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AB-2634 Sacramento Regional Transit District. (2023-2024)

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Assembly Bill No. 2634

CHAPTER 111

An act to amend Sections 20321 and 22050 of the Public Contract Code, and to add and repeal Section 99155.2 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2634, McCarty. Sacramento Regional Transit District.

(1) Existing law authorizes the formation of the Sacramento Regional Transit District with various powers and duties with respect to transportation planning, programming, construction, and operations. Existing law requires each transit operator, including the district, that offers reduced fares to senior citizens to also offer reduced fares to disabled persons, as defined, and disabled veterans, as defined, at the same rate established for senior citizens, as specified.

This bill would exempt the district from that requirement until January 1, 2027, as specified. If the district reduces fares for senior citizens below the rate offered to disabled persons or disabled veterans, the bill would prohibit the district from increasing rates for disabled persons and disabled veterans and would require the district to submit a report to the Legislature, as specified.

(2) Existing law requires the district to award contracts for the construction of transit works or transit facilities in excess of \$5,000 to the lowest responsible bidder after competitive bidding, but exempts the district from this requirement in an emergency declared by a $\frac{4}{5}$ vote of the district's board. Existing law authorizes certain public agencies, not including the district, upon a prescribed finding of emergency, to delegate to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer the authority to order certain actions and procurements without competitive bidding, as specified.

This bill would authorize the district to delegate to the appropriate officer the authority to order actions and procurements without competitive bidding in the case of a finding of emergency under these provisions.

This bill would make legislative findings and declarations as to the necessity of a special statute for the district.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 20321 of the Public Contract Code is amended to read:

20321. Contracts for the construction of transit works or transit facilities in excess of five thousand dollars (\$5,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in emergency declared by four-fifths vote of the board

of the district. If an emergency is declared and notice for bids to let contracts is not given, the board of the district shall comply with Chapter 2.5 (commencing with Section 22050).

SEC. 2. Section 22050 of the Public Contract Code is amended to read:

22050. (a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If the public agency has no county administrative officer, city manager, chief engineer, or other nonelected agency officer, the governing body, by a four-fifths vote, may delegate to an elected officer the authority to order any action specified in paragraph (1) of subdivision (a).

(3) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(c) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the governing body meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.

(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the emergency action not later than 7 days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action and making a determination pursuant to this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts.

(d) As used in this section, "public agency" has the same meaning as defined in Section 22002.

(e) A three-member governing body may take actions pursuant to subdivision (a), (b), or (c) by a two-thirds vote.

(f) This section applies only to emergency action taken pursuant to Sections 20134, 20168, 20205.1, 20213, 20223, 20233, 20253, 20273, 20283, 20293, 20303, 20313, 20321, 20331, 20567, 20586, 20604, 20635, 20645, 20682, 20682.5, 20736, 20751.1, 20806, 20812, 20914, 20918, 20926, 20931, 20941, 20961, 20991, 21020.2, 21024, 21031, 21043, 21061, 21072, 21081, 21091, 21101, 21111, 21121, 21131, 21141, 21151, 21161, 21171, 21181, 21191, 21196, 21203, 21212, 21221, 21231, 21241, 21251, 21261, 21271, 21290, 21311, 21321, 21331, 21341, 21351, 21361, 21371, 21381, 21391, 21401, 21411, 21421, 21431, 21441, 21451, 21461, 21472, 21482, 21491, 21501, 21511, 21521, 21531, 21541, 21552, 21567, 21572, 21581, 21591, 21601, 21618, 21624, 21631, 21641, and 22035.

SEC. 3. Section 99155.2 is added to the Public Utilities Code, to read:

99155.2. (a) (1) Notwithstanding subdivision (b) of Section 99155, if the Sacramento Regional Transit District offers reduced fares to senior citizens, it shall not be required to also offer reduced fares to disabled persons or disabled veterans at the same rate established for senior citizens.

(2) A reduced fare offered to senior citizens that is not also offered to disabled persons and disabled veterans pursuant to this subdivision shall not be valid beyond the date specified in subdivision (e).

(3) If the Sacramento Regional Transit District reduces fares for senior citizens below the rate for disabled persons or disabled veterans, the district shall not increase fares for disabled persons or disabled veterans.

(b) If the Sacramento Regional Transit District reduces fares for senior citizens below the rate for disabled persons or disabled veterans, the district shall submit a report to the Legislature that includes all of the following information:

(1) The number of people per month who purchase a fare or monthly pass, at a reduced fare that is offered to senior citizens, disabled persons, or disabled veterans, for the year before the implementation of the new rate.

(2) The farebox revenue recovered from the fares and monthly passes described in paragraph (1).

(3) The rate change for fares offered to senior citizens, disabled persons, and disabled veterans.

(4) The number of people affected by the rate change each month.

(5) The cost of a reduced fare for senior citizens, disabled persons, or disabled veterans, before and after the implementation of the reduced fare rate for senior citizens.

(6) A description of any service changes made on or after January 1, 2025.

(7) The amount of farebox revenue collected after January 1, 2025.

(c) For purposes of this section, the following definitions apply:

(1) "Disabled person" shall have the same meaning as provided in Section 99206.5 and in Section 295.5 of the Vehicle Code.

(2) "Disabled veteran" shall have the same meaning as provided in Section 295.7 of the Vehicle Code.

(3) "Service changes" include, but are not limited to, any of the following:

(A) A change made to routes, including the addition or removal of service on a route.

(B) A change to the frequency of service on a route.

(C) A delay in a project that is intended to improve customer service, including implementation of real-time General Transit Feed Specification.

(D) A change, unrelated to retirements, in staffing levels, including security.

(d) The report to be submitted pursuant to subdivision (b) shall be submitted on or before January 1, 2026, and shall be submitted in compliance with Section 9795 of the Government Code.

(e) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

SEC. 4. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because Sacramento Regional Transit District requires greater discretion to properly serve its community in light of the unique demographics of the Sacramento region.