

STAFF REPORT

SUBJECT: 2022 Legislative Program

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: February 7, 2022

Action Requested

The Finance & Administration Committee recommends the Board of Directors approve Resolution 04-2022 affirming LAVTA’s 2022 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 carries over the following four principles from previous years 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 2022 program continues several priorities identified in prior years’ programs while highlighting several potential legislative initiatives ahead at the federal, state, and regional/local level, with an emphasis on maximizing available funding sources for transit, and in particular funding for the agency’s facility and zero-emission fleet transition needs. 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 2022 from last year’s program are indicated in Attachment 2 by inline markup. At their January 25 meeting, the Finance & Administration Committee recommended the 2022 program further emphasize public transit’s role in addressing climate change, including prioritizing zero-emission fleet transition and the need for continued research into alternative fuel technologies such as hydrogen.

Federal Update

In November, President Biden signed the Infrastructure Investment and Jobs Act (H. R. 3684), also known as the Bipartisan Infrastructure Law (BIL), which allocates roughly \$1 trillion for nationwide infrastructure investments and reauthorizes the core federal surface transportation program for five years beginning in FY2022 through FY2026. This is a significant piece of legislation for public transportation, because it increases transit formula programs apportioned by urbanized area by approximately one-third, increases transit discretionary programs that can be used to fund agency needs that aren't prioritized in our regional programming of formula funds such as facilities and zero-emission fleet-transition needs, and establishes a new, significantly higher level of investment to serve as a benchmark in future reauthorization discussions for FY27 and beyond. The bill as enacted reflected many priorities of the public transit industry as a whole.

On December 2, Congress passed a Continuing Resolution to fund the government through February 18, 2022, as discussions continue regarding FY 2022 appropriations, including the Administration's Build Back Better agenda. The current Continuing Resolution only appropriates funding at levels authorized by the previous surface-transportation law known as the FAST Act, so further action is needed by Congress to appropriate the increased levels of funding for FY22 included with the Bipartisan Infrastructure Law.

State Update

Due to high COVID-19 case rates throughout the state at the beginning of 2022, the Legislature delayed convening at its usual time in early January. A draft of the state legislative calendar for 2022 is included as Attachment 3. Early legislative deadlines for 2022 include:

- February 18: Last day for bills to be introduced
- April 29: Last day for policy committees to report fiscal bills introduced in their house to fiscal committees
- May 20: 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

On January 10, Governor Newsom introduced his FY22-23 state budget, totaling \$286 billion in proposed spending, a 9% increase over the final FY22 budget. Specific to LAVTA funding sources, the FY23 proposal includes:

- a 1.9% increase in State Transit Assistance funding over FY21-22 levels, which are generated by a statewide sales tax on gasoline and diesel fuel, and which LAVTA uses primarily to support fixed-route operations and state-of-good-repair maintenance expenditures;
- a 4.3% increase in the Local Transportation Fund (LTF), which is funded by a statewide quarter-cent general sales tax and which LAVTA primarily uses to fund both fixed-route and paratransit operating expenses; and
- an 11.7% increase in Low Carbon Transit Operations Program funds, which can be used to support qualifying operating expenses and low-carbon transit investments such as zero-emission buses and support infrastructure.

Of note in this year’s budget discussions is a one-time surplus of \$46 billion, of which the Governor proposes to use \$6 billion for various transportation infrastructure priorities, including a \$2 billion augmentation of the statewide Transit and Intercity Rail Capital Program. TIRCP funds transit capital improvements to significantly reduce greenhouse gas emissions, including transit fleet-electrification and related infrastructure projects. 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, including implementation of the Blue Ribbon Transit Recovery Task Force recommendations, fare integration, and implementation of the Bipartisan Infrastructure Law. LAVTA continues to pursue strategic relationships with other local transit and transportation agencies to partner on key funding opportunities and align around common needs and goals such as facility upgrades to support upcoming zero-emission fleet transitions.

Next Steps

If the Board of Directors approves the 2022 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 04-2022 affirming LAVTA’s 2022 Legislative Program.

Attachments:

1. Resolution 04-2022
2. Proposed 2022 Legislative Program
3. Draft 2022 California State Legislative Calendar

Approved: _____

RESOLUTION NO. 04-2022

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE
AMADOR VALLEY TRANSIT AUTHORITY ADOPTING THE
2022 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 2022 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 2022 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 7th day of February 2022.

BY _____
Karla Brown, Chair

ATTEST _____
Michael Tree, Executive Director

FEDERAL	
Goal or Principle	Strategy
1) Protect Existing and Enhance Future Transportation Funding Sources	Work with <u>federal</u> , state, regional, and local transportation agencies, and other state and national advocacy partners, to develop a FAST Act reauthorization agenda <u>implement the Infrastructure Investment and Jobs Act (IIJA)</u> and support coalitions that support local, regional, and statewide priorities as well as those of public transit in general. Support <u>continued investigations into</u> new, stable federal funding to ensure the solvency of the Highway Trust Fund as part of the reauthorization agenda <u>going forward</u> .
	Advocate that Congress appropriate the full amounts authorized by law for FY 2022 <u>and FY 2023</u> , 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 <u>additional operating</u> funding for public transit from any future pandemic relief and/or federal infrastructure to address revenue and ridership impacts resulting from ongoing impacts of the COVID-19 pandemic, and support 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.
<u>3) Enhance public transit's role in addressing climate change and air quality issues</u>	<u>Advocate for federal legislation and program implementation that prioritizes public transit's role in addressing climate change, supports transit agencies transitioning to zero-emission fleets, and advances research into advanced alternative-fuel technologies such as hydrogen.</u>
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.
	<u>Support federal policies that enable technological innovations to improve mobility, including connected and automated vehicle (CV/AV) deployment, and mobility on demand.</u>

STATE	
Goal or Principle	Strategy
1) Protect Current and Enhance Future Transportation Funding Sources	Advocate for a FY 2020-21 and FY 2021-22-2022-23 state budget that enhances the State’s investment in public transportation, active transportation, and highway operations/system management, and continue to advocate for additional statutory, administrative, and funding relief for public transit in response to the COVID-19 pandemic.
	Partner with the California Transit Association and other agency and stakeholder partners in efforts to review existing metrics for the qualification and distribution of TDA (Transportation Development Act) revenues, and monitor development of potential 2021-future legislation to update TDA law.
	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.
	Advocate that legislation aimed at benefiting disadvantaged communities (DACs) use a definition that includes low-income communities and populations experiencing similar circumstances, such as people with low transportation access 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.
2) Enhance Operating Conditions to Support Safety and Performance Goals	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 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.
	Support regional efforts to improve the performance of high-occupancy vehicle (HOV) and express lanes through enhanced enforcement of vehicle passenger occupancy requirements.
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 and deployment requirements, and advocate for programs and incentives to minimize undue burdens on transit agencies transitioning to ZEB technology.

<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 Shared Autonomous Vehicles) with the goal of accelerating their mobility, safety, and economic benefits.</p>
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REGIONAL/LOCAL	
Goal or Principle	Strategy
<p>1) Protect Existing and Enhance Future Transportation Funding Sources</p>	<p>Support efforts of MTC to maximize the proportion <u>and flexibility</u> of federal and statewide funding sources allocated to the Bay Area and to small operators.</p>
	<p>Engage, coordinate with, and support as appropriate any renewed efforts to develop a potential regional transportation ballot measure to enhance public transit infrastructure in the nine-county Bay Area.</p>
<p>2) Enhance Operating Conditions to Support Safety and Performance Goals</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 <u>connect the BART and ACE rail systems in the Tri-Valley</u> <u>implement Valley Link</u>.</p>
	<p>Continue to support efforts in conjunction with project partners to advance LAVTA’s ability to deploy shared autonomous vehicle (SAV) testing and passenger service at a specific site or sites within its service area.</p>

	<p>Monitor and support as appropriate recommendations emerging from<u>implementation of</u> the Metropolitan Transportation Commission’s Blue Ribbon Transit Recovery Task Force <u>recommendations</u>, including new initiatives aimed at promoting a more “seamless” regional transit system and enhancing its resiliency <u>through initiatives such as fare coordination/integration and transit network management</u>.</p>
	<p>Support the concept of coordinated fares and Clipper integration to serve as an incentive to ride public transit, particularly by engaging with the Regional Fare Coordination and Integration Study group.</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>

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
Interim Recess							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
Wk. 1	30	31					

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

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

APRIL							
	S	M	T	W	TH	F	S
Wk. 1						1	2
Wk. 2	3	4	5	6	7	8	9
Spring Recess	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

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

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 14** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 17** Martin Luther King, Jr. Day.
- Jan. 21** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)).
Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

- Feb. 18** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).
- Feb. 21** Presidents' Day.

- Apr. 1** Cesar Chavez Day observed.
- Apr. 7** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Apr. 18** Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).
- Apr. 29** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 6** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 13** Last day for **policy committees** to meet prior to May 31 (J.R. 61(b)(7)).
- May 20** Last day for **fiscal committees** to hear and report to the **floor** bills introduced in their house (J.R. 61 (b)(8)).
Last day for **fiscal committees** to meet prior to May 31 (J.R. 61 (b)(9)).
- May 23 – 27** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- May 27** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 30** Memorial Day.
- May 31** Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to final approval by Rules Committee.

2022 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-21-21

JUNE							
	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
Wk. 4	26	27	28	29	30		

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

June 30 Last day for a legislative measure to qualify for the Nov. 8 General Election ballot (Elections Code Sec. 9040).

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

July 1 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

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

Aug. 1 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 12 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 15 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 25 Last day to **amend** bills on the floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)).

Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2022

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 2 Bills enacted on or before this date take effect January 1, 2023. (Art. IV, Sec. 8(c)).

Nov. 8 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 5 2023-24 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2023

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

*Holiday schedule subject to final approval by Rules Committee.