

STAFF REPORT

SUBJECT: 2019 Legislative Program

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: January 29, 2019

Action Requested

Refer Resolution 02-2019 affirming LAVTA’s 2019 Legislative Program to the Board of Directors for approval.

Background

Each year the LAVTA Board of Directors approves a Legislative Program to guide staff and the Board for legislative issues to support, watch and monitor, stay neutral, or oppose. The proposed 2019 program continues several priorities identified in the 2018 program while highlighting several potential legislative and regulatory challenges ahead, with an emphasis on collaboration with state and regional advocacy partners to address them.

Last year was another busy year for advocacy efforts related to public transportation, particularly with the focus on efforts to repeal 2017’s Senate Bill 1. Those efforts culminated in Proposition 6 on the November 2018 ballot, which was subsequently defeated by a 57-43% margin statewide (75-25% in Alameda County). With much political effort having been expended on transportation issues over the past two years at the state and regional level, it is expected that other prominent issues, particularly housing, will come to the fore in 2019.

Discussion

Looking ahead to 2019, the proposed Legislative Program in Attachment 2 continues last year’s federal, state, and regional/local advocacy efforts centered around the following four 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.

Federal Update

The 116th Congress convened earlier this month with a new Democratic majority in the House of Representatives, shifting the balance of power in Congress and altering the makeup of the transportation-related committees and their subcommittees, as well as the transportation-related Appropriations subcommittees. As the new Congress begins its work,

LAVTA should work with its partners to advocate for full and complete appropriations for the remainder of FY 2019 and for FY 2020 at levels authorized under the Fixing America's Surface Transportation (FAST) Act, the five-year authorization enacted in December 2015. LAVTA should further continue to advocate for a dedicated, stable revenue source to support FAST Act funding as well as a successor surface transportation authorization bill, as the FAST Act authorization will expire at the end of Fiscal Year 2020.

Staff will provide a verbal update at your January 29 meeting on current federal legislative activities and initiatives, including the partial government shutdown that began December 22, 2018, affecting the U.S. Department of Transportation and numerous other federal agencies.

State Update

Following November's elections, the new State Legislature convened in December 2018. Of note is a new standing Senate Committee on Transportation chaired by Senator Jim Beall (D-San Jose), a successor committee to the previous Senate Committee on Transportation & Housing he chaired. The formation of a new standing Senate Committee on Housing chaired by Senator Scott Wiener (D-San Francisco) suggests the Legislature will bring a special focus to developing legislation in this area in the new session.

A draft of the state legislative calendar for 2019 is included as Attachment 3. Early legislative deadlines for 2019 include:

- February 22: Last day for bills to be introduced
- April 26: Last day for policy committees to report fiscal bills introduced in their house to fiscal committees
- May 17: Last day for fiscal committees to report to the floor bills introduced in their house
- May 31: Last day for each house to pass bills introduced in that house

While housing is expected to take center stage in Sacramento this year, behind the scenes the California Transit Association is forming a Task Force at the Legislature's request to review performance standards in the Transportation Development Act (TDA), which provides about half of LAVTA's operating revenue from a statewide quarter-cent sales tax. In particular the Task Force seeks to examine longstanding farebox recovery requirements in an era of disruptive on-demand transportation options that are thought to be contributing to declines in transit ridership nationwide, and to develop alternative measures that focus on incentivizing transit agency actions to increase ridership that may be enacted in 2020. LAVTA staff will monitor these activities closely due to the significance of this revenue source to the agency's annual operating budget.

Finally, on January 10, newly elected Governor Gavin Newsom introduced his first state budget for FY19-20 totaling \$144 billion in proposed spending. Relief for the state's housing crisis was a major focus of the budget, in addition to education and health care. The proposal also included a nearly 12% increase in State Transit Assistance funding over FY18-19, which LAVTA uses primarily to support fixed-route operations and state-of-good-repair maintenance expenditures. Of this increase, 46% is attributable directly to SB 1. The Legislature has until June 15 to enact a budget for next fiscal year.

Regional/Local Update

Following Bay Area voters' approval of Regional Measure 3 in June 2018, the Bay Area Toll Authority began implementing a toll increase of up to \$3 on the Bay Area's seven state-owned toll bridges, starting with a \$1 increase that took effect January 1. LAVTA staff will monitor program development activities as MTC begins implementing the Regional Measure 3 Expenditure Plan, although two lawsuits challenging the toll increase are pending in the Superior Court of San Francisco, keeping new revenues in escrow until the lawsuits are resolved.

In December 2018, MTC formally adopted the CASA Compact, described as a "15-Year Emergency Policy Package to Confront the Housing Crisis in the San Francisco Bay Area." As the CASA legislative agenda moves forward and takes shape, LAVTA staff will monitor efforts driven at the regional level to re-establish redevelopment agencies statewide, enact minimum zoning near transit, or link transportation funding to housing production.

Next Steps

If the Board of Directors approves the 2019 Legislative Program, staff will bring updates on new and continuing bills to future Finance & Administration Committee meetings for information and/or potential action as may be appropriate.

Fiscal Impact

None

Recommendation

Staff recommends Finance and Administration Committee refer Resolution 02-2019 affirming LAVTA's 2019 Legislative Program to the Board of Directors for approval.

Attachments:

1. Resolution 02-2019
2. 2019 Legislative Program
3. Draft 2019 California State Legislative Calendar

RESOLUTION NO. 02-2019

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE
AMADOR VALLEY TRANSIT AUTHORITY
2019 LEGISLATIVE PROGRAM**

WHEREAS, the California Legislature and the U.S. Congress have convened their new legislative sessions in late 2018 and early 2019, respectively; and

WHEREAS, to promote the interests of the Livermore Amador Valley Transit Authority, the Board of Directors 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 2019 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; and be it further

RESOLVED that 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; and be it further

RESOLVED that should issues arise that are not covered by this 2019 Legislative Program, that 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 February 2019.

BY _____
Scott Haggerty, Chair

ATTEST _____
Michael Tree, Executive Director

FEDERAL	
Goal or Principle	Strategy
1) Protect Existing and Enhance Future 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 2019 & FY 2020, 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 2019 & FY 2020 Transportation, Housing, and Urban Development (THUD) appropriations bills 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.
	Seek funding for public transit from any future federal infrastructure initiative and support legislation that would provide local transportation entities with the ability to enhance revenues for public transit improvements and to 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.
4) 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., in particular coordinating in advocacy activities involving planning and/or implementation of ValleyLink.
	Engage with partners to ensure public transit and local interests are reflected in the development and implementation of activities related to the 2020 U.S. Census.

STATE	
Goal or Principle	Strategy
1) Protect Current and Enhance Future Transportation Funding Sources	Advocate for a FY 2019-20 state budget that enhances the State’s investment in public transportation, active transportation, and highway operations/system management.
	Support efforts of Task Force participants to be convened by the California Transit Association to evaluate the appropriateness of California’s current Transportation Development Act (TDA) farebox requirements. Explore development of alternative measures that are focused on incentivizing transit agency actions that increase ridership for potential enactment in 2020.
	Monitor legislative and regulatory efforts in 2019 to conform state law to the Supreme Court’s 2018 <i>South Dakota v. Wayfair</i> ruling regarding Internet sales tax collection in order to expand the sales tax base, which would potentially increase transportation funding from local-option sales taxes and TDA funding across the region, as well as local county and city resources.
	Monitor and support as appropriate state and/or regional efforts to advocate for new funding for transportation options for seniors and persons with disabilities, to address the unique mobility needs of these growing populations.
	Monitor legislation related to the definition of disadvantaged communities (DACs) as it relates to grant eligibility criteria for Cap and Trade funds and other funding programs. In partnership with the California Association of Councils of Government, support legislation that would broaden the state’s definition of DACs so that it captures the socio-economically disadvantaged communities, regardless of their environmental characteristics and reform state law so that the criteria used to designate a community as a DAC is selected with regard to the goals of the funding program. 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.
2) Enhance Operating Conditions to Support Safety and Performance Goals	<p>Work with MTC and other interested transit and regional agencies to support efforts to improve the performance of high-occupancy vehicle (HOV) and express lanes through enhanced enforcement of vehicle passenger occupancy requirements. Potential components of a MTC-supported legislative effort we would include:</p> <ul style="list-style-type: none"> (1) Authorization to deploy technology, on a pilot basis, to enforce vehicle occupancy requirements on HOV and express lanes. (2) Enhanced funding of and/or establishment of a dedicated vehicle occupancy enforcement unit within California Highway Patrol (CHP).

	Work with interested transit and regional agencies and advocacy partners to support efforts to authorize buses to use the highway shoulder, known as “bus-on-shoulder” (BOS) during periods of heavy traffic. This is currently allowed in 13 metropolitan areas in the U.S. (including Seattle, San Diego, Miami, Minneapolis/ St. Paul, Atlanta, and the Washington, D.C. area) to help speed up bus service in highly-congested corridors. Require collaboration with the California Highway Patrol in the development of guidelines to determine which roadways qualify for the access to ensure public safety.
3) Enhance Public Transit’s Role in Addressing Climate Change and Air Quality Issues	Monitor implementation activities and new legislation related to the California Air Resources Board’s (ARB) Innovative Clean Transit regulation related to Zero Emission Bus (ZEB) purchase requirements, and advocate for programs and incentives to minimize undue burdens on transit agencies transitioning to ZEB technology.
	Support legislation to streamline the administration of the Active Transportation Program (ATP) so that the projects do not require an allocation by the California Transportation Commission and a larger share of the funds are suballocated to regional transportation planning agencies to expand their competitive ATP programs, similar to the federal Surface Transportation Block Grant Program and Congestion Mitigation and Air Quality.
4) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership	Monitor and support as appropriate legislation and regulations related to shared mobility applications, such as that provided by transportation network companies and real-time carpooling, to ensure that mobility benefits are maximized for all users. Advocate for increased access to critical travel pattern data by local, regional and state agencies for transportation and land-use planning and operational purposes, while ensuring user privacy is protected.
	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 (including SAVs) with the goal of accelerating their mobility, safety, and economic benefits.

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

<p>3) Enhance Operating Conditions to Support Safety and Performance Goals</p>	<p>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.</p>
	<p>Advocate for improvements to the local and regional street networks that enhance transit operating speed and reliability</p>
	<p>Improve roadway safety for all users and support proposals to increase enforcement of traffic laws protecting pedestrians and bicyclists.</p>
<p>4) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership</p>	<p>Support efforts of the Tri-Valley–San Joaquin Valley Regional Rail Authority and its member agencies and stakeholders to connect the BART and ACE rail systems in the Tri-Valley.</p>
	<p>Continue to support efforts in conjunction with project partners to advance LAVTA’s ability to conduct shared autonomous vehicle (SAV) testing at a specific site or sites within its service area.</p>
	<p>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>
	<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 local businesses to support efforts to encourage transit use among their employees.</p>

2019 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-31-18

DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
			1	2	3	4	5
Wk. 1	6	7	8	9	10	11	12
Wk. 2	13	14	15	16	17	18	19
Wk. 3	20	21	22	23	24	25	26
Wk. 4	27	28	29	30	31		

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28		

MARCH							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30
Wk. 1	31						

APRIL							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
Spring Recess	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
Wk. 4	28	29	30				

MAY							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
No Hrgs.	26	27	28	29	30	31	

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 7** Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 21** Martin Luther King, Jr. Day.
- Jan. 25** Last day to submit **bill requests** to the Office of Legislative Counsel.

- Feb. 18** Presidents' Day.
- Feb. 22** Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).

Mar. 29 Cesar Chavez Day observed.

- Apr. 11** **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).
- Apr. 22** Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).
- Apr. 26** Last day for **policy committees** to meet and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

- May 3** Last day for **policy committees** to meet and report to the floor **non-fiscal bills** introduced in their house (J.R. 61(a)(3)).
- May 10** Last day for **policy committees** to meet prior to June 3 (J.R. 61(a)(4)).
- May 17** Last day for **fiscal committees** to meet and report to the floor bills introduced in their house (J.R. 61(a)(5)). Last day for **fiscal committees** to meet prior to June 3 (J.R. 61(a)(6)).
- May 27** Memorial Day.
- May 28-31** **Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)).
- May 31** Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).

*Holiday schedule subject to final approval by Rules Committee.

2019 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-31-18

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.							1
Wk. 4	2	3	4	5	6	7	8
Wk. 1	9	10	11	12	13	14	15
Wk. 2	16	17	18	19	20	21	22
Wk. 3	23	24	25	26	27	28	29
Wk. 4	30						

June 3 Committee meetings may resume (J.R. 61(a)(9)).

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

JULY							
	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Summer Recess	14	15	16	17	18	19	20
Summer Recess	21	22	23	24	25	26	27
Summer Recess	28	29	30	31			

July 4 Independence Day.

July 10 Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(a)(10)).

July 12 Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)).

Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess					1	2	3
Summer Recess	4	5	6	7	8	9	10
Wk. 2	11	12	13	14	15	16	17
Wk. 3	18	19	20	21	22	23	24
Wk. 4	25	26	27	28	29	30	31

Aug. 12 Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

Aug. 30 Last day for **fiscal committees** to meet and report bills (J.R. 61(a)(12)).

SEPTEMBER							
	S	M	T	W	TH	F	S
No Hrgs.	1	2	3	4	5	6	7
No Hrgs.	8	9	10	11	12	13	14
Interim Recess	15	16	17	18	19	20	21
Interim Recess	22	23	24	25	26	27	28
Interim Recess	29	30					

Sept. 2 Labor Day.

Sept. 3-13 Floor session only. No committees may meet for any purpose, except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(13)).

Sept. 6 Last day to **amend** bills on the floor (J.R. 61(a)(14)).

Sept. 13 Last day for any bill to be passed (J.R. 61(a)(15)). **Interim Recess** begins upon adjournment (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM RECESS

2019

Oct. 13 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 13 and in the Governor's possession after Sept. 13 (Art. IV, Sec. 10(b)(1)).

2020

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 6 Legislature reconvenes (J.R. 51(a)(4)).

*Holiday schedule subject to final approval by Rules Committee.