
14 for the same offense.

15 SEC. 2. Section 42402 of the Health and Safety Code is
16 amended to read:

17 42402. (a) Except as provided in Sections 42402.1, 42402.2,
18 42402.3, ~~and~~ 42402.4, *and* 42402.7, any person who violates this
19 part, any order issued pursuant to Section 42316, or any rule,
20 regulation, permit, or order of a district, including a district hearing
21 board, or of the state board issued pursuant to Part 1 (commencing
22 with Section 39000) to Part 4 (commencing with Section 41500),
23 inclusive, is strictly liable for a civil penalty of not more than five
24 thousand dollars (\$5,000).

25 (b) (1) Any person who violates any provision of this part, any
26 order issued pursuant to Section 42316, or any rule, regulation,
27 permit or order of a district, including a district hearing board, or
28 of the state board issued pursuant to Part 1 (commencing with
29 Section 39000) to Part 4 (commencing with Section 41500),
30 inclusive, is strictly liable for a civil penalty of not more than ten
31 thousand dollars (\$10,000).

1 (2) (A) If a civil penalty in excess of five thousand dollars
2 (\$5,000) for each day in which a violation occurs is sought, there
3 is no liability under this subdivision if the person accused of the
4 violation alleges by affirmative defense and establishes that the
5 violation was caused by an act that was not the result of intentional
6 conduct or negligent conduct.

7 (B) Subparagraph (A) shall not apply to a violation of federally
8 enforceable requirements that occur at a Title V source in a district
9 in which a Title V permit program has been fully approved.

10 (C) Subparagraph (A) does not apply to a person who is
11 determined to have violated an annual facility emissions cap
12 established pursuant to a market based incentive program adopted
13 by a district pursuant to subdivision (b) of Section 39616.

14 (c) Any person who owns or operates any source of air
15 contaminants in violation of Section 41700 that causes actual
16 injury, as defined in subdivision (d) of Section 42400, to the health
17 and safety of a considerable number of persons or the public, is
18 liable for a civil penalty of not more than fifteen thousand dollars
19 (\$15,000).

20 (d) Each day during any portion of which a violation occurs is
21 a separate offense.

22 SEC. 3. Section 42402.7 is added to the Health and Safety
23 Code, to read:

24 42402.7. (a) For purposes of this section, the following terms
25 have the following meanings:

26 (1) "Actual injury" means any physical injury that, in the opinion
27 of a physician, requires medical treatment involving more than a
28 physical examination.

29 (2) "Corrective action" has the same meaning as in Section
30 42400.2.

31 (3) "Person" means a Title V source that is a petroleum refinery,
32 petrochemical plant, or fossil-fuel-burning, electricity-generating
33 power plant.

34 (4) "Serious threat to the health or welfare of the public" means
35 either of the following:

36 (A) A violation involving a release of an air contaminant that
37 causes actual injury to one or more members of public.

38 (B) A violation of Section 41700 that affects 25 or more people
39 on any day.

1 (b) (1) A person shall be strictly liable for a civil penalty of not
2 more than thirty thousand dollars (\$30,000) per day if that person
3 emits an air contaminant in violation of this part or any rule,
4 regulation, emissions limitation, permit, or order of a district or
5 district hearing board and the violation presents a serious threat to
6 the health or welfare of the public. If that person has had two or
7 more prior serious violations within the 36 months prior to the
8 date of the violation, the civil penalty shall not be more than one
9 hundred thousand dollars (\$100,000) per day.

10 (2) The civil penalty assessed pursuant to this subdivision shall
11 not apply if the violation is caused by unforeseen and unforeseeable
12 criminal acts, acts of war, acts of terrorism, or civil unrest.

13 (c) A person shall be assessed a fine of not more than
14 seventy-five thousand dollars (\$75,000) per day if that person
15 negligently emits an air contaminant in violation of this part or
16 any rule, regulation, emissions limitation, permit, or order of a
17 district or district hearing board and the violation presents a serious
18 threat to the health or welfare of the public. If that person has had
19 two or more prior serious violations within the 36 months prior to
20 the date of the violation, the fine shall not be more than two
21 hundred fifty thousand dollars (\$250,000) per day.

22 (d) A person shall be liable for a civil penalty of not more than
23 one hundred twenty-five thousand dollars (\$125,000) per day if
24 that person knew of the emission of the air contaminant and failed
25 to take corrective action within a reasonable period of time under
26 the circumstances and the violation presents a serious threat to the
27 health or welfare of the public. If that person has had two or more
28 prior serious violations within the 36 months prior to the date of
29 the violation, the civil penalty shall not be more than three hundred
30 seventy-five thousand dollars (\$375,000) per day.

31 (e) A person shall be liable for a civil penalty of not more than
32 two hundred fifty thousand dollars (\$250,000) per day if that person
33 emits an air contaminant that is willful and intentional and the
34 violation presents a serious threat to the health or welfare of the
35 public. If that person has had two or more prior serious violations
36 within the 36 months prior to the date of the violation, the fine
37 shall not be more than five hundred thousand dollars (\$500,000)
38 per day.

39 (f) Each day during any portion of which a violation occurs is
40 a separate offense.

1 (g) If a higher penalty or fine described in this part may be
2 applied to a violation described in this section, that higher penalty
3 or fine shall be used as the maximum.

4 (h) The provisions of Section 42403 shall apply to this section.

5 SEC. 4. Section 42403 of the Health and Safety Code is
6 amended to read:

7 42403. (a) The civil penalties prescribed in Sections 39674,
8 42402.7, 42401, 42402, 42402.1, 42402.2, and 42402.3 shall be
9 assessed and recovered in a civil action brought in the name of the
10 people of the State of California by the Attorney General, by any
11 district attorney, or by the attorney for any district in which the
12 violation occurs in any court of competent jurisdiction.

13 (b) In determining the amount assessed, the court, or in reaching
14 any settlement, the district, shall take into consideration all relevant
15 circumstances, including, but not limited to, the following:

16 (1) The extent of harm caused by the violation.

17 (2) The nature and persistence of the violation.

18 (3) The length of time over which the violation occurs.

19 (4) The frequency of past violations.

20 (5) The record of maintenance.

21 (6) The unproven or innovative nature of the control equipment.

22 (7) Any action taken by the defendant, including the nature,
23 extent, and time of response of the cleanup and construction
24 undertaken, to mitigate the violation.

25 (8) The financial burden to the defendant.

26 SEC. 5. Section 42405.5 of the Health and Safety Code is
27 amended to read:

28 42405.5. (a) If any state or local government agency provides
29 assistance in the investigation, data collection, or monitoring,
30 preparation, or prosecution of an action to recover civil penalties
31 pursuant to Section 42401, 42402, 42402.1, ~~or~~ 42402.2, 42402.7,
32 and that assistance is provided in coordination with the state board
33 or a district prosecuting the action, that agency shall be reimbursed
34 out of the proceeds of the penalty collected for its costs and
35 expenses incurred in providing the assistance.

36 (b) If the penalty collected is insufficient to fully reimburse the
37 state board or district for the costs and expenses incurred in
38 preparing and prosecuting the case and another agency or agencies
39 for the costs and expenses incurred in assisting in the case, the
40 amount collected shall be prorated among the state board or district

1 and the assisting agency or agencies, on the basis of costs and
2 expenses incurred by each.

3 (c) This section does not apply where there is an express
4 agreement between the state board or district and another agency
5 or agencies regarding reimbursement for assistance services and
6 expenses.

7 SEC. 6. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

SENATE BILL**No. 1427**

Introduced by Senator HillFebruary 16, 2018

An act relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, as introduced, Hill. High-occupancy vehicle and high-occupancy toll lanes.

Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law authorizes the department to construct exclusive or preferential lanes for high-occupancy vehicles.

Existing law authorizes a regional transportation agency, as defined, in cooperation with the department to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value-pricing program and exclusive or preferential lane facilities for public transit, consistent with established standards, requirements, and limitations that apply to specified facilities.

Existing law also authorizes super ultra-low emission vehicles, ultra-low emission vehicles, partial zero-emission vehicles, or transitional zero-emission vehicles, as specified, that display a valid identifier issued by the Department of Motor Vehicles, to use HOV lanes, regardless of vehicle occupancy, until January 1, 2019, or as otherwise specified.

This bill would provide that it is the intent of the Legislature to enact legislation to improve the performance of HOV and HOT lanes by providing additional resources for, and authorizing new approaches to, the enforcement of lane occupancy requirements.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Effective high-occupancy vehicle (HOV) lane performance
4 is critical to the state’s clean air and climate protection strategy.

5 (b) The goal of HOV lanes is to reduce traffic congestion and
6 improve air quality by providing a time-saving incentive for
7 motorists to carpool or use shuttles or public transportation.

8 (c) Express lanes are high-occupancy toll (HOT) lanes that allow
9 eligible carpools and clean air vehicles to use the lanes for free,
10 or at a discounted toll, and allow single-occupancy vehicles to pay
11 a toll to use the lanes.

12 (d) According to the Department of Transportation, there were
13 1,765 miles of HOV lanes and express lanes in California in 2016.

14 (e) Statewide, approximately two-thirds of the 1,322 miles of
15 HOV and express lanes monitored by the department in 2016 failed
16 to achieve the minimum federal performance standard of speeds
17 of 45 miles-per-hour or more at least 90 percent of the time over
18 a consecutive 180-day period according to the 2016 California
19 High-Occupancy Vehicle Lane Degradation Determination Report.

20 (f) Of the total lane miles monitored by the department, 43
21 percent were extremely degraded, failing to achieve the federal
22 performance standard more than 75 percent of the time.

23 (g) In the San Francisco Bay Area and Los Angeles regions,
24 HOV and express lanes are failing the federal performance standard
25 at rates of 64 percent and 45 percent, respectively.

26 (h) Usage of HOV and express lanes in violation of their
27 occupancy requirements is a leading cause of HOV lane
28 degradation and a growing problem.

29 (i) Many corridors in the San Francisco Bay Area and Los
30 Angeles regions exhibit unacceptable violation rates above 20
31 percent.

32 SEC. 2. It is the intent of the Legislature to enact legislation
33 to improve the performance of HOV and HOT lanes by providing

- 1 additional resources for, and authorizing new approaches to, the
- 2 enforcement of applicable lane occupancy requirements.

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BAAQMD BILL DISCUSSION LIST

February 20, 2018

BILL NO.	AUTHOR	SUBJECT	STATUS	POSITION (positions in italics are staff recommendations)
AB 1745	Ting	Generally requires that by 2040, new vehicles be ZEVs		
AB 1756	Brough	Repeals SB 1 (transportation funding measure of 2017)		Oppose
AB 1796	Muratsuchi	Addresses EV charging station installation in rent-controlled buildings		<i>Support</i>
AB 1866	Fong	Traffic Relief and Road Improvement Act		
AB 1933	Maienschein	Appropriates \$200M of GGRF to organics and solid waste infrastructure projects		
AB 1945	E. Garcia	Spot bill on GGRF 3-year investment plan		
AB 1975	Chu	Establishes South Bay Interagency Odor Taskforce		Support if amended
AB 1981	Limon	Spot bill on composting organic waste		
AB 2006	Eggman	Agricultural Worker Clean Transportation Investment Program		
AB 2008	Salas	Excludes Moyer grants from taxable income		Support
AB 2061	Frazier	Increases truck weight limits for electric, fuel cell, or natural gas trucks		<i>Support</i>
AB 2091	Grayson	Establishes a Prescribed Burning Board, with specified membership and duties		
AB 2120	Quirk	ARB to report on emissions trade-offs between wildfire and prescribed burning		
AB 2127	Ting	Directs CEC to do statewide assessment of EV charging infrastructure needs		
AB 2145	Reyes	Primarily changes to existing clean vehicle funding programs		
AB 2195	Chau	Climate adaptation spot bill		
AB 2268	Reyes	Vehicle license fee changes		
AB 2321	McCarty	Solid waste management spot bill		
AB 2336	Salas	Moyer program spot bill		
AB 2346	Quirk	Affects enforcement waivers for Renewable Portfolio Standard		

AB 2365	Acosta	State emissions standards spot bill		
AB 2377	Irwin	Establishes technical assistance grant program for Healthy Soils Program		
AB 2378	Salas	ARB regulations spot bill		
AB 2381	Carrillo	Requires ARB to increase efforts to detect defeat devices on new vehicles		
AB 2407	Ting	Intent bill on electric vehicles		
AB 2434	Bloom	Creates Health in All Policies taskforce at Strategic Growth Council		
AB 2453	E. Garcia	School Climate and Pollution Resilience Act of 2018; focuses on air pollution mitigation for schools in disadvantaged communities		
AB 2470	Grayson	Transfers \$10M of GGRF to new Invasive Species Council		
AB 2492	Salas	Spot bill on Moyer program		
AB 2506	Burke	Allows state fleet mandates for zero-emission heavy-duty vehicle purchases to include near-zero vehicles		
AB 2548	Friedman	Allows LA Metropolitan Transportation Authority and South Coast Air District to jointly require employers of 50 or more to offer pre-tax transit option		
AB 2551	Wood	Forest and Wildland Health Improvement and Fire Prevention Program		
AB 2564	Rodriguez	Requires ARB to review and update its statutorily-required policy for penalties		
AB 2570	Nazarian	Clean and Healthy Schools Act; focused on improving indoor air quality by only allowing cleaning products free of harmful chemicals in schools		
AB 2572	Calderon	When air districts issue unhealthy air warnings, schoolchildren to be kept indoors		
AB 2585	Patterson	Addresses liability of landowners for prescribed burns conducted with permits		
AB 2636	E. Garcia	Creates Environmental Justice Fund, to be used by the AG to support EJ cases		
AB 2645	Patterson	Appropriates \$525M annually from GGRF to Dept. of Forestry, for various programs including wildfire prevention		
AB 2672	Patterson	Requires ARB annual report comparing wildfire GHG emissions to reductions from regulatory programs		
AB 2809	Patterson	Defines large hydro facilities (those over 30 megawatts) as renewable per Renewable Portfolio Standard requirements		
AB 2814	Gray	Defines large hydro facilities (those over 30 megawatts) as renewable per Renewable Portfolio Standard requirements		

AB 2885	Rodriguez	Prioritizes and provides additional funding to Clean Vehicle Rebate Program incentives in CalEnviroScreen communities		
AB 2908	Berman	Various changes to tire fee laws paid on new tires		
AB 2940	Caballero	Exempts certain heavy-duty diesel low-use and agricultural vehicles from existing requirements that would prevent their registration		<i>Oppose</i>
AB 2951	Gloria	Spot bill on Bay Area Employer Commuter Benefit Program		
AB 2982	Gloria	Spot bill on motorcycle aftermarket exhaust equipment		
AB 3001	Bonta	California Zero-Emission Buildings Act		
AB 3015	Caballero	States legislative intent to codify various emissions regulations and goals in freight and marine sectors		
AB 3020	Flora	Prescribed burning spot bill		
AB 3059	Bloom	Authorizes congestion pricing demonstration projects		<i>Support</i>
AB 3070	Carillo	Spot bill on AB 32 (greenhouse gas emission reduction program)		
AB 3102	Gray	Spot bill on heavy-duty diesel emissions controls		
AB 3107	Baker	Spot bill on vehicle emissions standards		
AB 3113	Fong	Spot bill on AB 32 (greenhouse gas emission reduction program)		
AB 3146	Holden	Requires hydrocarbon testing during remediation of old oil and gas wells		
AB 3156	Mullin	Specifies that any EV charging, including cordless charging, is subject to existing EV charging laws regarding public accessibility		
AB 3165	Friedman	Affects at what point the CEC can stop providing funding for hydrogen refueling		
AB 3178	Rubio	Deals with alternative daily cover requirements at landfills		
AB 3201	Daly	States legislative intent to require ARB to cut public transit emissions		
AB 3232	Friedman	Sets goal of zero-energy new buildings by 2030, and 50% reduction in GHG emissions from existing buildings by 2030		
SB 957	Lara	Increases time-period for HOV decal validity for low income motorists		
SB 980	Cannella	Spot bill on HOV lanes		
SB 985	Morrell	Spot bill on renewables portfolio standard		
SB 1000	Lara	States legislative intent to promote neutrality and interoperability for ZEVs and their chargers		

SB 1002	Nielsen	Safe Forests and Grasslands Act of 2018		
SB 1013	Lara	Maintains and enhances ARB controls on CFCs with high GHG impacts		
SB 1014	Skinner	Moves vehicles used by transportation network companies to ZEV by 2028		
SB 1015	Allen	Establishes California Climate Resiliency Program, administered by Wildlife Conservation Board, using GGRF, with funds to CalEnviroscreen communities		
SB 1027	Pan	Requires adoption and tracking of GHG emission reduction targets for state agency employees or categories of employees		
SB 1035	Jackson	Requires local government general plan safety element updates to address fire and flood hazards and climate adaptation and resilience strategies		
SB 1072	Leyva	Provides GGRF funds to new Regional Climate Collaborative Programs, to assist under-resourced communities to get grants		
SB 1074	Moorlach	Requires gas stations to post all taxes and GHG compliance costs		
SB 1119	Newman	Changes to the GGRF-funded Low Carbon Transit Operations Program		
SB 1144	Dodd	Increases civil stationary source air penalty ceilings for serious violations at powerplants, petrochemical facilities, and refineries		<i>Support if amended</i>
SB 1162	Pan	Spot bill on AB 617 community air monitoring plan requirements		
SB 1163	Galgiani	Near-Zero Emission and Low Emission Ready-Mix Concrete Truck Replacement Pilot Program		
SB 1209	Leyva	Spot bill on AB 32 (greenhouse gas emission reduction program)		
SB 1330	Fuller	Toxic air contaminants spot bill		
SB 1347	Stern	Spot bill on Renewables Portfolio Standard		
SB 1377	Wilk	Spot bill on community air monitoring next to refineries		
SB 1380	Stern	Establishes Clean Energy Financing Clearinghouse		
SB 1399	Wiener	Affects PUC's net energy metering requirements		
SB 1401	Wieckowski	Office of Planning and Research required to seek feedback on their existing climate adaptation information clearinghouse		
SB 1427	Hill	States legislative intent to improve enforcement of HOV and HOT lanes		<i>Support</i>
SB 1434	Leyva	States legislative intent to affect electricity rates to increase alternative fuel medium- and heavy-duty ZEVs		
SB 1440	Hueso	States legislative intent to establish biomethane procurement goals		

SB 1444	Stone	Spot bill on wildfires		
SB 1463	Moorlach	Spot bill on AB 32 (greenhouse gas emission reduction program)		
SB 1477	Stern	Would require incentives for low-emission space and water heating technologies		
SB 1478	Leyva	Spot bill on AB 32 (greenhouse gas emission reduction program)		
SB 1487	Stern	Spot bill on transportation electrification, including charging infrastructure		

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson David Hudson and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 12, 2018

Re: Sacramento Update

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

The Committee will receive an update on recent events of significance in Sacramento.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison