

STAFF REPORT

SUBJECT: 2017 Legislative Program

FROM: Jennifer Yeamans, Senior Grants, Project Management & Contract Specialist

DATE: February 6, 2017

Action Requested

Approve Resolution 12-2017, adopting LAVTA's Legislative Program for 2017.

Background

Each year the LAVTA Board approves a Legislative Program to guide staff and the Board for legislative issues to support, watch and monitor, stay neutral, or oppose. The proposed 2017 program builds upon many of the priorities in the 2016 program, while introducing or enhancing several key initiatives related to operational enhancements, emerging technologies, and regional leadership opportunities.

The attached program is organized around five principles in support of LAVTA's mission:

1. Protect existing transportation funding sources.
2. Enhance future transportation funding investments.
3. Enhance operating conditions to support safety and performance goals.
4. Enhance public transit's role in addressing climate change and air quality issues.
5. Leverage support from and with partners to promote mobility, improve service productivity, and enhance regional leadership.

Discussion

1. Federal

The new administration in Washington, D.C., has promised to develop a new national infrastructure program. 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, ACTC, and other transit agencies at the local level; in supporting the interests of public transportation providers and metropolitan mobility in any new infrastructure initiatives proposed in Congress.

Meanwhile, LAVTA should monitor timely Congressional appropriations for FY 2017 and FY 2018 under the Fixing America's Surface Transportation (FAST) Act, the five-year authorization enacted in December 2015 with secured funding for the first three years. The authorization included substantial increases in funding for transit and the State of Good Repair (SGR) Program (known as Section 5307) in FY 2016 and is slated to grow 2%

annually in subsequent years. LAVTA should continue to advocate with its partners for full funding of the FAST Act for at least five years, supported by a dedicated, stable revenue source.

Concurrent with the change in administration, FTA continues to develop its implementing regulations for the FAST Act, and accordingly LAVTA should continue to 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.

2. State

Several bills supported by LAVTA did not advance out of the previous 2015–16 legislative session, including AB 2762 (Baker) to establish the Altamont Pass Regional Rail Authority, and AB 1746 (Stone), which would have expanded the authorization to LAVTA and other operators for the operation of transit buses on the shoulder of state-owned highways (known as bus-on-shoulder, or BOS) beyond the current very narrow authorization granted only to Monterey-Salinas Transit and the Santa Cruz Metropolitan Transit District.

LAVTA should work with key legislative and advocacy partners to reintroduce successor legislation to AB 2762 in the new legislative session to establish the Altamont Pass Regional Rail Authority for purposes of planning and delivering a cost effective and responsive interregional rail connection between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley, within the City of Livermore. Currently, a successor bill to AB 2762 drafted by Assembly Member Catharine Baker is undergoing review by the State Office of Legislative Counsel in preparation for reintroduction in the Assembly. In addition, as was discussed at the January 24, 2017, Finance & Administration Committee meeting, LAVTA should continue to work with local partners to advance a draft bill outlining statutory requirements for shared-autonomous-vehicle (SAV) demonstration testing on a limited basis within LAVTA's service area.

Overall in Sacramento, the Governor and Legislature continue to work to develop a longer-term transportation funding solution for the state. After Assembly and Senate leaders released a joint letter in November 2016 with Governor Brown announcing a commitment to address the subject in the upcoming legislative session, Assembly Member Frazier and Senator Jim Beall each introduced the first bill of their respective houses in the new session — Assembly Bill 1 and Senate Bill 1. MTC estimates these bills as introduced would increase the share of state revenues for transportation operations and maintenance coming to the Bay Area, including for public transportation. LAVTA should ensure it continues to engage with regional and state partners to maximize funding for public transportation and metropolitan mobility.

3. Regional/Local:

LAVTA will have several opportunities to pursue regional and local leadership initiatives in 2017 and support our regional and local partners in shared advocacy efforts to promote the interests of public transportation.

New Bridge Toll Measure. MTC's recently adopted 2017 legislative program includes advancing new legislation authorizing MTC to place a new bridge toll increase on the ballot to fund congestion relief, rail connectivity, and improved mobility in bridge corridors. LAVTA should actively monitor and engage in the development of any such legislation to ensure its interests in support of these regional goals are represented, including monitoring closely for opportunities to support the BART-ACE interregional rail connection in the Tri-Valley.

Advocacy Relationships. LAVTA should continue to strengthen local and regional legislative and advocacy partnerships to support its interests and oppose legislative or regulatory proposals counter to those interests.

Recommendation

Staff recommends the Board of Directors accept this report and approve Resolution 12-2017, adopting the 2017 Legislative Program.

Attachments:

1. Resolution 12-2017
2. 2017 Legislative Program

Approved: _____

RESOLUTION NO. 12-2017

**LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
2017 LEGISLATIVE PROGRAM**

WHEREAS, the U.S. Congress and the California Legislature convened their new sessions in early 2017; 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 2017 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 2017 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 6th day of February 2017.

BY _____
Steven Spedowfski, Chair

ATTEST _____
Michael Tree, Executive Director

FEDERAL		
Issue Area	Goal or Principle	Strategy
Funding Preservation and Enhancement	1) Protect Existing Transportation Funding Sources	Ensure that implementation of the federal Fixing America’s Surface Transportation (FAST) Act advantages transit in all possible programs, including pending or future rule-making in the areas of transit asset management (TAM), flexibility in use of consolidated program funds, safety standards, innovation in research programs and procurement procedures, and reducing administrative burdens for small operators.
		Advocate that Congress appropriate the full amounts authorized by the FAST Act for FY 2017 & FY 2018, and that these vital federal funds are provided expeditiously to transit agencies for use on transit capital projects and operations. Support a minimum appropriations level in the FY 2017 & FY 2018 THUD for federal surface transportation programs equal to the authorized spending levels in the FAST Act, support increased funding levels for the Bus and Bus Facilities and Low or No Emission grant programs, and ensure that appropriations are allocated according to the program structure contained in the FAST Act and to the benefit of public transit.
	2) Enhance Future Transportation Funding Investments	Seek funding for public transit from new Presidential infrastructure initiative and support legislation that would provide local transportation entities with the ability to enhance revenues for public transit improvements and to quickly provide jobs for local workers.
		Work with state, regional, and local transportation agencies, and other state and national advocacy partners, to develop a FAST Act reauthorization agenda and support coalitions that support local, regional, and statewide priorities as well as those of public transit in general. Support new, stable federal funding to ensure the solvency of the Highway Trust Fund as part of the reauthorization agenda.
		In conjunction with state, local and regional advocacy partners, support any renewed efforts to enact the Marketplace Fairness Act (MFA), which seeks to apply state and local sales tax rates to e-commerce transactions. The MFA has the prospect of increasing funding for Bay Area transportation agencies that derive funding from county-based transportation sales taxes, Transportation Development Act (TDA) funds, and AB 1107, the ½ cent sales tax for BART in Alameda, San Francisco, and Contra Costa Counties.

Operational Efficiency and Effectiveness	3) Enhance Operating Conditions to Support Safety and Performance Goals	Support legislative proposals that seek to improve the safety and security of transit systems and provide adequate funding and incentives to enable such proposals. Oppose unfunded mandates.
Strategic Partnerships and Regional Leadership	5) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership	Expand legislative and policy partnerships in Washington, D.C.
		Work with regional and national partners to defend the commuter benefit under any tax reform proposal(s).

STATE		
Issue Area	Goal or Principle	Strategy
Funding Preservation and Enhancement	1) Protect Existing Transportation Funding Sources	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. 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 2017-18 State Budget at levels prescribed by Proposition 22 and the 2011 “gas tax swap”.
		Support statewide efforts to pursue a long-term State Transit Assistance (STA) fix that would ensure the long-standing methodology for calculating STA shares will continue past 2017-18.
		Preserve the relative share of State Cap and Trade revenues for public transit established in 2014 legislation. Support existing long-term Cap and Trade revenue allocated to transit through the Low-Carbon Transit Operations Program, the Transit and Intercity Rail Capital Program, ensure more funding from the Affordable Housing and Sustainable Communities Program flows to transit, and support continued appropriations of Cap and Trade funds to the Low Carbon Transportation program to be used for transit. Support the explicit extension of

		the Cap and Trade program beyond 2020, to ensure the state meets the 2030 greenhouse-gas reduction targets established by SB 32.
	2) Enhance Future Transportation Funding Investments	Advocate for a FY 2017-18 State Budget that enhances the state's investment in public transportation, active transportation, and highway operations/system management.
		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 (i.e. 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).
		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).
		Work with MTC and other partners to seek opportunities to broaden the definition of Disadvantaged Communities (DACs) in Cap & Trade statute and other relevant programs so that it includes all socio-economically disadvantaged communities. Monitor and engage in administrative efforts related to updating the CalEnviroScreen, the state's current DAC screening tool developed by the Office of Environmental Health Hazard Assessment (OEHHA).
Operational Efficiency and Effectiveness	3) Enhance Operating Conditions to Support Safety and Performance Goals	Work with CTA and other interested transit and regional agencies to define and seek, as appropriate, an expansion of the existing, very limited bus on shoulder statutory authorization granted by AB 946 that acknowledges and addresses the concerns raised against AB 1746, which passed the Assembly unanimously but failed in the Senate in the 2015-16 legislative session. 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.
Environmental Stewardship and Advocacy	4) Enhance Public Transit's Role in Addressing Climate	Ensure a positive outcome for transit in the California Air Resources Board's (ARB) proposed Advanced Clean Transit regulation, oppose any ZEB purchase mandate that would place undue burden on transit agencies, and seek new sources of funding to incentivize the adoption of ZEB technology.

	Change and Air Quality Issues	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.
Strategic Partnerships and Regional Leadership	5) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership	Support a successor bill to 2016's AB 2762 (Baker), to establish the Altamont Pass Regional Rail Authority for purposes of planning and delivering a cost effective and responsive interregional rail connection between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley, within the City of Livermore, that meets the goals and objectives of the community.
		Monitor legislation related to shared mobility, such as transportation network companies and connected and autonomous vehicles, to protect the public's interest and ensure that mobility benefits are maximized and access to critical data for transportation and land use planning and operational purposes is assured.
		In partnership with local cities and counties, transit agencies, the business community, and other transportation organizations, engage in regulatory and legislative efforts related to connected and autonomous vehicles with the goal of accelerating their mobility, safety, and economic benefits. Actively engage in and support efforts with legislative and transportation agency partners to advance state legislation to authorize LAVTA to conduct shared autonomous vehicle (SAV) testing at a specific site or sites within its service area.

REGIONAL/LOCAL		
Issue Area	Goal or Principle	Strategy
Funding Preservation and Enhancement	1) Protect Existing Transportation Funding Sources	Support efforts of MTC to maximize the proportion of federal and statewide funding sources allocated to the Bay Area.

	2) Enhance Future Transportation Funding Investments	Support MTC efforts to sponsor new legislation authorizing MTC to place on the ballot a measure asking Bay Area voters to approve a bridge toll increase to fund congestion relief, rail connectivity, and improved mobility in bridge corridors.
Operational Efficiency and Effectiveness	3) Enhance Operating Conditions to Support Safety and Performance Goals	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.
		Support and participate actively in regional efforts to coordinate disaster/emergency planning and be a partner in mutual assistance activities.
		Support the concept of coordinated fares and Clipper integration to serve as an incentive to ride public transit, particularly among transit agencies providing service within and adjacent to LAVTA's service area.
		Advocate for improvements to the local and regional street networks that enhance transit operating speed and reliability
		Improve roadway safety for all users and support proposals to increase enforcement of traffic laws protecting pedestrians and bicyclists.
Environmental Stewardship and Advocacy	4) Enhance Public Transit's Role in Addressing Climate Change and Air Quality Issues	Support jurisdiction advocacy of transit supportive land-uses and transit-oriented development projects that seek to join sensible land-use connections with robust transit services. Support local and regional efforts to identify and eliminate barriers to mixed-use, affordable housing development near transit.
Strategic Partnerships and Regional Leadership	5) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and	Actively support and participate in the Regional Rail Advisory Group's efforts to advance BART to ACE.
		Continue to develop innovative partnerships with private transportation providers including taxi and transportation network companies to connect more people in the Tri-Valley to public transit.

	<p>Enhance Regional Leadership</p>	<p>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.</p>
		<p>Work with businesses to support their plans to improve transit use among their employees.</p>