

AMENDED IN ASSEMBLY JULY 15, 1997

AMENDED IN SENATE MAY 1, 1997

SENATE BILL

No. 89

Introduced by Senator Hayden

December 18, 1996

An act to add Sections 130051.20 and 130051.25 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 89, as amended, Hayden. Transportation: Los Angeles County Metropolitan Transportation Authority: members: employees: recordable injuries.

(1) Existing law requires the Los Angeles County Metropolitan Transportation Authority to adopt an ordinance, as specified, regulating the making of gifts to members and designated employees of the authority.

This bill would impose limitations on the making of ~~gifts or~~ contributions of over \$10 in value or amount to members, alternate members, and employees of the authority, and their immediate families, by any construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity seeking a contract with the authority, and on the acceptance of those ~~gifts~~ by a member, alternate member, employee, or any member of their immediate families. The bill would also impose limitations on making or participating in contracts by a member, alternate member, or employee who had knowingly accepted a ~~gift or~~

contribution of over \$10 in value or amount from a participant in the contract.

The bill would prohibit a specified former member, alternate member, or employee of the authority, for a period of 3 years after leaving the authority, from accepting employment with any company, vendor, or business entity that was awarded a contract as a result of the individual's participation, evaluation, award, or implementation of that contract.

(2) Under existing law, the authority may contract with any person upon the terms and conditions that the authority finds to be in its best interest.

This bill would require a construction firm that contracts with the authority to report total recordable injuries, as defined, to the authority on a monthly basis. The bill would *require the authority to to annually determine if the number of recordable injuries reported to the authority during the preceding calendar year exceeded the national average of similar injuries as reported by the Bureau of Labor Statistics for the most recent published year. The bill would, if the authority determines that the number of recordable injuries reported to the authority during the preceding calendar year exceeded the national average,* prohibit the authority from basing any authority safety bonus program for contractors on injuries that result in lost time and would require the authority to base such a program on the overall rate of recordable injuries.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of
2 the following:

3 (a) The Los Angeles County Metropolitan
4 Transportation Authority has an annual budget of two
5 billion nine hundred million dollars (\$2,900,000,000).

6 (b) The authority is funded by tax and bond revenues.

7 (c) There were 990 lobbyists registered with the
8 authority as of December 8, 1994, nearly as many lobbyists



1 as there are who work with the Legislature at the State
2 Capitol.

3 (d) Evidence exists that the policy making and
4 contract-award processes are heavily influenced by
5 lobbyists bearing gifts and contributions.

6 (e) Public confidence in the authority has
7 deteriorated because of critical investigative media
8 reports on its performance, the temporary suspension of
9 federal construction funding, an ongoing criminal federal
10 investigation, and pending lawsuits filed by authority
11 “whistle-blowers” and bus riders.

12 (f) It is crucial to the future of the transportation
13 system in Los Angeles County that there be public
14 confidence in the authority, that public funds are spent
15 legally, properly, without special-interest influence, and
16 in the most cost-effective way that serves the greatest
17 number of transit-dependent citizens.

18 The Legislature finds it proper and necessary
19 therefore, to revise and strengthen existing laws that
20 govern gifts and contributions given to, and received by,
21 authority directors and employees.

22 SEC. 2. Section 130051.20 is added to the Public
23 Utilities Code, to read:

24 130051.20. (a) (1) No construction company,
25 engineering firm, consultant, legal firm, or any company,
26 vendor, or business entity seeking a contract with the Los
27 Angeles County Metropolitan Transportation Authority
28 shall give to a member, alternate member, or employee
29 of the authority, or to any member of their immediate
30 families, a ~~gift or~~ contribution of over ten dollars (\$10) in
31 value or amount. A “contribution” includes contributions
32 to candidates or their committees in any federal, state, or
33 local election.

34 (2) Neither the owner, an employee, or any member
35 of their immediate families, of any construction company,
36 engineering firm, consultant, legal firm, or any company,
37 vendor, or business entity seeking a contract with the
38 authority shall make a ~~gift or~~ contribution of over ten
39 dollars (\$10) in value or amount to a member, alternate



1 member, or employee of the authority, or to any member
2 of their immediate families.

3 (3) No member, alternate member, or employee of
4 the authority, or member of their immediate families,
5 shall accept a ~~gift or~~ contribution of over ten dollars (\$10)
6 in value or amount from any construction company,
7 engineering firm, consultant, legal firm, or any company,
8 vendor, or business entity seeking a contract with the
9 authority.

10 (4) No member, alternate member, or employee of
11 the authority shall make or participate in, or use his or her
12 official position to influence, a contract decision if the
13 member, alternate member, or employee has knowingly
14 accepted a ~~gift or~~ contribution of over ten dollars (\$10)
15 in value in the past four years from a participant, or its
16 agent, involved in the contract decision.

17 (5) No member, alternate member, or employee of
18 the authority, or member of their immediate families
19 shall accept a ~~gift or~~ contribution of over ten dollars (\$10)
20 in value or amount from a construction company,
21 engineering firm, consultant, legal firm, or any company,
22 vendor, or business entity that has contracted with the
23 authority in the preceding four years.

24 (b) A member, alternate member, or employee of the
25 authority who has participated as a decisionmaker in the
26 preparation, evaluation, award, or implementation of a
27 contract and who leaves the authority shall not, within
28 three years of leaving the authority, accept employment
29 with any company, vendor, or business entity that was
30 awarded a contract as a result of his or her participation,
31 evaluation, award, or implementation of that contract.

32 SEC. 3. Section 130051.25 is added to the Public
33 Utilities Code, to read:

34 130051.25. (a) For the purpose of this section,
35 “recordable injury” means any injury requiring
36 treatment beyond simple first aid.

37 (b) A construction firm that contracts with the Los
38 Angeles County Metropolitan Transportation Authority
39 shall report total recordable injuries to the authority on
40 a monthly basis.



1 (c) The authority shall *annually determine if the*
2 *number of recordable injuries reported to the authority*
3 *during the preceding calendar year exceeded the*
4 *national average of similar injuries as reported by the*
5 *Bureau of Labor Statistics for the most recent published*
6 *year. If the authority determines that the number of*
7 *recordable injuries reported to the authority during the*
8 *preceding calendar year exceeded the national average,*
9 *the authority shall not base any safety bonus program for*
10 *contractors on injuries that result in lost time, and shall*
11 *base such a program on the overall rate of recordable*
12 *injuries.*

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