

STAFF REPORT

SUBJECT: Legislative Update

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: May 25, 2021

Action Requested

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

Background

In February 2021, the Board of Directors approved LAVTA’s 2021 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

Federal Update

In March, Congress passed the American Rescue Plan Act (ARPA), the third and likely final round of federal coronavirus-related stimulus relief, which included \$30.5 billion in supplemental FY2021 appropriations for federal transit programs, including \$26 billion in Section 5307 urbanized-area formula funds, which can be used for emergency operating funding. In the Bay Area, 5307 funds are programmed by the Metropolitan Transportation Commission (MTC), which is set to approve a set of programming principles this month for distributing an estimated \$1.68 billion in funds apportioned to the Bay Area’s twelve Urbanized Areas, with the first round of new funding scheduled to be programmed as soon as July, following a June workshop with transit operators who will present their unique operational challenges faced due to the pandemic and their outlook for FY22 in terms of revenue stabilization and service restoration. Since the pandemic began, LAVTA has already received or had programmed over \$8.5 million in supplemental federal emergency funds from the CARES Act and its successor known as CRRSAA for eligible operating expenses.

Following the passage of ARPA, the Biden Administration turned to its major infrastructure agenda known as the American Jobs Plan, in which the Administration aims to include substantial funding for surface-transportation priorities, including modernizing and improving the state of good repair of the nation’s public transit systems. The House of

Representatives is working on transit programs through the Transportation & Infrastructure Committee's subcommittee on Highways and Transit, based largely on a policy framework set forth in last year's Moving Forward Act (H.R. 2), which LAVTA supported on its way to passage in the House, but which was not taken up in the Senate. In addition to the existing H.R. 2 policy framework, the new Congress is developing a list of Member Designated Projects, formerly known as earmarks, to broaden support for the bill and prepare it for passage in the House. Rep. Eric Swalwell submitted a \$10 million request on LAVTA's behalf to the Subcommittee for construction of the Atlantis Operations & Maintenance Facility. The full Committee may mark up the bill as soon as this month, with Speaker Pelosi aiming to hold a floor vote by early July, however this timeline is far from certain. The Senate has yet to indicate whether they will consider earmarks in any Senate infrastructure-related bills this year. The existing surface-transportation authorization known as the FAST Act is currently in a 12-month short-term extension and will expire September 30, 2021.

State Update

On May 14, Governor Newsom released the May Revise of his proposed FY21-22 budget. The budget offers improved revenue forecasts over January's proposal and includes \$267.8 billion in spending packaged as the "California Comeback Plan," targeting pandemic response, healthcare, education, homelessness and affordable housing, wildfire response and climate change, and transportation. The May Revise increases funding for public transit with higher revenue forecasts for programs such as State Transit Assistance that are funded by taxes on fuel, and also significant investments from the state's general fund to support zero-emission vehicle deployment, including \$290 million for zero-emission transit buses and infrastructure. Notably, the May Revise forecasts the State Transit Assistance program upward 18% from January's initial FY22 budget, with revenue forecasts back to 98% of pre-pandemic revenue forecasts from FY21. The Legislature must adopt a budget no later than June 15 in time for the start of the new fiscal year.

Legislation of Interest

A summary of state and federal bills LAVTA staff is currently following is included as [Attachment 1](#). February 19 was the deadline for introducing new bills in the State Legislature. Staff has reviewed newly introduced bills for relevance to LAVTA's adopted Legislative Program and at this time is recommending one position on bills currently moving through the Legislature.

- ***SB 548 (Eggman) – Tri-Valley-San Joaquin Valley Regional Rail Authority: Transit Connectivity —SUPPORT***

The Tri-Valley-San Joaquin Regional Rail Authority's enabling legislation (AB 758, statutes of 2017) empowered the authority to determine the most effective project to pursue in order to achieve the transit connectivity objectives outlined in the legislation. Now that the project has been clearly defined and planning is well underway, follow-up legislation is needed to ensure that the project can proceed in a timely and cost-effective manner, consistent with how other such projects have been carried out through the state and in a manner that ensures the project aligns with the connectivity objectives of the communities that will be served by Valley Link. Specifically, SB 548:

- Clarifies that Valley Link will connect with ACE at the most effective location, not necessarily in the Tri-Valley.
- Clarifies that the Rail Authority has the authority to operate Valley Link.
- Establishes the Rail Authority as a Rail Transit District thereby exempting the Authority from county and city regulations regarding building, zoning and related matters.

This bill supports LAVTA's legislative priority to leverage support from and with partners to promote mobility, improve service productivity, and enhance regional leadership. As of April 14, the bill had been approved unanimously by the Senate Transportation Committee and the Senate as a whole, and was supported by a variety of stakeholders and local jurisdictions in the Tri-Valley, including the Cities of Dublin, Livermore, and Pleasanton. For these reasons, staff recommends a **SUPPORT** position on this bill as it is taken up in the Assembly.

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 one legislative position to the Board of Directors for approval:

- SB 548 (Eggman) – Tri-Valley-San Joaquin Valley Regional Rail Authority: transit connectivity – **SUPPORT**

Attachments:

1. 2021-22 Legislative History

**Legislative History
2021–22 Session
May 20, 2021**

STATE					
Bill	Current Text	Status	Description	Related LAVTA Legislative Agenda Goal or Principle	LAVTA Position
AB 339 (Lee)	Amended 5/4/2021	Assembly Third Reading	State and local government: open meetings. This bill would until December 31, 2023, require all open and public meetings of a city council or county board of supervisors of a jurisdiction of at least 250,000 people to include an opportunity for members of the public to attend via a telephonic option or an internet-based service option.		
AB 476 (Mullin)	Amended 3/16/2021	Assembly Transportation (Two-Year)	Department of Transportation: state highways: transit bus pilot program. Would authorize the Department of Transportation to establish a pilot program to authorize a transit operator or operators to operate transit buses on the shoulders of state highways, under a project selected under the program. The bill would authorize an operator or operators, in partnership with a regional transportation agency that meets specified requirements, to submit an application to the department to establish and operate a project under the program. The bill would authorize the department to select no more than 8 total projects under the program using guidelines developed with input from the Department of the California Highway Patrol and the public. The bill would require the department, the Department of the California Highway Patrol, and the operator or operators and regional transportation agency that submitted the application to jointly determine the state highways, or segment of state highways, that will be used in a project.	Enhance operating conditions to support safety and performance goals	

AB 629 (Chiu)	Amended 3/22/2021	Assembly Appropriations Suspense File	San Francisco Bay area: public transportation. Current law requires the Metropolitan Transportation Commission to develop regional transit service objectives, develop performance measures of efficiency and effectiveness, specify uniform data requirements to assess public transit service benefits and costs, and formulate procedures for establishing regional transportation priorities in the allocation of funds for transportation purposes. This bill would require the commission to consult with transit agencies, local jurisdictions, county transportation agencies, and the general public to establish and maintain a transit priority network for the San Francisco Bay area that designates corridors that will most benefit from interventions to support fast and reliable transit service.	Leverage support from and with partners to promote mobility, improve service productivity, and enhance regional leadership	
AB 680 (Burke)	Amended 5/3/2021	Assembly Appropriations	Greenhouse Gas Reduction Fund: California Just Transition Act. Would require the Labor and Workforce Development Agency to work with the state board to update, by July 1, 2023, the funding guidelines for administering agencies to ensure that all applicants to grant programs funded by the Greenhouse Gas Reduction Fund meet specified standards, including fair and responsible employer standards and inclusive procurement policies, as defined. The bill would require administering agencies to give preference to applicants that demonstrate a partnership with an educational institution or training program targeting residents of disadvantaged, tribal, and low-income communities.	Enhance public transit's role in addressing climate change and air quality issues	
SB 18 (Skinner)	Amended 4/19/2021	Senate Appropriations	Green hydrogen. Would clarify that the California Public Utilities Commission, Air Resources Board, and Energy Commission should consider green electrolytic hydrogen in any plans developed to help California reach 100% zero carbon electricity by 2045, including alternative fuels such as hydrogen and related technology.	Enhance public transit's role in addressing climate change and air quality issues	
SB 500 (Min)	Amended 4/15/2021	Senate Transportation	Autonomous vehicles: zero emissions. Would, to the extent allowed by federal law, prohibit the Department of Motor Vehicles from accepting an application for original registration of a qualifying autonomous vehicle that is first operated, sold, leased, offered for sale, or offered for lease in the state on or after January 1, 2027, unless that qualifying autonomous vehicle is a zero-emission vehicle.	Enhance public transit's role in addressing climate change and air quality issues	

SB 548 (Eggman)	Amended 3/16/2021	Assembly Transportation	Tri-Valley-San Joaquin Valley Regional Rail Authority: transit connectivity. Current law gives the Tri-Valley- San Joaquin Valley Regional Rail Authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity. This bill would exempt the authority from provisions that preclude the inclusion of long-term maintenance and operations obligations in a design-build contract.	Leverage support from and with partners to promote mobility, improve service productivity, and enhance regional leadership	
SB 674 (Durazo)	Amended 4/29/2021	Senate Appropriations	Public Contracts: workforce development: transportation related contracts. Would require relevant public agencies, as defined, to develop a program, known as the California Jobs Plan Program, to meet specified objectives, including, as a component of applications for covered public contracts, as defined, creation of a form that states the minimum numbers of proposed jobs that are projected to be retained and created if the applicant wins the covered public contract, and proposed wages, benefits, and investment in training. That component of the application would be known as the California Jobs Plan, as defined. Other objectives of the program, pursuant to the bill, would include supporting the hiring of displaced workers and individuals facing barriers to employment, as defined; encouraging the development of the state’s long-term green transportation and related infrastructure and manufacturing sector; and protecting public health by supporting the adoption of specific protections for worker health and safety.		

FEDERAL					
Bill	Current Text	Status	Description	Related LAVTA Legislative Agenda Goal or Principle	LAVTA Position
H.R. 227 (Hastings)	1/6/2021	House Transportation & Infrastructure	Build America Act of 2021. To provide dedicated funding for the national infrastructure investment program and the capital investment grant program, and for other purposes.	Protect existing and enhance future transportation funding sources	

H.R. 512 (Brownley)	2/4/2021	House Transportation & Infrastructure	Green Bus Act of 2021. To require any bus purchased for use in public transportation with funds provided by the Federal Transit Administration to be a zero-emission bus, and for other purposes.	Enhance public transit's role in addressing climate change and air quality issues	
H.R. 583 (Panetta)	1/28/2021	House Ways & Means	Green Bus Tax Credit Act of 2021. To amend the Internal Revenue Code of 1986 to provide for a credit for zero-emission buses.	Enhance public transit's role in addressing climate change and air quality issues	
H.R. 1089 (Balderson)	2/18/2021	House Transportation & Infrastructure	SMART Transportation Act of 2021. To establish a program to provide grants to eligible entities to deploy, install, and operate advanced transportation technologies, and for other purposes.	Enhance operating conditions to support safety and performance goals	
H.R. 1152 (Lynch)	3/10/2021	House Transportation & Infrastructure	To amend title 49, United States Code, with respect to grants for buses and bus facilities, and for other purposes.	Protect existing and enhance future transportation funding sources	
H.R. 1697 (Langevin)	3/10/2021	House Transportation & Infrastructure	Disability Access to Transportation Act. To establish a one-stop paratransit pilot program to provide for 1 stop of at least 15 minutes outside of the vehicle during a paratransit trip to prevent long wait times between multiple trips that unduly limit an individual's ability to complete essential tasks.	Enhance operating conditions to support safety and performance goals	
H.R. 1736 (DeSaulnier)	3/10/2021	House Transportation & Infrastructure	To direct the Secretary of Transportation to establish the Strengthening Mobility and Revolutionizing Transportation (SMART) Challenge Grant Program to promote technological innovation in our Nation's communities.	Enhance operating conditions to support safety and performance goals	