



DATE: April 8, 2019

TO: Transportation Authority of Marin Funding, Programs & Legislation Executive Committee

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.

BACKGROUND

In January 2019, TAM adopted a Legislative Platform that will serve 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. TAM considers legislation that have impacts on Marin and TAM during the year.

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. The 2019 State Legislation Session closes on September 13, 2019. 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 TAM's consultant, Mr. Gus Khouri, may be requested to testify at Legislative hearings, if warranted, to convey TAM's positions on specific legislation.

DISCUSSION

On March 28, 2019, the initial set of 22 bills were presented to the TAM Board for discussions and positions on those bills were recommended for adoption. The TAM Board adopted positions on 20 of the 22 bills presented. The positions on two the bills (SB 277 and SB 526) were postponed for adoption and are being brought back for further discussion.

SB 526 (Allen) was initially recommended by staff to oppose but the TAM Board postponed adoption until further discussion can be held. In addition to SB 526, staff is adding SB 152 (Beall) on ATP Reform for discussion. MTC asked the CMAs to consider supporting SB 526 on March 27th after the TAM Board packet was mailed out so SB 152 was not included in the initial set of bills.

SB 277 (Beall) – This bill is currently is a spot bill on SB 1 that was removed from TAM Board adoption to allow further discussion regarding whether the recommended action is beneficial to TAM. Staff anticipated that SB 227 will include a proposal to amend the Local Partnership Program (LPP) changing the existing 50/50 formula share between the complete and formulaic components to a 95/5 formula share. While the

amendment changing the split has not been finalized staff request the Board oppose the recommended split change at this time. Staff will present the pro's and con's of the proposed change and seek Board input and concurrence. **Recommend OPPOSE for SB277.**

SB 152 (Beall) – Existing law for the Active Transportation Program (ATP) requires the CTC to award 50% of available funds to projects competitively on a statewide basis, 10% of available funds to projects in small urban and rural regions, and the remaining 40% of available funds to projects selected by metropolitan planning organizations (MPO) in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population. The funds awarded by the CTC are known as the State ATP and the funds distributed to the MPOs are known as the Regional ATP. The MPO for the Bay Area is MTC who administered the Regional ATP.

SB 152 would require that 75% of available funds be awarded to projects selected by MPOs in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population, 15% to fund projects in small urban and rural regions, and 10% to projects of a transformative nature competitively awarded by CTC on a statewide basis.

MTC has asked all Bay Area CMAs, including TAM, to support SB 152 to avoid the incident that occur in the last cycle of State ATP when only two projects from the Bay Area was selected out of more than 50 awarded projects. MTC contends that the change in State/Regional formula will ensure more projects will be funded in the Bay Area. **Recommend SUPPORT for SB 152.**

SB 526 (Allen) – SB 526 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 CARB 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.

Staff agrees that CARB must police a region's ability to meet GGE reduction goals. But projects that purport to increase VMT may positively influence behavior change in a manner that has long lasting benefits. The addition of HOV Lanes are an example where additional hourly VMT may be recorded, but behavioral change through giving carpools, vanpools and transit an advantage needs to be valued and supported. A new transit center could show increased VMT on a local road leading to the transit center, but the benefit of high-quality transit facilities must be prioritized.

Staff believes there is risk in meeting the public's expectations under voter approved measures such as RM3 and our own Measure AA if we constrain the ability of the State to be a partner through the actions of the CTC. Staff wish to discuss this bill further with the TAM Board and suggest a monitor position as the bill moves through committees. **Recommend MONITOR for SB 526.**

NEXT STEPS

Staff is requesting the FPL Executive Committee to recommend positions on these two bills for TAM Board adoption on April 25, 2019. Gus Khouri will not be present at the April 8th FPL Executive Committee meeting.

Contingent on TAM Executive Committee and Board approval, staff will communicate these positions, particularly with SB 152, to MTC and other relevant parties.

FISCAL IMPACTS

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