



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 4a

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Memorandum

TO: Legislation Committee

DATE: November 6, 2009

FR: Executive Director

RE: 2009 Legislative Scorecard

This memo reviews MTC's legislative achievements in 2009, in comparison to the bills we supported or opposed, as well as our 2009 Legislative Program.

Outcome of MTC's Priority Bills

Of the 14 state bills we supported, six were enacted, five became two-year bills and three were vetoed. Below is an overview of some of the key outcomes this session:

MTC-Supported Bills Signed by the Governor

- AB 1175 (Torlakson) — Incorporates the Dumbarton and Antioch Bridges into the Toll Bridge Seismic Retrofit Program, thereby allowing a toll increase to meet their anticipated \$750 million retrofit cost.
- AB 628 (Block) — Authorizes pay-by-plate toll collection for toll operators statewide.
- AB 672 (Bass) — Allows local agencies to advance their own funds to keep Proposition 1B projects on schedule through a "letter of no prejudice" mechanism.
- AB 1072 (Eng) — Provides certainty to transit operators about how much funding they can expect from the Public Transportation Modernization Improvement and Service Enhancement Account (PTMISEA), funded by Proposition 1B (2006) by fixing the years used to calculate the formula.
- SB 83 (Hancock) — Authorizes congestion management agencies to place a vehicle registration fee on the ballot — subject to majority vote approval — up to \$10 per vehicle for transportation improvements and environmental mitigation purposes.
- SB 728 (Lowenthal) — Authorizes local air districts and local jurisdictions to enforce the state's parking cash-out law.

MTC-Supported Bills Vetoed by the Governor

- AB 338 (Ma) — Authorized tax-increment financing for transit-oriented development without a vote of the public.
- SB 406 (DeSaulnier) — Authorized metropolitan planning organizations to impose, by a majority vote of their board, a vehicle registration fee surcharge up to \$2 for development of sustainable communities strategies (SCS) required under Senate Bill 375 (2008) and grants to local governments to support implementation of the SCS.

MTC-Opposed Bills Signed by the Governor

- AB 254 (Jeffries) — requires toll operators to grant toll-free access to authorized emergency vehicles when responding to or returning from an urgent or emergency call, and when providing fire station coverage to other vehicles responding to emergencies. A preliminary estimate indicates that this could reduce bridge toll revenue by approximately \$23,000. However, this estimate does not include authorized “urgent” crossings allowable in the bill.

A complete summary of the status of bills on which we took a position is included as Attachment 1.

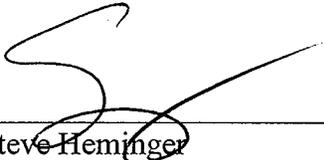
2009 Legislative Program Scorecard (Attachment 2)

Our 2009 Legislative Program contained a number of ambitious proposals, so it is not surprising that we did not achieve them all. Of greatest disappointment was the fact that AB 744 (Torrice) — the express lane network bill — became a two-year bill. While the bill moved quickly through the Assembly, it encountered more challenges in the Senate, where it currently resides.

There are a number of items that were included in last year’s program that will carry over into 2010. These include:

- Authorization to develop a regional express lane network.
- A constitutional amendment to lower the vote threshold for local and regional transportation taxes.
- A proposal to improve collections from FasTrak[®] toll violators.
- Secure a multi-year authorization of federal transportation funds that includes major program reform and significant new user-fee funded revenues.

In conclusion, last year was a relatively successful year; but as always, there is much more work to be done.



Steve Heminger

2009 LEGISLATIVE SCORECARD

MTC Position	Total	Enacted	2-Year Bills	Vetoed
Support/Support & Seek Amendment	14	6	5	3
Oppose	4	1	3	0

Bill No.	Author	Subject	MTC Position	Status/Outcome
AB 254	Jeffries	Bridge Toll Exemption for Emergency Vehicles	Oppose	Enacted
AB 266	Carter	Transportation Needs Assessment	Support	Senate
AB 338	Ma	Tax Increment Financing for Transit-Oriented Development	Support and Seek Amendment	Vetoed
AB 497	Block	High-Occupancy Vehicle Lanes: Physician Exemption	Oppose	Senate Transportation & Housing Committee; Hearing canceled at author's request*
AB 628	Block	Pay-by-Plate Toll Collection Authorization	Support	Enacted
AB 670	Berryhill	High-Occupancy Vehicle Lanes: Veteran Exemption	Oppose	Assembly Transportation Committee; failed passage.
AB 672	Bass	Letter of No Prejudice: Proposition 1B	Support – sponsor	Enacted
AB 744	Torrico	Bay Area Express Lane Network	Support – sponsor	Senate Appropriations Committee
AB 1072	Eng	Proposition 1B Transit Funding Formula	Support	Enacted

Bill No.	Author	Subject	MTC Position	Status/Outcome
AB 1135	Skinner	Vehicle Miles Traveled: Odometer Reporting Requirement	Support	Assembly Appropriations Committee
AB 1175	Torlakson	Toll Bridge Seismic Retrofit Program: Antioch & Dumbarton Bridges	Support – sponsor	Enacted
AB 1186	Blumenfield	Employee Parking	Support	Vetoed
AB 1500	Lieu	High-Occupancy Vehicle Lanes: Extension of Access for Alternative Fuel Vehicles	Oppose	Senate Inactive File
ACA 9	Huffman	Local Taxes: Lower Vote Threshold to 55 Percent	Support and Seek Amendment	Assembly Floor
SB 205	Hancock	Vehicle Registration Fee: Statewide Authorization	Support	Enacted (incorporated into SB 83)
SB 406	DeSaulnier	Sustainable Communities Strategy Funding	Support	Vetoed
SB 425	Simitian	Vehicle Trip Reduction: Employers of 100 or more	Support and Seek Amendment	Senate Appropriations Committee
SB 728	Lowenthal	Parking Cash-out: Local Enforcement	Support	Enacted

* A bill introduced in the first house in 2009 does not need to reach the second house to stay active. It could be held in committee or even voted down in committee, but later granted “reconsideration” for another vote. However, it must be voted out of the house of origin by January 31, 2010.

2009 LEGISLATIVE PROGRAM SCORECARD

S T A T E		
Subject	Objective	Outcome
1. State Budget Reform	Bring fiscal discipline and predictability to the state budget	Organizations such as the Bay Area Council and California Forward have advanced various reform strategies (including a constitutional convention) to address the systemic governance and budgetary problems facing the state, but no concrete progress was made on this front in 2009. As noted in our <i>Draft 2010 Legislative Program</i> , we will track and engage on this topic as opportunities present themselves.
2. Achieve budgeting stability and bring the system to a state of good repair	A. Merge the spillover with Proposition 42 and protect public transportation funds from General Fund diversion	Our legislative program called for developing a coalition to support a ballot measure to protect public transit funds by merging the Spillover into Proposition 42. While this idea did not take hold, momentum is definitely building towards greater protection of state public transportation funds as a result of the California Transit Association's (CTA) victory in its lawsuit against the state and the recent filing of an initiative for the November 2010 ballot, backed by CTA in cooperation with the League of Cities and the California Alliance for Jobs to protect public transit and local government funding from state raids.
	B. Authorize a new statewide gas fee to fund highway & local street and roads repairs	While the Democratic leadership introduced SB 11 x1 (Ducheny) — a proposal to institute a new gasoline and diesel user fees instead of the existing gasoline and diesel <i>tax</i> — it was part of a larger budget package that included new taxes to be passed by a simple majority vote. The proposal stalled when the Governor threatened he would veto it.

S T A T E

Subject	Objective	Outcome
2. Achieve budgeting stability and bring the system to a state of good repair (cont'd)	C. Support lowering the 2/3 super majority vote for local transportation taxes to 55 percent	MTC supports ACA 9 (Nation), which reduces the vote requirement for local special taxes to 55 percent. The bill is on the Assembly Floor.
3. High Occupancy Toll Network	Authorize MTC to develop a high-occupancy toll lane network	Developed broad-based coalition in support of AB 744 (Torrico), which currently resides in the Senate Appropriations Committee.
4. Proposition 1B: Transit Funding	Improve management of Proposition 1B transit funds	This goal was achieved through enactment of AB 672 (Bass) and AB 1072 (Eng).
5. SB 375 Implementation	Ensure cleanup legislation advances regional goals	SB 575 (Steinberg) was enacted and made various clean-up measures, including minor clean-up to the public participation provisions sought by MTC. SB 406 (DeSaulnier) would have provided a funding mechanism, but was vetoed.
6. Transit Operations - Lifeline	Broaden State Transit Assistance (STA) eligibility for discount fares	The suspension of STA for three years, as part of the February 2009 budget revision, undermined this proposal. It should be revisited in future years if STA funding can regain stability.
7. TransLink®	Extend the time limit for use of Regional Measure 2 TransLink® funds	This goal was achieved through enactment of AB 1175 (Torlakson).
8. Toll Bridge Operational Improvements	Improve enforcement and traffic operations of FasTrak® lanes	This goal was partially achieved through enactment of AB 628 (Block). We will seek additional changes to further improve enforcement in 2010.

F E D E R A L

Subject	Objective	Outcome
1. New Beginning for the Federal Surface Transportation Act	Advance MTC's policy priorities in the national dialogue about SAFETEA's successor	Congress has already extended SAFETEA twice in 2009 and prospects for significant reform through a multi-year authorization bill are dim. Congress is focused on many other priorities and appears unwilling to raise new revenue for transportation in the near term. .
2. Economic Recovery Package	Promote the inclusion of transportation funding in any proposal for a national economic stimulus package	MTC successfully lobbied for a robust transportation component to the American Recovery and Reinvestment Act. To date, the S.F. Bay Area has received \$887 million in ARRA funds, and stands to gain significant additional funding from the High Speed Rail program and the Transportation Investment Generating Economic Recovery (TIGER) discretionary grant programs not yet distributed.
3. Climate Change/ Energy Policy	Advocate for federal action on climate change to assist the Bay Area in meeting its goals	MTC continues to lobby for a reasonable share of allowances from the House and Senate climate change bills. The Senate bill was recently amended to provide an average of 2.5 percent for transportation, up from a maximum of 1 percent in the House bill.

F E D E R A L

Subject	Objective	Outcome
FY 2009-10 Appropriations	Maximize the flow of New and Small Starts funds to the region	The House and Senate have each adopted their version of FY 2010 appropriations bills, but they have not yet met in conference committee to reconcile their differences. Regarding the region's Resolution 3434 priority projects for FTA 5309 New and Small Starts funding, the Third Street Light Rail-Central Muni Central Subway and AC Transit Bus Rapid Transit project each received funding in both versions of the bill: the Senate provided \$2 million to each project, while the House provided \$4 million for Muni's project and \$1 million to AC Transit's project. Both chambers provided \$79,900 for the Livermore-Amador Route 10 Bus Rapid Transit project. The Senate also provided \$1 million to the Sonoma-Marin Area Rail Transit project. MTC will work to assure the maximum amount for all projects in the final bill.