

AGENDA: April 7, 2005

TO: Regional Transportation Commission
FROM: Kim Shultz, Senior Transportation Planner
RE: Legislative Update and Proposed Positions on Pending State Legislation

RECOMMENDATION

Staff recommends that the Regional Transportation Commission:

1. Accept a status report and approve recommended support, oppose or monitor positions on state legislative proposals;
 2. Forward the support and opposition positions to our local state legislators;
 3. Forward the attached matrix of pending state legislation to members of the Interagency Technical Advisory Committee and coordinate with them on information sharing and development of positions;
 4. Direct staff to work with our State representatives to develop legislation, as necessary, to clarify that alternates can attend closed session meetings of a governing body; and
 5. Accept a status report on the federal reauthorization of TEA-21.
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BACKGROUND

Every year the Commission adopts a legislative agenda to guide its support and opposition of state and federal legislative or administrative actions. While the RTC staffing levels are currently stretched pretty thin, there is value in sharing timely information on current legislative matters at the state and federal level to provide an opportunity for the Commission to direct staff effort on specific issues.

DISCUSSION

State Legislation

To augment limited staff resources, we received permission from the Transportation Agency for Monterey County (TAMC) staff to use their state legislative matrix ([Attachment 1](#)) as a method to share the range of legislative items currently under discussion in Sacramento. With limited exceptions, TAMC's 2005 state legislative program is very similar to that adopted by the RTC in March. Staff has reviewed and modified the recommended positions shown in the matrix to reflect

RTC's legislative agenda, though the order of the items presented reflects more the structure of TAMC's legislative program.

At this point in the legislative session, many of the bills in the matrix are known as "spot bills", or legislative placeholders, for when the sponsors or authors want to introduce a bill on a specific topic, but don't currently have the exact language. It is impossible to tell from a spot bill its eventual direction, so the spot bills on this matrix are marked as "monitor" unless other information is known. When the bills are amended to more clearly indicate the intention of the proposal, staff will bring a revised matrix to the RTC for changes in the recommended positions.

Current information on any of the bills cited in the legislative matrix can be found at the <http://www.leginfo.ca.gov/bilinfo.html>, the official site for California legislative information, maintained by the Legislative Counsel of California.

State Transportation Administration Reorganization

There are five spot bills related to reorganizing Caltrans and the California Transportation Commission. These are responses to the Governor's recently released California Performance Review (CPR). As they are all spot bills, staff recommends a "monitor" position until the language is finalized.

State Transportation Funding and Proposition 42 Funds

In overview, the Governor's budget proposal would delay the repayment of up to \$4 billion in transportation funds that have been loaned or transferred to the General Fund, with \$3.4 billion of that consisting of Prop. 42 funds. The Governor also proposes to extend the repayment period over a 15 year period with no interest, resulting in a reduction of hundreds of millions of dollars for transportation.

Meanwhile, the gas tax has lost value over the past 15 years even though vehicle miles traveled (VMT) have increased. The Legislative Analyst's Office (LAO) reports that from FY 1998-99 through FY 2005-06, inflation-adjusted state gas tax revenues have declined 8 percent while VMT has increased by more than 16 percent. Of the 50 states, California is 47th in per capita spending on transportation. These results were before the current state budget crisis. Clearly, transportation funding issues in California are a severe and fundamental problem.

Proposals addressing state transportation funding are numerous at this time, and identified as spot bills. Staff recommends "monitor" positions on these bills until more specific language is developed.

Numerous proposals have been offered to address the redirection of Proposition 42 funds over the past 3 years. **Staff recommends a "support" position in principle on all proposals to preserve Proposition 42**, consistent with the will of the voters in approving Prop. 42 and the RTC's adopted legislative program to "preserve existing transportation funding formulas and programs."

Repayment of Local Funds

AB 267 (Daucher) would extend the time period a local agency can expend its own funds on STIP programmed projects for which there is no STIP allocation. The bill proposes to extend the eligible period of reimbursement from 12 months to a 36 month period. Approval of the bill would greatly increase the possibility the RTC will be reimbursed for STIP funds proposed for use in FY 05-06 for the Freeway Service Patrol (FSP) program. In the absence of improved chances for reimbursement, the RTC may need to reconsider the continued use of STIP funds for both the FSP program and the *SAFE on 17* program. The retroactive element of the bill was eliminated in the Assembly Transportation Committee due to objections from the California Transportation Commission. **Staff recommends the RTC “support” this legislation (Attachment 2).**

Local Transportation Sales Taxes

SB 1020 (Migden) allows for the doubling of Transportation Development Act (TDA) revenue after a County Board of Supervisors affirmatively votes to support such a local tax increase. It is still unclear whether that vote would require a simple majority or 2/3 voter threshold. This bill would allow our county to pursue an increase in TDA revenues to increase funding for transit and specially transportation services for the elderly and disabled. **RTC staff recommend “support” of this proposal (Attachment 3).**

ACA 7 (Nation) is a proposed Constitutional Amendment to change the 2/3 voter-approval requirement for special taxes to a 55% voter threshold. There has been no movement on this item since it's introduction on December 6th. Transportation advocates have not chosen to push this proposal given the understanding there is broader public support for initiatives involving education and public safety at this time. There is hope that this item could be worked into the framework of a constitutional amendment to implement stricter budget controls sponsored by the Governor, with legislative support to stabilize state transportation funding. **RTC staff recommend “support” of this proposal in that context.**

Design-Build/Streamline Project Delivery

Numerous proposals have been introduced to facilitate the delivery of transportation improvement projects. It is staff's understanding that the legislative intent is to develop broad based support for these measures with the goal of combining all bills into one final proposal in the summer to allow flexibility in the process and method to deliver capital improvement projects. **Staff recommends a “support” position on these items consistent with RTC's approved legislative agenda, and to work with our state legislators to be included in the bills where county agencies are named.**

California Council of Governments Bill Package and Others

A range of other bills are described as presented in TAMC's legislative matrix sponsored by the California Council of Governments, and others. These bills are presented as information only, and include proposals to address general plan requirements, land use and development, the intent of the legislature to promote jobs/housing balance.

Staff does recommend support for AB 765 (Salinas) to expand the use of Amtrak feeder buses for long-haul trips to better serve the Central Coast, and AB 713 (Torricono) that would extend the vote on High Speed Rail Act from November 2006 to November 2008.

Proposed New Legislation – Attendance of Alternates in Closed Session

Staff seeks direction from the Commission in working with our state legislators on new legislation to allow alternates of governing bodies to attend closed session meetings. Options in addressing this issue include amending the state statute establishing the RTC (Government Code Section 97940) or amending the Brown Act itself (Government Code Section 54952.2) to allow a legislative body to adopt a rule permitting alternate members to participate, short of voting, in closed session meetings.

Clarification is needed on the Commission's intention whether the alternate should be allowed to attend a broad range of closed session topics, or if attendance should be limited to specific subject areas. Choices currently in statute include: 1) right-of-way issues; 2) matters related to existing or potential litigation; 3) issues related to joint powers authority; and/or, 4) personnel and labor matters. **Staff seeks direction on the range of closed session subject areas the Commission wants to authorize alternates participation in.**

Next Steps

Subject to direction from the Commission, following are the next steps to be taken with the legislative program:

- Forward the support and opposition positions to our local state legislators.
- Forward the legislative matrix to the Interagency Technical Advisory Committee members and coordinate with them on information sharing and development of positions.
- Continue to coordinate with the regional and statewide organizations including the California Council of Governments (CALCOG), the Transportation Agency for Monterey County (TAMC), the Metropolitan Transportation Commission, the Self Help County Coalition, and others, on monitoring and advocating legislative issues.
- Return to the RTC with any significant developments or changes to positions on pending legislation.

Status of Federal Legislation

The House has approved a reauthorization bill for TEA-21, which included the earmark of \$3.67 million for the Soquel/Morrissey Merge Lane Project as proposed by Congressman Farr. The RTC's Washington Assistant, Carolyn Chaney, reports ([Attachment 3](#)) that despite the overwhelming vote of approval in the House, there remains an unresolved matter over the rate of

return “donor states” receive from the Highway Trust Fund. California is a “donor state” because it contributed more transportation revenue to the federal government than it receives in return. Meanwhile, the Senate Environment and Public Works Committee is working on their version of the bill, as reported in another report from Carolyn Chaney (Attachment 4). Despite initial agreement in committee on a funding level of \$284 billion, the Senate seems oriented to a higher spending level of \$318 billion, as approved overwhelmingly in 2004. The President has threatened to veto a bill over the \$284 billion, or with any provisions that would allow the bill to be “reopened” after 2006 to increase the minimum rate of return for donor states. California has long been a donor state in contributions to the Highway Trust Fund.

SUMMARY

Staff offers a state legislative matrix ([Attachment 1](#)), created by the Transportation Agency for Monterey County (TAMC), modified to reflect the RTC’s approved legislative agenda. Preliminary recommendations are made to support, oppose or monitor specific legislative proposals, including: support for AB 267 ([Attachment 2](#)) to extend the reimbursement period on advanced local expenditures of STIP programmed projects; support for all proposals to preserve Proposition 42 funds for transportation purposes; and, support for SB 1020 ([Attachment 3](#)) to increase Transit Development Act revenue for transit and specially transportation services for the elderly and disabled. Based on the Commission input, staff will forward support and opposition positions to our local state legislators, and coordinate with members of the ITAC, and other regional and statewide organizations on information sharing and development of positions. Staff seeks direction on legislation to clarify the role of alternates participation, short of voting, in closed session meetings on issues pertaining to right-of-way, existing or potential litigation, issues related to joint posers authority, and/or personnel and labor matters. Two status reports ([Attachments 3 and 4](#)) are provided by RTC’s Washington Assistant on the evolving process of the federal reauthorization of TEA-21.

Attachments;

1. 2005 SCCRTC State Legislative Matrix, modified exhibit from TAMC, date March 18, 2005
2. AB 267 Amended, March 14, 2005, introduced by Assembly Member Daucher
3. SB 1020, February 22, 2005, introduced by Senator Migden
4. Memo from Carolyn Chaney, regarding House Approves Transportation Bill, March 15, 2005
5. Memo from Carolyn Chaney, regarding House Approves Transportation Bill, March 23, 2005