



METROPOLITAN  
TRANSPORTATION  
COMMISSION

Agenda Item 5

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*Memorandum*

TO: Legislation Committee  
FR: Executive Director  
RE: 2011 Legislative Scorecard

DATE: October 7, 2011  
W.I. 1131

2011 was a challenging year in Sacramento and Washington, D.C. with fiscal concerns dominating the agenda and little progress on a long-term federal transportation authorization bill. In Sacramento, we focused our attention on the state budget, bills sponsored by MTC and other legislation that was consistent with our 2011 Legislative Program.

***Budget Success***

Given what a difficult budget year it was in Sacramento, transportation did remarkably well in the FY 2011-12 state budget, with the region receiving \$150 million in State Transit Assistance (STA), double the amount received the prior year. Because of its flexibility (it can be used for either capital or operating expenses) STA is a highly prized revenue source, even though it makes up a relatively small share of operating funds for most agencies. In addition, Bay Area cities and counties received approximately \$346 million for local street and road improvements, including pothole repairs, sidewalk and bicycle lane projects, and other critical maintenance needs — about \$30 million more than in FY 2010-11.

***Some Wins, Some Losses on Legislative Front***

The biggest legislative win was passage of AB 1215 (Blumenfield), which will reduce toll evasion by speeding up the process of getting license plates on new vehicles. Unfortunately, it is not an ideal fix as it still relies on consumers to put their plates on upon receipt but it is clearly a step in the right direction. With regard to MTC-sponsored bills, AB 57 (Beall), the bill to expand MTC's governing board, made it to the Senate Transportation and Housing Committee, but was held there by Chair DeSaulnier. The bill can be taken up again in early 2012.

SB 582 (Emmerson), a bill MTC co-sponsored with the Bay Area Air Quality Management District, made it to the Governor's desk, but was vetoed. Modeled on local ordinances in existence in San Francisco, Berkeley and Richmond, it would have authorized a three-year pilot program to allow a metropolitan planning organization and local air district to jointly adopt a *regional* commuter benefit ordinance requiring employers (of 20 or more, or 50 or more — to be determined by each region) to offer their employees an incentive to commute via means other than a single-occupant vehicle. Last-minute opposition by the California Chamber of Commerce led Republican leadership to oppose the measure and likely contributed to Governor Brown's veto.

A detailed side-by-side analysis of what we set out to achieve in our 2011 Legislative Program and where we stand today is attached.



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Steve Heminger

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## 2011 LEGISLATIVE SCORECARD

S T A T E		
Issue	Goal	Outcome
1. FY 2011-12 State Budget	Protect transportation funding and ensure funds are fully appropriated in the budget	<input checked="" type="checkbox"/> Lobbied successfully for passage of gas tax swap legislation in March 2011, (AB 105), required as a result of Proposition 26 (2010). Legislation provided for 100 percent of diesel sales tax to go to public transit and 100 percent of gasoline excise tax to go to State Highway Account for transportation purposes. Resulted in a statewide State Transit Assistance (STA) Program of \$416 million, more than double the STA funding provided in FY 2010-11. Reached long-term compromise to allow for compliance with transportation funding protection required by Proposition 22 (2010), while also providing general fund savings through redirection vehicle weight fees to pay for transportation debt service.
2. Senate Bill 375 Implementation	A. Encourage commute alternatives to the private automobile	<input checked="" type="checkbox"/> <b>Vetoed</b> Co-sponsored SB 582 (Emmerson) with the Bay Area Air Quality Management District to authorize a three-year pilot program for metropolitan planning organizations and their corresponding local air quality management districts to jointly adopt a regional commuter benefit ordinance applicable to employers of either 20 or more or 50 or more employees. The bill was passed by both houses of Legislature but was ultimately vetoed by Governor due to concerns about imposing a burden on small businesses during a recession.
	B. Increase regional planning funds	<input type="checkbox"/> No bills were introduced in 2012 to achieve this.

**S T A T E**

<b>Issue</b>	<b>Goal</b>	<b>Outcome</b>
	C. Enhance incentives for transit-oriented development	<input type="checkbox"/> MTC supported several bills to make it easier to create Infrastructure Financing Districts, AB 485 (Ma) and SB 214 (Wolk); however, the bills either died or were substantially amended to remove the IFD-related provisions due to opposition by the Brown Administration. SB 310 (Hancock) was enacted and will allow a city to adopt a Transit Priority Project Program whereby a developer may add an additional three stories to a building above the current zoning and may be reimbursed for permit costs or costs associated with making the units affordable from IFD funds. MTC also supported AB 710 (Skinner), which would have set limits on how much parking local jurisdictions can require for residential and commercial property in transit intensive areas, but the bill died on the Senate Floor.
3. Expand representation of San Jose and Oakland on MTC	Add two new seats to MTC to include a representative of the City of San Jose and the City of Oakland	<input type="checkbox"/> MTC sponsored AB 57 (Beall), which passed the State Assembly, but was ultimately held in the Senate Transportation and Housing Committee. It is now a two-year bill that can be taken up after session resumes in January 2012.
3. Public Transit Capital Funding	Restore mode-neutrality to the state transportation improvement program (STIP)	<input checked="" type="checkbox"/> The FY 2011-12 State Budget restored the flexibility that existed prior to the FY 2010-11 State Budget to allow SHA funds to be spent on mass transportation.

**S T A T E**

<b>Issue</b>	<b>Goal</b>	<b>Outcome</b>
4. High-Speed Rail Connectivity Funds	Ensure that Bay Area rail operators receive their share of these funds in the manner provided for in Proposition 1A (2008)	<input type="checkbox"/> MTC supported AB 845 (Ma) to ensure that high-speed rail connectivity funds were allocated to operators, as provided in the program adopted by the California Transportation Commission. However, the bill did not advance from the Senate Appropriations Committee. While the Legislature approved \$154 million in funding for high-speed rail connectivity in the FY 2011-12 budget, Governor Brown vetoed \$147 million of this funding, restricting the remainder to positive train control safety projects. This came as a major surprise to key stakeholders, particularly the Bay Area Rapid Transit (BART) District, which plans to use its share of the connectivity funds to help fund the replacement of 200 cars (\$30 million) and San Francisco Municipal Transportation Agency's, which plans to use its share for the Central Subway extension (\$61 million).
5. Protect Toll Bridge revenue	Reduce toll evasion by speeding up timeframe for placing license plates on new vehicles	<input checked="" type="checkbox"/> AB 1215 (Blumenfield), requiring all new car dealers in California register new vehicle purchases electronically, was signed into law. The bill will reduce the timeframe for a consumer to receive their plates from roughly 8-12 weeks to about 10 days. The bill also clarifies that a vehicle owner is required to install the plates on their new vehicle <i>upon receipt</i> . The bill also reduces the maximum amount of time a car may lawfully be driven without license plates from 180 days to 90 days.
6. Carpool Lanes	Protect time-savings incentive to carpool	<input checked="" type="checkbox"/> No bills were introduced in 2011 to expand access to carpool lanes for single-occupant vehicles of any type.

**S T A T E**

<b>Issue</b>	<b>Goal</b>	<b>Outcome</b>
7. Project Delivery	Seek opportunities to expedite the project delivery process without reducing the integrity of environmental review	<input checked="" type="checkbox"/> AB 892 (Carter), which MTC supported, was signed by the Governor. The bill extends a pilot program, begun in 2006, that allows Caltrans to assume responsibility for project review under the National Environmental Policy Act (NEPA) in order to speed up project delivery. Caltrans saved an average of 15 months on draft environmental assessments and 17 months on final environmental assessments according to a report Caltrans submitted to the Legislature in January 2011.

**F E D E R A L**

Issue	Goal	Outcome
1. Authorization of a Multi-Year Federal Surface Transportation Act	Establish a well funded and simplified national transportation policy that focuses on fundamental federal interests	<input type="checkbox"/> No progress, but recent developments, including House Republican Leadership support for increased revenue and President Obama’s inclusion of \$50 billion for transportation infrastructure in the American Jobs Act proposal offer some hope for higher funding levels and a multi-year act before November 2012.
2. Climate Change	Reduce greenhouse gas emissions from the transportation sector	<input type="checkbox"/> Off the table for now. No prospect for progress on this issue during the 112th Congress given strong opposition from Republican leadership in the House of Representatives.
3. Pre-tax Transportation Fringe Benefits	Ensure mode-neutrality in pre-tax transportation benefits	<input checked="" type="checkbox"/> Extended through December 31, 2011 as part of a comprehensive tax extension package in late 2010. Also took support positions on legislation (H.R. 2412, S. 1034 and H.R. 1825) introduced in 2011 to extend parity indefinitely. None of the bills have been enacted to date.
4. FY 2011 -12 Appropriations	A. Maximize the region’s share of New & Small Starts funds	<input type="checkbox"/> FY 2011-12 Appropriations process is still under development and neither house has released specific project funding amounts for New and Small Starts.
	B. High Speed Rail	<input type="checkbox"/> While the Senate Appropriations Committee restored \$100 million in funding for high-speed rail for FY 2011-12, the House-approved bill zeroed out the program. At this point, it seems unlikely that Congress will provide any significant high-speed rail funding this year. On the other hand, President Obama did include \$4 billion for high-speed rail in his proposed American Jobs Act.

**F E D E R A L**

<b>Issue</b>	<b>Goal</b>	<b>Outcome</b>
5. Project Delivery	Seek opportunities to expedite the project delivery process without reducing the integrity of environmental review	<ul style="list-style-type: none"> <li data-bbox="709 305 1986 621">□ The lack of progress on a multi-year surface transportation authorization meant that there was no legislative vehicle for significant reforms to speed up project delivery. However, given the interest on the part of House Transportation &amp; Infrastructure Committee Chairman John Mica in such reforms, and the degree to which many reforms have been embraced in a bipartisan manner, it appears likely that Congress will pursue various reforms to speed up project delivery in a multi-year surface transportation authorization bill. On the other hand, if Congress is unable to move beyond simply extending the existing Safe, Accountable, Efficient, Transportation Equity Act (SAFETEA) statute, significant changes to the laws that affect project delivery are unlikely.</li> </ul>