

STAFF REPORT

SUBJECT: 2021 Legislative Program

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: February 1, 2021

Action Requested

The Finance & Administration Committee recommends the Board of Directors approve Resolution 04-2021 affirming LAVTA’s 2021 Legislative Program.

Background

Each year the LAVTA Board of Directors approves a Legislative Program to guide staff and the Board for legislative issues at the federal, state, and regional/local level to support, watch and monitor, stay neutral, or oppose.

Discussion

The proposed Legislative Program in Attachment 2 centers around the following four principles in support of LAVTA’s mission, which is “*to provide equal access to a variety of safe, affordable, and reliable public transportation choices, increasing the mobility and improving the quality of life of those who live or work in and visit the Tri-Valley area*”:

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.

The proposed 2021 program continues several priorities identified in prior years’ programs while highlighting several potential legislative initiatives — and challenges — ahead at the federal, state, and regional/local level, with an emphasis on stabilizing funding sources for transit, and in particular funding for the agency’s ongoing operating needs in light of the ongoing COVID-19 pandemic. In developing this year’s proposed program, staff participated in meetings with regional partners and reviewed other draft legislative programs and principles adopted or in development among our agency and advocacy partners, including the Metropolitan Transportation Commission, the Alameda County Transportation Commission, the California Transit Association, and the American Public Transit Association. Proposed changes for 2021 from last year’s program are indicated in Attachment 2 by inline markup.

Federal Update

On December 21, the outgoing 116th Congress passed the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA), which President Trump signed on

December 27, and which included \$14 billion in supplemental appropriations allocated to support the transit industry during the COVID-19 public health emergency. Of this, approximately \$975 million in urbanized-area formula funds was apportioned to three of the Bay Area's large urbanized areas, San Francisco–Oakland, San Jose, and Santa Rosa. The region's remaining two large urbanized areas (including the Concord urbanized area, comprising Dublin and Pleasanton in LAVTA's service area) and seven small urbanized areas (including the Livermore urbanized area) did not receive any apportionments due to limitations included in the legislation capping the amount that urbanized areas could receive at 75% of their 2018 operating expenses when accounting for funding previously appropriated under the CARES Act in March 2020. Staff will monitor potential regional programming actions to distribute pandemic-relief funding for transit operators more equitably around the region. Finally, the omnibus appropriations provisions of CRRSAA also included full FY21 appropriations for Federal Transit Administration funding for FTA formula programs, which is significant to enabling LAVTA to plan for upcoming purchases of replacement buses later this year.

The 117th Congress convened earlier this month in anticipation of a transition to a new presidential administration, though the routine early agenda of establishing rules and committee assignments and similar ordinary business was quickly consumed by impeachment proceedings in the House of Representatives. As of this writing, the confirmation of President Biden's Transportation Secretary nominee, former Mayor and presidential candidate Pete Buttigieg, was pending in the Senate following his January 21 confirmation hearing held before the Senate Committee on Commerce, Science, and Transportation. Secretary-designate Buttigieg has indicated that the U.S. Department of Transportation (DOT) will prioritize safety, job-creation, climate change, and equity under his leadership should he be confirmed by the Senate, and DOT is likely to move quickly to establish a robust infrastructure agenda to encompass these goals. Reauthorization of the current multi-year surface-transportation authorization bill known as the FAST Act, which expired in September 2020, may also dovetail with the new Administration's infrastructure agenda in the coming year. LAVTA staff will follow any relevant legislative developments as they occur on reauthorization or further federal pandemic relief/stimulus bills.

State Update

The newly elected Legislature met in December and completed committee assignments in both chambers. Both the Assembly and Senate Transportation Committees have new chairs, both from Southern California: Assembly Member Laura Friedman (D-Glendale) will chair the Assembly Transportation Commission following the tenure of past chair Assembly Member Jim Frazier (D-Fairfield), and Senator Lena Gonzalez (D-Long Beach) will chair the Senate Transportation Committee now that former Senator Jim Beall (D-San Jose) has termed out of office.

Following winter recess, the Legislature reconvened on January 11 following a slight delay due to the prevalence of COVID-19. A draft of the state legislative calendar for 2021 is included as [Attachment 3](#). Early legislative deadlines for 2021 include:

- February 19: Last day for bills to be introduced
- April 30: Last day for policy committees to report fiscal bills introduced in their house to fiscal committees

- May 21: Last day for fiscal committees to report to the floor bills introduced in their house; last day for each house to pass bills introduced in that house

The coming legislative year is expected to be focused squarely on the COVID-19 pandemic and supporting economic recovery in the state, along with carrying over several housing-related initiatives from the previous session.

Finally, on January 8, Governor Newsom introduced his FY21-22 state budget, totaling \$227 billion in proposed spending, and a revised FY 20-21 budget with updated and more favorable revenue forecasts for the remainder of this fiscal year across a variety of programs, including those that fund public transit. The FY22 proposal includes a 4% increase in State Transit Assistance funding over current FY20-21 projections, which LAVTA uses primarily to support fixed-route operations and state-of-good-repair maintenance expenditures, and a 6% increase in Low Carbon Transit Operations Program funds, which can be used to support qualifying operating expenses. Despite better projections for the remainder of FY21, revenue forecasts and spending proposals in all categories impacting public transit for FY22 remain well below the FY21 funding levels initially proposed by the Governor at this time last year, before the pandemic. The Legislature has until June 15 to enact a budget for next fiscal year.

Regional/Local Update

Much of the near-term regional policy agenda at the Metropolitan Transportation Commission particularly, is focused on pandemic recovery and funding stabilization, with a focus on public transportation operators in particular, through the ongoing work of the Blue Ribbon Transit Recovery Task Force, of which LAVTA is a member.

Next Steps

If the Board of Directors approves the 2021 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

The Finance & Administration Committee recommends the Board of Directors approve Resolution 04-2021 affirming LAVTA's 2021 Legislative Program.

Attachments:

1. Resolution 04-2021
2. Proposed 2021 Legislative Program
3. Draft 2021 California State Legislative Calendar

Approved: _____

RESOLUTION NO. 04-2021

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE
AMADOR VALLEY TRANSIT AUTHORITY ADOPTING THE
2021 LEGISLATIVE PROGRAM**

WHEREAS, the California Legislature and the U.S. Congress have convened their current legislative sessions in late 2020 and early 2021, 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 2021 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 2021 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 1st day of February 2021.

BY _____
Bob Woerner, Chair

ATTEST _____
Michael Tree, Executive Director

FEDERAL	
Goal or Principle	Strategy
1) Protect Existing and Enhance Future Transportation Funding Sources	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.
	Advocate that Congress appropriate the full amounts authorized by law for FY 2021 2022, and that these vital federal funds are provided expeditiously to transit agencies for use on transit capital projects and operations. Support increased funding levels for discretionary programs such as the Bus and Bus Facilities and Low or No Emission grant programs, and ensure that appropriations are allocated according to the program structure authorized by law and to the benefit of public transit.
	Seek funding for public transit from any future <u>pandemic-relief and/or</u> federal infrastructure initiatives 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.
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 2020-21 <u>and FY 2021-22</u> state budget that enhances the State’s investment in public transportation, active transportation, and highway operations/system management, <u>and continue to advocate for additional statutory, administrative, and funding relief for public transit in response to the COVID-19 pandemic.</u>
	Partner with the California Transit Association <u>and other agency and stakeholder partners</u> in its efforts to <u>update-review existing metrics for the qualification and distribution of California’s current</u> TDA (Transportation Development Act)

	<p>eligibility requirements, consistent with state and regional climate goals revenues, and monitor development of potential 2021 legislation to update TDA law.</p> <p>Support expanding and/or broadening eligibility of existing state funds Identify and pursue strategies to help transit operators reduce costs associated with converting their bus fleets to zero-emission in order to meet the state’s Innovative Clean Transit rule, including additional dedicated funding from the state Greenhouse Gas Reduction Fund (GGRF) or other sources.</p> <p>Advocate that legislation aimed at benefiting disadvantaged communities (DACs) use a definition that includes low-income communities and does not rely exclusively on communities defined by the state’s CalEnviroScreen method which disproportionately excludes the Bay Area low-income communities relative to other parts of the state, and LAVTA’s service area with respect to other service areas.</p>
<p>2) Enhance Operating Conditions to Support Safety and Performance Goals</p>	<p>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, as currently authorized statutorily for the Monterey-Salinas Transit District and Santa Cruz Metropolitan Transit District. Require collaboration with the California Highway Patrol in the development of guidelines to determine which roadways qualify for the access to ensure public safety.</p> <p>Support regional efforts to improve the performance of high-occupancy vehicle (HOV) and express lanes through enhanced enforcement of vehicle passenger occupancy requirements.</p>
<p>3) Enhance Public Transit’s Role in Addressing Climate Change and Air Quality Issues</p>	<p>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 and deployment requirements, and advocate for programs and incentives to minimize undue burdens on transit agencies transitioning to ZEB technology.</p>
<p>4) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership</p>	<p>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 Shared Autonomous Vehicles) with the goal of accelerating their mobility, safety, and economic benefits.</p>

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.
	Engage, coordinate with, and support as appropriate <u>any renewed</u> efforts to develop a potential regional transportation ballot measure for 2020 to enhance public transit infrastructure in the nine-county Bay Area.
3) Enhance Operating Conditions to Support Safety and Performance Goals	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.
4) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership	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.
	Continue to support efforts in conjunction with project partners to advance LAVTA’s ability to conduct <u>deploy</u> shared autonomous vehicle (SAV) testing <u>and passenger service</u> at a specific site or sites within its service area.
	<u>Monitor and support as appropriate recommendations emerging from the Metropolitan Transportation Commission’s Blue Ribbon Transit Recovery Task Force, including new initiatives aimed at promoting a more “seamless” regional transit system and enhancing its resiliency.</u>
	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 <u>by engaging with the Regional Fare Coordination and Integration Study group.</u>
	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.

	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.
	Work with local businesses to support efforts to encourage transit use among their employees.

2021 TENTATIVE LEGISLATIVE CALENDARCOMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 12-18-20**DEADLINES**

JANUARY							
	S	M	T	W	TH	F	S
						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						

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).**Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).**Jan. 11** Legislature reconvenes (J.R. 51(a)(1)).**Jan. 18** Martin Luther King, Jr. Day.**Jan. 22** Last day to submit **bill requests** to the Office of Legislative Counsel.

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

Feb. 15 Presidents' Day.**Feb. 19** Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).

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

Mar. 25 **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).**Mar. 31** Cesar Chavez Day observed.

APRIL							
	S	M	T	W	TH	F	S
Spring Recess					1	2	3
Wk. 1	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	

Apr. 5 Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).**Apr. 30** Last day for **policy committees** to meet and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

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

May 7 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 14** Last day for **policy committees** to meet prior to June 7 (J.R. 61(a)(4)).**May 21** 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 7 (J.R. 61(a)(6)).**May 31** Memorial Day.

*Holiday schedule subject to final approval by Rules Committee.

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.			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			

June 1-4 **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)).

June 4 Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).

June 7 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
Wk. 1	4	5	6	7	8	9	10
Wk. 2	11	12	13	14	15	16	17
Summer Recess	18	19	20	21	22	23	24
Summer Recess	25	26	27	28	29	30	31

July 2 Independence Day observed.

July 14 Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)).

July 16 **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	4	5	6	7
Summer Recess	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
No. Hrgs.	29	30	31				

Aug. 16 Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

Aug. 27 Last day for **fiscal committees** to meet and report bills (J.R. 61(a)(12)).

Aug. 30-Sept. 10 **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)).

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

Sept. 3 Last day to **amend** bills on the floor (J.R. 61(a)(14)).

Sept. 6 Labor Day.

Sept. 10 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

2021

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

2022

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

Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).

*Holiday schedule subject to final approval by Rules Committee.