



DATE: March 28, 2019

TO: Transportation Authority of Marin Board of Commissioners

FROM: Dianne Steinhauser, Executive Director
David Chan, Programming and Legislation Manager

SUBJECT: Adopt Positions on State Legislative Bills (Action), Agenda Item No. 7

RECOMMENDATION

Recommend adopting positions on State Legislative bills as shown in Attachment B.

BACKGROUND

In January 2019, TAM adopted a Legislative Platform (Attachment A) in guiding policy decisions and communicating TAM’s goals to the Legislature and other agencies (including, but not limited to, MTC, Regional Transportation Planning Agencies (RTPA), CSAC, League of California Cities, and SHCC) that have impacts on Marin and TAM during the year.

TAM staff and/or Khouri Consulting will be recommending positions to be taken on pending legislation before the close of the 2019 State Legislation Session on September 13, 2019, particularly those that are related to our adopted Legislative Platform. October 13, 2019 is the last day for the Governor to sign or veto bills.

Letters of support or opposition may also be developed at the appropriate time and Mr. Khouri may be requested to testify at Legislative hearings, if warranted, to convey TAM’s positions on specific legislation.

DISCUSSION/ANALYSIS

The 2019 legislative session is the first year of a two-year session. Bills introduced in the first year of a two-year session may be moved to the second year if these bills do not generate sufficient interest.

Attachment B contains the initial set of 22 bills that are being monitored by staff and Mr. Khouri. Bills may be added to the chart in the coming months as they become relevant to TAM or Marin. TAM staff also adds bills that have been requested by TAM Board Commissioners for discussion or action.

Of the 22 bills listed in the matrix, staff is recommending the following positions as listed in the matrix:

Position	Total	Bills
Support	7 bill	AB 147, AB 252, AB 1142, AB 1413, SB 4, SB 137, SB 277
Monitor	11 bills	AB 40, AB 148, AB 185, AB 285, AB 380, AB 983, AB 1089, ACA 1, SB 5, SB 43, SB 127
Oppose	4 bills	AB 847, AB 1568, SB 50, SB 526

Positions of other agencies, such MTC, League of California Cities, and California State Association of Counties (CSAC), will be added to the matrix as they become available.

Gus Khouri will be present at the March 28th TAM Board meeting to discuss the bills and the staff proposed positions.

FISCAL IMPACTS

There are no direct fiscal impacts to TAM with taking positions on bills.

ATTACHMENT

Attachment A – Adopted 2019 Legislative Platform

Attachment B – 2019 State Legislative Bills



Attachment A

Adopted 2019 Legislative Platform

Issue	Goal	Impacts/Opportunities
<p>A. Transportation Funding</p>	<p>In 2017, the legislature enacted SB 1 (Beall), Chapter 5, Statutes of 2017, which provides \$5.2 billion in annual revenues to fund traffic congestion relief, highway rehabilitation and safety, local streets and roads repair, and multi-modal options through investments into public transportation, commuter and intercity rail, and bicycle and pedestrian programs.</p> <p>SB 1 provides several opportunities through the creation of various competitive programs. Options for TAM to secure funding include:</p> <ul style="list-style-type: none"> • Pursuing funding from the new competitive programs such as the Active Transportation Program, Local Partnership, Solutions For Congested Corridors, which can fund transit capital, bicycle and pedestrian programs, and projects to alleviate highway traffic congestion, such as the Marin-Sonoma Narrows and Bettini Transit Center. • TAM will continue to seek funding to provide multi-modal options for its residents. TAM will also seek funding from programs such as the Low Carbon Transit Operations Program (LCTOP) and Transit Capital and Intercity Rail Funding Program (TCIRP) for capital investments (maintenance facilities, rail) rolling stock purchases (buses, train cars). 	<ul style="list-style-type: none"> • State Highway Account • Public Transportation Account • Highway Users Tax Account • Transportation Development Act • Cap and Trade Program • Marin Transit • GGBHTD
	<p>2. In June of 2018, Bay Area voters approved Regional Measure 3, which raises bridge tolls state-owned bridges to fund congestion relief, rail connectivity and improved mobility in bridge corridors. TAM will work with Metropolitan Transportation Commission (MTC) to acquire funding as adopted in the expenditure plan for the following priorities:</p> <ul style="list-style-type: none"> • Richmond-San Rafael Bridge Access Improvements (580/101 connector)- \$210 million (Total for Marin and Contra Costa) 	<ul style="list-style-type: none"> • Local Sales Taxes • Regional Gas Taxes • Local Vehicle Registration Fees

	<ul style="list-style-type: none"> • Marin-Sonoma Narrows- \$120 million • State Route 37 Improvements - \$100 million • San Rafael Transit Center (Bettini Center) - \$30 million 	
	<p>3. The Safe Routes to Schools (SRTS) program has been merged into the newly created Active Transportation Program (ATP). Support efforts to acquire funding from the ATP for items such as complete streets and other bicycle and pedestrian projects. Work with the California Transportation Commission and MTC to provide equitable geographic distribution of ATP funds.</p>	<ul style="list-style-type: none"> • State-Funded ATP Projects • Regional-Funded ATP Projects
	<p>4. The Transportation Development Act, dedicates a statewide ¼-cent sales tax for local transportation purposes. That 1/4 cent sales tax, known as the Local Transportation Fund (LTF), generates over \$1.5 billion annually primarily for public transit. Some operators statewide have had difficulty in meeting the farebox recovery ratio requirements (20% for urban operators) that are necessary in order to qualify to use funding for operational purposes. The California Transit Association will host a working group to look at potential changes through 2019 with the goal of having a draft legislative solution available for 2020. TAM will closely monitor and participate in the process as appropriate.</p>	<ul style="list-style-type: none"> • Local Transportation Fund use for public transportation operations purposes • Unmet needs process and ability to use funds for local streets and roads
B. FY 2019-20 State Budget	<p>In his proposed FY 2019-20 State Budget, Governor Newsom proposes withholding transportation funding as a way of compelling local compliance with accommodating affordable housing goals.</p> <p>Work with organizations such as the California League of Cities, California State Association of Counties, Central Coast Coalition, among others, to protect transportation funding from being withheld or diverted, while working with stakeholders to find alternatives to address jobs-housing imbalance.</p>	<ul style="list-style-type: none"> • Funding for dedicated projects such as MSN, STIP transit projects, and annual allocations for streets and roads • Funding that matches Proposition 1B Programs, such as CMIA and SLPP • Funding for transit operating (PTA/STA) • Protection of SHA and STIP
C. Air Quality	<p>1. Monitor the work of the Roadway User Charge Committee on the feasibility of implementing a mileage-based user fee as a supplemental or successor fee to the gas tax. While the enactment of SB 1 has delayed the conversation, the issue is certain to rise to the forefront in the near future due to the prevalence of alternative fuel and electric vehicles, which do not pay at the pump.</p>	<ul style="list-style-type: none"> • Activities associated with SB 375 • Strategies to reduce VMT

	2. Per AB 179 of 2017, the CTC and California Air Resources Board are required to convene twice a year to coordinate transportation policies, with a focus on reducing vehicle miles traveled and greenhouse gas emissions. Support funding for local and regional agency support to carry out SB 375 requirements by attempting to acquire funding from the various existing pots made available through the Cap and Trade programs or the creation of new programs to provide multi-modal options for county residents.	<ul style="list-style-type: none"> • Activities associated with SB 375
	3. Coordinate with MTC and local jurisdictions with Marin to support projects that may qualify for funding under LCTOP and TCIRP within Governor’s Cap and Trade proposal to reduce GHG.	<ul style="list-style-type: none"> • Activities associated with SB 375
	4. Support the highest possible level of sub-allocation of Cap and Trade funds to the regional and local levels to fund multimodal projects including local streets and roads, bicycle-pedestrian, transportation demand management (TDM), rail, and transit projects.	
	5. Support flexibility with the Cap and Trade funds allocated for transportation purposes for projects to meet GHG reduction targets and to implement sustainable communities strategies. This includes adjusting program guidelines to provide for flexibility to address a mutual benefit between disadvantaged communities and the region as a whole. TAM will also seek to modify the definition of disadvantaged communities so that resources can be put to use in underprivileged communities within the county.	<ul style="list-style-type: none"> • Flexibilities with the use of New Transportation Funds
D. Alternative Modes	1. Support maintaining and enhancing the current levels of state and federal funding for bicycle/pedestrian and electric vehicle/infrastructure programs. TAM will also support MTC’s effort to pursue statewide legislation to allow for transit buses to use shoulders along routes such as Highway 101.	<ul style="list-style-type: none"> • Safe Routes to School Programs • TDA Article 3 Funds • Active Transportation Program (ATP) Funds
	2. Several legislators have historically introduced legislation to relax requirements for using high-occupancy vehicle (HOV) lanes. TAM opposes additional expansion of high-occupancy vehicle (HOV) lanes to usage by other than high-occupancy vehicles and those vehicles currently allowed by law to use such lanes.	<ul style="list-style-type: none"> • Highway 101 HOV Lanes

E. Project Delivery	1. Seek opportunities to increase flexibility to deliver projects, such as supporting alternative contracting methods that include design-build and public private partnership.	<ul style="list-style-type: none"> • Future Major Capital projects
	2. Oppose efforts to require local agencies to reimburse Caltrans for its costs related to the preparation and/or review of project initiation documents (PIDs) for locally sponsored projects on state highway system.	<ul style="list-style-type: none"> • All Locally Sponsored Projects on the State Highway System
	3. Preserve the flexibility for local transportation agencies to be designated as the lead agency for CEQA actions, project development work and construction management for state highway projects. This includes supporting the streamlining of the CEQA process for projects within the existing right of way.	<ul style="list-style-type: none"> • Future Major Capital projects
	4. Support the continuation of Grant Anticipation Revenue Vehicle (GARVEE) bonds and AB 3090 arrangements by the CTC for STIP projects that are programmed in the out-years but are ready for implementation.	<ul style="list-style-type: none"> • All STIP-Funded Projects
	5. Support efforts to allow regional transportation agency to utilize procurement methods that will expedite project delivery and reduce cost.	<ul style="list-style-type: none"> • STIP Projects
F. Federal Priorities	1. Collaborate with transportation stakeholders to advocate for the reauthorization of a federal Surface Transportation Programs to replace MAP-21 (Moving Ahead for Progress in the 21 st Century). Support new revenue for the Highway Trust Fund and advocate for the highest possible level of funding at the county level.	<ul style="list-style-type: none"> • STP, CMAQ, and ATP Funds • Regional Programs such as Local Streets and Roads (LSR), Lifeline, and Freeway Performance Initiative (FPI)
	2. Support and enhance current flexibility in allowing dedication of funds locally to the most urgent needs and the meeting of statewide goals, such as those under AB32 and SB375.	<ul style="list-style-type: none"> • STP, CMAQ, and ATP Funds
	3. Support dedicated funding for bicycle/pedestrian projects at the federal level.	<ul style="list-style-type: none"> • Bicycle/Pedestrian projects • Safe Routes to School projects
	4. Support the continuation of maintaining pre-tax commuter benefits to an equivalent amount allowed for pre-tax parking with cost of living adjustments (COLA).	<ul style="list-style-type: none"> • Local and Regional Commuter Benefits Programs
	5. Support the continuation of the federal Internal Revenue Service (IRS) tax credit for the purchase of a new electric vehicle (EV).	<ul style="list-style-type: none"> • Local Vehicle Registration Fees

TAM Bill Matrix – March 2019

Measure	Status	Bill Summary	Position
AB 40 Ting Zero-Emission Vehicles	1/24/19 Assembly Transportation Committee	This bill would require the California Air Resources Board (CARB) to develop a comprehensive strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero-emission vehicles by 2040.	MONITOR MTC: None CSAC: None League: Watch
AB 147 Burke Use Taxes Collection	3/14/19 Senate	The Sales and Use Tax Law requires every retailer engaged in business in this state and making sales of tangible personal property for storage, use, or other consumption in this state, not otherwise exempt, at the time of making the sales or at the time the storage, use, or other consumption becomes taxable, to collect the tax from the purchaser, file a return, and remit the tax to the California Department of Tax and Fee Administration. That law defines a retailer engaged in business in this state to mean any retailer that has substantial nexus with this state for purposes of the commerce clause of the United States Constitution and any retailer upon whom federal law permits this state to impose a use tax collection duty. This bill would specify 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 a cumulative sales price from the sale of tangible personal property for delivery in this state that exceeds \$500,000.	SUPPORT MTC: None CSAC: None League: None
AB 148 Quirk Silva Regional Transportation Plans: housing needs	1/24/19 Assembly Transportation Committee	This bill would require each Sustainable Communities Strategy (SCS) within a regional transportation plan to identify an 8-year projection of emergency shelters needed in the region. This provision is very specific to housing needs rather than transportation plans, and regional transportation plans are prepared by transportation agencies.	MONITOR MTC: None CSAC: None League: Watch
AB 185 Grayson CTC Meetings	2/4/19 Assembly Transportation Committee	Current law creates the California Transportation Commission, with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects pursuant to the state transportation improvement program and various other transportation funding programs. Existing law requires the commission and the State Air Resources Board to hold at least 2 joint meetings per calendar year to coordinate their implementation of transportation policies. This bill would require the Department of Housing and Community Development to participate in those joint meetings.	MONITOR MTC: None CSAC: None League: None

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Measure	Status	Bill Summary	Position
AB 252 Daly Environmental review: federal program	3/12/19 Assembly Appropriations Committee	This bill would remove the sunset date (January 1, 2020) for Caltrans being able to use the National Environmental Policy Act (NEPA) delegation to streamline environmental review for projects with federal funding, allowing for environmental review of projects to be expedited. The bill is sponsored by the Self-Help Counties Coalition (SHCC). TAM supported the previous version, AB 28 (Frazier) in 2017, which was also sponsored by SHCC, and had extended the sunset date from January 1, 2017 to January 1, 2020.	SUPPORT MTC: None CSAC: Support League: Watch
AB 285 Friedman California Transportation Plan	2/11/19 Assembly Transportation Committee	Under existing law, Caltrans is required to prepare the California Transportation Plan, which looks at the movement of goods and people and how the state will achieve greenhouse gas emission goals. This bill would require Caltrans to address in the California Transportation Plan how statewide greenhouse gas emission goals will be reduced by 2030 with carbon neutrality by 2045.	MONITOR MTC: None CSAC: Watch League: Watch
AB 380 Frazier Office of Trans. Inspector General	3/12/19 Assembly Accountability and Administrative Review	Would eliminate the Independent Office of Audits and Investigations and would instead create the Independent Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that specified state agencies and all external entities that receive state and federal transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would require the Governor to appoint the Transportation Inspector General for a 6-year term, subject to confirmation by the Senate, and would prohibit the Transportation Inspector General from being removed from office during the term except for good cause.	MONITOR MTC: None CSAC: None League: None
AB 847 Grayson Transportation Financing: housing	2/20/19 Introduced	This bill would direct miscellaneous revenue (approximately \$80 million annually) from the State Highway Account to cities and counties certified by the Department of Housing and Community Development (HCD) to have met their very low-income housing goals or low-income housing goals. The bill would require the CTC to amend its guidelines for the Active Transportation Program and Local Partnership Program and provide a 10% bonus to those jurisdictions determined by HCD to have met its moderate-income housing goals. This bill sets a precedent of shifting transportation funding away from cities and counties based on other goals, in this case, housing. In their rejection of Proposition 6, voters affirmed the funding formulas established by SB 1, which base transportation funding on population, rather than investment in housing projects.	OPPOSE MTC: None CSAC: Watch League: Watch

TAM Bill Matrix – March 2019

Measure	Status	Bill Summary	Position
AB 983 Boerner-Horvath Transportation Electrification: charging station locations	2/21/19 Introduced	This bill would require an electric company to work with local agencies or regional planning agencies in its service territory to determine where to install new electric vehicle charging stations along local transit corridors. The bill would prioritize the installation of charging stations in disadvantaged communities.	MONITOR MTC: None CSAC: None League: Watch
AB 1089 Stone Local Transportation Fund	2/21/19 Introduced	This is currently a “spot” bill that may be amended to make modifications to the Transportation Development Act in order to adjust the farebox recovery ratio requirement to allow transit operators flexibility in maintaining existing service.	MONITOR MTC: None CSAC: Watch League: Watch
AB 1142 Friedman Transportation Pilots Projects: regional transportation plans	2/21/19 Introduced	This bill would require the Strategic Growth Council, in consultation with CARB, to manage and award financial assistance to specified local entities for the purpose of funding pilot projects that reduce vehicle miles traveled, to support the planning and development of sustainable communities. The bill would require a local entity that receives funding for a pilot project to provide data regarding the reduction of vehicle miles traveled by the project to CARB. The source of funding for this program is unclear.	SUPPORT MTC: None CSAC: Watch League: Watch
AB 1413 Gloria Local Trans. Authorities	3/14/19 Assembly Local Government	This bill 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.	SUPPORT MTC: None CSAC: None League: None

TAM Bill Matrix – March 2019

Measure	Status	Bill Summary	Position
AB 1568 McCarty Housing Elements and Trans. Funds	3/14/19 Assembly Housing and Community Development	This bill would require the Department of Housing and Community Development, on or before June 30, 2022, and on or before June 30 every year thereafter and until June 30, 2051, to review each production report submitted by a city or county in accordance with the provisions described above to determine if that city or county has met the applicable minimum housing production goal for that reporting period. The bill would provide that, if the department determines that a city or county has met its applicable minimum housing production goal for that reporting period, the department shall, no later than June 30 of that year, submit a certification of that result to the Controller.	OPPOSE MTC: None CSAC: None League: None
ACA 1 Aguiar-Curry Local Gov't Financing	3/18/19 Assembly Local Government	The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, or city and county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.	MONITOR MTC: None CSAC: None League: None
SB 4 McGuire Housing	2/28/19 Senate Housing	This bill would authorize a development proponent of a neighborhood multifamily project or eligible TOD project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a "neighborhood multifamily project" to mean a project to construct a multifamily unit of up to 2 residential dwelling units in a nonurban community, as defined, or up to 4 residential dwelling units in an urban community, as defined, that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019. The bill would define an "eligible TOD project" as a project located in an urban community, as defined, that meets specified height requirements, is located within 1/2 mile of an existing or planned transit station parcel or entrance, and meets other floor area ratio, density, parking, and zoning requirements.	SUPPORT MTC: None CSAC: Watch League: Support

TAM Bill Matrix – March 2019

Measure	Status	Bill Summary	Position
SB 5 Beall Local-State Sustainable Investment Incentive Program	1/24/19 Senate Governance and Finance Committee	This bill would establish the Local-State Sustainable Investment Incentive Program, to authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority or transit village development district to apply for funding for eligible projects include, among other things, construction of workforce and affordable housing, certain transit-oriented development, and "projects promoting strong neighborhoods." The source of funding for this program is unclear.	MONITOR/ SUPPORT MTC: None CSAC: Watch League: Support
SB 43 Allen Carbon Taxes	2/12/19 Senate Environmental Quality Committee Set for Hearing on 3/20	This bill would require the CARB, in consultation with the California Department of Tax and Fee Administration, to report to the Legislature on the feasibility and practicality of a system to replace the tax imposed pursuant to the Sales and Use Tax Law with an assessment on retail products sold or used in the state based on the carbon intensity of the product, to encourage the use of less carbon-intensive products.	MONITOR MTC: None CSAC: Watch League: Watch
SB 50 Wiener Planning and zoning: housing development: equitable communities incentive	1/24/19 Senate Housing Committee	This bill would require a city, county, or city and county, to grant an "equitable communities incentive" for a job-rich housing project or a transit-rich housing project. The bill would require that a residential development eligible for an equitable communities incentive receive waivers on density and automobile parking requirements if the residential development is located within a 1/2-mile or 1/4-mile radius of a major transit stop. See SB 4 (McGuire)	OPPOSE MTC: None CSAC: Watch League: Watch

TAM Bill Matrix – March 2019

Measure	Status	Bill Summary	Position
SB 127 Weiner Active Transportation Funding from highway state highway maintenance	1/24/19 Senate Transportation Committee	This bill would establish a "Division of Active Transportation" within Caltrans and require that an undersecretary of the Transportation Agency be assigned to give attention to active transportation program matters. The CTC would be required to give high priority to increasing safety for pedestrians and bicyclists. This bill would create an asset management plan to prescribe a process for community input and complete streets implementation to prioritize safety and accessibility for pedestrians, bicyclists, and transit users on all State Highway Operation and Protection Program (SHOPP) projects.	MONITOR MTC: None CSAC: Watch League: Watch
SB 137 Dodd Federal State Funding Exchange	2/15/19 Senate Transportation Committee	Current federal law apportions transportation funds to the states under various programs, including the Surface Transportation Program and the Highway Safety Improvement Program, subject to certain conditions on the use of those funds. Current law establishes the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system, and funds that program from fuel taxes and an annual transportation improvement fee imposed on vehicles. This bill would authorize the Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds appropriated to the department.	SUPPORT MTC: None CSAC: None League: None
SB 277 Beall Local Partnership Program	3/12/19 Senate Transportation Committee	Spot bill for discussion on changing the current 50/50 formula between the competitive component and formulaic shares of the Local Partnership Program. TAM currently receives roughly \$483,000 annually from the formulaic side. There is a desire by some self-help counties to alter the formula to 95/5 favoring a formulaic share but maintaining the competitive component could be advantageous by allowing CTC to access funding to help fully fund projects such as the Marin-Sonoma Narrows.	SUPPORT MTC: Watch CSAC: Watch League: Watch

TAM Bill Matrix – March 2019

Measure	Status	Bill Summary	Position
SB 526 Allen Regional transportation plans: Greenhouse gas emission targets	2/21/19 Introduced	This bill would require the CARB to adopt a regulation that requires a Metropolitan Planning Organization (MPO) to provide any data that CARB requests to determine if the MPO is on track to meet its 2035 greenhouse gas emission reduction target. If the state board determines that the MPO is not on track to meet its 2035 greenhouse gas emission reduction target, the bill would require the CTC to assign a lower priority to a project that increases vehicle miles traveled and greenhouse gas emissions.	OPPOSE MTC: None CSAC: Watch League: Watch

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