

STAFF REPORT

SUBJECT: 2016 Legislative Program
FROM: Michael Tree, Executive Director
DATE: January 4, 2016

Action Requested

Approve Resolution 02-2016, adopting LAVTA's Legislative Program for 2016.

Background

Every year the LAVTA Board approves a Legislative Program that gives direction to staff and the Board for legislative issues to support, watch and monitor, stay neutral, or oppose. The proposed 2016 program is a progression from the 2015 program, updated to reflect the anticipated issues for the coming year.

Discussion

1. Federal

The federal landscape took a surprising turn in December with the approval of the FAST Act – Fixing America's Surface Transportation. After years of stop gap funding resolutions and acrimonious debate over a multi-year authorization bill for federal transportation programs under MAP-21, a new five year program with secured funding for the first three years has been adopted. Many programmatic and funding details are yet to be finalized, but the essential framework is established. The FAST Act boosts transit funding by 10% in FY 2016 over FY 2015, while highway funding increases by 5%. Thereafter, the annual growth rate for both highways and transit is slightly over 2%. The best news under FAST Act is the State of Good Repair (SGR) Program (known as Section 5307) was increased almost 16% in FY 2016 and will also grow 2% annually in subsequent years. These increases will trickle down to the Bay Area according to MTC's legislative analysts.

In addition to the funding issues related to a federal transportation authorization bill, there are policy debates on the expenditure side as well. MAP-21 reduced funding for bus and bus facilities, leading many bus agencies and advocacy organizations such as the California Transit Association (CTA)—of which LAVTA is a member-- to advocate for restoring funding levels for those programs to the past proportion of the total federal transit program. The FAST Act addresses this funding gap in part, but has a long way to go to meet the national need. LAVTA should encourage FTA to keep in mind the distinction between large and small transit operators in developing its regulations and should advocate for efficient, less burdensome, and simpler regulations for small operators, in recognition that smaller

operators have fewer staff resources and financial ability to comply with more complex regulations that may be applied to larger operators. Smaller agencies also tend to be all-bus, whereas large agencies are more likely to have rail operations as well for which safety, risk, asset management, and the like are much bigger issues than for buses.

LAVTA should also dedicate significant legislative advocacy time to securing congressional delegation support of the LoNo Electric Bus Program grant application filed on November 20th with the FTA. The agency will review applications throughout the spring with award sometime in June 2016.

LAVTA should join with the American Public Transit Association (APTA), the national association for public transit agencies, the California Transit Association (CTA) at the state level, and MTC and ACTC at the local level, and other transit agencies in supporting full funding of the FAST Act for at least five years, supported by a dedicated, stable revenue source. Presently much of the funding is accomplished through budgetary sleight of hand tricks which ultimately leaves transit agencies at risk of receiving full financing.

2. State

On the state level, a major activity affecting LAVTA is monitoring the actions of the Governor and Legislature to protect the interests of transit in the state. In particular, LAVTA should support any legislation that protects its two major funding sources, TDA and STA funds, from reduction, diversion, or elimination. Additionally, LAVTA should support efforts to establish new sources of statewide funding for transportation, and advocate that all transportation modes should be eligible for new funding sources.

In retrospect, 2015 was a mixed bag for transit agencies. The pundits coined 2015 as “the Year of Transportation” and hopes grew in mid-summer when the Governor and legislature called Special Session on Transportation. The session intended to deal with establishing secure long term financing of roadways infrastructure, public transit financing, Cap and Trade, and high speed rail issues. Hopes were dashed and the legislators retired to their districts in October with the special session technically still convened but inactive. Last word is that a special joint committee will form in January 2016 to address the issues identified through the special session.

Key transit messages from 2015 included:

- New funding sources needed, particularly as the gas tax continues to decrease in revenues and future revenue potential
- Statewide infrastructure is at a crisis point and new, longterm funding solutions and investment are direly needed
- Streamlining of key government processes – including CEQA and project delivery methods – must be addressed.

Still there were victories in 2015. The California Transit Association’s legislative program initiated several successful measures that LAVTA joined in advocating. Among them:

AB 1250 (Bloom) Bus Axle Weights. Institute a new, more realistic and enforceable schedule of bus axle weights starting January 1, 2016. The new law acknowledges that the buses on streets today – and for several more years – will not comply with the new standards. Incentivizes both agencies and manufacturers to design increasingly lighter coaches and converts measurement from axle weight to “curb weight.”

SB 413 (Wieckowski) Enforcement of Prohibited Acts by a Minor. This bill improves the ability of transit agencies to enforce prohibited actions committed by minors using a less costly, less severe process.

SB 9 (Beall) Greenhouse Gas Reduction Fund: Transit & Intercity Rail Capital Program (TIRCP). Amends the TIRCP program to broaden scope to clearly include transit bus operators to participate in the program.

3. Regional/Local:

Measure BB. The framework of funding opportunities took shape during 2015 and will yield results for LAVTA in late spring 2016 when the first grant solicitations are released.

Transportation Summit, LAVTA was one of a dozen agencies invited to participate in a regional Transportation Summit hosted by Assemblywoman Catharine Baker and Congressman Eric Swalwell. This intimate gathering allowed for frank discussion of regional accomplishments, near and long-term needs. Emphasis on the BART to Livermore and opportunities presented by the Special Session on Transportation dominated the discussion. LAVTA staff have built upon the relationships initiated at that meeting with both offices and our regional partners.

Advocacy Relationships. LAVTA took several support positions on key pieces of state legislation and developed stronger ties with regional and state governmental relations activities.

Locally, the most important success this year came from Measure BB, which was approved by 70% of Alameda County voters in November 2014. The measure increased the countywide transportation sales tax from 0.5% to 1.0%, and extends the tax for 30 years. The measure includes additional funding for LAVTA, and \$400 million for a BART extension to Livermore.

Recommendation

Staff recommends the Board of Directors accept this report and approve Resolution 02-2016, adopting the 2016 Legislative Program.

Attachments:

1. Resolution 02-2016
2. 2016 Legislative Program

Submitted by: _____

RESOLUTION NO. 02-2016

**LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
2016 LEGISLATIVE PROGRAM**

WHEREAS, the U.S. Congress and the California Legislature will convene their new sessions in early 2016; and

WHEREAS, to promote the interests of the Livermore Amador Valley Transit Authority, the Board finds it desirable to adopt a Legislative Program; and

WHEREAS, the purpose of the Legislative Program is to guide the Board and staff's strategy and actions as it relates to various levels of government whose actions affect LAVTA.

NOW, THEREFORE, BE IT RESOLVED:

That the 2016 Legislative Program of the Livermore Amador Valley Transit Authority, included as Attachment 2, is hereby adopted and shall guide the Board and staff's actions. The Executive Director shall operate within these guidelines in interactions with other levels of government in order to promote LAVTA's interests employing strategies including participation in advocacy activities and taking positions on state and federal legislation. Should issues arise that are not covered by this 2016 Legislative Program, the Executive Director shall confer with the Chair of the Board to seek direction on a course of action.

PASSED AND ADOPTED by the governing body of the Livermore Amador Valley Transit Authority (LAVTA) this 4th day of January 2016.

BY _____
Don Biddle, Chair

ATTEST _____
Michael Tree, Executive Director



2016 LAVTA Local, Regional, State and Federal Legislative Program

The following constitutes the 2016 Local, Regional, State and Federal Legislative Program for the Livermore Amador Valley Transit Authority (LAVTA). The purpose of the Legislative Program is to establish policies and principles that are in accordance with the LAVTA Strategic Plan and which will guide the Board of Directors and staff in advocating for and protecting the interests of the LAVTA organization. In addition to the legislative goals listed below, LAVTA generally supports goals adopted by the Alameda County Transportation Commission (ACTC), Metropolitan Transportation Commission (MTC), California Transit Association (CTA), California Association for Coordinated Transportation (CalACT), and the American Public Transportation Association (APTA) as they benefit LAVTA and public transit.

The 2016 Legislative Program is divided into the following areas of “Legislative Principles”:

1. Protection of Existing Transportation Funding Sources
2. Enhancement of Future Transportation Funding Investments
3. Operating Conditions Advocacy
4. Environmental Stewardship and Advocacy
5. Enhancement of Strategic Partnerships

Principle #1 – Protection of Existing Transportation Funding Sources

1. Support and protect state Transportation Development Act (TDA) and State Transit Assistance (STA) funding sources. Oppose attempts to reduce, divert or loan revenues legislatively and historically allocated to public transit from transfer to the State General Fund. Work with other Bay Area transit operators, MTC, and CTA to maintain transit funding in the FY 2016-17 State Budget at levels prescribed by Proposition 22 and the 2011 “gas tax swap”.
2. Partner with local, regional and statewide transportation agencies as well as national associations to ensure that Congress appropriates funding in FY 2015-16 and multi-years thereafter, consistent with the amounts mentioned in FAST ACT
3. Support efforts of MTC to maximize the proportion of statewide funding sources allocated to the Bay Area.
4. Protect existing State transit funds, including TDCA, PTA, and Propositions 1A & 1B, revenues for transit, from being eliminated, terminated, shifted or otherwise used for non-transit purposes, without specific repayment terms, and restore or obtain repayment of all previous loans or shifts of transit funds, plus interest.
5. Preserve the relative share of Cap & Trade revenues for public transit established in 2014 legislation.

Principle #2 – Enhancement of Future Transportation Funding Investments

1. Advocate for a FY 2016-17 State Budget that enhances the state’s investment in public transportation, active transportation and highway operations/system management.
2. Support and advocate for new funding for transit agencies; that any new state solution achieving additional revenues for highways and local streets and roads should provide flexibility for projects to benefit transit service (ie. complete streets and active transportation); and, that new funding programs include transit as an eligible expenditure (such as from the road-user charge or expansion of high-occupancy tolling).
3. Increase public transportation’s share of Cap & Trade funding.
4. Support and advocate for additional dedicated, on-going funding for transit from the non-dedicated Cap and Trade revenues (almost 40% of all Cap & Trade funds),
5. Revise the State’s definitions of Disadvantaged Communities by supporting legislation to revise the definition of “disadvantaged communities” as it relates to Cap & Trade funding so that the definition is better aligned with the region’s definitions of “Communities of Concern.”
6. Support legislation such as state or national economic packages that would provide local transportation entities with the ability to enhance revenues for public transit improvements and to quickly provide jobs for local workers.
7. Support and advocate for a stable, dedicated funding source for FAST ACT.
8. Support legislation that would direct an increasing proportion of federal resources to metropolitan, urbanized regions in recognition of their importance as economic engines in the country.
9. Support efforts to lower the State of California’s 2/3’s threshold for voter-approved transportation measures.

Principle #3 – Operating Conditions Advocacy

1. Support legislative proposals that seek to improve the safety and security of transit systems and provide adequate funding and resources to enable such proposals.
2. Support and participate actively in regional efforts to coordinate disaster/emergency planning and be a partner in mutual assistance activities.
3. Support efforts to provide financial assistance and other incentives, and oppose unfunded mandates.
4. Support the concept of coordinated fares, particularly among transit agencies providing service adjacent to LAVTA’s service territory.

5. Monitor regional efforts related of the Clipper smart card to serve as an enticement to ride public transit.
6. Advocate for improvements to the local and regional street networks that provide transit an improvement in speed and reliability.
7. Improve roadway safety for all users and support proposals to increase enforcement of traffic laws protecting pedestrians and bicyclists.
8. Increase state and/or regional funding to support affordable housing consistent with the goal in Plan Bay Area.
9. Support efforts to include transit projects in CEQA reform measures, working in coalition to advocate that any reforms to the CEQA process advantage public transit projects, including bicycle, pedestrian and TOD projects.
10. Define and seek appropriate expansion of the existing, very limited Bus-on-Shoulder statutory authority, to designate the shoulders of certain highways and freeways as transit bus-only corridors (Commonly referred to as BOS programs). BOS programs minimize congestion-related interruptions of bus schedules and improve travel times for buses relative to automobiles in a low-cost manner that is easy to implement. .
11. Monitor FTA and other federal agency rule-making changes or legislative language that potentially affects LAVTA's operations or finances. Advocate for simplicity, flexibility, and less burdensome regulatory requirements for small operators when federal agencies promulgate new requirements.
12. Monitor MTC's implementation of the Transit Performance Initiative, CA High Speed Rail/Altamont Corridor activities, BART to ACE funding, planning and implementation activities, ACTC's Countywide Transit Plan, and other potential activities that could affect LAVTA's interests.

Principle #4 – Environmental Stewardship and Advocacy

1. Monitor the California Air Resources Board (CARB) regulation and policy to ensure that rules implemented are consistent with the LAVTA Strategic Plan and do not impose any undue burden (either financially or administratively) on public transit operators.
2. Support environmental advocacy to promote transit as part of the solution to air quality issues. This advocacy can include direct agency action (e.g. diesel-electric hybrid coaches as approved by CARB, particulate matter devices) as well as by supporting jurisdiction advocacy of transit supportive land-uses and transit-oriented development projects that seek to join sensible land-use connections with robust transit services.
3. Support efforts for the transportation sector to reduce its greenhouse gas emissions.
4. Support federal and state efforts to promote energy efficiency and to reduce dependence on foreign oil.

5. Implementation of California's Cap & Trade Program for transportation funding that will help address climate change.

Principle #5 – Enhancement of Strategic Partnerships

1. Actively support and participate in the Regional Rail Advisory Group's efforts to advance BART to ACE.
2. Support other members of the Cooperating Area Transit Systems group (suburban transit operators in Eastern Alameda County and Contra Costa County), if appropriate, and work together on regional programs of mutual interest.
3. Work with businesses to support their plans to improve transit use among their employees.
4. Expansion of legislative and policy partnerships throughout the Bay Area and California and in Washington, D.C.