

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT  
Cecilia Aguiar-Curry, Chair  
AB 784 (Quirk) – As Amended March 15, 2021

**SUBJECT:** Alameda-Contra Costa Transit District.

**SUMMARY:** Makes numerous changes to the provisions governing the Alameda-Contra Costa Transit District (AC Transit). Specifically, **this bill:**

- 1) Deletes the authority to form a transit district in Alameda and Contra Costa Counties, and specifies that AC Transit shall continue in existence unless dissolved.
- 2) Designates AC Transit as a rapid transit district.
- 3) Provides that whenever the signature of any officer or employee of AC Transit or any member of the retirement board or of any officer or employee of the retirement system is authorized or required, the signature may be made by submittal of a digital signature consistent with existing law.
- 4) Specifies that the nomination paper for a director shall contain the name of the candidate and other information as may be required, and that the nomination paper shall also meet either of the following requirements:
  - a) The nomination paper shall be signed as follows:
    - i) For directors elected by wards, by a minimum of 50 voters of the respective ward;
    - ii) For directors elected at large, by a minimum of 100 voters of the district; or,
  - b) The nomination paper shall include a filing fee in the amount of \$150 in lieu of signatures.
- 5) Requires all nomination papers to be filed with, and all in-lieu fees shall be paid to, the county elections official in the county or counties in which the candidate is running.
- 6) Provides that if a vacancy exists on the Board of Directors (Board), AC Transit has 90 days, instead of 60, to fill the vacancy as specified.
- 7) Specifies that general counsel for AC Transit shall have been actively engaged in the practice of law for not less than five years, instead of three, preceding appointment by the Board.
- 8) Deletes the authority to consolidate any of the offices in one person and the requirement that each appointive officer shall give such bond in such amount as specified by the Board.
- 9) Requires the general manager to within 180 days, instead of 90, from the end of each fiscal year cause to be published a financial report showing the result of operations for the preceding fiscal year and the financial status of the district on the last day thereof.

- 10) Specifies that each appointive officer shall devote their entire time to the district, meaning that the officer shall not engage in any other business or employment without prior approval from the Board.
- 11) Provides that if a former employee is elected as a Board member, the retirement system shall not apply to their service on the Board.
- 12) Makes numerous technical and clarifying changes.
- 13) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of California Constitution because of the unique circumstances regarding the provision of public transit in the Counties of Alameda and Contra Costa.

**EXISTING LAW:**

- 1) Allows for the formation of a transit district by two or more cities, with or without unincorporated territory, in either of the following Counties: Alameda or Contra Costa.
- 2) Outlines the various powers, duties, and obligations of AC Transit.

**FISCAL EFFECT:** This bill is keyed fiscal and contains a state mandated local program.

**COMMENTS:**

- 1) **AC Transit.** Voters created AC Transit in 1956 and subsequently approved a \$16,500,000 bond issue in 1959 enabling AC Transit to buy out the privately owned Key System Transit Lines. In October 1960, AC Transit's service began. AC Transit is governed by a Board of seven directors, one from each of the five wards, and two at-large. Serving 13 cities and several unincorporated communities in Alameda and Contra Costa counties, AC Transit operates more than 150 bus lines, carrying more than 180,000 daily riders. In 2017, AC Transit transported over 52 million passengers in more than 19 million trips.
- 2) **Bus Rapid Transit (BRT).** BRT is a bus-based public transport system designed to improve capacity and reliability relative to a conventional bus system. Typically, a BRT system includes roadways that are dedicated to buses, and gives priority to buses at intersections where buses may interact with other traffic; alongside design features to reduce delays caused by passengers boarding or leaving buses, or purchasing fares. This can include bus only lanes, off-bus fare purchases, traffic light priority technology, and more. BRT aims to combine the capacity and speed of a metro with the flexibility, lower cost and simplicity of a bus system.

According to AC Transit, the District "launched its expedited Rapid tier of service in June of 2003. Rapid uses technology as well as on-street improvements to make service more efficient and reduce travel time. The vehicles on the Rapid lines were equipped with transponders that kept traffic lights green as the bus approached an intersection, resulting in less time waiting at a stoplight. Rapid lines were planned with fewer and strategically placed bus stop locations that best serve passengers and help keep buses moving faster. Because what was once the 1R eventually became Tempo Line 1T, the 72R is the sole remaining line of Rapid service at this time." AC Transit Tempo is the District's newest rapid transit

service.

- 3) **Bill Summary and Author’s Statement.** This bill makes numerous changes to modernize the provisions that govern AC Transit, including provisions related to district officers, the use of digital signatures, and the Board nomination and vacancy process, among others. Additionally this bill designates AC Transit as a rapid transit district. Lastly, this bill removes the authority to form a transit district in Alameda and Contra Costa Counties, and specifies that AC Transit shall continue in existence unless dissolved. AC Transit is the sponsor of this bill.

According to the author, “The Alameda-Contra Costa Transit District (AC Transit) law has remained unchanged since its enactment in 1955. As a result, the district law is outdated and does not reflect the transit district’s current needs, modern technology, or changes to other provisions within the California codes. AB 784 will make numerous technical and clarifying changes to update their board election process and provide operational flexibility to the AC Transit District so that they can continue to provide their transportation services to the public more efficiently.”

- 4) **Policy Consideration.** Government Code section 53091 generally requires that “each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated.” However, the term local agency “does not include the state, a city, a county, a rapid transit district,” among others. By designating AC transit as a rapid transit district, this bill could provide AC Transit district with an exemption to the building and zoning ordinances adopted by a city or county, similar to the authority granted to a number of other transit agencies. Given that these exceptions are typically limited for special districts, the Committee may wish to consider if AC Transit should be designated as a rapid transit district and given greater authority to circumvent building and zoning ordinances.
- 5) **Arguments in Support.** According to the sponsors, “AC Transit was created pursuant to state statute enacted in 1955 that authorized establishing a transit district in Alameda and Contra Costa counties. Since that time much of the authorizing statutes have not been updated to keep pace with technology and the growth of the District... AB 784 makes numerous changes to the Transit District Law that are long overdue to reflect the formation of AC Transit and modernize the structure and references within the Transit District Law.”

- 6) **Arguments in Opposition.** None on file.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

AC Transit [SPONSOR]

##### **Opposition**

None on file

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