

**STATE OF CALIFORNIA**  
**Budget Change Proposal - Cover Sheet**  
 DF-46 (REV 08/15)

Fiscal Year 2016-17	Business Unit 0860	Department State Board of Equalization	Priority No. 3
Budget Request Name 0860-302-BCP-DP-2016-A1		Program <i>REGIONAL RAILROAD ACCIDENT PREPAREDNESS AND IMMEDIATE RESPONSE</i>	Subprogram

Budget Request Description  
 SB 84 Regional Railroad Accident Preparedness and Immediate Response

**Budget Request Summary**

The State Board of Equalization (BOE) requests \$822,000 and 2.4 positions in FY 2015-16; \$893,000 and 4.3 positions in FY 2016-17; \$898,000 and 5.4 positions in FY 2017-18 to administer the provisions of Senate Bill (SB) No. 84 (Chapter 25, Statutes of 2015, Section 6).

SB 84 authorizes a new fee to be imposed on owners of the 25 most hazardous material commodities at the time that hazardous material is transported by loaded rail car in California. This bill creates the Regional Railroad Accident Preparedness and Immediate Response Fund.

SB 84 creates a new and complex program with new workloads that cannot be absorbed by the BOE. The BOE is requesting permanent resources due to the difficulties in hiring and retaining staff in limited-term positions. Without the requested resources, the BOE will not be able to administer the new program and will not be in compliance with the new legislation, resulting in significant revenue loss/delay. The BOE cannot redirect existing resources necessary to perform the duties for this new program, as it would adversely impact existing resources dedicated to other mandated tax and fee programs.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the date a Special Project Report (SPR) or Feasibility Study Report (FSR) was approved by the Department of Technology, or previously by the Department of Finance.

FSR       SPR      Project No.      Date:

If proposal affects another department, does other department concur with proposal?       Yes       No  
*Attach comments of affected department, signed and dated by the department director or designee.*

Prepared By	Date	Reviewed By	Date
Department Director	Date	Agency Secretary	Date

**Department of Finance Use Only**

Additional Review:  Capital Outlay     ITCU     FSCU     OSAE     CALSTARS     Dept. of Technology

BCP Type:       Policy       Workload Budget per Government Code 13308.05

PPBA	Date submitted to the Legislature
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## Analysis of Problem

### A. Budget Request Summary

The State Board of Equalization (BOE) requests \$822,000 and 2.4 positions in FY 2015-16<sup>1</sup>; \$893,000 and 4.3 positions in FY 2016-17; \$898,000 and 5.4 positions in FY 2017-18 and ongoing to administer the provisions of Senate Bill (SB) No. 84 (Chapter 25, Statutes of 2015, Section 6).

SB 84 authorizes a new fee to be imposed on owners of the 25 most hazardous material commodities at the time that hazardous material is transported by loaded rail car in California. This bill creates the Regional Railroad Accident Preparedness and Immediate Response Fund.

SB 84 creates a new and complex program with new workloads that cannot be absorbed by the BOE. The BOE is requesting permanent resources due to the difficulties in hiring and retaining staff in limited-term positions. Without the requested resources, the BOE will not be able to administer the new program and will not be in compliance with the new legislation, resulting in significant revenue loss/delay. The BOE cannot redirect existing resources necessary to perform the duties for this new program, as it would adversely impact existing resources dedicated to other mandated tax and fee programs.

### B. Background/History

The BOE and the Office of Emergency Services (OES) entered into an Interagency Agreement (IA) to establish and implement a fee collection program to collect the new Regional Railroad Accident Preparedness and Immediate Response (RRAPIR) fee on behalf of the OES. In the IA, the OES agreed to provide the BOE \$822,000 for fiscal year 2015-16 for costs to establish and implement the new fee collection program. BOE's implementation costs include: (1) one-time contract programming resources and data center services necessary to add a new fee program to the BOE's Integrated Revenue Information System (IRIS) and Automated Collection System (ACMS); and (2) funding for BOE positions and operating expenses for work involved in the implementation of the RRAPIR fee collection program. This request is for ongoing resources to administer and maintain the new RRAPIR fee program and be in compliance with the new legislation.

SB 84 authorizes a new fee to be imposed on a person owning any of the 25 most hazardous material commodities, as identified in regulations adopted by the OES, contained in or on a rail car transported by rail in California. The bill requires the OES Director to establish a fee schedule based on each loaded rail car. SB 84 requires the fee to be imposed within six (6) months of the OES establishing a fee schedule. Pursuant to the IA, the collection of the fee is scheduled to begin October 1, 2016. The fee is assessed on the number of loaded hazardous material rail cars transported within California. If the loaded rail car enters California from outside California, the fee is imposed at the time the loaded rail car enters the state of California. If the rail car is loaded within California, the fee is imposed at the time the hazardous material is loaded into or onto the rail car within California for transport in or through California. The person operating the train containing the rail car for transport into or within California is required to collect the fee from the owner of the hazardous material. The bill would authorize the Director of the OES to consider adjusting the fee not less frequently than every three years. The bill authorizes a railroad to collect up to five (5) percent of the fee collected to offset the administrative cost of collecting the fee. The bill also gives authority to the Director of the OES to authorize payment of a portion, but not the entire amount, of the fee owed through contributions in kind of equipment, materials or services. The Director of the OES may exempt from the fee shipments of hazardous materials that meet certain criteria. There is a rebuttable presumption that the shipper, consignor, or consignee of the hazardous material is the owner of the hazardous material.

In addition, the bill creates the Regional Railroad Accident Preparedness and Immediate Response Fund (Fund). Revenues collected, less refunds and expense reimbursement to the BOE, are to be deposited into the Fund. The Fund will repay any moneys loaned to pay OES implementation costs. Upon appropriation by the Legislature, monies in the Fund will be used to plan, develop, create,

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<sup>1</sup> The BOE requests authority to receive reimbursement from the OES for FY 2015-16.

## Analysis of Problem

acquire, support, and maintain emergency response capabilities to prepare for, and respond to, rail car accidents involving large-scale hazardous materials releases.

The BOE is mandated to administer and collect the new fee in accordance with the Fee Collection Procedures Law (Part 30 commencing with Section 55001, Division 2 of the Revenue and Taxation Code). Under the provisions of SB 84, railroad operators that transport hazardous material by rail car are required to register with the BOE and collect the fee from the owner of the hazardous materials. Any fees collected by the railroad operator from the hazardous material owner are to be paid to the BOE with the quarterly fee return, as prescribed by the BOE. The BOE would handle and decide all petitions for redetermination and claims for refund, except those based on the premise that the contents of the rail car is or is not a hazardous material. The BOE is required to forward such petitions or refund claims to the Director of the OES for handling. The BOE is required to notify the Director of the OES if the amount of fees collected reaches the maximum fund amount specified for each calendar year and will need to have the capability of discontinuing collection of the fee if maximums are reached. The OES and the BOE will work cooperatively in handling matters concerning payment of fee through contribution in kind, the OES fee exemptions and adjustments, and the owner's rebuttable presumption.

The purpose of the new RRAPIR fee program is to provide funding for regional and onsite response capabilities in the event of a large-scale hazardous materials release from a train accident. Real world examples of train derailments in the last several years highlight the need to take an all hazards approach when planning for emergencies and when conducting exercises for first responders. For example, a 2013 Maryland freight train accident caused fifteen of the train cars to derail that contained highly toxic substances. The release of the toxic substances at the derailment site caused an explosion as well as a fire, further complicating emergency operations. An analysis of federal data from the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration estimated that 1.15 million gallons of crude oil spilled from rail cars in the U.S. in 2013 alone.

The California Legislature improved public disclosure by enacting legislation in 2014 requiring railroads to inform the OES about the type of oil or crude product delivered by rail, including data for the 25 largest hazardous material commodities transported through California while taking into account the need to protect sensitive information for security purposes. The new RRAPIR fee program is the latest expansion of oversight and regulation by the California Legislature to address rail transport of hazardous materials. Last year, California expanded fees paid on marine shipments of crude oil to oil transported by all modes of delivery and all waters of the state, not just deliveries by vessel to marine terminals. The fees – 6.5 cents per barrel – pay for the State's highly regarded Oil Spill Prevention and Administration Program.

### **C. State Level Considerations**

The BOE collects taxes, fees, and surcharges that provide over 30 percent of the annual revenue for the state government and essential funding for counties, cities, and special taxing districts. In FY 2013-14, the BOE administered taxes and fees that produced \$60.4 billion for education, public safety, transportation, housing, health services, social services, and natural resource management. The BOE administers the state's sales and use, fuel, alcohol, tobacco, and other taxes, and collects fees that fund specific programs. More than one million businesses are registered with the agency.

This request is consistent with the BOE's mission to serve the public through fair, effective, and efficient tax administration. This request is consistent with, and supports, the BOE's strategic plan by maximizing voluntary compliance, investing in a skilled, motivated and diverse workforce, and enhancing the BOE's operational effectiveness.

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### D. Justification

SB 84 creates an entirely new and complex fee program. The BOE is mandated to administer and collect the new fee. It is estimated there are approximately 35 railroad operators that may need to register with the BOE, collect the RRAPIR fee from owners of hazardous materials, and remit fee amounts collected to the BOE.

The new RRAPIR fee program will create new workloads that impact all functions of tax administration including registration, return processing, collections, audits, online services, appeals/refunds, and the various support functions. Essential permanent resources are requested to effectively administer and maintain this new fee program. The following outlines the various areas that will be impacted along with an explanation of the efforts that are needed to effectively administer the new fee program. Without the requested resources, the BOE will not be able to administer the new program and will not be in compliance with the new legislation, resulting in revenue delays/losses starting in fiscal year 2016-17 and ongoing.

#### Registration

The BOE utilizes an online web-based registration system. Feepayers registering with the BOE utilize the registration system by answering a series of questions about their business operations so feepayers may receive all of the permits and licenses necessary for their business. Every person who operates a railroad that transports hazardous materials by rail car is required to register with the BOE. Railroad operators will need to utilize the online web-based registration system to register and receive a RRAPIR permit and fee return to remit the fee to the BOE. The BOE will create and distribute materials to railroad operators so that railroad operators may register with the BOE as required by law. Any railroad operator that transports hazardous material by rail car into or through California that has not voluntarily registered with the BOE will need to be contacted for proper registration. BOE will perform account review and maintenance, research bad mailing addresses, resolve registration conflicts, provide customer service by answering and processing phone calls, and performing advisory services for the new fee program.

#### Return Processing

The RRAPIR fee will be reported on a special taxes and fee paper return and have a single fee amount (per agreement with the OES). As this is a new fee, programming to the BOE's Integrated Revenue Information System (IRIS) is required. This requires creation, testing, and maintenance of a new return. Since the fee rate is subject to change, ongoing programming will be needed to revise the return with the new rate. When the fee rate changes, the BOE will need to create and distribute materials to railroad operators to notify them of rate changes. Since the Fund is subject to a maximum fund amount that varies for specified fiscal years, BOE's system will require programming to allow BOE to suspend the program when the fund maximum balance is reached.

As a new fee program, it is anticipated that feepayers will make frequent errors in filing returns. Registration and/or return processing staff will handle new workloads related to feepayer outreach; provide program advisory service; verify returns; perform account maintenance; process payments, billings, reports, refunds, and relief from penalty requests; provide training; and respond to emails, letters, phone calls from feepayers with questions regarding if they are required to register, what transactions are subject to the fee, and how to properly complete the return, etc. Returns filed with amounts that are questioned by BOE staff will require correspondence with feepayers to resolve. Any delays in fee return processing may result in lost interest to the state that would otherwise have been earned by timely fee deposits. In addition, not answering feepayer questions in a timely manner may delay the feepayer from timely remitting the correct amount of fees owed, resulting in additional work/time required by staff to correct errors.

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### Collections

The BOE is responsible for the collection of any outstanding past due fees. Since the RRAPIR fee represents new liabilities for railroad operators, having new RRAPIR fees due may result in new delinquencies for the BOE to monitor and manage. The BOE will research and analyze delinquent accounts, contact delinquent feepayers to resolve delinquencies, answer feepayer questions, review/process installment payment arrangements, and perform collection action. The BOE will assess and collect the RRAPIR fee in accordance with the Fee Collection Procedures Law. The Fee Collection Procedures Law generally provides for the BOE's administration of fee programs. While most taxpayers voluntarily comply with the tax or fee laws that BOE administers, those that are not in compliance with the new RRAPIR fee laws will be subject to collection activities in order to gain compliance.

### Online Services

The BOE utilizes an online web-based system to allow feepayers to make payments; request relief from penalty, interest, and/or fees (i.e. collection cost recovery fee, etc.); request return filing extensions; and set up payment plans. The BOE will be required to perform programming to add this new fee program to our existing online services.

### Audits

The BOE maintains an effective audit program to ensure that businesses accurately report the correct amount of tax or fee. The BOE will be responsible for auditing the amount of fees collected by the rail companies versus the amount remitted to the BOE by the rail companies. Without an audit presence, companies that do not comply with the new fee laws, incorrectly/erroneously report, or fraudulently file will not be properly educated and monitored to ensure compliance with the new fee laws. Those companies who erroneously fail to comply with the new laws may increase underreporting and potentially commit tax fraud. Without the additional resources, audit opportunities may be lost due to expiring statute of limitations on audit periods resulting in potential revenue loss. The BOE anticipates the size and complexity of the books and records maintained by the rail companies will require senior audit staff and resources to plan and carry out audit efforts and resolve audit issues that arise.

### Appeals and Refunds

The BOE will handle all petitions and claims for refund involving the fee assessment except those based on the premise that the content of the rail car is or is not a hazardous material. The OES will handle petitions and refund claims that are based on the premise that the content of the rail car is or is not a hazardous material. The BOE is required to forward such petitions and refund claims to the Director of the OES for handling. The BOE will need to develop procedures to track those appeals and claims that are forwarded to the OES and to document the outcome of those petitions and claims for refund. The OES will advise the BOE of its decision and final outcome of such petitions and refund claims. BOE staff will be responsible for processing and issuing a statement of account, redetermination, or refund notice resulting from the final outcome of these petitions and refund claims involving the fee assessment. Acknowledging, tracking, verifying, processing petitions and claims for refunds, attending appeals conferences, and issuing any redetermination, refund and statement of account notices will result in additional workload for staff. Without the additional resources, petitions, appeals and refunds may be delayed resulting in higher interest payments to feepayers.

### Other Administrative Functions

As with any new tax or fee program, it is anticipated that RRAPIR feepayers will need assistance when registering, filing returns, making payments, updating their account information, and will have questions concerning the application of the fee on various transactions. BOE expects an increase in phone calls and email inquiries from feepayers and hazardous material owners requiring assistance to comply with the provisions of SB 84. The OES may adjust the fee rate annually based on information received from

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the railroads and the fund balance. The BOE will be required to provide notification of fee rate changes and post the new fee rate. The BOE will track revenues to the new fund, prepare new fund reports, notify and suspend the collection of revenue when fund maximum is reached, exchange information with OES, and prepare additional reports as necessary.

The Fee Collection Procedures Law provides for the BOE's authority to adopt regulations related to administration and enforcement. The BOE is provided with the authority to prescribe, adopt, and enforce regulations or emergency regulations, as needed, relating to the administration and enforcement of SB 84.

The requested resources will allow the BOE to administer this new fee program as well as continue to provide high quality service to tax and fee payers while protecting the Special Fund revenues. The BOE will ensure the correct amount of fees is collected timely and properly and funds are allocated timely and appropriately. The BOE will provide continuous program needs for future and ongoing system maintenance changes. The lack of funding would severely impact current and future revenue and our revenue generating activities. Without the requested resources, the BOE will not be able to administer and maintain the new program and will not be in compliance with the new legislation. The BOE is requesting permanent resources due to the difficulties in hiring and retaining staff in limited-term positions. This workload cannot be absorbed by the BOE.

### E. Outcomes and Accountability

This proposal will allow the BOE to effectively administer the program and collect the revenues due to the State for the RRAPIR fee program purposes. SB 84 does not specify a fee amount; therefore, no revenue can be estimated.

The fee is to be imposed on a person owning hazardous material at the time the hazardous material is transported by loaded rail car within six (6) months of the OES Director establishing the fee rate and no earlier than October 1, 2016, due to BOE's other legislative mandates and agreement with the OES.

### F. Analysis of All Feasible Alternatives

**Alternative 1 – Provide the requested resources to administer the RRAPIR fee program as required by SB 84.**

Alternative 1 requests the following to administer SB 84:

- \$822,000 and 2.4 positions in FY 2015-16.
- \$893,000 and 4.3 positions in FY 2016-17.
- \$898,000 and 5.4 positions in FY 2017-18.
- \$894,000 and 5.5 positions in FY 2018-19 and ongoing.

#### Pros:

- Provides resources to administer the new RRAPIR fee.
- Ensures revenues intended to be collected for this new fee program are realized.
- Ensures the fair, effective, and efficient administration of the program by assessing and collecting the fee from all obligated feepayers.
- Provides high quality customer service to feepayers.
- Legislative mandates will be met.

#### Cons:

- Requires a budget augmentation.

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### Alternative 2 – Do not provide requested resources

The BOE will not be able to administer the program without the requested resources.

**Pros:**

- Does not require a budget augmentation.

**Cons:**

- Without the requested resources, the BOE is unable to administer this new fee program.
- Legislative mandates will not be met.
- Revenues from the RRAPIR fee will not be realized by the state.

### G. Implementation Plan

The following table details the implementation plan and ongoing resource activities of this program:

ACTIVITY	DATE (approximate)
Hire and train staff	January 2016
Design, program and test registration system	January 2016
Design, program and test new return	January 2016
Design, program and test IRIS to capture data and allocate to new fund	January 2016
Design, program and test IRIS for online services	January 2016
Design, program and test IRIS for collection, audit and appeal capabilities	January 2016
Register fee payers for new fee program	90 days before fee begins
Outreach to new fee payers	90 days before fee begins and ongoing as necessary
Respond to technical questions regarding the RRAPIR fee	Ongoing
Exchange information with the OES as needed	Ongoing
Track RRAPIR fee revenues and notify the OES when revenues near maximum specified for the calendar year	October 2016 and ongoing
Suspend collection of RRAPIR fee if revenue maximum is reached for the specified calendar year	October 2016 and ongoing
Prepare reports as necessary	October 2016 and ongoing
Perform audits of registered fee payers	April 2017 and ongoing
Handle appeals related to the RRAPIR fee	October 2017 and ongoing

### H. Supplemental Information

None.

I. Recommendation

**Alternative 1 is recommended.**

Alternative 1 is recommended to provide the essential resources necessary to effectively administer and maintain this new fee program.

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## Analysis of Problem

### Workload Detail for SB 84 REGIONAL RAILROAD ACCIDENT PREPAREDNESS AND IMMEDIATE RESPONSE

#### SPECIAL TAXES AND FEES DEPARTMENT

The Special Taxes and Fees Department (STFD) is charged with the ongoing administration of over 29 special tax and fee programs. Ongoing administration of the Regional Railroad Accident Preparedness and Immediate Response (RRAPIR) Fee program will cause workload that is not absorbable by STFD.

#### Audit Examination Branch (AEB)

The AEB performs audit selection, conducts field/desk audits, and performs audit review for the STFD programs. AEB is responsible for educating taxpayers on proper reporting to ensure compliance with tax and fee laws.

#### Business Taxes Specialist I (BTS I) – 1.0 permanent position (start date 04/01/17)

Due to the anticipated size and complexity of the books and records maintained by the rail companies, the audit field work will need to be conducted by senior field audit staff to properly administer the audit component for the new fee program. The BTS I position is vital to the effective administration of the program in verifying and auditing the accounts required to be registered and to collect and remit the fee to the BOE. The BTS I will perform field audits of the most complex nature and, given the level of audit assignments for this position, will require a greater field audit knowledge level than those of an Associate Tax Auditor or Tax Auditor.

It is estimated that there will be at most 35 railroad companies registered for the fee program. The estimated average audit hours for a small to medium railroad company is 175 hours and 550 hours for a large railroad company. Using an estimate of 1,600 direct field hours, the BTS I will be expected to complete approximately 7 audits annually.

Workload Detail				
Classification: Business Taxes Specialist I	Time Measure		On-going Activities	
Activity	M=Minutes H = Hours	Time Per Occurrence	Occurrences Per Year	Total Hours
Large (Class I) Railroad Audits	H	550	1	550
Small & Medium Railroad Audits	H	175	6	1,050
Administrative Reports, Research, etc.	H	8	12	96
Specialized Audit Training	H	50	2	100
<b>Total BTS I Hours</b>				<b>1,796</b>
<b>Total BTS I Positions Requested (1,800 Hours/Position)</b>				<b>1.0</b>

#### Appeals and Data Analysis Branch (ADAB)

The Appeals Section of the ADAB is responsible for evaluating refund and appeals, recommending resolution to relief from penalty and interest requests, process refund/audit billings, and attending appeals conferences and board hearings for the STFD programs.

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The Data Analysis Section of the ADAB is responsible for analyzing complex computer audit systems for the STFD taxpayers and fee payers. Computer Audit Specialist (CAS) staff provide guidance to BOE's audit program and are subject matter experts on various computer programs (ACL, SQL, IDEA, VEDIT, Monarch, etc.).

### **Business Taxes Specialist I (BTS I) – 0.5 permanent position (start date 10/01/17)**

ADAB will handle the petition for redetermination and related refund workload associated with the RRAPIR fee. The Fee Collection Procedures Law requires the fee payer to submit a timely petition or claim for refund to the BOE. If the grounds of the petition or claim for refund are found to be whether the content of the tank car is or is not hazardous, ADAB will acknowledge and forward the petition or refund to OES. The petitions and refunds that are forwarded to OES will eventually be returned to ADAB to finalize and issue the redetermination and refund notices. For the petitions and claims for refund where the grounds are other than determining if the content is hazardous, ADAB is responsible for acknowledging, screening, analyzing, and processing these cases from beginning to end. There are an estimated 35 railroad companies that may be registered for the fee program, and it is expected that the railroad companies' quarterly filings will be complex. Claims for refund or petitions filed will likewise be complex and time consuming to analyze.

The BTS I will perform the detailed analysis on petitions and refunds along with attending appeals conferences and the final review and billings of audits performed by the AEB. The BTS I position will also perform the CAS workload associated with the field audit component of the new fee program. A CAS is used on all audits where sophisticated computerized accounting records are maintained and which involve the examination of voluminous source documents electronically. It is anticipated that the audits of the railroad companies will meet these criteria as each shipment involving a rail car will require examination. In order to meet this added workload, a one-half permanent BTS I is required.

<b>Workload Detail</b>				
<b>Classification: Business Taxes Specialist I</b>	<b>Time Measure</b>		<b>On-going Activities</b>	
<b>Activity</b>	<b>M=Minutes H = Hours</b>	<b>Time Per Occurrence</b>	<b>Occurrences Per Year</b>	<b>Total Hours</b>
Audit Billing	H	4	7	28
Refund Processing	H	25	6	150
Petition Processing	H	50	1	50
Computer Audit Specialist Workload	H	100	7	700
Administrative Reports, Research, etc.	H	8	12	96
<b>Total BTS I Hours</b>				<b>1,024</b>
<b>Total BTS I Positions Requested (1,800 Hours/Position)</b>				<b>0.5</b>

### **Compliance Branch - Collection and Registration**

The Collections Section is responsible for collecting accounts receivables, obtaining delinquencies, generating compliance assessments for delinquent returns, and providing advisory services for all the STFD programs. The Registration Section is responsible for performing registration and account maintenance functions, license renewals, processing security requirements, and program/phone advisory services on all STFD programs. RRAPIR creates new workloads for the Compliance Branch - Collection and Registration related to program advisory, registration, account review and maintenance,

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billings, collections on accounts and responding to feepayer questions that will be addressed with overtime requests totaling 669 hours on an ongoing basis starting 07/01/16.

### **Return Processing Branch**

The Return Processing Branch is responsible for processing returns, reports, schedules and payments, interest and penalty relief requests; reviewing overpayments and issuing refunds; and providing customer service for all of the STFD programs. Support staff is responsible for processing and distributing mail, answering and transferring incoming calls, maintaining files and processing document requests for all STFD programs. RRAPIR creates new workloads for the Return Processing Branch related to outreach, program advisory, return processing, and responding to feepayer questions that will be addressed with overtime requests totaling 121 hours on a one-time basis starting 07/01/16 and 44.25 hours on an on-going basis starting 10/01/16.

### **Program Policy & Administration Branch (PPAB)**

The PPAB is responsible for policies, procedures, program processes and implementation of new programs and legislation for STFD. The PPAB is also responsible for the following for all STFD branches and programs: review, track, and implement new legislation; implement tax/fee rates; produce/revise forms, publications, and notices; manage internal/external webpages; liaison with industry and outside agencies; maintain/test information systems; budget, acquisition, expenditures and contracts; and process reports.

### **Business Taxes Specialist II – 0.5 permanent position (start date 01/01/16)**

The Business Taxes Specialist II (BTS II) will administer and maintain the program's policies, procedures, and processes for all special taxes branches. The BTS II will act as a technical advisor, perform program planning and ongoing administrative functions for this new program, and act as program lead and agency liaison with the OES. The BTS II will coordinate with the OES on taxpayer outreach; prepare a Memorandum of Understanding for any future data sharing/exchange of information; prepare written policies and procedures; prepare and provide staff training; provide feepayer advice and prepare written correspondence; update fee return, rate table on program webpage, and IRIS database with new OES fee rate schedule; prepare special notices as a result of new OES fee rate schedule/program changes; draft regulations; and maintain new program webpages and FAQs. Additionally, the BTS II will prepare and monitor the program budget, prepare fiscal year end reports, prepare monthly statistical reports, track revenue, monitor mandated program fund caps associated with the new program, notify the OES when revenues near maximum fund cap specified for each calendar year, coordinate suspension of fee collection when revenues reach maximum fund cap, maintain and update forms, coordinate with the OES to develop new publications and prepare updates to them as needed, meet with the OES regarding program issues that arise, and prepare policy memos and special reports.

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Workload Detail				
Classification: Business Taxes Specialist II	Time Measure		On-going Activities	
Activity	M=Minutes H = Hours	Time Per Occurrence	Occurrences Per Year	Total Hours
Agency Liaison (Technical Advisor, Program Lead)	H	12	10	120
Research and Technical Advice	H	30	5	150
Taxpayer Outreach (Special Notices, Webpage, FAQs)	H	2	50	100
Program Support (Reports, Correspondence, Rate Changes, etc.)	H	100	4	400
Prepare Written Policies and Procedures	H	40	4	160
Draft Regulations	H	80	1	80
<b>Total BTS II Hours</b>				<b>1,010</b>
<b>Total BTS II Positions Requested (1,800 Hours/Position)</b>				<b>0.5</b>

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## Analysis of Problem

### TECHNOLOGY SERVICES DEPARTMENT (TSD)

#### Background

The TSD is responsible for the computer systems and technology infrastructure that support the BOE's over 30 tax, administrative, revenue accounting and reporting programs for over 5,000 employees in California and the three out-of-state offices.

The Regional Railroad Accident Preparedness and Immediate Response (RRAPIR) fee collection program contains a significant number of complex business and technical requirements. Successful implementation of this functionality will require dedicated project management, thorough requirements analysis and documentation, comprehensive application design and development, rigorous testing, effective training and implementation. The scope and complexity for this project is further impacted by the number of available staff resources with the skills needed to perform the work.

#### BOE Legacy System Impact and Estimated Timeline

BOE will modify existing code, modules, subsystems, and business rules in two legacy systems to implement the functional provisions of RRAPIR:

- 1) IRIS (Integrated Revenue Information System)
  - Registration
  - Return Processing
  - Financial Accounting
  - Payment Processing
  - Audit and Appeals
- 2) ACMS (Automated Compliance Management System)
  - Collections

The following is an overview of the projected schedule:

TASKS	START DATE
<b>Registration Functionality – Phase 1</b>	
Gather and document detailed business and systems requirements for registration functionality	January 2016
Design and program system changes for Registration Functionality	February 2016
Test system changes for Registration Functionality	May 2016
Milestone: Implement Registration Functionality	June 2016
Register fee payers	July 2016
<b>Return Processing, Payment Processing, Fiscal Accounting, Collections, Audits and Appeals Functions – Phase 2</b>	
Gather and document detailed business and systems requirements for Phase 2 functions	February 2016
Design and program system changes for Phase 2 functions	April 2016
Test system changes for Phase 2 functions	August 2016
Milestone: Implement Phase 2 functions	October 2016
Fee payers file returns and pay amounts due	January 2017
Process tax returns	February 2017

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### Estimating Approach

The BOE utilizes a cost estimation model where the application or system modification and complexities are identified by all impacted TSD programming, testing, and project support units based on the requirements of the proposal. TSD's methodology for estimating resources considers the total project hours and the resources available based on resource allocations in BOE's Information Technology (IT) governance project portfolio.

Historically, TSD has absorbed much of the workload related with the implementation of new programs. However, in the case of RRAPIR, this is not possible as the TSD resources are focused on the support of all current workload consisting of legislation/mandates, and special/strategic/program area requests. The following complex legislation/mandated projects will be running concurrent to the RRAPIR Project: Centralized Revenue Opportunity System (CROS); Mobile Telephony Surcharge (MTS); and Electronic Funds Transfer Bank Transition.

The number of hours estimated for designing and implementing this new program is estimated at approximately 16,000 man-hours. Review of workload data indicates that the BOE will need to establish 2.0 permanent technology positions and augment with contract services. The remaining hours will be performed by existing staff.

In order to comply with this legislative mandate, and ensure project success, TSD is requesting the following:

- a. IT Positions to Implement SB 84
- b. IT Contract Resources
- c. IT Positions to support RRAPIR Maintenance and Operations

a. IT Positions to Implement SB 84

TSD requests 2.0 IT positions to implement SB 84. TSD is required to make changes to existing mission critical legacy systems to comply with the new law. The bill specifically requires TSD to enhance our systems for registration, return processing, financial accounting, payment processing, audit, appeals, and collections.

b. IT Contract Resources

TSD will require an augmentation of \$358,000 (3,580 hours) in current year (CY) (this amount is included in the IA for FY 2015/16) and \$179,000 (1,791 hours) in fiscal year (FY) 2016-17. The TSD does not have sufficient internal resources available to perform the required work due to current workload and schedule constraints. The contract resources are required to continue tasks to ensure implementation of Phase 2 functions.

c. IT Positions to support RRAPIR Maintenance and Operations

The bill specifically requires TSD to enhance our systems for: registration, return processing, financial accounting, payment processing, audit, appeals, and collections. TSD requests 2.0 IT positions to support the ongoing work to build the solution and start the knowledge management and transition from the IT contractors. The positions will allow TSD to take over all responsibilities and contractors released from their consulting services contracts thereby reducing BOE's reliance on contract staff at the end of the project.

The TSD's "Lessons Learned" from previous implementations of new tax and fee programs has shown that the first 12–24 months following implementation requires significant application fixes and enhancements to refine the "expected" versus the "actual" business requirements. Additional

## Analysis of Problem

lessons have shown that maintaining the subject matter expertise for this period results in efficient and effective problem resolution.

The number of positions requested to support the new functionality conforms to industry standards. Studies have indicated that annual maintenance costs range from 15%-25% of the original system cost.<sup>2</sup> The requested positions represent approximately 20% of the total system modification hours.

### Breakdown of Resources

The following are the classifications requested for the on-going support for the successful implementation and support of RRAPIR:

#### Staff Programmer Analyst (SPA) – 1.0 permanent position (start date 01/01/16)

The BOE requests 1.0 permanent Staff Programmer Analyst (SPA) for providing on-going support.

<b>Workload Detail</b>				
<b>Classification: Staff Programmer Analyst (SPA)</b>	<b>Time Measure</b>		<b>On-going Activities</b>	
<b>Activity</b>	<b>M=Minutes H = Hours</b>	<b>Time Per Occurrence</b>	<b>Occurrences Per Year</b>	<b>Total Hours</b>
Maintenance Request Analysis: System management which includes performance monitoring and tuning, and system and security maintenance	H	4.0	60	240
Design and Documentation: Database management which includes performance monitoring and tuning, data integrity and quality control, upgrades and patches	H	11.0	60	660
Construction: Application stabilization which includes application and data fixes, application enhancements, upgrade and patches, and version control	H	15.0	60	900
<b>Total SPA Hours</b>				<b>1,800</b>
<b>Total SPA Position Requested (1,800 Hours/Position)</b>				<b>1.0</b>

#### Staff Information Systems Analyst (SISA) – 1.0 permanent position (start date 01/01/16)

The BOE requests 1.0 permanent Staff Information Systems Analyst (SISA) for project support services such as technology operations, enhancement planning, human resource capacity planning, portfolio planning, changes to operational procedures, backup and recovery plans, and miscellaneous TSD administration.

<sup>2</sup> Source: "The Economics of Software Maintenance in the Twenty First Century," by Capers Jones.

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<b>Workload Detail</b>					
<b>Classification: Staff Information Systems Analyst (SISA)</b>	<b>Time Measure</b>			<b>On-going Activities</b>	
<b>Activity</b>	<b>M=Minutes H = Hours</b>	<b>Time Per Occurrence</b>	<b>Percentage of Time per Activity</b>	<b>Occurrences Per Year</b>	<b>Total Hours</b>
Provides project support activities			65%		1,170
Provides enterprise planning and support activities			30%		540
TSD Administration (human resources management, data center coordination, change requests, etc.)			5%		90
<b>Total SISA Hours</b>					<b>1,800</b>
<b>Total SISA Positions Requested (1,800 Hours/Position)</b>					<b>1.0</b>

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## Analysis of Problem

### ADMINISTRATION DEPARTMENT

#### Accounting Branch

#### Accounting Administrator I – Specialist (AA I) – 1.0 permanent position (start date 01/01/16)

Due to the need for a new fund to be created, this position would be required for implementation and fund development. Subject matter expert will be required to participate in the development and testing phases for the incorporation of this new fund. Maintenance, reconciliations, and reporting of new fund are complicated and will require numerous analyses, interim statements, and special reports prepared. This fund has fiscal year caps that will require special reporting to all stakeholders. The AA I will monitor critical cash flow.

<b>Workload Detail</b>				
<b>Classification: Accounting Administrator I</b>	<b>Time Measure</b>		<b>On-going Activities</b>	
<b>Activity</b>	<b>M=Minutes H = Hours</b>	<b>Time Per Occurrence</b>	<b>Occurrences Per Year</b>	<b>Total Hours</b>
Reconcile accounts with the State Controller's Office (SCO)	H	20	12	240
Compile fiscal year-end information and complete financial statements	H	80	1	80
Post entries to the general ledger and accounting registers	H	30	12	360
Process SCO journal entries	H	10	12	120
Process documents and fund adjustments from Cashiers	H	10	12	120
Process refunds from the program area	H	5	12	60
Balance reports received from TSD against electronic fund transfer (EFT) transactions reported by the State Treasurer's Office (STO)	H	10	12	120
Reconcile non-EFT and EFT deposits to bank statements	H	10	12	120
Prepare transmittals	H	20	12	240
Report revenue to control agencies (SCO, STO, Dept. of Finance (DOF), Bureau of State Audits) and BOE units	H	10	12	120
Prepare monthly allocation of total payments, less expenditures, refunds, or adjustments	H	10	12	120
Analyze fund cash daily/weekly	H	5	12	60
Issue interim statements for management, other agencies, or special interest groups as needed	H	5	12	60
<b>Total AA I Hours</b>				<b>1,820</b>
<b>Total AA I Positions Requested (1,800 Hours/Position)</b>				<b>1.0</b>

## Analysis of Problem

DF-46 (REV 05/11)						
<b>Fiscal Summary</b> (Dollars in thousands)						
BCP No.	Proposal Title <b>RRAPIR Hazardous Material Fee (October 1, 2016)</b>			Program		
Personal Services	Positions			Dollars		
	CY	BY	BY + 1	CY	BY	BY + 1
Total Salaries and Wages <sup>1</sup>	2.4	4.3	5.4	\$162	\$331	\$410
Total Staff Benefits <sup>2</sup>				\$74	\$139	\$177
<b>Distributed Administration</b>				\$60	\$65	\$65
<b>Total Personal Services</b>	2.4	4.3	5.4	\$296	\$535	\$652
<b>Operating Expenses and Equipment</b>						
General Expense				\$59	\$25	\$29
Distributed Administration				\$15	\$16	\$16
Printing				\$6	\$4	\$4
Communications				\$5	\$6	\$7
Postage						
Travel-In State					\$3	\$17
Travel-Out of State					\$6	\$34
Training				\$3	\$4	\$5
Facilities Operations				\$45	\$57	\$68
Utilities				\$1	\$1	\$1
Consulting & Professional Services: Interdepartmental <sup>3</sup>						
Consulting & Professional Services: External <sup>3</sup>				\$358	\$179	
Data Center Services				\$24	\$55	\$58
Information Technology Equipment <sup>3</sup>				\$10	\$2	\$7
Other/Special Items of Expense: <sup>4</sup>						
<b>Total Operating Expenses and Equipment</b>				\$526	\$358	\$246
<b>Total State Operations Expenditures</b>				\$822	\$893	\$898
<b>Fund Source</b>	<b>Item Number</b>					
	<b>Org</b>	<b>Ref</b>	<b>Fund</b>			
General Fund	0860	001	0001			
Special Funds <sup>5</sup>						
Federal Funds						
Other Funds (Specify)						
Reimbursements	0860	501	0995			
<b>Total Local Assistance Expenditures</b>						
<b>Fund Source</b>	<b>Item Number</b>					
	<b>Org</b>	<b>Ref</b>	<b>Fund</b>			
General Fund						
Special Funds <sup>5</sup>						
Federal Funds						
Other Funds (Specify)						
Reimbursements						
<b>Grand Total, State Operations and Local Assistance</b>				\$822	\$893	\$898

<sup>1</sup> Itemize positions by classification on the Personal Services Detail worksheet.

<sup>2</sup> Provide benefit detail on the Personal Services Detail worksheet.

<sup>3</sup> Provide list on the Supplemental Information worksheet.

<sup>4</sup> Other/Special Items of Expense must be listed individually. Refer to the Uniform Codes Manual for a list of standard titles.

<sup>5</sup> Attach a Fund Condition Statement that reflects special fund or bond fund expenditures (or revenue) as proposed.

