

STAFF REPORT

SUBJECT: Legislative Update

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: April 23, 2019

Action Requested

Receive an informational update on recent legislative activities in Sacramento and Washington, D.C., and refer two positions to the Board of Directors for approval.

Background

In February 2019, the Board of Directors approved LAVTA's 2019 Legislative Program, covering four core principles in support of LAVTA's mission:

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

Discussion

A summary of state and federal bills LAVTA staff is currently following is included as Attachment 1. February 22 was the deadline for introducing new bills in the State Legislature. As expected, many bills (over 300) are related to housing, which has taken center stage in the new legislative session. Staff has reviewed newly introduced bills for relevance to LAVTA's adopted Legislative Program and at this time is recommending two positions on bills currently moving through the Legislature.

AB 1350 (Gonzalez) – Youth Transit Pass Pilot Program – SUPPORT

Continuing efforts from prior legislative sessions, this bill would create the Youth Transit Pass Pilot Program to provide free transit passes to persons under 25 years old by creating a grant program that would allocate funding to eligible entities for new or existing programs. This bill does not include an appropriation, as funding recommendations are likely to be informed by a study being carried out by UCLA to examine and summarize the many and various student transit pass programs already in existence in California, due later this year. Currently LAVTA has two programs that could potentially seek funding from and/or be expanded under a future statewide program, the Las Positas College Easy Pass program and the Affordable Student Transit Pass Program, both of which generate significant ridership and productivity gains for the fixed-route system. This bill supports two of LAVTA's legislative priorities to protect existing and enhance future transportation funding investments

and to leverage support from and with partners to improve service productivity. For these reasons, staff recommends a **Support** position on this bill.

SB 152 (Beall) – Active Transportation Program – SUPPORT

This bill is sponsored by the Metropolitan Transportation Commission (MTC) and would make changes to the Active Transportation Program (ATP) administered by the California Transportation Commission (CTC). The Active Transportation Program was created in 2013 to fund projects that increase active modes including walking and biking, and was significantly augmented with the passage of SB 1 in 2017. Eligible sponsors include cities, counties, County Transportation Agencies, and transit operators, among others. Currently, the ATP is distributed 50% to a statewide program, 10% to small urban and rural areas, and 40% to a large-urbanized-area competitive program managed by the state’s Metropolitan Planning Organizations, including MTC. SB 152 would raise the regional program share to 75% and shift administration for the regional programs from CTC to the MPOs. In doing so the bill aims to simplify the ATP application process, enable project sponsors to deliver bicycle and pedestrian improvements faster, and provide greater flexibility to fund the top priority projects at the regional level. A fact sheet on the bill is included as Attachment 2. This bill supports two of LAVTA’s legislative priorities to protect and enhance future transportation funding investments and to enhance public transit’s role in addressing climate change and air quality issues. For these reasons, staff recommends a **Support** position on this bill.

Next Steps

Staff will continue to monitor other bills of interest to LAVTA and provide updates to the Finance & Administration Committee as may be appropriate.

Fiscal Impact

None

Recommendation

Staff recommends the Committee accept this report and refer two legislative positions to the Board of Directors for approval:

- AB 1350 (Gonzalez) – Youth Transit Pass Pilot Program – **SUPPORT**
- SB 152 (Beall) – Active Transportation Program – **SUPPORT**

Attachments:

1. 2019-20 Legislative History
2. Attachment 2: SB 152 Fact Sheet

**Legislative History
2019–20 Session
April 18, 2019**

STATE					
Bill	Current Text	Status	Description	Related LAVTA Legislative Agenda Goal or Principle	LAVTA Position
AB 147 (Burke)	Amended 3/21/2019	Enrolled and presented to the Governor 4/15/2019	Use taxes: collection: retailer engaged in business in this state: marketplace facilitators. Specifies that, on and after April 1, 2019, a retailer engaged in business in this state includes any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property for delivery in this state by the retailer and all persons related to the retailer that exceed \$500,000. The bill would allow the department to grant relief to certain retailers engaged in business in this state for specified interest or penalties imposed on use tax liabilities due and payable for tax reporting periods beginning April 1, 2019 and ending December 31, 2022.	Protect existing and enhance future transportation funding sources	
AB 752 (Gabriel)	Amended 4/11/2019	Assembly Transportation	Public transit: transit stations: lactation rooms. Would require a multimodal transit station that meets certain criteria, including that it has an enclosed waiting room of an unspecified size, or a transit station that is proposed to serve California's high-speed rail system, that commences operations or a renovation on or after January 1, 2021, to include a lactation room.		

AB 983 (Boerner Horvath)	Introduced 2/21/2019	Assembly U. & E.	<p>Transportation electrification. Would require an electrical corporation to work with local agencies or regional planning agencies in its service territory with responsibility for planning electric vehicle deployment to determine where to install new electrical charging stations along local transit corridors. The bill would authorize an electrical corporation to file an application with the PUC by December 31, 2020, with the support of the local or regional planning agency, for the infrastructure investments required to support electrical charging stations at transit corridor entry and exit points or other locations.</p>		
AB 1035 (Mayes)	Introduced 2/21/2019	Assembly P. & C.P.	<p>Personal information: data breaches. Would require a person or business, as defined, that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system within 72 hours following discovery or notification of the breach, subject to the legitimate needs of law enforcement, as provided.</p>		
AB 1142 (Friedman)	Amended 4/1/2019	Assembly Consent Calendar	<p>Regional transportation plans. Existing law requires a regional transportation plan to include a policy element, an action element, a financial element, and, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. Under existing law, the policy element describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, as well as pragmatic objective and policy statements. Existing law authorizes the policy element of transportation planning agencies with populations that exceed 200,000 persons to quantify a set of specified indicators. This bill would authorize the inclusion of an additional indicator regarding measures of policies to increase use of existing transit.</p>		

AB 1350 (Gonzalez)	Amended 3/26/2019	Assembly Transportation	Youth Transit Pass Pilot Program. Would create the Youth Transit Pass Pilot Program upon the appropriation of moneys from the Greenhouse Gas Reduction Fund by the Legislature, and would require the department to administer the program. The bill would require the department to award available moneys to eligible participants, as defined, to provide free transit passes to persons under the age of 25 through new or existing transit pass programs, as specified.	Protect existing and enhance future transportation funding sources	
AB 1351 (Lackey)	Amended 4/10/2019	Assembly Transportation	Transit operators: paratransit and dial-a-ride services: assessment. Would require the State Transportation Agency, in consultation with public transit operators, to conduct an assessment of the procedures public transit operators use to provide dial-a-ride and paratransit services to individuals with disabilities who are visiting their service territories and are certified to use another in-state public transit operator's similar dial-a-ride and paratransit services.		
AB 1413 (Gloria)	Introduced 2/22/2019	Assembly Local Government	Transportation: local transportation authorities: transactions and use taxes. Would authorize a local transportation authority to impose a tax applicable to only a portion of its county if 2/3 of the voters voting on the measure within the portion of the county to which the tax would apply vote to approve the tax, as specified, and other requirements are met, including that the revenues derived from the tax be spent within, or for the benefit of, the portion of the county to which the tax would apply.		
AB 1433 (Diep)	Introduced 2/22/2019	Assembly Print	Transportation network companies. The Passenger Charter-party Carriers' Act provides for the regulation of charter-party carriers of passengers by the Public Utilities Commission and includes specific requirements for liability insurance coverage, background checks, and other regulatory matters applicable to transportation network companies, as defined, and their participating drivers, as defined. This bill would make nonsubstantive changes to the definitions that apply to these provisions.		

AB 1543 (Holden)	Introduced 2/22/2019	Assembly Transportation	Transportation funds: transit operators: fare revenues. Would require a fare paid pursuant to a reduced fare transit program to be counted as a full adult fare for purposes of calculating any required ratios of fare revenues to operating costs specified in the act, except for purposes of providing information in a specified annual report to the Controller or providing information to the entity conducting a fiscal or performance audit pursuant to specified provisions.		
AB 1560 (Friedman)	Amended 4/11/2019	Assembly Natural Resources	California Environmental Quality Act: transportation: major transit stop. Would revise the definition of “major transit stop” to include a bus rapid transit station, as defined with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods. The bill would increase the frequency of service interval to 20 minutes with respect to the intersection of 2 or more major bus routes.		
AB 1633 (Grayson)	Introduced 2/22/2019	Assembly Consent	Regional transportation plans: traffic signal optimization plans. Would authorize each city located within the jurisdiction of MTC to develop and implement a traffic signal optimization plan intended to reduce greenhouse gases and particulate emissions and to reduce travel times, the number of stops, and fuel use. The bill would also require the Department of Transportation to coordinate with each city that develops a traffic signal optimization plan pursuant to these provisions to ensure that any traffic signals owned or operated by the department are adjusted and maintained in accordance with the plan.		
AB 1744 (Salas)	Amended 3/19/2019	Assembly Transportation	State Air Resources Board: regulations: emissions reduction credit program. Would require the state board to develop and implement an emissions reduction credit program, as specified, for any regulation to reduce emissions of diesel particulate matter, oxides of nitrogen, and other criteria air pollutants from in-use, heavy-duty diesel-fueled vehicles.		

SB 152 (Beall)	Amended 3/20/2019	Senate Transportation	Active Transportation Program. Would require that 75% of available funds be awarded to projects selected by MPOs in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population, 15% to fund projects in small urban and rural regions, and 10% to projects of a transformative nature competitively awarded by the commission on a statewide basis. The bill would require, rather than authorize, the commission to adopt separate guidelines for the MPOs to ensure that they have sufficient discretion to adopt regional guidelines.		
SB 278 (Beall)	Amended 3/28/2019	Senate Transportation	Metropolitan Transportation Commission. Would require MTC to adopt revised guidelines by January 1, 2021, and every 4 years thereafter, to be used in the preparation of county transportation plans.		
SB 336 (Dodd)	Introduced 2/19/2019	Senate Transportation	Transportation: fully-automated transit vehicles. Would require a transit operator, as defined, to ensure each of its fully-automated transit vehicles, as defined, is staffed by at least one of its employees, who has had specified training, while the vehicle is in service.		

FEDERAL					
Bill	Current Text	Status	Description	Related LAVTA Legislative Agenda Goal or Principle	LAVTA Position
H.R. 180 (Hastings)	1/3/2019	House Transportation & Infrastructure; House Ways & Means	Build America Act. Directs the Department of Transportation (DOT) to carry out a national infrastructure investment grant program for capital investments in surface transportation infrastructure. Projects eligible for funding under the program include, at a minimum, highway and bridge projects, public transportation projects, passenger and freight rail transportation projects, and port infrastructure investments.	Protect existing and enhance future transportation funding sources	
H.R. 879 (Brownley)	1/30/2019	House Transportation & Infrastructure	Support Local Transportation Act. Increases the percentage of surface transportation block grant program funds to be allocated to certain urbanized areas from 55 percent to 65 percent by 2020.	Protect existing and enhance future transportation funding sources	

H.R. 880 (Brownley)	1/30/2019	House Transportation & Infrastructure; House Ways & Means	Surface Transportation Investment Act of 2019. Amends the Internal Revenue Code of 1986 to repeal loopholes for major integrated oil companies and directs savings to the surface transportation block grant program.	Protect existing and enhance future transportation funding sources	
H.R. 1139 (Napolitano)	1/30/2019	House Transportation & Infrastructure	Transit Worker and Pedestrian Protection Act. Amends title 49, United States Code, to require the development of public transportation operations safety risk reduction programs, and for other purposes.		



SENATOR JIM BEALL

SB 152 Active Transportation Program Reform Act

ISSUE

Over the last five years, the Active Transportation Program (ATP) has constructed many important bicycle and pedestrian improvements statewide. However, the program has also evolved into a complex, time-consuming, and costly program for project sponsors to navigate and for the state and regional agencies to administer.

Significant state resources in the form of Caltrans staff, California Transportation Commission (CTC) staff and commissioners are consumed by application review and project allocations for hundreds of small-scale projects that would make more sense to administer at the regional level. Meanwhile, funding levels for each of the state's metropolitan areas, where the funds are most needed, are highly unpredictable due to the majority of the funds being administered through a statewide competitive grant program.

In addition, despite huge demand for ATP funds, project savings and or ATP funds freed up from projects that missed deadlines are currently sent to the State Highway Account, rather than reinvested in further bicycle and pedestrian enhancements.

BACKGROUND

The ATP program was established by the legislature to fund projects that increase active modes of transportation across the state including walking and biking, increase safety for non-motorized users, reduce greenhouse gas admissions, and enhance public health. SB 1 (Beall) infused an additional \$100 million in new funding and dramatically increasing the potential impact of promoting ATP projects across the state.

Currently the funds are distributed as follows:

- Statewide Competitive ATP - 50% to the state for a statewide competitive program

- Small Urban and Rural - 10% to the small urban and rural area competitive program to be managed by the state
- Regional ATP - 40% to the large urbanized area competitive program, with funding distributed by population and managed by the Metropolitan Planning Organization (MPO).

The Legislative Analyst Office (LAO) recently released a report reviewing the ATP program. The report identified several areas to improve the administration of the program, including many offered by this bill. It is time for a more rational approach that offers a simpler and more transparent application process, delivers bike and pedestrian safety improvements faster, and provides regions with a more predictable level of funding.

THIS BILL

SB 152 would make the following changes to ATP:

- Expedite bicycle and pedestrian improvements by shifting the responsibility for administering the metropolitan portion directly to MPOs and eliminates the need for each individual project to be allocated by the CTC. This is similar to how MPOs administer federal Surface Transportation Block Grant Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) federal funds.
- Modify the share of funds distributed by formula as follows:
 - Increase regional share from 40-percent to 75-percent (similar to the share of funds provided to regions in the State Transportation Improvement Program).
 - Hold rural and small areas near harmless by increasing their share of dedicated funding from 10-percent to 15-percent, a similar proportion they received of overall ATP funding in the last four cycles, while still allowing these areas to compete for the statewide share.

- Reduce the state’s share from 50-percent to 10-percent and focus state share on transformative projects, consistent with the LAO recommendation.
- Increase reporting requirements from the regional agencies to CTC to determine the tangible benefits of the program and the impacts of the reforms.
- Allow bicycle and pedestrian counts to be paid for as part of a project’s costs so as to provide better reporting of ATP project benefits.

SUPPORT

Metropolitan Transportation Commission (Sponsor)

FOR MORE INFORMATION

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