



SAN DIEGO COUNTY  
REGIONAL AIRPORT AUTHORITY  
**STAFF REPORT**

Item No.  
**3**

Meeting Date: **FEBRUARY 10, 2011**

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**Subject:**

**February 2011 Legislative Report**

**Recommendation:**

Adopt Resolution No. 2011-0013, approving the February 2011 Legislative Report.

**Background/Justification:**

The Legislative Advocacy Program Policy adopted by the Board on November 10, 2003, requires Authority staff to present the Board with monthly reports concerning the status of legislation with potential impact to the Authority. The February 2011 Legislative Report, updates Board members on legislative activities that have taken place during the month of January. The Authority Board can give direction to staff on legislative issues contained in the attached Legislative Report (Attachment A).

**State Legislative Action**

The State Legislature reconvened on January 3, 2011. Legislators have until February 18, 2011 to introduce Legislation.

The Authority's Legislative team recommends the Board adopt a Watch position on AB 23 (Smyth), that would prohibit simultaneous or serial meetings noticed under the Brown Act, and AB 148 (Smyth), that would include compensation setting guidelines as part of how ethics laws are defined and reported.

The Authority's Legislative team also recommends the Board adopt Support position on AB 16 (Perea) that would require the High Speed Rail Authority to make every effort to purchase train construction-related materials from California manufacturers.

The Authority's Legislative team also recommends the Board adopt Watch positions on a variety of bills regarding the establishment, governance and planning powers of the High Speed Rail Authority (AB 31, AB 58, AB 145 and SB 22).

Additionally, the Authority's Legislative team also recommends the Board adopt a Watch position on AB 81 (Beall) regarding a proposed reduction on the rate of jet fuel taxes. We understand that this legislation will be undergoing significant changes.

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**Federal Legislative Action**

Congress reconvened on January 5, 2011 and is focused on cutting federal spending. Many programs such as Airport Improvement Program (AIP) funding are subject to intense scrutiny.

Authority staff will continue to support efforts by the American Association of Airport Executives and Airports Council International-North America to protect AIP and other airport-related funding.

**Environmental Review:**

- A. This Board action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This Board action is not a "project" subject to CEQA. Cal. Pub. Res. Code §21065.
- B. California Coastal Act Review: This Board action is not a "development" as defined by the California Coastal Act. Cal. Pub. Res. Code §30106.

**Equal Opportunity Program:**

Not applicable.

**Prepared by:**

MICHAEL KULIS  
DIRECTOR, INTER-GOVERNMENTAL RELATIONS

RESOLUTION NO. 2011-0013

A RESOLUTION OF THE BOARD OF THE SAN  
DIEGO COUNTY REGIONAL AIRPORT AUTHORITY  
APPROVING THE FEBRUARY 2011 LEGISLATIVE  
REPORT

WHEREAS, the Authority operates San Diego International Airport as well as plans for necessary improvements to the regional air transportation system in San Diego County, including serving as the responsible agency for airport land use planning within the County; and

WHEREAS, the Authority has a responsibility to promote public policies consistent with the Authority's mandates and objectives; and

WHEREAS, Authority staff works locally and coordinates with legislative advocates in Sacramento and Washington, D.C. to identify and pursue legislative opportunities in defense and support of initiatives and programs of interest to the Authority; and

WHEREAS, under the Authority's Legislative Advocacy Program Policy, the Authority Board gives direction to Authority staff on pending legislation; and

WHEREAS, the Authority Board in directing staff may adopt positions on legislation that has been determined to have a potential impact on the Authority's operations and functions;

NOW, THEREFORE, BE IT RESOLVED that the Board of the San Diego County Regional Airport Authority hereby approves the February 2011 Legislative Report (Attachment A); and

BE IT FURTHER RESOLVED that the Board of the San Diego County Regional Airport Authority finds that this Board action is not a "project" as defined by the California Environmental Quality Act (CEQA), Pub. Res. Code Section 21065; and is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

PASSED, ADOPTED, AND APPROVED by the Board of the San Diego County Regional Airport Authority at a special meeting this 10<sup>th</sup> day of February, 2011, by the following vote:

AYES: Board Members:

NOES: Board Members:

ABSENT: Board Members:

ATTEST:

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TONY RUSSELL  
DIRECTOR CORPORATE SERVICES/  
AUTHORITY CLERK

APPROVED AS TO FORM:

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BRETON K. LOBNER  
GENERAL COUNSEL

## February 2011 Legislative Report

### State Legislation

#### Legislation/Topic

**AB16 (Perea) – High Speed Rail Authority**

#### Background/Summary

Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, authorizes \$9.95 billion in general obligation bonds for high-speed rail development and other related purposes. The Federal American Recovery and Reinvestment Act of 2009 (ARRA) provides funding for allocation nationally to high-speed rail projects.

#### Anticipated Impact/Discussion

This bill would require the authority to make every effort to purchase high-speed train rolling stock and related equipment that are manufactured in California, consistent with federal and state laws.

**Status:** 12/6/10 – Introduced

**Position:** Support

#### Legislation/Topic

**AB 23 (Smyth) – Prohibition of Simultaneous Local Agency Meetings**

#### Background/Summary

The Brown Act requires each legislative body of a local agency to provide the time and place for holding regular meetings and requires that all meetings of a legislative body be open and public and all persons be permitted to attend unless a closed session is authorized.

#### Anticipated Impact/Discussion

This bill would prohibit the members of a legislative body, during a meeting of that legislative body, from convening simultaneous or serial order meetings of any other legislative body for which the members of the convened legislative body constitute at least a quorum.

**Status:** 12/6/10 – Introduced

**Position:** Watch

**Legislation/Topic**  
**AB 31 (Beall) – High Speed Rail and Local Master Planning**

**Background/Summary**

This bill would establish the High-Speed Rail Local Master Plan Pilot Program, applicable to specified cities and counties, and would require each of those jurisdictions to prepare and adopt, by ordinance, a master plan for development in the areas surrounding the high-speed rail system in each jurisdiction. The master plan would be required to include incentives for encouraging investment and coherent growth in the areas surrounding the high-speed rail system in each participating jurisdiction. The bill would also require the participating jurisdictions to collaborate with the State Air Resources Board to develop incentives to encourage development while concurrently reducing greenhouse gas emissions, consistent with or pursuant to the California Global Warming Solutions Act of 2006. The bill would require the master plan to be consistent with the jurisdiction's general plan and the regional sustainable communities strategy.

**Anticipated Impact/Discussion**

By adding to the duties of local government officials, this bill would impose a state-mandated local program.

**Status:** 12/6/10 – Introduced

**Position:** Watch

**Legislation/Topic**  
**AB 57 (Beall) – Transportation Planning**

**Background/Summary**

Existing law requires the Department of Transportation to engage in various transportation planning activities, including long-term state highway system planning to identify future highway improvements in consultation with transportation planning agencies, county transportation commissions, counties, and cities. This bill would also require those activities to be done in consultation with metropolitan planning organizations (i.e. the San Diego Association of Governments (SANDAG)).

**Anticipated Impact/Discussion**

This bill would also require those activities to be done in consultation with metropolitan planning organizations.

**Status:** 12/6/10 – Introduced

**Position:** Watch

**Legislation/Topic**  
**AB 58 (Gagliani) – High Speed Rail**

**Background/Summary**

Existing law provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. Existing law provides for appointment of an executive director by the authority, who is exempt from civil service and serves at the pleasure of the authority. This bill would authorize the Governor to appoint up to 5 deputy directors exempt from civil service who would serve at the pleasure of the executive director. This bill contains other related provisions and other existing laws.

**Anticipated Impact/Discussion**

This bill would authorize the Governor to appoint up to 5 deputy directors exempt from civil service who would serve at the pleasure of the executive director.

**Status:** 12/6/10 – Introduced

**Position:** Watch

**Legislation/Topic**  
**AB 81 (Beall) – Aircraft Jet Fuel Taxes**

**Background/Summary**

Existing law imposes a tax for the privilege of using or selling aircraft jet fuel upon each aircraft jet fuel dealer at a rate of \$0.02 for each gallon of that fuel sold to an aircraft jet fuel user or used by the dealer as an aircraft jet fuel user. This bill would reduce the rate of the jet fuel tax to \$0.01 for each gallon of fuel sold.

**Anticipated Impact/Discussion**

This bill would reduce the rate of the jet fuel tax to \$0.01 for each gallon of fuel sold.

**Status:** 1/4/11 – Introduced

**Position:** Watch

**Legislation/Topic**  
**AB145 (Gagliani) – High Speed Rail Governance**

**Background/Summary**

This bill would repeal and reenact the California High-Speed Train Act. The bill would continue the High-Speed Rail Authority in existence to make policy decisions relative to implementation of high-speed rail consistent with Proposition 1A. The bill would create the Department of High-Speed Trains within the Business, Transportation and Housing Agency, which would implement those policies. The bill would transfer certain of the existing powers and responsibilities of the authority to the department and would specify additional powers and duties of the authority and department relative to implementation of the high-speed rail project, including the annual submission of a 6-year high-speed train capital improvement program and progress report to the Legislature. The director of the department would be appointed by the Governor, who would serve at the pleasure of the authority, and the Governor would be authorized to appoint up to 10 officers of the department who would be exempt from civil service and serve at the pleasure of the director. The bill would provide for acquisition and disposition by the department of rights-of-way for the high-speed rail project.

**Status:** 1/13/11 – Introduced

**Position:** Watch

**Legislation/Topic**  
**AB148 (Smyth) – Local Government Ethics Training Disclosure**

**Background/Summary**

Existing law, for purposes of ethics training for officers and employees of a local government, defines the term “ethics laws” to include, among others, laws relating to government transparency. This bill would additionally define the term “ethics laws” to include compensation-setting guidelines as established by specified organizations.

**Anticipated Impact/Discussion**

This bill would additionally define the term “ethics laws” to include compensation setting guidelines as established by specified organizations and require ethics training records to be posted to our website within 15 days.



**Status:** 1/14/11 – Introduced

**Position:** Watch

**Legislation/Topic**  
**SB 22 (La Malfa) – High Speed Rail**

**Background/Summary**

Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. This bill would state the intent of the Legislature to reexamine the bond funding mechanism of the authority relative to the authority's high-speed rail project.

**Anticipated Impact/Discussion**

This bill would state the intent of the Legislature to reexamine the bond funding mechanism of the authority relative to the authority's high-speed rail project.

**Status:** 12/6/10 – Introduced

**Position:** Watch