



Metropolitan Transportation Commission

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Agenda

Legislation Committee

Committee Members:

Alicia C. Aguirre, Chair Sam Liccardo, Vice Chair

*Scott Haggerty, Anne W. Halsted,
Julie Pierce, James P. Spering, Vacant*

Non-Voting Members: Tom Azumbrado, Dorene M. Giacomini

Friday, January 13, 2017

9:40 AM

Board Room - 1st Floor

This meeting is scheduled to be webcast live on the Metropolitan Transportation Commission's Web site: <http://mtc.ca.gov/whats-happening/meetings> and will take place at 9:40 a.m. or immediately following the 9:35 a.m. Operations Committee meeting.

1. Roll Call / Confirm Quorum

Quorum: A quorum of this committee shall be a majority of its regular voting members (4).

2. Consent Calendar

2a. [17-2135](#) Minutes of December 9, 2016 Meeting

Action: Committee Approval

Attachments: [2a Minutes Dec 2016](#)

2b. [17-2136](#) Legislative History

Action: Information

Presenter: Rebecca Long

3. Information

- 3a.** [17-2137](#) State and Federal Legislative Visits
- Information about legislative advocacy meetings being planned for Sacramento & Washington D.C.
- Action:** Information
- Presenter:** Randy Rentschler
- Attachments:** [3a Sac&WashingtonDCVisits](#)

4. State Legislation

- 4a.** [17-2138](#) FY 2017-18 State Budget
- Overview of the transportation elements of the Governor's budget proposal.
- Action:** Information
- Presenter:** Rebecca Long
- Attachments:** [4a State Budget](#)
- 4b.** [17-2158](#) Transportation Funding: AB 1 (Frazier) / SB 1 (Beall)
- \$6 billion state transportation funding packages.
- Action:** Support / Support / Commission Approval
- Presenter:** Rebecca Long and Randy Rentschler
- Attachments:** [4b AB 1 Frazier-SB 1 Beall Support](#)
- 4c.** [17-2157](#) AB 28 (Frazier): Renewal of Caltrans Authority to Assume Responsibility for Approving Highway Projects under the National Environmental Policy Act (NEPA)
- Extension of the Federal Highway Administration Delegation of National Environmental Policy Act review to Caltrans.
- Action:** Support / Commission Approval
- Presenter:** Rebecca Long
- Attachments:** [4c AB 28 Frazier NEPA Delegation](#)

4d. [17-2191](#) Affordable Housing Funding: SB 2 (Atkins) / SB 3 (Beall)

Affordable housing funding proposals.

Action: Support / Support / Commission Approval

Presenter: Georgia Gann Dohrmann

Attachments: [4d_Affordable Housing SB 2 \(Atkins\) and SB 3 \(Beall\)](#)

5. Federal Legislation**5a.** [17-2139](#) Tom Bulger's Report

Report from MTC's advocate in Washington D.C.

Action: Information

Presenter: Randy Rentschler

Attachments: [5a_Tom Bulger's DC Report_Dec 2016](#)

6. Public Comment / Other Business**7. Adjournment / Next Meeting**

The next meeting of the Legislation Committee will be February 10, 2017, 9:35 a.m. the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Committee members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Committee. Actions recommended by staff are subject to change by the Committee.

MTC's Chair and Vice-Chair are ex-officio voting members of all standing Committees.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 17-2135 **Version:** 1 **Name:**
Type: Minutes **Status:** Consent
File created: 11/30/2016 **In control:** Legislation Committee
On agenda: 1/13/2017 **Final action:**
Title: Minutes of December 9, 2016 Meeting
Sponsors:
Indexes:
Code sections:
Attachments: [2a_Minutes_Dec 2016](#)

Date	Ver.	Action By	Action	Result
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Subject:
Minutes of December 9, 2016 Meeting

Recommended Action:
Committee Approval

Attachments



Metropolitan Transportation Commission

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes - Draft

Legislation Committee

Committee Members:

Alicia C. Aguirre, Chair Sam Liccardo, Vice Chair

*Scott Haggerty, Anne W. Halsted, Steve Kinsey,
Julie Pierce, James P. Spering*

Non-Voting Members: Tom Azumbrado, Dorene M. Giacopini

Friday, December 9, 2016

9:35 AM

Board Room - 1st Floor

1. Roll Call / Confirm Quorum

Present: 6 - Chair Aguirre, Commissioner Haggerty, Commissioner Halsted, Vice Chair Liccardo, Commissioner Pierce, and Commissioner Spering

Absent: 1 - Commissioner Kinsey

Non-Voting Members Present: Commissioner Azumbrado and Commissioner Giacopini

Ex Officio Voting Members Present: Commission Chair Cortese and
Commission Vice Chair Mackenzie

Ad Hoc Non-Voting Members Present: Commissioner Campos, Commissioner Luce,
Commissioner Tissier and Commissioner Worth

2. Consent Calendar

Upon the motion by Commissioner Halsted and second by Commissioner Spering, the Consent Calendar was unanimously approved by the following vote:

Aye: 5 - Commissioner Haggerty, Commissioner Halsted, Vice Chair Liccardo,
Commissioner Pierce and Commissioner Spering

Absent: 2 - Chair Aguirre and Commissioner Kinsey

2a. [15-2062](#) Minutes of November 4, 2016 Meeting

Action: Committee Approval

Commissioner Aguirre arrived after the approval of the Consent Calendar.

3. Approval

3a. [15-2063](#) 2017 Final Advocacy Program

Recommended state and federal legislative priorities for 2017.

Action: Commission Approval

Presenter: Randy Rentschler

Richard Hedges was called to speak.

Scott Lane was called to speak.

Upon the motion by Commissioner Haggerty and second by Commissioner Pierce, the 2017 Final Advocacy Program was unanimously adopted as amended to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 6 - Chair Aguirre, Commissioner Haggerty, Commissioner Halsted, Vice Chair Liccardo, Commissioner Pierce and Commissioner Spering

Absent: 1 - Commissioner Kinsey

4. Federal Legislation

4a. [15-2064](#) Tom Bulger's Report

Report from MTC's advocate in Washington D.C.

Action: Information

Presenter: Randy Rentschler

5. Public Comment / Other Business

Scott Lane was called to speak.

6. Adjournment / Next Meeting

The next meeting of the Legislation Committee will be January 13, 2017, 9:40 a.m. at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 17-2136 **Version:** 1 **Name:**
Type: Report **Status:** Consent
File created: 11/30/2016 **In control:** Legislation Committee
On agenda: 1/13/2017 **Final action:**
Title: Legislative History

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:
Legislative History

Presenter:
Rebecca Long

Recommended Action:
Information

Attachments



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 17-2137 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 11/30/2016 **In control:** Legislation Committee
On agenda: 1/13/2017 **Final action:**
Title: State and Federal Legislative Visits

Information about legislative advocacy meetings being planned for Sacramento & Washington D.C.

Sponsors:

Indexes:

Code sections:

Attachments: [3a_Sac&WashingtonDCVisits](#)

Date	Ver.	Action By	Action	Result
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Subject:

State and Federal Legislative Visits

Information about legislative advocacy meetings being planned for Sacramento & Washington D.C.

Presenter:

Randy Rentschler

Recommended Action:

Information

Attachments



Memorandum

TO: Legislation Committee

DATE: January 6, 2017

FR: Executive Director

W. I. 1131

RE: State and Federal Legislative Visits

Each year at this time we recommend a plan for meetings and outreach to the members of the Bay Area's legislative delegations in Sacramento and Washington, D.C. to brief them on our legislative priorities and key MTC initiatives. This memo summarizes our proposed approach for 2017.

Sacramento Advocacy

The top three priorities on this year's state legislative agenda are: 1) support for a statewide transportation funding package; 2) authorization of a 2018 bridge toll measure to fund priority improvements in the bridge corridors and 3) support for strategies that increase housing supply, especially affordable housing. In addition to highlighting our policy priorities, these meetings are an opportunity to brief the Sacramento delegation on key items of interest, such as the opening of the I-680 Express Lanes (the first ones to be administered by MTC), the MTC-ABAG staff consolidation, Bay Area Bikeshare and Plan Bay Area 2040.

The goal of our Sacramento meetings is to provide Commissioners a chance to meet face-to-face with the Bay Area delegation. Similar to last year, we recommend arranging meetings with the Senators and Assembly Members who represents each commissioner's jurisdiction either in Sacramento or at the district office and grouping multiple meetings on the same day to the greatest extent possible. We believe a first round of those meetings should take place in February — after the budget is released, but before the Legislature begins its policy committee hearings in March. A second round of meetings would target the April-May timeframe. Most of the meetings will be held in Sacramento as this provides more flexibility with legislators' schedules and allows for meetings with the delegation's key legislative and committee staff, who play an integral role in drafting legislation.

Staff will be in touch with your scheduler over the next couple of weeks to select dates that work for you in the February and spring timeframes.

Washington, D.C., Advocacy

With President-elect Donald Trump naming infrastructure as one of his top priorities, a Republican-controlled Congress, and several new members joining the Bay Area's Congressional delegation — Senator Kamala Harris, Congressman Jimmy Panetta (District 20) and Congressman Ro Khanna (District 17) — 2017 will present numerous opportunities and challenges. Staff proposes that we continue our tradition of sending a delegation of

Commissioners and staff to Washington D.C. in March to meet with the Bay Area delegation, the new officials within the U.S. Department of Transportation, and committee staff who would be involved in drafting an infrastructure bill.

Trip Logistics

Staff proposes scheduling our visit to Washington D.C. the week of March 13, arriving on Sunday, March 12th, returning on either Wednesday, March 15 or Thursday, March 16 with the reception to be held the evening of Tuesday, March 14 in its traditional location - the House Transportation & Infrastructure Committee Room, 2167 Rayburn House Office Building. This is the week the American Public Transportation Association (APTA) is holding its annual legislative conference. Scheduling our visit so that it overlaps with the APTA conference makes it easier for Bay Area transit agency partner board members and staff to participate in meetings and attend the California Transportation Reception. The Senate is scheduled to be in session on Monday, March 13, while both chambers are in session on Tuesday and Wednesday, making Tuesday and Wednesday the key days to meet with Bay Area members of the House delegation.

Key Federal Message

As laid out in our federal advocacy program, our top focus will be to defend the existing federal transportation and housing programs, which play a vital role in the Bay Area, despite the fact that federal funds constitute a relatively small share of total transportation and housing funds. We will urge Congress to appropriate sufficient funds in FY 2017 and FY 2018 for the Federal Transit Administration's Capital Investment Grant program, consistent with the Full Funding Grant Agreements (FFGAs) for SFMTA's Central Subway and BART to Silicon Valley and the pending FFGA for the Caltrain electrification program. On the proactive side, we plan to engage with key members of Congress who would be involved in the drafting of an infrastructure package to ensure that it addresses the Bay Area's transportation and housing priorities. With respect to tax reform, we will urge retention of the transportation fringe benefit and affordable housing tax credit programs.

We look forward to discussing this general approach with you and soliciting any additional ideas you may have to ensure a productive state and federal legislative session in 2017.



Steve Heminger

SH: rl

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Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 17-2138 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 11/30/2016 **In control:** Legislation Committee
On agenda: 1/13/2017 **Final action:**
Title: FY 2017-18 State Budget

Overview of the transportation elements of the Governor’s budget proposal.

Sponsors:

Indexes:

Code sections:

Attachments: [4a State Budget](#)

Date	Ver.	Action By	Action	Result
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Subject:

FY 2017-18 State Budget

Overview of the transportation elements of the Governor’s budget proposal.

Presenter:

Rebecca Long

Recommended Action:

Information

Attachments



METROPOLITAN
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COMMISSION

Agenda Item 4a
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

Memorandum

TO: Legislation Committee

DATE: January 6, 2017

FR: Executive Director

W. I. 1131

RE: FY 2017-18 State Budget

Given the incoming Trump Administration's proposed roll back of the Affordable Care Act, among other items, the FY 2017-18 State Budget will likely be focused primarily on shoring up the state's social safety net from federal funding cuts. With respect to transportation, any substantive action on funding will require stand-alone legislation to authorize new funding sources. Nonetheless, it will be interesting to see whether Governor Brown incorporates a transportation funding increase proposal into his proposed budget and specifically, how it differs from the latest legislative proposals — AB 1 (Frazier) and SB 1 (Beall).

The Governor's Budget is anticipated to be released on January 10, 2017. Staff will provide an update on key transportation-related provisions at your meeting on January 13th.



Steve Heminger

SH: rl

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Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 17-2158 **Version:** 1 **Name:**
Type: Assembly Bill **Status:** Commission Approval
File created: 12/7/2016 **In control:** Legislation Committee
On agenda: 1/13/2017 **Final action:**
Title: Transportation Funding: AB 1 (Frazier) / SB 1 (Beall)
 \$6 billion state transportation funding packages.

Sponsors:

Indexes:

Code sections:

Attachments: [4b AB 1 Frazier-SB 1 Beall Support](#)

Date	Ver.	Action By	Action	Result
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Subject:

Transportation Funding: AB 1 (Frazier) / SB 1 (Beall)

\$6 billion state transportation funding packages.

Presenter:

Rebecca Long and Randy Rentschler

Recommended Action:

Support / Support / Commission Approval

Attachments



METROPOLITAN
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Agenda Item 4b

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

Memorandum

TO: Legislation Committee

DATE: January 6, 2016

FR: Executive Director

W. I. 1131

RE: Transportation Funding: AB 1 (Frazier)/SB 1 (Beall)

Background

2017 marks the third consecutive year the Legislature has been seriously grappling with how to increase state transportation funding. After Assembly and Senate leaders released a joint letter in November 2016 with Governor Brown announcing a commitment to address the subject in the upcoming legislative session, Assembly Member Frazier and Senator Jim Beall each introduced the first bill of their respective houses — Assembly Bill 1 and Senate Bill 1.

Recommendation: Support

Discussion

How Would Funds Be Spent?

As shown on Attachment 1, funding in the Chairmen's bills, is distributed to local street and road repairs, state highway maintenance, goods movement, the State Transportation Improvement Program (STIP), public transit and active transportation. We estimate the Bay Area would receive *annual* formula funding boosts as follows (with additional funding available from the competitive goods movement, active transportation and transit capital competitive programs):

- Approximately \$390 million for local street and road maintenance with SB 1 providing about \$8 million more due to treatment of new gas tax revenue
- Approximately \$94 million in new STIP funds, including regional and interregional funds.
- A range of \$95-\$130 million for formula-based public transit funds, with range depending on auction revenue levels from Cap and Trade.

Notably, funding for the STIP, local roads and State Highway Operation & Protection Program (SHOPP) programs will grow by \$100 million per year starting in FY 2017-18—distributed according to a 44%/44%/12% formula, respectively—until reaching about \$500 million/year in FY 2021-22 and thereafter. This is a result of fewer weight fees being diverted from the State Highway Account.

Less Revenue, but Still Robust Proposals

The bills would raise from \$6 billion to \$6.2 billion per year once all new revenue mechanisms are in effect by year five, approximately \$1.4 billion less than the joint proposal released last August. The reduced funding results primarily from smaller gasoline and diesel fuel excise tax increases. The emphasis on “fix-it-first” for local roads and state highways is retained though these are the programs that see their funding reduced; transit funding and active transportation funding programs are maintained at the same levels seen in August. Other key changes include:

- About half of weight fee revenue is restored gradually over five years, which frees up approximately \$500 million annually to continue to offset General Fund debt service, an ongoing concern of the Brown Administration. (Note: SB 1 restores 10 percent each year up to a minimum of 50 percent, which is roughly equivalent to \$530 million based on FY 2016-17 estimated weight fee revenue. AB 1 restores \$100 million per year, up to \$500 million by FY 2021-22.)
- The bills contain more detailed provisions for goods movement funding, detailing specific categories to be funded from the Trade Corridor Investment Fund (TCIF), which would receive approximately \$600 million per year from a diesel excise tax increase of 20-cents/gallon.

Reduced Funding Volatility and Significantly Increased STIP Funding

As with the prior bills authored by Assembly Member Frazier and Senator Beall, AB 1 and SB 1 would eliminate the annual adjustment in the excise tax, a policy that has resulted in huge volatility in transportation revenue and decimated the STIP over the last two years. The bills restore the variable rate to 17.3-cents/gallon (a 7.5-cent/gallon increase from the current rate), where it was originally set when the gas tax swap was enacted in 2011, and requires the Board of Equalization to adjust it based on the Consumer Price Index on July 1, 2019 and every three years thereafter. This periodic indexing applies to the gasoline and diesel fuel excise taxes as well as the diesel sales tax rate.

How do the Bills Differ?

- The goods movement provisions in the bills are substantially different. AB 1 would distribute all federal and new state freight funds competitively through the California Transportation Commission, and allow the state to nominate projects as well. SB 1 calls out local road and rail capital and capacity enhancements as eligible and lists dollar amounts for distribution as shown below. (Such amounts would be adjusted proportionately depending on the total amount of funding to the TCIF each year.)
 - Competitive program for projects nominated by regional and local agencies and ports (\$360 million)
 - Railroad-highway grade crossings (\$70 million)
 - Border related improvements nominated by San Diego and Imperial County agencies, which are disqualified from the competitive program above (\$150 million).
- SB 1 raises the sales tax on diesel fuel by an additional 0.5% (approximately \$38 million/year) for purposes of intercity and commuter rail, with projects to be selected by Caltrans. SB 1 also reserves \$3 million annually before distributing funds for state and local roadway maintenance to the various Institutes of Transportation Studies within the University of California.

- SB 1 adds a workforce training provision, requiring that all projects funded with new transportation revenue will be required to engage in a pre-apprenticeship program for individuals, including low-income/disadvantaged individuals. SB 1 also requires Caltrans to develop a plan to increase participation from small and disadvantaged businesses.
- SB 1 imposes a \$100/year zero emission vehicle registration fee, whereas the registration fee for such vehicles in AB 1 remains at \$165/year, as proposed in 2016. This difference is relatively minor in terms of revenue impact; it would lower annual revenues from \$21 million to \$13 million.

Recommendation

Staff recommends a “support” position on these bills. Of course we are mindful to be flexible as amendments can be expected as the bills advance and other funding proposals may emerge. One particular item we would like to see modified is broadening the opportunity for Bay Area cities, transit districts, and MTC with voter-approved transportation measures to qualify for funding. The bill currently restricts this program to counties.

Known Positions

Support

See Attached

Oppose

See Attached



Steve Heminger

Attachments:

- Attachment A: Programs Funded by AB 1 (Frazier) and SB 1 (Beall) and New Vehicle and Fuel-Based Tax/Fee Provisions
- Attachment B: AB 1 (Frazier) Transportation Funding Support & Opposition

SH: rl

**Agenda Item 4b
Attachment A**

Programs Funded by AB 1 (Frazier) and SB 1 (Beall)

	AB 1 (Frazier)	SB 1 (Beall)
Local Streets & Roads	\$ 2,027	\$ 2,068
State Highways	\$ 1,433	\$ 1,474
Transit Improvements	\$ 563	\$ 563
Intercity and Commuter Rail	\$ -	\$ 38
Trade Corridors	\$ 600	\$ 600
State-Local Partnership Program	\$ 200	\$ 200
State Transportation Improvement Program	\$ 594	\$ 594
State Highway Operation & Protection Program	\$ 162	\$ 162
Active Transportation Program	\$ 80	\$ 80
Advanced Mitigation Program *	\$ 30	\$ 30
Education, Research & Workforce Training**	\$ 5	\$ 2
Totals	\$ 5,694	\$ 5,810

New Vehicle and Fuel-Based Tax/Fee Provisions

	AB 1 (Frazier)	SB 1 (Beall)
Gas tax restoration	7.5 cents/gallon	7.5 cents/gallon
New gas tax increase ¹	12 cents/gallon	12 cents/gallon
Diesel excise tax increase	20 cents/gallon	20 cents/gallon
Sales tax on diesel increase	3.5% increase	4% increase
Vehicle registration fee	\$38/year	\$38/year
Zero emission vehicle fee	\$165/year	\$100/year

AB 1 (Frazier) Transportation Funding Support & Opposition

Support

Apex Group
Associated General Contractors of California
Bay Area Council
California Alliance for Jobs
California Association of Councils of Government
California Business Roundtable
California Construction & Industrial Materials Association
California State Association of Counties
California State Association of Counties
California State Council of Laborers
California Transit Association
Caterpillar Inc.
DeSilva Gates Construction
Granite Construction
Griffith Company
International Union of Operating Engineers – CA/NV
League of California Cities
League of California Cities
Los Angeles Chamber of Commerce
Northern California Carpenters Regional Council
Orange County Business Council
Politico Group
Silicon Valley Leadership Group
Skanska
Smith Watts & Hartmann
Solano Transportation Authority
Southern California Contractors Association
Southern California Leadership Council
Southern California Partnership for Jobs
State Building & Construction Trades Council of California
Teichert Construction
Transportation Agency for Monterey County
Transportation California
United Contractors
United Contractors
Vulcan Materials Company

Opposition

None on file



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 17-2157 **Version:** 1 **Name:**

Type: Assembly Bill **Status:** Commission Approval

File created: 12/7/2016 **In control:** Legislation Committee

On agenda: 1/13/2017 **Final action:**

Title: AB 28 (Frazier): Renewal of Caltrans Authority to Assume Responsibility for Approving Highway Projects under the National Environmental Policy Act (NEPA)

Extension of the Federal Highway Administration Delegation of National Environmental Policy Act review to Caltrans.

Sponsors:

Indexes:

Code sections:

Attachments: [4c AB 28 Frazier NEPA Delegation](#)

Date	Ver.	Action By	Action	Result
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Subject:

AB 28 (Frazier): Renewal of Caltrans Authority to Assume Responsibility for Approving Highway Projects under the National Environmental Policy Act (NEPA)

Extension of the Federal Highway Administration Delegation of National Environmental Policy Act review to Caltrans.

Presenter:

Rebecca Long

Recommended Action:

Support / Commission Approval

Attachments:



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Agenda Item 4c

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

Memorandum

TO: Legislation Committee

DATE: January 6, 2016

FR: Executive Director

W. I. 1131

RE: AB 28 (Frazier): Renewal of Caltrans Authority to Assume Responsibility for Approving Highway Projects under the National Environmental Policy Act (NEPA)

Background

Assembly Bill 28 (Frazier) would extend the ability for California to assume responsibility for federal environmental review and approval of highway projects. This federal program, known as the Surface Transportation Project Delivery Program (23 USC 327), was established in 2005 as a pilot effort to streamline federal environmental processes. Caltrans became the first state DOT to participate in 2007 and reports time savings averaging between 5 months to over 10 years, depending on the type of document under review. Since assuming this role, Caltrans has completed almost 11,000 environmental approvals. On January 1, 2017, however, the statute enabling Caltrans to assume responsibility for reviewing environmental documents under the National Environmental Policy Act (NEPA) expired, jeopardizing the schedule of all highway projects in the NEPA review pipeline. To address this problem as soon as possible, AB 28 is an urgency statute that would take effect immediately.

Recommendation: Support

Discussion

In order to assume full responsibility for federal environmental review and approval, a state must waive its right to sovereign immunity under the 11th amendment to the U.S. Constitution. Waiving sovereign immunity enables a state to assume sole liability for NEPA actions, meaning that the state may be sued in federal court. The Legislature has granted this waiver of sovereign immunity, but has done so only on a limited-term basis since the program was originally established as a pilot program. Given the program's success in shortening the environmental review process and the fact that the program is now authorized on a long-term basis under federal law, AB 28 would extend the waiver of sovereign immunity indefinitely.

While various bills sought to address this looming deadline last year, including the 2016 transportation funding bill, none were enacted, resulting in an unfortunate freeze on Caltrans' ability to review or take any action under NEPA except for historic/cultural resource review. Environmental clearances subject to the NEPA delegation include both NEPA-only requirements and concurrent NEPA/California Environmental Quality Act (CEQA) requirements. California's NEPA assignment currently applies only to FHWA-administered projects so does not affect projects funded solely with Federal Transit Administration (FTA) funds.

To help AB 28 get through the process as quickly as possible, staff exercised our urgency procedures allowing us to communicate MTC support, with the approval of the Chair of the Commission and the Chair of the Legislation Committee, in advance of Committee/Commission action. Today we seek your concurrence with that position so that we can minimize delay to Bay Area projects subject to NEPA review.

Known Positions

Support

Alameda County Transportation Commission
Association of Environmental Professionals
California Association of Councils of Government
California State Association of Counties
City/County Association of Governments of San Mateo County
Imperial County Transportation Commission
Merced County Association of Governments
Mobility 21
Regional Climate Protection Authority
Riverside County Transportation Commission
San Bernardino Associated Governments
San Francisco County Transportation Authority
San Joaquin Valley Regional Planning Agencies
Santa Barbara County Association of Governments
Self-Help Counties Coalition (sponsor)
Sonoma County Transportation Authority
Transportation Agency for Monterey County
Transportation California

Oppose

None on file



Steve Heminger

SH: rl



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 17-2191 **Version:** 1 **Name:**
Type: Senate Bill **Status:** Commission Approval
File created: 12/16/2016 **In control:** Legislation Committee
On agenda: 1/13/2017 **Final action:**
Title: Affordable Housing Funding: SB 2 (Atkins) / SB 3 (Beall)
 Affordable housing funding proposals.

Sponsors:

Indexes:

Code sections:

Attachments: [4d Affordable Housing SB 2 \(Atkins\) and SB 3 \(Beall\)](#)

Date	Ver.	Action By	Action	Result
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Subject:

Affordable Housing Funding: SB 2 (Atkins) / SB 3 (Beall)

Affordable housing funding proposals.

Presenter:

Georgia Gann Dohrmann

Recommended Action:

Support / Support / Commission Approval

Attachments



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 4d
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

Memorandum

TO: Legislation Committee

DATE: January 6, 2017

FR: Executive Director

W. I. 1131

RE: Affordable Housing Funding: SB 2 (Atkins)/SB 3 (Beall)

Background

The Legislature is expected to consider numerous proposals to address the state's affordable housing crisis this year. Senate Democrats have introduced an early effort, the "California Rebuild" infrastructure package, which includes two affordable housing funding measures in addition to transportation, water, and parks infrastructure funding proposals. Senate Bill 2 (Atkins) would create a permanent source of affordable housing funding through imposing a new \$75 fee on real estate transaction documents. Senate Bill 3 (Beall) would authorize a \$3 billion statewide housing bond with the intent of addressing the affordable housing stock shortage with upfront investment. Staff recommends MTC support these housing elements as part of our affordable housing funding advocacy efforts, as outlined in the 2017 State Advocacy Program.

Recommendation: Support

Discussion

Senate Bill 2 (Atkins): The Building Homes and Jobs Act

SB 2, authored by Senator Toni Atkins and sponsored by Housing California and the California Housing Consortium, would generate ongoing revenue for a newly-established Building Homes and Jobs Trust Fund through a \$75 fee on document recordings for various real estate transactions, such as refinancing or adding a line of credit (fees do not apply to residential and commercial sales). The bill closely resembles AB 1335 (Atkins), proposed in 2015, and SB 391 (DeSaulnier), proposed in 2013, which MTC and many other organizations supported.

The Assembly Appropriations Committee estimated in 2015 that ongoing recording fee revenues would range from \$300 - \$500 million annually. Affordable homeownership programs would receive 20 percent of the funds, 10 percent would be reserved for agricultural worker housing, and the remainder would be available for a wide range of affordable housing construction and homeownership programs, including supplementing local and regional housing funds. SB 2, unlike previous proposals, includes eligibility for community plan updates and financial incentives for local governments to approve new low-income housing. Funds would be administered by the State Department of Housing and Community Development (HCD) pursuant to a Building Homes and Jobs Investment Strategy that HCD is tasked with developing and updating every five years.

SB 2 has numerous co-authors, including many members of MTC's delegation, such as Senators Beall, Dodd, Skinner, Wieckowski, and Wiener and Assembly Members Bonta and Thurmond.

Senate Bill 3 (Beall): Affordable Housing Bond Act of 2018

SB 3 (Beall) would authorize a \$3 billion statewide housing bond, subject to voter approval in the 2018 general election. Similar to Proposition 46 (2002) and 1C (2006), bond proceeds would be allocated to existing affordable housing rental and homeownership programs, as well as to support infill development projects. Funding would be distributed as follows:

- \$1.5 billion to the existing Multifamily Housing Program
- \$600 million to the Transit-Oriented Development and Infill Infrastructure Fund, created by the legislation and distributed as follows:
 - \$200 million to the Transit-Oriented Development Implementation Program
 - \$300 million for the Infill Infrastructure Financing Account; and
 - \$100 million for the Building Equity and Growth in Neighborhoods (BEGIN) Program Fund
- \$600 million to the Special Populations Housing Account, created by the legislation and distributed as follows:
 - \$300 million to the existing Joe Serna, Jr. Farmworker Housing Grant Fund; and
 - \$300 million to the Local Housing Trust Fund to provide matching grants to local public agencies and nonprofits that raise money for affordable housing
- \$300 million for the existing CalHome Program

SB 3 is co-authored by several Bay Area members, including Senators Dodd, Hill, McGuire, and Weiner.

For the reasons outlined above, staff recommends support positions on SB 2 (Atkins) and SB 3 (Beall).

Known Positions

SB 2

Support

Housing California (sponsor)
California Housing Consortium (sponsor)
California Association of Realtors
Bay Area Council

Oppose

none received


SB 3

Support

none received

Oppose

none received



Steve Keminger



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 17-2139 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 11/30/2016 **In control:** Legislation Committee
On agenda: 1/13/2017 **Final action:**
Title: Tom Bulger's Report
 Report from MTC's advocate in Washington D.C.

Sponsors:

Indexes:

Code sections:

Attachments: [5a Tom Bulger's DC Report Dec 2016](#)

Date	Ver.	Action By	Action	Result
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Subject:

Tom Bulger's Report

Report from MTC's advocate in Washington D.C.

Presenter:

Randy Rentschler

Recommended Action:

Information

Attachments

December 2016 Monthly Report for MTC



To: Steve Heminger, Executive Director MTC

From: Tom Bulger, President GRI

Date: December 27, 2016

Re: Monthly Report for December 2016

- **Elaine Chao to be Next Department of Transportation (DOT) Secretary**
- **Continuing Resolution (CR) Extended to April 28, 2017**
- **Trump Infrastructure Task Force**
- **Senator Elect Kamala Harris (D-Calif.) Committees**
- **Metropolitan Planning Organization (MPO) DOT Rule**
- **House Transportation & Infrastructure Roundtable on Autonomous Vehicles**
- **DOT Rule for Vehicles to Talk to Each Other**
- **Meetings**

Elaine Chao to be Next Department of Transportation (DOT) Secretary

President-Elect Donald Trump has announced that he will nominate Elaine Chao to be Secretary of Transportation. This nomination is an inside the Beltway move. She was formerly the USDOT Deputy Secretary from 1989 to 1991. She is also married to the Senate Majority Leader Senator Mitch McConnell (R-Ky.).

Senate confirmation is a sure bet.

Continuing Resolution (CR) Extended to April 28, 2017

On December 9, 2016, the Senate approved a CR Appropriations bill at current FY 2016 levels through April 28, 2017. Unfortunately, since the measure is at last fiscal year's funding levels, increases authorized by the Fixing America's Surface Transportation (FAST) Act will not be funded. The Federal Transit Administration is expected to make partial apportionments for formula funds but not for Capital Investments.

Trump Infrastructure Task Force

The President elect is said to be preparing an infrastructure task force. The task force will not be Cabinet level but will play a role in coordinating among federal, state, local officials and private investors. In recent days, there are new signals that the Trump Infrastructure plan may be losing out to Tax reform, repealing Obamacare and finishing up the FY 2017 Appropriations.

Senator Elect Kamala Harris (D-Calif.) Committees

Senator Elect Harris's has been assigned to the following Committees: Budget Committee, Environment and Public Works, Homeland Security and Government Affairs, and Intelligence Committee.

Metropolitan Planning Organization (MPO) DOT Rule

In December, the DOT issued a Final Rule which revises the transportation planning regulations to promote more effective regional planning by MPO's and the states. Note that this Final Rule has no statutory basis. For MTC the Final Rule provides for an exemption through the Governor.

House Transportation & Infrastructure Roundtable on Autonomous Vehicles

On December 6, 2016, I attended the House Highways and Transit Subcommittee's roundtable on how autonomous vehicles (AV) will impact the nation's surface transportation systems. In last year's FAST Act, there's \$60 million in grants for FY 2016-2020 for Advanced Transportation and Congestion Management Technologies Deployment including autonomous vehicles.

The panelists all said that the United States is the leader in this space and we need to have a regulatory framework that is consistent and built on safety. California has proposed regulations that companies that test AV's must certify that they meet National Highway Traffic Safety Administration's vehicle performance via a 15-point safety assessment.

DOT Rule for Vehicles to Talk to Each Other

On December 13, 2016, the DOT proposed a rule that would require all cars and light duty trucks to have technology that can send and receive basic safety messages to other vehicles. The signals would come from the use of dedicated short range radio communications. The nation's communications providers also want access to this short-range spectrum bandwidth re. Wi-Fi enabled devices.

Meetings

Meetings with the Intelligent Transportation Society of America staff concerning working with Association of Metropolitan Planning Organizations.