STATE CAPITOL . ROOM 1145 SACRAMENTO CA 95814-4998 WWW.DDF,CA,GOV

March 29, 2018

Honorable Holly Mitchell, Chair Senate Budget and Fiscal Review Committee

Attention: Mr. Joe Stephenshaw, Staff Director (2)

Honorable Phil Ting, Chair Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

# Amendment to Budget Bill Item 2720-001-0044, Support, California Highway Patrol

It is requested that Item 2720-001-0044 be increased by \$7,517,000 to provide a two-year augmentation for an increase in the vehicle insurance premium assessment California Highway Patrol (CHP) pays to the Department of General Services, Office of Risk and Insurance Management. The increase is based on a 5-year average of claims and judgments paid by CHP.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Amanda Martin, Principal Program Budget Analyst, at (916) 322-2263.

MICHAEL COHEN Director By:

/s/ Amy M. Costa

AMY M. COSTA Chief Deputy Director

Attachment

cc: On following page

cc: Honorable Ricardo Lara, Chair, Senate Appropriations Committee

Attention: Mr. Mark McKenzie, Staff Director

Honorable Jim Nielsen, Vice Chair, Senate Budget and Fiscal Review Committee

Attention: Mr. Kirk Feely, Budget Fiscal Director

Honorable Lorena Gonzalez Fletcher, Chair, Assembly Appropriations Committee

Attention: Mr. Jay Dickenson, Chief Consultant

Honorable Jay Obernolte, Vice Chair, Assembly Budget Committee

Attention: Ms. Cyndi Hillery, Staff Director

Honorable Bob Wieckowski, Chair, Senate Budget and Fiscal Review Subcommittee No. 2

Honorable Richard Bloom, Chair, Assembly Budget Subcommittee No. 3

Mr. Mac Taylor, Legislative Analyst (4)

Mr. Christopher Woods, Senate President pro Tempore's Office (2)

Mr. Jason Sisney, Assembly Speaker's Office (2)

Ms. Cheri West, Deputy Chief of Staff, Policy, Assembly Republican Leader's Office

Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office

Mr. Brian Annis, Secretary, California State Transportation Agency

Ms. Christine Inouye, Undersecretary, California State Transportation Agency

Mr. Warren A. Stanley, Commissioner, California Highway Patrol

Mr. Bob Jones, Chief, California Highway Patrol

Mr. Rich Desmond, Assistant Chief, California Highway Patrol

Ms. Rebecca Metz, Section Commander, Administrative Services Division, California Highway Patrol

Mr. Greg Brown, Budget Officer, California Highway Patrol



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Attention: Mr. Christian Griffith, Chief Consultant (2)

Amendment to Budget Bill Items 2720-301-0044 and 2720-301-0660, Capital Outlay, California Highway Patrol

Replace Santa Barbara and Ventura Area Office Replacement Projects with Santa Fe Springs and Baldwin Park Area Office Replacement Projects (Issues 310, 312 and 313)—It is requested that Item 2720-301-0044 be increased by \$3,679,000 Motor Vehicle Account, State Transportation Fund, and Item 2720-301-0660 be decreased by \$38,414,000 lease revenue bonds (see Attachments 1 and 2) to reflect the following actions:

- Santa Barbara: Area Office Replacement—Withdraw the Governor's Budget proposal to add trailer bill language authorizing the California Highway Patrol to pursue a build-to-suit lease procurement process for the replacement of the Santa Barbara office.
- Ventura: Area Office Replacement—Withdraw the component of the Governor's Budget proposal that would provide \$38,414,000 in lease revenue bonds for the design-build phase of this project.
- Santa Fe Springs: Area Office Replacement—Add \$1,947,000 Motor Vehicle Account,
   State Transportation Fund, for the performance criteria phase of this project.
- Baldwin Park: Area Office Replacement—Add \$1,732,000 Motor Vehicle Account, State Transportation Fund, for the performance criteria phase of this project.

There have been significant challenges in finding suitable sites for the Santa Barbara and Ventura office replacement projects; therefore, these projects will not be pursued at this time. Suitable sites on state-owned property have been identified for the Santa Fe Springs and Baldwin Park office replacement projects, therefore, funding is requested to initiate these high-priority replacement projects.

Increase to Design-Build Phase Authority—Various Projects (Issues 304, 308, 309, and 311)—It is requested that Item 2720-301-0660 be increased by \$30,319,000 lease revenue bonds (see Attachment 2) to supplement design-build authority proposed in the Governor's Budget as follows:

- Quincy: Replacement Facility—\$4,189,000
- El Centro: Area Office Replacement—\$9,975,000

- Hayward: Area Office Replacement—\$9,989,000
- San Bernardino: Area Office Replacement—\$6,166,000.

Cost increases for these projects are because of various code requirement and program changes, and challenges in acquiring property.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Sally Lukenbill, Principal Program Budget Analyst, at (916) 445-9694.

MICHAEL COHEN Director By:

/s/ Amy M. Costa

AMY M. COSTA Chief Deputy Director

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Mr. Brian Annis, Secretary, California State Transportation Agency

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Mr. Warren A. Stanley, Commissioner, California Highway Patrol

Ms. Rebecca Metz, Section Commander, Administrative Services Division, California Highway Patrol

"2720-301-0044—For capital outlay, Department of the California Highway 281,000 Patrol, payable from the Motor Vehicle Account, State Transportation Fund ... 3,960,000 Schedule: (1) 0001489-Keller Peak: Tower Replacement ..... 281,000 Working drawings ..... 281,000 **(2)** 0003851-Baldwin Park: Area Office Replacement..... 1,732,000 Performance criteria..... (b) 1,732,000 0003852-Santa Fe Springs: Area Office Replacement... <u>(3)</u> 1,947,000 Performance criteria..... 1,947,000"

"2720-301-0660—For capital outlay, Department of the California 473 Highway Patrol, payable from the Public Buildings Construction Fund 165 Schedule:	<del>,816,000</del> ,721,000
<del>32,719,000</del>	
(1) 0000629-Quincy: Replacement Facility 36,908,000	
32,719,000	
(a) Design-build	
30,413,000	
(2) 0000945-El Centro: Area Office Replacement 40,388,000	
30,413,000	
(a) Design-build	
<del>38,103,000</del>	
(3) 0000946-Hayward: Area Office Replacement 48,092,000	
<del>38,103,000</del>	
(a) Design-build	
(4) 0000947-Ventura: Area Office Replacement 38,414,000	
(a) Design-build	
(5) 0000973-San Bernardino: Area Office 34,167,000	
Replacement	
1 (cpidocinent	
<del>34,167,000</del>	
(a) Design-build	

# Provisions:

- 1. The State Public Works Board may issue lease-revenue bonds, notes, or bond anticipation notes pursuant to Chapter 5 (commencing with Section 15830) of Part 10b of Division 3 of Title 2 of the Government Code to finance the design and construction of the project authorized by this item.
- 2. The Department of the California Highway Patrol and the State Public Works Board are authorized and directed to execute and deliver any and all leases, contracts, agreements, or other documents necessary or advisable to consummate the sale of bonds or otherwise effectuate the financing of the scheduled project."



March 29, 2018

Honorable Holly Mitchell, Chair Senate Budget and Fiscal Review Committee

Attention: Mr. Joe Stephenshaw, Staff Director (2)

Honorable Phil Ting, Chair Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

# Amendment to Budget Bill Item 2740-001-0044, Support, Department of Motor Vehicles

It is requested that Item 2740-001-0044 be decreased by \$657,000 and 15 positions to reflect a more efficient method for implementing Chapter 630, Statutes of 2017 (AB 544) and to provide resources to implement Chapter 485, Statutes of 2017 (SB 611).

This request includes the following programmatic changes:

High-Occupancy Vehicle Lanes (AB 544)—The Department of Motor Vehicles (DMV) requests to decrease the proposal by \$1,225,000 and 18 temporary help positions to reflect a more efficient method for implementing Chapter 630 resulting in a net request of \$1,447,000 and 3 permanent positions. The proposal includes trailer bill language (see Attachment 1) to authorize new Clean Air Decals, which will be issued between March 1, 2018 and January 1, 2019, to be valid until January 1, 2022. This proposal will reduce workload by not requiring a decal to be reissued to applicants that are issued a decal between March 1, 2018 and January 1, 2019, as currently required by statute.

**Disabled Placards (SB 611)**—DMV requests an increase of \$568,000 and 3 positions to provide resources to implement the changes to the disabled placard program required by Chapter 485. The \$568,000 in fiscal year 2018-19 includes staff time to review disabled placard documents, assist applicants requesting original and replacement disabled placards, and audit disabled placard transactions. The increase also includes contract costs for a vendor to receive and analyze Social Security Administration Death Master File information.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Amanda Martin, Principal Program Budget Analyst, at (916) 322-2263.

MICHAEL COHEN Director By:

/s/ Amy M. Costa

AMY M. COSTA Chief Deputy Director

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Mr. Jim Richardson, Policy and Fiscal Director, Assembly Republican Leader's Office

Mr. Brian Annis, Secretary, California State Transportation Agency

Ms. Christine Inouye, Undersecretary, California State Transportation Agency

Ms. Jean Shiomoto, Director, Department of Motor Vehicles

Mr. Robert Crockett, Budget Officer, Department of Motor Vehicles

# SFL #1 High-Occupancy Vehicle Lanes (AB 544) Proposed Trailer Budget Bill Language

#### SECTION 1.

Section 5205.5 of the Vehicle Code is amended to read: **5205.5**.

- (a) For purposes of implementing Section 21655.9, the department shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for the reasonable costs incurred pursuant to this section, and pursuant to the eligibility provisions in subdivision (b), distinctive decals, labels, and other identifiers that clearly distinguish the following vehicles from other vehicles:
- (1) A vehicle that meets the state's super ultra-low emission vehicle (SULEV) standard for exhaust emissions and the federal inherently low-emission vehicle (ILEV) evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations.
- (2) A vehicle that was produced during the 2004 model year or earlier and meets the state's ultra-low emission vehicle (ULEV) standard for exhaust emissions and the federal ILEV standard. A decal, label, or other identifier issued pursuant to this paragraph is valid until January 1, 2019.
- (3) A vehicle that meets the state's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard or transitional zero-emission vehicle (TZEV) standard.
- (4) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) before January 1, 2017, is valid until January 1, 2019.
- (5) (A) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) on or after January 1, 2017, and before March 1, 2018, is valid until January 1, 2019.
- (B) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) between March 1, 2018, and January 1, 2019, is valid until January 1, 2022.
- (C) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) after March 1, 2018, for a vehicle that had been issued a decal, label, or other identifier pursuant to paragraph (1) or (3) between January 1, 2017, and March 1, 2018, is valid until January 1, 2022.
- (6) Except as provided in subparagraph (C) of paragraph (5), a decal, label, or other identifier issued pursuant to paragraph (1) or (3) on or after January 1, 2019, is valid until January 1 of the fourth year after the year of issuance.
- (7) Except as provided in subparagraph (C) of paragraph (5), a vehicle shall not be issued a decal, label, or other identifier more than once.
- (b) (1) The department shall not issue a decal, label, or other identifier to an applicant who has received a consumer rebate pursuant to the Clean Vehicle Rebate Project, established as part of the Air Quality Improvement Program pursuant to Article 3 (commencing with Section 44274) of Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code, for a vehicle purchased on or after January 1, 2018, unless the rebate was issued to a buyer whose gross annual income falls below one hundred fifty thousand dollars (\$150,000) for a person who files a tax return as a single person, two hundred four thousand dollars (\$204,000) for a person who files a tax return as a head of household, and three hundred thousand dollars (\$300,000) for a person who files a joint tax return.
- (2) The department shall collaborate with the State Air Resources Board to establish procedures to implement this subdivision, including, but not limited to, all of the following:
- (A) The application form for a decal, label, or other identifier issued pursuant to this section and the application for a rebate under the Clean Vehicle Rebate Project shall include a statement indicating that the applicant cannot participate in both programs unless the applicant meets the income restrictions in paragraph (1). Each application shall require the applicant to provide a signature to confirm that the applicant understands this condition.

- (B) Notify consumers of the eligibility criteria and conditions using existing education and outreach efforts.
  - (C) Establish appropriate compliance and enforcement measures.
- (D) Establish information sharing between the department and the board to implement the requirements of this subdivision.
- (c) The department shall include a summary of the provisions of this section on each motor vehicle registration renewal notice, or on a separate insert, if space is available and the summary can be included without incurring additional printing or postage costs.
- (d) The Department of Transportation shall remove individual HOV lanes, or portions of those lanes, during periods of peak congestion from the access provisions provided in subdivision (a), following a finding by the Department of Transportation as follows:
- (1) The lane, or portion of the lane, exceeds a level of service C, as discussed in subdivision (b) of Section 65089 of the Government Code.
- (2) The operation or projected operation of the vehicles described in subdivision (a) in these lanes, or portions of those lanes, will significantly increase congestion.
- (3) The finding shall also demonstrate the infeasibility of alleviating the congestion by other means, including, but not limited to, reducing the use of the lane by noneligible vehicles or further increasing vehicle occupancy.
- (e) The State Air Resources Board shall publish and maintain a list of all vehicles eligible for participation in the programs described in this section. The board shall provide that list to the department.
- (f) (1) For purposes of subdivision (a), the Department of the California Highway Patrol and the department, in consultation with the Department of Transportation, shall design and specify the placement of the decal, label, or other identifier on the vehicle. Each decal, label, or other identifier issued for a vehicle shall display a unique number, which shall be printed on, or affixed to, the vehicle registration.
- (2) Except as provided in subparagraph (C) of paragraph (5) of subdivision (a), decals, labels, or other identifiers issued pursuant to paragraph (1) or (3) of subdivision (a) before January 1, 2019, shall be distinguishable from the decals, labels, or other identifiers issued on or after January 1, 2019.
- (g) If the Metropolitan Transportation Commission, serving as the Bay Area Toll Authority, grants toll-free and reduced-rate passage on toll bridges under its jurisdiction to a vehicle pursuant to Section 30102.5 of the Streets and Highways Code, it shall also grant the same toll-free and reduced-rate passage to a vehicle displaying a valid identifier issued by the department pursuant to paragraph (1) or (2) of subdivision (a).
- (h) (1) Notwithstanding Section 21655.9, and except as provided in paragraph (2), a vehicle described in subdivision (a) that displays a valid decal, label, or identifier issued pursuant to this section shall be granted a toll-free or reduced-rate passage in high-occupancy toll lanes as described in Section 149.7 of the Streets and Highways Code unless prohibited by federal law.
- (2) (A) Paragraph (1) does not apply to the imposition of a toll imposed for passage on a toll road or toll highway, that is not a high-occupancy toll lane as described in Section 149.7 of the Streets and Highways Code.
- (B) Paragraph (1) does not apply to the imposition of a toll charged for crossing a state-owned bridge.
- (i) If the Director of Transportation determines that federal law does not authorize the state to allow vehicles that are identified by distinctive decals, labels, or other identifiers on vehicles described in subdivision (a) to use highway lanes or highway access ramps for high-occupancy vehicles regardless of vehicle occupancy, the Director of Transportation shall submit a notice of that determination to the Secretary of State.

- (j) This section shall become inoperative on the date the federal authorization pursuant to Section 166 of Title 23 of the United States Code expires, or the date the Secretary of State receives the notice described in subdivision (i), whichever occurs first.
- (k) If this section becomes inoperative pursuant to subdivision (j) the driver of a vehicle with an otherwise valid decal, label, or other identifier issued pursuant to this section shall not be cited for a violation of Section 21655.9 within 60 days of the date that this section becomes inoperative.
  - (I) This section is repealed as of September 30, 2025.

#### SEC. 2.

Section 21655.9 of the Vehicle Code is amended to read:

### 21655.9.

- (a) (1) Whenever the Department of Transportation or a local authority authorizes or permits exclusive or preferential use of highway lanes or highway access ramps for high-occupancy vehicles pursuant to Section 21655.5, the use of those lanes or ramps shall also be extended to vehicles that are issued distinctive decals, labels, or other identifiers pursuant to Section 5205.5 regardless of vehicle occupancy or ownership.
- (2) A local authority during periods of peak congestion shall suspend for a lane the access privileges extended pursuant to paragraph (1) for those vehicles issued distinctive decals, labels, or other identifiers pursuant to Section 5205.5, if a periodic review of lane performance by that local authority discloses both of the following factors regarding the lane:
- (A) The lane, or a portion of the lane, exceeds a level of service C, as described in subdivision (b) of Section 65089 of the Government Code.
- (B) The operation or projected operation of vehicles in the lane, or a portion of the lane, will significantly increase congestion.
- (b) A person shall not drive a vehicle described in subdivision (a) of Section 5205.5 with a single occupant upon a high-occupancy vehicle lane pursuant to this section unless the decal, label, or other identifier issued pursuant to Section 5205.5 is properly displayed on the vehicle, and the vehicle registration described in Section 5205.5 is with the vehicle.
- (c) A person shall not operate or own a vehicle displaying a decal, label, or other identifier, as described in Section 5205.5, if that decal, label, or identifier was not issued for that vehicle pursuant to Section 5205.5. A violation of this subdivision is a misdemeanor.
- (d) If the provisions in Section 5205.5 authorizing the department to issue decals, labels, or other identifiers to hybrid and alternative fuel vehicles become inoperative, vehicles displaying those decals, labels, or other identifiers shall not access high-occupancy vehicle lanes without meeting the occupancy requirements otherwise applicable to those lanes.
- (e) (1) This section shall become inoperative on the date the federal authorization pursuant to Section 166 of Title 23 of the United States Code expires, or the date the Secretary of State receives the notice described in subdivision (i) of Section 5205.5, whichever occurs first.
- (2) With respect to a vehicle described in paragraph (2) of subdivision (a) of Section 5205.5, this section shall become inoperative on January 1, 2019.
- (f) (1) The Department of Transportation shall prepare and submit a report to the Legislature on or before December 1, 2017, on the degradation status of high-occupancy vehicle lanes on the state highway system.
- (2) The requirement that a report be submitted pursuant to paragraph (1) shall be inoperative on December 1, 2021, pursuant to Section 10231.5 of the Government Code.
- (3) A report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.
  - (g) This section is repealed as of September 30, 2025.

#### SEC. 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school

district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

STATE CAPITOL & ROOM 1145 SACRAMENTO CA \$ 95814-4998 WWW.DOF.CA.GOV

March 29, 2018

Honorable Holly Mitchell, Chair Senate Budget and Fiscal Review Committee

Attention: Mr. Joe Stephenshaw, Staff Director (2)

Honorable Phil Ting, Chair Assembly Budget Committee

Attention: Mr. Christian Griffith, Chief Consultant (2)

# Amendment to Budget Bill Item 2740-491, Capital Outlay, Department of Motor Vehicles

It is requested that Item 2740-491 be revised to reappropriate the following:

- Inglewood: Field Office Replacement—Construction Phase (Issue 300)—Working
  drawings are currently anticipated for completion in May 2018. This reappropriation is
  necessary to keep construction authority available in the budget year if there are any
  delays.
- **Delano: Field Office Replacement—Acquisition Phase (Issue 301)**—Acquisition is currently anticipated to be completed in May 2018. This reappropriation is necessary to keep acquisition authority available in the budget year if there are any delays.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Sally Lukenbill, Principal Program Budget Analyst, at (916) 445-9694.

MICHAEL COHEN Director Bv:

/s/ Amy M. Costa

AMY M. COSTA Chief Deputy Director

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Ms. Jean Shiomoto, Director, Department of Motor Vehicles

Mr. Robert Crockett, Budget Officer, Department of Motor Vehicles

- "2740-491—Reappropriation, Department of Motor Vehicles. The balances of the appropriations provided in the following citations are reappropriated for the purposes <u>and subject to the limitations, unless otherwise specified, provided for in those appropriations—and shall be available for encumbrance or expenditure until June 30, 2019:</u>
- 0044—Motor Vehicle Account, State Transportation Fund
- (0.5) <u>Item 2740-301-0044</u>, <u>Budget Act of 2015</u> (Chs. 10 and 11, Stats 2015)
  - (1) 0000707-Delano: Field Office Replacement—Acquisition
- (1) Item 2740-301-0044, Budget Act of 2016 (Ch. 23, Stats. 2016)
  - (1) 0000707-Delano: Field Office Replacement—Working drawings
  - (2) 0000708-Santa Maria: Field Office Replacement—Working drawings
- (2) Item 2740-301-0044, Budget Act of 2017 (Chs. 14, 22, and 54, Stats. 2017)
  - (2) 0000709-Inglewood: Field Office Replacement— Construction
  - (3) 0000943-San Diego Normal Street: Field Office Replacement—Working drawings"