



DATE: September 24, 2020

TO: Transportation Authority of Marin Board of Commissioners

FROM: Anne Richman, Executive Director *Anne Richman*
David Chan, Programming and Legislation Manager

SUBJECT: State Legislative Update (Discussion), Agenda Item No. 7

RECOMMENDATION

This is a discussion item only. The Funding, Programs and Legislation Executive Committee reviewed and discussed this item and provided feedback at its September 14, 2020 meeting.

BACKGROUND

In January 2020, TAM adopted a Legislative Platform (Attachment A) in guiding policy decisions and communicating TAM's goals to the State Legislature and other agencies (including, but not limited to, Metropolitan Transportation Commission (MTC), Regional Transportation Planning Agencies (RTPA), California State Association of Counties (CSAC), League of California Cities, and Self Help Counties Coalition (SHCC)) that have impacts on Marin and TAM during the year.

The 2020 Legislative Session is the second 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. Bills in the second year of a two-year session would need to be re-introduced in a future year if they failed to pass. Therefore, bills that did not pass the Legislature in 2020 will need to be re-introduced in 2021 by the respective authors.

DISCUSSION

August 31, 2020 was the last day for the Legislature to pass bills and September 30, 2020 is the last day for the Governor to sign or veto bills. Bills enacted on or before October 1, 2020 take effect January 1, 2021.

As previously explained, the TAM Board would have reviewed and adopted positions on approximately 25 bills annually in a typical Legislation Session. This year, staff was directed to monitor relevant bills but many of those bills were ultimately rescinded. Particularly, bills that proposed to raise taxes or revenue were retracted by authors in response to the state's financial troubles caused by COVID-19.

The three remaining bills reviewed and supported by the TAM Board have passed the Legislature. They are pending decisions from the Governor. Attachment A is TAM's Bill Matrix including the three bills: SB 288 (Wiener), SB 895 (Archuleta), and SB 1291 (Committee on Transportation).

TAM circulated a letter of support for SB 288 (Wiener) on CEQA (California Environmental Quality Act) Exemptions and TAM's Legislative Consultant, Mr. Khouri, testified at Legislative hearings to convey

TAM's positions on SB 288. Staff is in the process of preparing letters of support urging the Governor to sign SB 288 and SB 895. Regarding SB1291, this bill would have allowed MTC (and other RTPAs in the state) to delay submitting a Transportation Improvement Program (TIP) to the state due to the COVID-19 emergency; however, MTC plans to submit the TIP for the Bay Area region, and therefore it is not necessary for TAM to provide a support letter to the Governor at this time.

Mr. Khouri will be participating at the September TAM Board meeting to provide a state legislative update report. Attachment B provides a summary of his report.

FISCAL IMPACTS

There are no immediate fiscal impacts to TAM with this legislative update report.

NEXT STEPS

Staff will continue to monitor bills relevant to TAM and convey TAM's positions to our partner agencies and pertinent Legislators when warranted.

ATTACHMENT

Attachment A – TAM Bill Matrix – September 2020

Attachment B – Khouri Consulting's State Legislative Update – September 2020

TAM Bill Matrix – September 2020

Measure	Status	Bill Summary	Recommended Position
SB 288 (Wiener) CEQA Exemptions for Transit	9/2/2020 Governor's Desk	This bill was amended on June 3 to allow for exemptions under the California Environmental Quality Act (CEQA) for projects that institute or expand bus rapid transit and regional rail services on public rail or highway right of way, whether or not it is presently used for public transit, including passenger or commuter service on high-occupancy vehicle lanes or existing roadway shoulders. The bill would additionally exempt projects for rail, light rail, and bus maintenance, repair, storage, administration, and operations facilities; and projects for the repair or rehabilitation of publicly owned local, or major or minor collectors. Zero-emission fueling stations and chargers and projects for pedestrian and bicycle facilities would also be exempted. Lastly, the bill extends an exemption, from January 1, 2021 to January 1, 2030, for restriping streets and roads, and improving intersection timing for bicycles and pedestrians.	SUPPORT (TAM Board Adopted) MTC: Support CSAC: None League: None
SB 895 (Archuleta) Zero Emission Vehicles and Infrastructure	9/2/2020 Governor's Desk	This bill modifies the types of fuel and transportation technologies for which the California Energy Commission (CEC) must provide research and development support to focus on zero-emissions fuels, infrastructure, and technologies, over fossil fuels.	SUPPORT (TAM Board Adopted) MTC: None CSAC: Watch League: Watch
SB 1291 (Committee on Transportation) Federal Statewide Transportation Improvement Program: Filing Waiver for 2020	9/2/2020 Governor's Desk	Under existing law, each metropolitan planning organization and transportation planning agency is required, by not later than October 1 of each even-numbered year, to submit its Federal Statewide Transportation Improvement Program (FSTIP) to Caltrans for incorporation into the Federal Transportation Improvement Program (FTIP), which existing law requires Caltrans to submit to the United States Secretary of Transportation (USDOT) by not later than December 1 of each even-numbered year. This bill would provide that a metropolitan planning organization or transportation planning agency is not required to submit a FSTIP to Caltrans, and Caltrans is not required to submit the FSTIP to USDOT for 2020.	SUPPORT (TAM Board Adopted) MTC: None CSAC: None League: Watch

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September 2, 2020

TO: Board Members, Transportation Authority of Marin
FROM: Gus Khouri, President
Khouri Consulting LLC

RE: STATE LEGISLATIVE UPDATE – SEPTEMBER 2020

General Update

On June 15, the legislature approved Senate Bill (SB) 74 and a handful of trailer bills, meeting its constitutional deadline of submitting the FY 2020-21 State Budget to the Governor. The \$143 billion General Fund spending package is intended to be a placeholder until revenues, including personal income tax and capital gains receipts, come in by July 15 to address a \$54.3 billion deficit.

The plan includes rejecting funding for new and expanded programs (\$6 billion), the suspension of business tax credits (\$4.4 billion), drawing down on the Rainy Day Fund and other reserves (\$11 billion), and hoping for at least \$14 billion in assistance from the federal governments to offset cuts to education, health and human services, and pension obligation payments.

While Governor Newsom signed the package with modifications to assume additional revenues, it is still possible for the Governor to convene a special legislative session to address the budget through November 30, 2020.

What does this mean for transportation? SB 1 competitive programs are primarily funded by the vehicle registration fee, which provides for a more predictable, stable funding source as opposed to the volatility of the gas tax. While Caltrans has cash reserves, and SB 1 provides a continuous source of funding, the anticipated \$1.8 billion decline in gas consumption will impact programs like the Statewide Transportation Improvement Program (STIP) and State Highway Operation and Protection Program (SHOPP).

Governor Newsom has requested that the federal government consider a \$1 trillion plan to bail out state and local governments. The continuance of the shelter in place order will most certainly increase deficits to the STIP and SHOPP, which may force the California Transportation

Commission (CTC) to administer an allocation plan. Given the absence of federal assistance, the legislature will most likely convene in a Special Session called by the Governor after the conclusion of Session on August 31. The current class of legislators can meet until November 30. The 2021-22 class will be sworn in on December 7.

Governor's Transportation Action Plan

The California State Transportation Agency (CalSTSA), in collaboration with the Governor's Office of Planning and Research and California Air Resources Board (CARB), is in the process of adding additional guidance to supplement Governor Newsom's Executive Order, N-19-19, to reduce greenhouse gas emissions and vehicle miles traveled through limiting capacity projects along the state highway system, while encouraging mode shift through accelerated investments into public transportation, bicycle and pedestrian programs, and electric vehicle infrastructure.

The policy could require TAM to reassess investments made in the expenditure plans for Measure AA since Office of Planning and Research (OPR) wants to have the final say on investments made on the state highway system. There is a conscious effort to discourage the use of single-occupant, gas powered vehicles. CalSTA is contemplating holding a workshop in October to discuss further. Prospective implementation of the Transportation Action Plan could occur by December.

California Transportation Commission Update

A vacancy has been created with Governor Newsom's decision to not reappoint Commissioner Lucy Dunn for another term. The Governor has filled that position by appointing Michele Martinez, a Santa Ana City Councilmember. On August 12, Hilary Norton was nominated and approved to serve as Chair, and Bob Alvarado as Vice-Chair. The Bay Area only has two representatives, Vice-Chair Bob Alvarado and Carl Guardino. Commissioners Davis and Eager are the other two Northern California commissioners. Traditionally, there was a sensitivity to geographic representation, but Executive Order N-19-19 has placed a greater emphasis on philosophical compatibility.