

**SUBJECT**

*Public Hearing to Consider the Proposed Purchase of Transit Buses in Compliance with State Statute*

**RECOMMENDED ACTIONS**

- *To receive, consider and place into the record any public comments regarding the proposed procurement;*
- *To adopt a resolution that includes a finding that the procurement of a new fleet class of battery electric buses and the expansion of an existing fleet class of Compressed Natural Gas (CNG) buses of which the rear axles may exceed 20,500 pounds on any one axle is necessary to address a need to serve new and existing transit markets.*

**BACKGROUND**

Under California Vehicle Code Section 35554, a public hearing is being held to receive public comments regarding the proposed procurement of a new fleet class and the expansion of an existing fleet class of transit buses of which the rear axle may exceed 20,500 pounds.

Since 1976, California's bus axle weight limit has remained 20,500 pounds gross weight on any one axle. Subsequently, many federal, state and local mandates have affected the weight of new public transit buses. These mandates include additional safety features, equipment to better serve customers with disabilities and equipment to comply with alternative fuels regulations. Long Beach Transit (LBT) is not alone. This issue affects transit agencies across the nation.

In 2012, California enacted legislation [Assembly Bill 1706 (Eng)] that exempted transit buses from the weight restriction if procured before January 1, 2013. It also authorizes the procurement of new transit buses after January 1, 2013 that exceed the limit, if the governing board adopts a finding at a public hearing that the fleet class expansion, or change in fleet classes, is necessary to address a need to service a new, or existing market.

In 2014, additional legislation was enacted [Assembly Bill 1720 (Bloom)] that extends the sunset date from January 1, 2015 until January 1, 2016. This extension allows time to develop a long-term legislative solution.

LBT is planning the purchase of up to 10 battery electric buses and up to 114 CNG buses over the next five years to accommodate the replacement schedule for buses reaching the end of their useful life. It is anticipated that the rear axle on these new buses will exceed the weight limit of 20,500 pounds. To introduce a new fleet class of vehicles LBT must proceed with the procurement of buses under the provisions of the aforementioned legislation.

On January 22, 2015, the Deputy CEO and the Executive Director and Vice President of Maintenance and Infrastructure delivered a presentation before the Gateway Cities Public Works Officers to discuss the proposed bus purchases. The Gateway Cities Public Works Officers is comprised of a Steering Committee of representatives from the cities of Downey, Lakewood, Paramount and Southgate, along with general membership from 24 other cities, including the City of Long Beach, the County of Los Angeles, Caltrans and the Port of Long Beach.

LBT sent notification to the City Managers and Public Works Directors of the 13 cities in LBT's service area and Los Angeles County and Orange County regarding the hearing and the process for receiving input. Also, customers and the general public were notified via LBT's website, newspaper advertisements, customer alerts and a press advisory about the public hearing, directing any comments or concerns to be shared through the [www.lbtransit.com](http://www.lbtransit.com) website. Staff has summarized these comments and has provided them to the Board for consideration.

To comply with Assembly Bills 1706 and 1720, a public hearing is being held to receive and consider public comments regarding the purchase of these buses. After considering public comments, if the Board finds that the purchase of buses is needed to serve existing and possibly new transit routes, a resolution adopting such a finding is required.

#### **ALTERNATIVES CONSIDERED**

The Board could disapprove the resolution. However, staff does not recommend this, for LBT would be unable to purchase buses whose weight on any one axle exceeds 20,500 pounds, thus preventing LBT from having sufficient buses to deliver service.

#### **BUDGETARY/FISCAL IMPACT**

Staff does not anticipate any budgetary or fiscal impact relating to this public hearing.



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Kenneth A. McDonald  
President and Chief Executive Officer

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**RESOLUTION OF THE LONG BEACH PUBLIC TRANSPORTATION COMPANY  
AUTHORIZING PROCUREMENT OF A NEW FLEET CLASS AND EXPANSION OF AN  
EXISTING FLEET CLASS OF TRANSIT BUSES PURSUANT TO CALIFORNIA VEHICLE  
CODE SECTION 35554**

**WHEREAS**, California Vehicle Code Section 35554 states that a publically owned or operated transit system shall not procure, through a solicitation process pursuant to which a solicitation is issued on or after January 1, 2013, a transit bus whose weight on any single axle exceeds 20,500 pounds except under certain conditions; and

**WHEREAS**, California Vehicle Code Section 35553 sets forth that a publically owned or operated transit system may procure a new transit bus whose gross weight on any single axle exceeds 20,500 pounds if: (1) the transit bus being procured is of the same or lesser weight than the transit bus it is replacing, (2) the transit bus being procured is expanding a current fleet class, or (3) the transit bus being procured represents a new fleet class. Additionally, the purpose of the procurement must be in order to address a need to serve a new or existing market pursuant to its most recently adopted short-range transit plan, or to meet a federal, state, or regional statutory or regulatory requirement; and

**WHEREAS**, in light of the conditions set forth in California Vehicle Code Section 35554, in order for the Long Beach Public Transportation Company (LBT) to procure new transit buses the Board of Directors must, at a public hearing, adopt specific findings that the procurement meets one of the specified conditions for procurement and also that the need to procure and operate the proposed vehicles is based upon the need to serve a new or existing market pursuant to its most recently adopted short-range transit plan, or to meet a federal, state, or regional statutory or regulatory requirement.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Long Beach Public Transportation Company find the following:

1. LBT has the need to procure and operate up to 10, 40-foot, battery electric transit buses whose gross weight on any single axle may exceed 20,500 pounds.
2. LBT has the need to procure and operate up to 114 Compressed Natural Gas (CNG) buses in order to meet the replacement schedule for aging buses in its fleet.
3. LBT has the need to operate these new transit buses, whose gross weight may exceed 20,500 pounds on any single axle, in order to expand an existing fleet class and to incorporate a new fleet class into LBT's existing inventory to address the need to serve a new or existing market pursuant to LBT's most recent short-range transit plan.

Passed and approved this 23<sup>rd</sup> day of February 2015.

**CERTIFICATION**



Special Meeting Agenda Item No. 1  
February 23, 2015

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The undersigned duly appointed Secretary-Treasurer of the Long Beach Public Transportation Company certifies that the forgoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Long Beach Public Transportation Company Board of Directors held on February 23, 2015.

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Sumire Gant  
Secretary/Treasurer, Board of Directors

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Date