

STAFF REPORT

SUBJECT: 2023 Legislative Program

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: January 24, 2023

Action Requested

Staff requests the Finance & Administration Committee recommend the Board of Directors approve Resolution 06-2023 affirming LAVTA’s 2023 Legislative Program.

Background

Each year the LAVTA Board of Directors approves a Legislative Program to guide staff and the Board for legislative issues at the federal, state, and regional/local level to support, watch and monitor, stay neutral, or oppose.

Discussion

The proposed Legislative Program in Attachment 2 carries over the following four principles from previous years in support of LAVTA’s mission, which is “*to provide equal access to a variety of safe, affordable, and reliable public transportation choices, increasing the mobility and improving the quality of life of those who live or work in and visit the Tri-Valley area*”:

1. Protect existing and enhance future transportation funding sources.
2. Enhance operating conditions to support safety and performance goals.
3. Enhance public transit’s role in addressing climate change and air quality issues.
4. Leverage support from and with partners to promote mobility, improve service productivity, and enhance regional leadership.

The proposed 2023 program continues several priorities identified in prior years’ programs while highlighting several potential legislative initiatives ahead at the federal, state, and regional/local level, with an emphasis on maximizing available funding sources for transit, and in particular funding for the agency’s facility and zero-emission fleet transition needs. In developing this year’s proposed program, staff participated in meetings with regional partners and reviewed other draft legislative programs and principles adopted or in development among our agency and advocacy partners, including the Metropolitan Transportation Commission, the Alameda County Transportation Commission, the California Transit Association, and the American Public Transit Association. Proposed changes for 2023 from last year’s program are indicated in Attachment 2 by inline markup.

Federal Update

Throughout 2022, the Biden Administration prioritized implementation of the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL),

which allocates roughly \$1 trillion for nationwide infrastructure investments and reauthorized the core federal surface transportation program for the five-year period of FY2022 through FY2026, including public transportation formula and discretionary programs. New programs are being developed and rolled out while existing programs were authorized at significantly higher funding levels compared to previous years.

On December 29, President Biden signed the FY23 omnibus appropriations bill to fund the federal government through September 30, 2023, including a total of \$106.349 billion for U.S. Department of Transportation programs, an increase of \$3.402 billion over FY22, which was the first year of funding under the IIJA/BIL. The bill included an increase in funding for discretionary Bus and Bus Facilities and Low-No grants of \$140 million, as well as numerous earmarks for hundreds of transportation projects across the country, including several large Bay Area transit projects.

Also at the end of December, the U.S. Census Bureau announced new urban area definitions based on the results of the 2020 Census. As a result of the count and new development patterns in the region, the Census Bureau has created a new Livermore-Pleasanton-Dublin Urban Area, with a population of 240,381 covering 65.3 square miles. The Federal Transit Administration is expected to begin apportioning federal transit formula funding using the new urban area definitions beginning October 1 for FY2024. Prior to the 2020 Census, LAVTA's service area encompassed two separate urbanized areas, the Livermore Urbanized Area and the southern portion of the Concord Urbanized Area shared with BART and County Connection. The Census Bureau is expected to release maps of the updated urban areas later this month clarifying the new boundaries with respect to LAVTA's service area.

Finally, on January 3, the 118th Congress convened under a new Republican-led majority in the House of Representatives and a very slightly expanded Democratic majority in the Senate. LAVTA's service area is now represented in California's 14th District (Livermore, Pleasanton, and West Dublin) by Rep. Eric Swalwell, and in the 10th District (including Central and East Dublin) by Rep. Mark DeSaulnier. Committee assignments are still being finalized in the House, however Rep. DeSaulnier is expected to continue serving on the House Transportation & Infrastructure Committee Subcommittee on Highways and Transit. In the Senate, Senator Dianne Feinstein will continue to serve on the Senate Appropriations Committee, and Senator Alex Padilla will continue to serve on the Senate Environment and Public Works Committee, including the Transportation and Infrastructure Subcommittee.

State Update

Following November's election, the new state Legislature convened in early December to organize the new session. The Assembly Transportation Committee will be led by Assembly Member Laura Friedman (D-Burbank), Assembly Appropriations by Assembly Member Chris Holden (D-Pasadena), and the Assembly Budget Committee by Assembly Member Phil Ting (D-San Francisco). On the Senate side, the Senate Transportation Committee will be led by Senator Lena Gonzalez (D-Long Beach) and Senate Appropriations by Senator Anthony Portantino (D-Glendale). Senator Nancy Skinner (D-Oakland) will chair the Senate Committee on Budget and Fiscal Review as well as the Joint Legislative Budget Committee.

A draft of the state legislative calendar for 2023 is included as Attachment 3. Early legislative deadlines for 2023 include:

- January 20: Last day to submit bill requests to the Office of Legislative Counsel
- February 17: Last day for bills to be introduced
- April 28: Last day for policy committees to report fiscal bills introduced in their house to fiscal committees
- May 19: Last day for fiscal committees to report to the floor bills introduced in their house; last day for each house to pass bills introduced in that house

A main focus this year for the Legislature is expected to be addressing the state's challenging fiscal outlook. On January 10, Governor Newsom introduced his FY23-24 state budget, totaling nearly \$297 billion in proposed spending, which is similar to the final FY23 budget but on \$29.5 billion less in revenues, constituting a forecasted deficit of \$22.5 billion to close before the June 15 legislative deadline to enact next year's budget. Specific to LAVTA funding sources, the FY24 proposal includes:

- an 8.8% decrease in State Transit Assistance funding from FY22-23 levels, which are generated by a statewide sales tax on gasoline and diesel fuel, and which LAVTA uses primarily to support fixed-route operations and state-of-good-repair maintenance expenditures;
- a 4.3% increase in the Local Transportation Fund (LTF), which is funded by a statewide quarter-cent general sales tax and which LAVTA primarily uses to fund both fixed-route and paratransit operating expenses; and
- a 19.2% decrease in Low Carbon Transit Operations Program funds funded by cap-and-trade auctions, which can be used to support qualifying operating expenses and low-carbon transit investments such as zero-emission buses and support infrastructure.

The Governor's budget proposes cuts to the Transit and Intercity Rail Capital Program (TIRCP), Zero-Emission Vehicles and Infrastructure, and other critical transportation programs that had received augmentations from the general fund from last year's budget surplus, but also now have new funding opportunities at the federal level under the Bipartisan Infrastructure Law. TIRCP funds transit capital improvements to significantly reduce greenhouse gas emissions, including transit fleet-electrification and infrastructure projects.

Regional/Local Update

Much of the near-term regional policy agenda at the Metropolitan Transportation Commission particularly, is focused on pandemic recovery and funding stabilization, including advancing enabling legislation for a future regional transportation funding measure to address regional transit operators' impending "fiscal cliff," and ongoing implementation activities around fare integration and network management. LAVTA staff also continues to pursue strategic relationships with other local transit and transportation agencies to partner on key discretionary funding opportunities and align around common needs and goals such as facility upgrades to support upcoming zero-emission fleet transitions.

Next Steps

If the Board of Directors approves the 2023 Legislative Program, staff will bring updates on proposed bills to future Finance & Administration Committee meetings for information and/or potential action as may be appropriate.

Fiscal Impact

None

Recommendation

Staff recommends the Finance & Administration Committee refer Resolution 06-2023 affirming LAVTA's 2023 Legislative Program to the Board of Directors for approval.

Attachments:

1. Resolution 06-2023
2. Proposed 2023 Legislative Program
3. Draft 2023 California State Legislative Calendar

RESOLUTION NO. 06-2023

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LIVERMORE
AMADOR VALLEY TRANSIT AUTHORITY ADOPTING THE
2023 LEGISLATIVE PROGRAM**

WHEREAS, the California Legislature and the U.S. Congress have convened their current legislative sessions in late 2022 and early 2023, respectively; and

WHEREAS, to promote the interests of the Livermore Amador Valley Transit Authority, the Board of Directors finds it desirable to adopt a Legislative Program; and

WHEREAS, the purpose of the Legislative Program is to guide the Board and staff's strategy and actions as it relates to various levels of government whose actions affect LAVTA; now, therefore, be it

RESOLVED that the 2023 Legislative Program of the Livermore Amador Valley Transit Authority, included as Attachment 2, is hereby adopted and shall guide the Board and staff's actions; and be it further

RESOLVED that the Executive Director shall operate within these guidelines in interactions with other levels of government in order to promote LAVTA's interests, employing strategies including participation in advocacy activities and taking positions on state and federal legislation; and be it further

RESOLVED that should issues arise that are not covered by this 2023 Legislative Program, that the Executive Director shall confer with the Chair of the Board to seek direction on a course of action.

PASSED AND ADOPTED by the governing body of the Livermore Amador Valley Transit Authority (LAVTA) this 6th day of February 2023.

BY _____
David Haubert, Chair

ATTEST _____
Christy Wegener, Executive Director

FEDERAL	
Goal or Principle	Strategy
1) Protect Existing and Enhance Future Transportation Funding Sources	Work with federal, state, regional, and local transportation agencies, and other state and national advocacy partners, to implement the Infrastructure Investment and Jobs Act/ <u>Bipartisan Infrastructure Law</u> (IIJA/ <u>BIL</u>) and support coalitions that support local, regional, and statewide priorities as well as those of public transit in general. Support continued investigations into new, stable federal funding to ensure the solvency of the Highway Trust Fund going forward.
	Advocate that Congress appropriate the full amounts authorized by law for FY 2022 and FY 2023 2024, and that these vital federal funds are provided expeditiously to transit agencies for use on transit capital projects and operations. Support increased <u>maximizing</u> funding levels for discretionary programs such as the Bus and Bus Facilities and Low or No Emission grant programs, and ensure that appropriations are allocated according to the program structure authorized by law and to the benefit of public transit.
	Seek additional operating funding for public transit to address revenue and ridership impacts resulting from ongoing effects of the COVID-19 pandemic <u>in conjunction with state-level advocacy efforts to stabilize transit operating funding</u> , and support initiatives and legislation that would provide local transportation entities with the ability to enhance revenues for public transit improvements and to provide jobs for local workers.
3) Enhance public transit’s role in addressing climate change and air quality issues	Advocate for federal legislation and program implementation that prioritizes public transit’s role in addressing climate change, supports transit agencies transitioning to zero-emission fleets, and advances research into alternative-fuel technologies such as hydrogen.
4) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership	Expand legislative and policy partnerships in Washington, D.C., in particular coordinating on advocacy activities involving planning and/or implementation of ValleyLink.
	Support federal policies that enable technological innovations to improve mobility, including connected and automated vehicle (CV/AV) deployment, and mobility on demand.

STATE	
Goal or Principle	Strategy
1) Protect Current and Enhance Future Transportation Funding Sources	Advocate for FY 2022 2023-23-24 state budget that enhances the <u>avoids, minimizes, or offsets cuts in the</u> State’s investment in public transportation, active transportation, and highway operations/system management, and continue to advocate for additional statutory, administrative, and funding relief for public transit in response to the <u>impending “fiscal cliff” and other continuing impacts of the</u> COVID-19 pandemic.
	<u>Partner with the California Transit Association and other agency and stakeholder partners in efforts to pursue a unified statewide advocacy strategy for new ongoing (multi-year) state funding to address transit operators’ “fiscal cliffs” as well as other initiatives to enable service restoration by addressing workforce shortages. Monitor new legislation aimed at leveraging existing or future cap-and-trade funding, state general funds, and/or review existing metrics for the qualification and distribution of TDA (Transportation Development Act) revenues, and monitor development of potential future legislation to update TDA law.</u>
	<u>Engage with ongoing efforts to review existing TDA metrics for the qualification and distribution of TDA revenues, including extending statutory relief for farebox recovery requirements calculations related to the calculation of State Transit Assistance, and monitor development of any new legislation to update TDA law.</u>
	<u>Consistent with Executive Order N-79-20, identify and pursue strategies to help transit operators reduce costs associated with converting their bus fleets to zero-emission in order to meet the state’s Innovative Clean Transit rule, including additional dedicated funding from the state Greenhouse Gas Reduction Fund (GGRF) or other sources.</u>
	Advocate that legislation aimed at benefiting disadvantaged communities (DACs) include low-income communities and populations experiencing similar circumstances, such as people with low transportation access.
2) Enhance Operating Conditions to Support Safety and Performance Goals	Work with interested transit and regional agencies and advocacy partners to support efforts to authorize buses to use the highway shoulder, known as “bus-on-shoulder” (BOS) during periods of heavy traffic to help speed up bus service in highly-congested corridors.
	Support regional efforts to improve the performance of high-occupancy vehicle (HOV) and express lanes through enhanced enforcement of vehicle passenger occupancy requirements.

3) Enhance Public Transit’s Role in Addressing Climate Change and Air Quality Issues	Monitor implementation activities and new legislation related to the California Air Resources Board’s (ARB) Innovative Clean Transit regulation related to Zero Emission Bus (ZEB) purchase and deployment requirements, and advocate for programs and incentives to minimize undue burdens on transit agencies transitioning to ZEB technology.
4) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership	In partnership with local cities and counties, transit agencies, the business community, and other transportation organizations, engage in regulatory and legislative efforts related to connected and autonomous vehicles (including Shared Autonomous Vehicles) with the goal of accelerating their mobility, safety, and economic benefits.

REGIONAL/LOCAL	
Goal or Principle	Strategy
1) Protect Existing and Enhance Future Transportation Funding Sources	Support efforts of <u>the Metropolitan Transportation Commission (MTC)</u> to maximize the proportion and flexibility of federal and statewide funding sources allocated to the Bay Area and to small operators. <u>Monitor and engage with MTC and other transit operators as necessary concerning any use of valuable state transit operating funding to fund implementation of a regional Transit Network Manager instead of local transit operations.</u>
	Engage, coordinate with, and support as appropriate any renewed efforts to develop <u>state authorizing legislation for a potential future</u> regional transportation ballot measure to enhance public transit infrastructure in the nine-county Bay Area, <u>including purpose/goals, expenditure plan priorities, and potential new sources of revenue.</u>
2) Enhance Operating Conditions to Support Safety and Performance Goals	Advocate for improvements to the local and regional street networks that enhance transit operating speed and reliability.
	Improve roadway safety for all users and support proposals to increase enforcement of traffic laws protecting pedestrians and bicyclists.

<p>4) Leverage Support from and with Partners to Promote Mobility, Improve Service Productivity, and Enhance Regional Leadership</p>	<p>Support efforts of the Tri-Valley–San Joaquin Valley Regional Rail Authority and its member agencies and stakeholders to implement Valley Link.</p>
	<p>Continue to support efforts in conjunction with project partners to advance LAVTA’s ability to deploy shared autonomous vehicle (SAV) testing and passenger service at a specific site or sites within its service area.</p>
	<p>Monitor and support as appropriate implementation of the Metropolitan Transportation Commission’s Blue Ribbon Transit Recovery Task Force recommendations, including new initiatives aimed at promoting a more “seamless” regional transit system and enhancing its resiliency through initiatives such as fare coordination/integration and transit network management.</p>
	<p>Continue to develop innovative partnerships with private transportation providers including taxi and transportation network companies to connect more people in the Tri-Valley to public transit.</p>
	<p>Support other members of the Cooperating Area Transit Systems group (suburban transit operators in Eastern Alameda County and Contra Costa County), if appropriate, and work together on regional programs of mutual interest.</p>
	<p>Work with local businesses to support efforts to encourage transit use among their employees.</p>

2023 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 11-4-22

DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
	1	2	3	4	5	6	7
Wk. 1	8	9	10	11	12	13	14
Wk. 2	15	16	17	18	19	20	21
Wk. 3	22	23	24	25	26	27	28
Wk. 4	29	30	31				

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 4 Legislature reconvenes (J.R. 51(a)(1)).

Jan. 10 Budget must be submitted by Governor (Art. IV, Sec. 12(a)).

Jan. 16 Martin Luther King, Jr. Day.

Jan. 20 Last day to submit **bill requests** to the Office of Legislative Counsel.

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28				

Feb. 17 Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).

Feb. 20 Presidents' Day.

MARCH							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30	31	

Mar. 30 **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).

Mar. 31 Cesar Chavez Day observed.

APRIL							
	S	M	T	W	TH	F	S
Wk. 4							1
Spring Recess	2	3	4	5	6	7	8
Wk. 1	9	10	11	12	13	14	15
Wk. 2	16	17	18	19	20	21	22
Wk. 3	23	24	25	26	27	28	29
Wk. 4	30						

Apr. 10 Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).

Apr. 28 Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

MAY							
	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Wk. 2	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

May 5 Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).

May 12 Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).

May 19 Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).

Last day for **fiscal committees** to meet prior to June 5 (J.R. 61(a)(6)).

May 29 Memorial Day.

May 30-June 2 **Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)).

*Holiday schedule subject to final approval by Rules Committee.

2023 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 11-4-22

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.					1	2	3
Wk. 4	4	5	6	7	8	9	10
Wk. 1	11	12	13	14	15	16	17
Wk. 2	18	19	20	21	22	23	24
Wk. 3	25	26	27	28	29	30	

- June 2** Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).
- June 5** Committee meetings may resume (J.R. 61(a)(9)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

JULY							
	S	M	T	W	TH	F	S
Wk. 3							1
Wk. 4	2	3	4	5	6	7	8
Wk. 1	9	10	11	12	13	14	15
Summer Recess	16	17	18	19	20	21	22
Summer Recess	23	24	25	26	27	28	29
Summer Recess	30	31					

- July 4** Independence Day.
- July 14** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).
- Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess			1	2	3	4	5
Summer Recess	6	7	8	9	10	11	12
Wk. 2	13	14	15	16	17	18	19
Wk. 3	20	21	22	23	24	25	26
Wk. 4	27	28	29	30	31		

- Aug. 14** Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

SEPTEMBER							
	S	M	T	W	TH	F	S
Wk. 4						1	2
No Hrgs.	3	4	5	6	7	8	9
No Hrgs.	10	11	12	13	14	15	16
Interim Recess	17	18	19	20	21	22	23
Interim Recess	24	25	26	27	28	29	30

- Sept. 1** Last day for **fiscal committees** to meet and report bills (J.R. 61(a)(11)).
- Sept. 4** Labor Day.
- Sept. 5-14** **Floor session only.** No committees may meet for any purpose, except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(a)(12)).
- Sept. 8** Last day to **amend** on the Floor (J.R. 61(a)(13)).
- Sept. 14** Last day for each house to pass bills. (J.R. 61(a)(14)).
- Interim Recess** begins upon adjournment (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM RECESS

2023

Oct. 14 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 14 and in the Governor's possession on or after Sept. 14 (Art. IV, Sec. 10(b)(1)).

2024

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).

*Holiday schedule subject to final approval by Rules Committee.