



Legislative Analysis

By Louis Rubenstein

Proposition 1B Implementation

On Feb 20th, the California Transportation Commission (CTC) staff recommended \$900M for 12 projects on routes 5, 10, 22, 57, 91 and 215 in LA, Orange, Riverside, and SB Counties from the Corridor and Mobility Improvement Account (CMIA). Additional CMIA awards will be made in 2008. Congestion relief, project readiness, and geographical balance were the primary selection criteria.

Transportation Worker Identity Credential (TWIC)

On January 25, 2007, the Department of Homeland Security (DHS) published the final rules for **Transportation Worker Identification Credential (TWIC) Implementation in the Maritime Sector**. By September 2008, truck drivers entering restricted areas of marine terminals without an escort must have a TWIC with a biometric identification. Persons without legal resident status, other than drivers from Mexico under a NAFTA visa, and felons will not be able to obtain a TWIC. In a February 8th address at Cal State Long Beach, DHS Under Secretary Michael Jackson indicated the program will not initially apply to all port truck drivers. There are many kinks to work out while maintaining an adequate supply of truck drivers. In January 2007, DHS awarded an initial \$70 million contract to Lockheed Martin of Rockville, MD to establish TWIC enrollment centers.

"Regulations for the Prevention of Air Pollution from Ships" MARPOL Treaty Annex VI

On February 7th, the House Committee on Transportation and Infrastructure approved the Maritime Pollution Prevention Act of 2007, H.R.802. It would authorize the EPA and Coast Guard to issue regulations implementing the MARPOL Treaty Annex VI. The California Legislature and Long Beach Board of Harbor Commissions had passed resolutions urging Congress to approve MARPOL Annex VI. EPA had been evaluating whether they have the authority under current laws to regulate foreign ships within US waters.

According to the South Coast Air Quality Management District, in 2005 the pollution released from the ships visiting the Ports of Los Angeles and Long Beach is the same as that emitted from one million cars on the road. MARPOL VI allows large ships built or modified after 2000 to emit 17 gm/KWHr of NOx and 6 gm/KWHr of SOx or use fuels with less than 4.5% sulfur by weight. If a SOx Emission Control Area (SECA) is established, the allowable sulfur is reduced to 1.5%. SECAs have already been established for the Baltic and North Seas.

In 2005, the CA Air Resources Board (CARB) adopted rules requiring ships to use low sulfur fuels (0.5% by weight starting in 2007 and 0.1% by weight starting in 2010), for auxiliary (non propulsion) engines, within 24 miles of the California coast. The regulation is expected to reduce particulate matter by 75 percent, sulfur oxides by 80 percent and nitrogen oxides by six percent. Health studies have linked those compounds to increased asthma and cancer rates. On December 30, 2006, the Pacific Merchant Shipping Association (PMSA) filed a federal lawsuit to block the CARB rules, claiming they need EPA authorization. Prior to 1997, ship auxiliary engines were not capable of using high sulfur fuel. All 2007 *trucks* are already required to use the low-sulfur fuels.

SB 61, as introduced, Runner. Transportation: public-private partnerships (PPP)

This bill revises the project selection process. Streets and Highways Code Sections 143 and 149.7, enacted in 2006, authorize lease agreements with public and private entities. The pilot program is limited to 4 projects. Cal Gov Code §§ 5956-5956.10 (AB 2660) (1996) authorizes local governments to pursue PPPs for a range of "fee-producing infrastructure projects," except toll roads on state highways (§ 5956.10).

The federal SAFETEA-LU Act encourages private investment in highways and leasebacks. Recently privatized toll roads are: Indiana Toll Road, Chicago Skyway, and Pocahontas Parkway (VA). There are also proposals to privatize the NJ and Penn Turnpikes.

On February 9, 2007, the American Trucking Association and the American Automobile Association announced the formation of a coalition of highway user groups to combat the privatization or leasing of existing toll facilities to private investors.

iPod Listening Ban

New Jersey was the first state to limit the use of cell phones while driving. California enacted restrictions in 2006 (effective 2008). In Brooklyn, NY two teenagers were killed in Fall 2006 while crossing the street and listening to an IPOD. A NY State Senator has proposed a bill setting a \$100 fine for listening to an IPOD while crossing a street. Will California, the home state of the iPod, do the same?

Purple Line

The MTA renamed a portion of the heavy rail transit "Red Line" to "Purple Line". On February 8, the House voted to repeal a 1985 ban on using federal funds for subway tunnels in the Fairfax area. This removes a major obstacle to building the \$4.8 B, 13-mile Purple Line extension from Western Ave., along Wilshire Blvd. in LA, to the ocean. The 1985 ban was proposed by Congressman Waxman after several explosions of underground methane gas in the area. In light of

better tunneling technology and increased traffic congestion, local officials advocated removal of the ban. "Very few issues affect the quality of life in Los Angeles more than traffic gridlock," LA Mayor Villaraigosa said in a statement. "Getting stuck in traffic is more than just an inconvenience — it keeps us away from our families, it pollutes our environment and it costs our economy. Building a subway to the sea will get Los Angeles moving again." He also noted that Los Angeles ranks first in the country in the amount of time that drivers spend in traffic jams — about 93 hours a year.