



Agenda Item No. 6

METROPOLITAN
TRANSPORTATION
COMMISSION

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Memorandum

TO: Policy Advisory Council
FR: Rebecca Long, Legislative Analyst
RE: Draft 2012 Legislative Program

DATE: November 2, 2011
W.I. 1114

The Draft 2012 Legislative Program for the state and federal legislative sessions is attached for your review and comment. The program includes proposals that MTC will seek to sponsor, as well as a number of items that MTC will actively engage upon as bills are introduced. This document is also being presented to MTC's Legislation Committee as an information item on November 4. Based on the discussion that takes place at that meeting and your input, the final Legislative Program will come before the Legislation Committee in December, before going to the full Commission for approval.

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**METROPOLITAN
TRANSPORTATION
COMMISSION**

2012 DRAFT LEGISLATIVE PROGRAM

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S T A T E		
Issue	Goal	Strategy
1. FY 2012-13 State Budget	A. Protect funding and ensure funds are appropriated consistent with current statute	While transportation was spared deep cuts in the FY 2011-12 State Budget, experience tells us that we can never be too vigilant when it comes to protecting our state revenue sources. California voters have put in place significant protections, most recently through the adoption of Proposition 22 (November 2010), a constitutional amendment that prohibits diversion of the gas tax to non-transportation purposes and restricts the diesel sales tax to public transit. However, a portion of the diesel sales tax that was added as part of the gas tax swap (referred to as the “new increment”) is not protected by Proposition 22 and is therefore vulnerable to diversion, given the significant shortfalls that exist even in the current year budget. In the current year, this increment is estimated to generate \$170 million or 40 percent of the total State Transit Assistance (STA) program. MTC will work diligently to ensure that all state transportation funding sources are protected in the remainder of FY 2011-12 and in the FY 2012-13 State Budget.
	B. Ensure that Bay Area rail operators receive high-speed rail connectivity funds	Working with our local rail operators and the California Transit Association, MTC will advocate to help ensure that each of the region’s rail operators receives its appropriate share of high-speed rail connectivity funds from Proposition 1A (November 2008), as approved by the voters and contained in the California Transportation Commission’s adopted program of projects for this fund source. Bay Area projects counting on funding from this pot include replacement of 200 Bay Area Rapid Transit District (BART) cars (\$30 million) and San Francisco Municipal Transportation Agency’s Central Subway extension (\$61 million).

S T A T E

Issue	Goal	Strategy
2. Increase transportation funding options at regional level	Support renewed efforts to authorize voters to approve a regional congestion reduction charge	Support legislation (similar to an early version of SB 791 introduced in summer 2011) to authorize metropolitan planning organizations to place on the ballot a regional congestion reduction charge (to be imposed on all forms of motor fuel and electric vehicle annual registration charges) to provide traffic congestion relief and improve the roadway condition. Seek to ensure that the bill is drafted in such a way as to allow approval by a simple majority vote, in compliance with the provisions of Proposition 26.
3. Senate Bill 375 Implementation: Improve Regional Sustainability	A. Increase regional planning funds	Support efforts to provide a new, dedicated ongoing fund source to support the additional planning work required to develop the Sustainable Communities Strategy (SCS). A minimum share of the funds would be dedicated to regional planning efforts, with funding above that amount available for city and county-level planning efforts that support SCS goals.
	B. Modify MTC's board to improve representation of region's largest cities	Continue to pursue enactment of AB 57 (Beall), currently residing in the Senate Transportation & Housing Committee to add two seats to MTC — one for the City of San Jose and the other for the City of Oakland. As the Bay Area works to implement the requirements of Senate Bill 375, a focus on development within the existing urban core and near existing public transit service is imperative. By designating an MTC seat for each of these three cities, the bill will provide greater representation to the most densely populated parts of the region that will play a leading role in reducing growth in greenhouse gas emissions from the transportation sector.
	C. Enhance incentives for transit-oriented development and alternate modes of transportation	Support legislation that encourages transit-oriented development and travel alternatives to solo driving, including the use of non-motorized transportation, public transit, vanpooling, carpooling and telecommuting.
	D. Reform the California Environmental Quality Act (CEQA)	Support legislative efforts to simplify the CEQA review process in relation to transit-oriented development, infill development and other projects and plans that are consistent with the goals and objectives of an adopted sustainable communities strategy.

MTC's 2012 Draft Legislative Program

S T A T E		
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4. Reduce Toll Evasion	Require all vehicles sold in California to have a camera-readable license plate installed at the point of sale	In partnership with toll operators statewide and local law enforcement associations, MTC will seek to co-sponsor legislation that closes the loophole that enables drivers in California to drive without a license plate. Unlicensed vehicles who avoid paying tolls by using the electronic toll lanes without a FasTrak [®] toll tag or a license plate are costing the Bay Area Toll Authority almost \$4 million in unpaid tolls. Some progress was made on this issue in 2011, with enactment of AB 1215 (Blumenfield), which speeds up how quickly consumers receive their plates from the DMV (from roughly 8-12 weeks to about 10 days under the new system beginning in on July 1, 2012). However, despite amendments sought by MTC, AB 1215 didn't address the problem of vehicle owners who fail to install their plates and thereby avoid detection by enforcement cameras. Rather than taking an enforcement-based approach, our new legislative proposal would simply require all vehicles have either a permanent plate or a temporary, camera-readable paper plate at all times. For new vehicles, the temporary paper plate would be printed out and installed on site by the dealership. The plate number would be immediately entered into DMV's statewide vehicle database. Such a system is up and running in a number of states, including Arizona, and works very effectively.
5. Project Delivery	Seek opportunities to increase flexibility to deliver state, local and regionally-funded projects	Support efforts to remove roadblocks and hurdles to efficient project delivery at the state, local and regional level, including supporting alternative contracting methods, such as design-build and construction management at risk.
6. Carpool Lanes	Protect time-savings incentive to carpool	Oppose efforts to expand access to carpool lanes for single-occupant vehicles as an incentive for the purchase of fuel efficient vehicles beyond that which is provided for in current law or for other non-transportation purposes.

MTC's 2012 Draft Legislative Program

F E D E R A L		
Issue	Goal	Strategy
1. Surface Transportation Authorization	Provide increased federal funding for transportation infrastructure, focus on core national priorities and expedite project delivery	MTC will continue to advocate for a multi-year authorization bill that provides increased funding and a bold new direction. In view of the challenge of identifying sufficient revenues to protect current funding levels, let alone the increased levels sought by all the major transportation stakeholders, we will advocate for a program focused on core national objectives, namely restoring the nation's transportation infrastructure to a state of good repair, improving metropolitan mobility, improving freight/goods movement and advancing an environmentally sustainable transportation system. We will seek higher levels of funding across the board and work with various stakeholder groups to help identify new fund sources. In partnership with other transportation stakeholders, we will also support legislative efforts to remove roadblocks to efficient project delivery.
2. Pre-tax Transportation Fringe Benefits	Ensure mode-neutrality in pre-tax transportation benefits	Continue our long-standing advocacy for parity between the pre-tax transportation fringe benefit allowed for public transit and vanpooling and that which is allowed for parking. Furthermore, condition the pre-tax allowance for parking expenses on an employer's offering of a cash-out option to all employees who are offered the parking subsidy.
3. FY 2012-13 Appropriations	A. Maximize the region's share of New & Small Starts funds	Continue our advocacy efforts to implement the Regional Transit Expansion Program, Resolution 3434, by advocating for federal New Starts funds for San Francisco Municipal Transportation Agency (SFMTA) Third Street Light Rail/Central Subway project and Santa Clara Valley Transportation Authority's BART to Berryessa extension and Small Starts funding for bus rapid transit projects sponsored by Alameda Contra Costa Transit District (International Boulevard) and SFMTA (VanNess Avenue).
	B. High Speed Rail	Seek additional funding for High Speed Rail in FY 2012-13 to support the California High Speed Rail Authority's financing plan, including early investment in Bay Area projects identified in the San Francisco/Silicon Valley Corridor Investment Strategy.
4. Climate Change	Reduce greenhouse gas emissions from the transportation sector	Support efforts to reduce greenhouse gas emissions from the transportation sector through nationwide incentives to standardize electric vehicle charging infrastructure and various other strategies.

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5. Non-Motorized Transportation	Allow the use of federal funds to provide incentives for walking and bicycling	The Federal Highway Administration has objected to the use of Congestion Mitigation and Air Quality (CMAQ) Funds for “incentives” such as rewards used in Safe Routes to Schools programs to help encourage people to try walking and bicycling. Given the long-standing practice in the travel demand management field of using such rewards as a way to motivate people to try new forms of travel, MTC will pursue a statutory change to allow CMAQ to be used to provide modest rewards aimed at promoting bicycling and walking.

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