ALAMEDA County Transportation Commission
ACCMA ▪ 1333 Broadway, Suite 220 ▪ Oakland, CA 94612 ▪ PH: (510) 836-2560
ACTIA ▪ 1333 Broadway, Suite 300 ▪ Oakland, CA 94612 ▪ PH: (510) 893-3347
www.AlamedaCTC.org

Alameda County Transportation Commission
meeting as a committee of the whole as the

PLANNING, POLICY AND LEGISLATION COMMITTEE

MEETING NOTICE

Monday, November 8, 2010
11:00 A.M.

1333 Broadway, Suite 300
Oakland, California 94612

Members:
Chair: Director Greg Harper
Vice Chair: Councilmember Olden Henson
Mayor Mark Green
Supervisor Scott Haggerty
Supervisor Keith Carson
Mayor Jennifer Hosterman
Mayor Marshall Kamena
Councilmember Joyce Starosciak

Staff Liaisons: Beth Walukas
Tess Lengyel
Executive Director: Arthur L. Dao
Clerk of the Commission: Gladys V. Parmelee

AGENDA

Copies of Individual Agenda Items are Available on the
Alameda CTC Website – www.alamedactc.org
ACCMAWebsite - www.accma.ca.gov
ACTIA Website – www.actia2022.com

1 PLEDGE OF ALLEGIANCE

2 PUBLIC COMMENT

Members of the public may address the Committee during "Public Comment" on any item not on the agenda. Public comment on an agenda item will be heard when that item is before the Committee. Anyone wishing to comment should make their desire known to the Chair.

3 CONSENT CALENDAR

3A. Minutes of October 11, 2010 – page 1

4 PLANNING **D/A**

4A. Adoption of Conformity Findings for the 2010 Congestion Management Program (CMP) – page 5

5 LEGISLATION AND POLICY I/A

5A. Legislative Program Update – page 9

6 STAFF AND COMMITTEE MEMBER REPORTS

NOTE: The Alameda CTC Commission meeting on November 25th is rescheduled to December 2, 2011.

7 ADJOURNMENT/NEXT MEETING: JANUARY 10, 2011

There will be **no** Planning, Policy and Legislation Committee (PPLC) meeting on December 13, 2010. The next PPLC meeting is on January 10, 2011.

Key: A – Action Item; I – Information Item; D - Discussion Item

(#) All items on the agenda are subject to action and/or change by the Committee

PLEASE DO NOT WEAR SCENTED PRODUCTS SO INDIVIDUALS WITH ENVIRONMENTAL SENSITIVITIES MAY ATTEND

Glossary of Acronyms

ABAG	Association of Bay Area Governments
ACCMA	Alameda County Congestion Management Agency
ACE	Altamont Commuter Express
ACTA	Alameda County Transportation Authority (1986 Measure B authority)
ACTAC	Alameda County Technical Advisory Committee
ACTIA	Alameda County Transportation Improvement Authority (2000 Measure B authority)
ADA	Americans with Disabilities Act
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit District
BRT	Bus Rapid Transit
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
CIP	Capital Investment Program
CMAQ	Federal Congestion Mitigation and Air Quality
CMP	Congestion Management Program
CTC	California Transportation Commission
EIR	Environmental Impact Report
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
HOT	High occupancy toll
HOV	High occupancy vehicle
ITIP	State Interregional Transportation Improvement Program
LATIP	Local Area Transportation Improvement Program
LAVTA	Livermore-Amador Valley Transportation Authority
LOS	Level of service
MTC	Metropolitan Transportation Commission
MTS	Metropolitan Transportation System
NEPA	National Environmental Policy Act
NOP	Notice of Preparation
PCI	Pavement Condition Index
PSR	Project Study Report
RM 2	Regional Measure 2 (Bridge toll)
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan (MTC's *Transportation 2035)*
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act
SR	State Route
STA	State Transit Assistance
STIP	State Transportation Improvement Program
STP	Federal Surface Transportation Program
TCM	Transportation Control Measures
TCRP	Transportation Congestion Relief Program
TDA	Transportation Development Act
TDM	Travel-Demand Management
TFCA	Transportation Fund for Clean Air
TIP	Federal Transportation Improvement Program
TLC	Transportation for Livable Communities
TMP	Traffic Management Plan
TMS	Transportation Management System
TOD	Transit-Oriented Development
TOS	Transportation Operations Systems
TVTC	Tri Valley Transportation Committee
VHD	Vehicle Hours of Delay
VMT	Vehicle miles traveled

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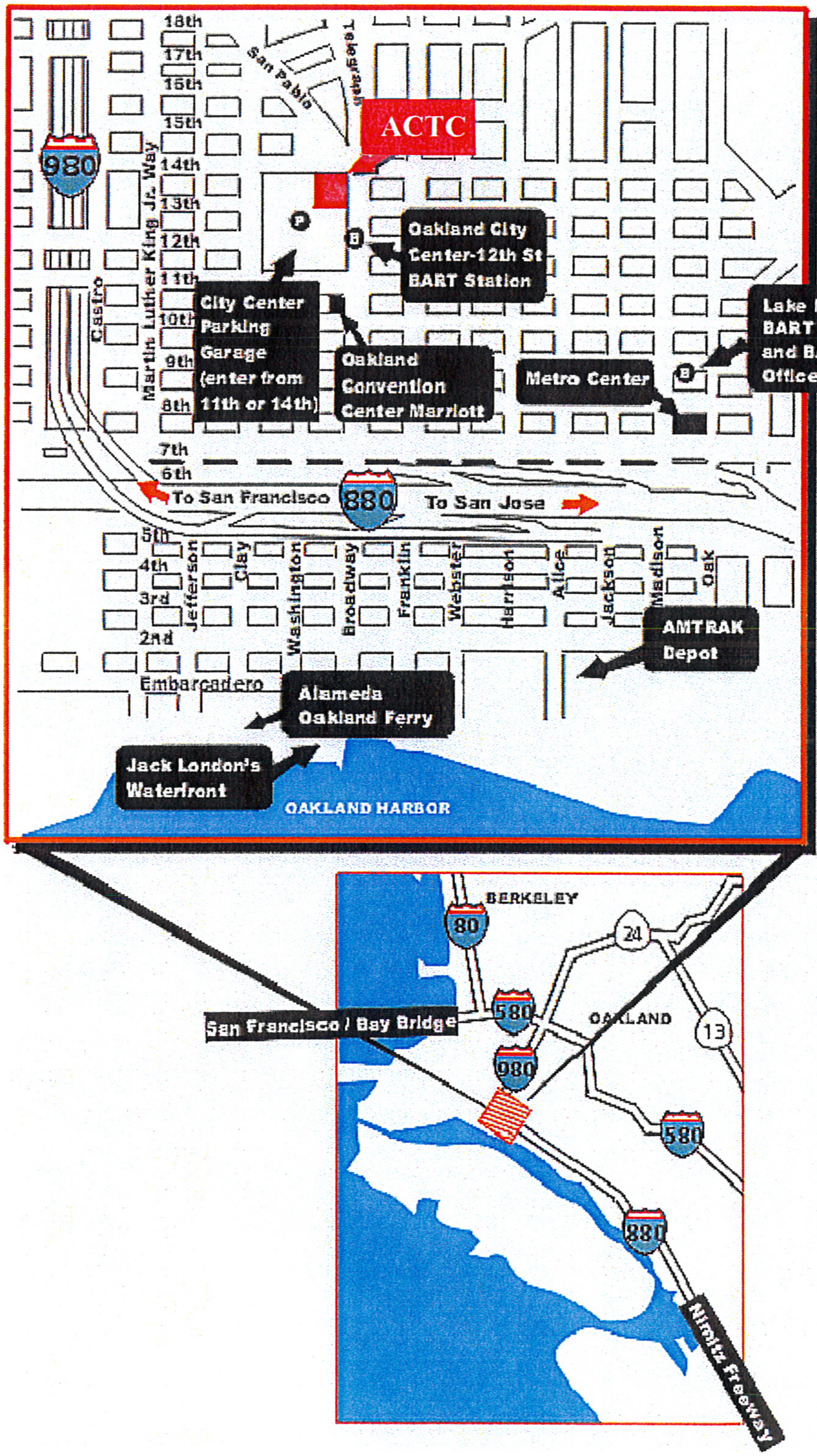

Public Transportation Access

BART: City/Center 12th Street Station

AC Transit:
Lines 1, 1R, 11, 12, 13, 14, 15, 18, 40, 51, 63, 72, 72M, 72R, 88, 314, 800, 801, 802, 805, 840

Auto Access

- Traveling South: Take 11th Street exit from I-980 to 11th Street
- Traveling North: Take 11th Street/Convention Center Exit from I-980 to 11th Street
- Parking:
  City Center Garage – Underground Parking, enter from 11th or 14th Street

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Alameda County Transportation Commission
PLANNING, POLICY AND LEGISLATION COMMITTEE

MINUTES OF OCTOBER 11, 2010

Chair Greg Harper convened the meeting at 11:02 AM..

1.0 PLEDGE OF ALLEGIANCE

2.0 PUBLIC COMMENT
There was no public comment.

3.0 CONSENT CALENDAR
A motion to approve the consent calendar was made by Mayor Kamena; a second was made by Mayor Hosterman. The motion passed 7-0.

4.0 PLANNING
4.A Review of Draft Conformity Findings: CMP 2010
Diane Stark requested the Committee to review the draft Conformity Findings. She enumerated the different requirements requested from all jurisdictions. She said that final conformity findings will be presented to the Alameda CTC Commission meeting at its December meeting. This item was for information only.

4.B Approval of Executive Director Entering into Agreement to Implement TOD TAP Studies and Plans
Diane Stark requested the Committee to recommend that the Commission approve the following actions in support of implementing the TOD TAP: (1) authorize the Executive Director, or his Designee, to negotiate and execute all necessary agreements and contracts for the allocation and use of Transportation Expenditure Plan funds approved by the ACTIA Board, now Alameda CTC, on June 24, 2010 for the TOD TAP, and (2) enter into an agreement with consultants for amounts not to exceed a total of $335,000 to complete TOD TAP studies and plans. Supervisor Haggerty asked if a match was required for these projects and suggested that staff investigate applying a match to future projects. Staff replied that no match was required and that they would look into it for future applications. A motion to approve staff recommendation was made by Mayor Green; a second was made by Mayor Kamena. The motion passed 8-0.

4C. Update on Alameda CTC Pass-through Fund Program and Grant Programs
Tess Lengyel gave an update on the Alameda CTC Pass-through Fund Program and Grant Program. She stated that these funds are allocated throughout the County for essential services and projects and each month Alameda CTC disburses pass-through program funds to 19 agencies/jurisdictions, via formulas, percentages, and grants, for the following programs (1) bicycle and pedestrian safety, (2) local streets and roads, (c) mass transit, including express bus services, (d) services for seniors and people with disabilities (paratransit), and (e) transit-oriented development. This item was for information only. Supervisor Haggerty requested that information on how other urban counties

4D. Approval of Countywide Approach for Seeking Input on the Sustainable Communities Strategy (SCS)

Beth Walukas requested the Committee to recommend that the Commission approve a countywide approach for seeking input on and educating the county's elected bodies about the SCS being developed by ABAG and MTC for the 2013 Regional Transportation Plan. Supervisor Haggerty suggested that the East Bay Economic Development Alliance be included so that business is represented. Mayor Green suggested that other agencies and bodies such as East Bay Municipal Utility District and Waste Management also be included. Mayor Kamena made a motion to include the suggested agencies and approve staff recommendation; a second was made by Councilmember Henson. The motion passed 8-0.

5 LEGISLATION AND POLICY

5A. Legislative Program Update

Tess Lengyel gave an update on the state and federal legislative program. She said that staff is beginning the process of coordinating with other partner agencies on development of the 2011 Legislative Program with the aim of coordinating transportation related legislative activities into the Alameda CTC legislative program. For 2011, the highest priorities will be: (a) to participate in the federal transportation bill reauthorization, (b) climate change legislation, and (c) address the challenges faced with declining revenues. She said that staff will work with the jurisdictions, other CMAs in the region, and MTC in developing the legislative program. This item was for information only.

Mayor Green stated that discussion on the Alameda CTC legislative program be taken up at the Board Retreat. A discussion on when to hold the Board Retreat took place. Arthur Dao suggested to hold it on February 2011. Mayor Green, Mayor Hosterman and Councilmember Henson preferred to hold it in December 2010. A motion to hold the Board Retreat on December 2010 was made by Councilmember Henson; a second was made by Mayor Hosterman. The motion passed 8-0.

6 STAFF AND COMMITTEE MEMBER REPORTS

Mayor Green requested the Committee to consider holding the PPLC meeting at 1:30 p.m. starting in November instead of 11:00 a.m.. Mayor Hosterman said that she preferred to continue holding it at 11:00 a.m. The other committee members concurred to keep the meeting time at 11:00 a.m.

7 ADJOURNMENT/NEXT MEETING: NOVEMBER 8, 2010

Chair Harper adjourned the meeting at 11:40 a.m.

Attest by:

Gladys Parmelee

Gladys V. Parmelee
Clerk of the Commission

ALAMEDA
County Transportation
Commission

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PLANNING, POLICY AND LEGISLATION COMMITTEE MEETING

ROSTER OF MEETING ATTENDANCE
October 11, 2010
11:00 a.m.
1333 Broadway, Suite 300, Oakland, CA 94612

BOARD MEMBERS	Initials	ALTERNATES	Initials
Chair: Greg Harper – AC Transit	GH	Rocky Fernandez – AC Transit	
Vice Chair: Olden Henson – City of Hayward	OPH	Marvin Peixoto – City of Hayward	
Members:			
Scott Haggerty – County of Alameda, District 1	SH		
Keith Carson – County of Alameda, District 5	KC	Kriss Worthington – City of Berkeley	
Marshall Kamena – City of Livermore	MK	Michael Gregory – City of San Leandro	
Jennifer Hosterman – City of Pleasanton	JH	Robert Franklin - BART	
Joyce Starosciak – City of San Leandro	JKS	Tony Santos – City of San Leandro	
Mark Green – City of Union City			
LEGAL COUNSEL			
Zack Wasserman – WRBD	ZW		
Neal Parish – WRBD			
Geoffrey Gibbs - GLG	GTG		
STAFF		**STAFF**	
Arthur L. Dao – Executive Director	ad	Anees Azad – Manager of Finance & Admin.	
Gladys Parmelee – Exec. Asst & Clerk of the Commission	gwp	Ray Akkawi – Manager of Project Delivery	
Frank R. Furger - Chief Deputy Director		Beth Walukas – Manager of Planning	BAW
Dick Swanson - Director of Finance & Administration		Cyrus Minoofar - Manager of ITS	
Tess Lengyel – Programs and Public Affairs Manager	TL	Matt Todd - Manager of Programming	

STAFF	Initials	STAFF	Initials
Yvonne Chan – Accounting Manager		Christina Muller –Administrative Manager	
Bijan Yarjani – Senior Transportation Engineer		Lei Lam – Senior Accountant	
Steve Haas – Senior Transportation Engineer		Keonnis Taylor – Programs Coordinator	
John Hemiup – Senior Transportation Engineer	[illegible]	Arun Goel – Associate Transportation Engr.	
Saravana Suthanthira - Senior Transportation Planner	[illegible]	Linda Adams – Executive Assistant	
Diane Stark -Senior Transportation Planner		Liz Brazil – Contracts Administrator	
Vivek Bhat - Associate Transportation Engr.	VB.	Jacki Taylor – Engineering Staff Assistant	
Victoria Winn – Administrative Assistant III	VW	Laurel Poeton	LP
Anees Azad, Fin/Adm Mgr	AA		

NAME	JURISDICTION/ ORGANIZATION	PHONE #	E-MAIL
1. Matt Todd	ACTC	510-350-2315	mtodd@accma.ca.gov
2. Rochelle Wheeler	Alameda CTC consultant	510 267 6121	rwheeler@actia2022.com
3. Dawn Argula	AlaCoBOS #1	925-551-6995	
4. Clara Sample	PAPCO	510 489-0363	
5. Sharon ann powers	PAPCO	510 979-9660	
6. Bob Vinn	Livermore	925 960 4516	bgvinn@ci.livermore.ca.us
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Memorandum

DATE: October 26, 2010

TO: Planning, Policy and Legislation Committee

FROM: Saravana Suthanthira, Senior Transportation Planner

SUBJECT: **Adoption of Conformity Findings for the 2010 Congestion Management Program (CMP)**

Recommendations:
It is recommended that the Alameda CTC Board find that all local jurisdictions are in conformance with the Congestion Management Program (CMP) annual conformity requirements.

Summary:
Local jurisdictions are required to comply with the CMP as follows:

1) (a) Tier 1 Land Use Analysis – submit to Alameda CTC all Notice of Preparations, EIRs and General Plan amendments;
   (b) Tier 2 Land Use Forecasts- review ABAG Projections by traffic analysis zones;
2) Traffic Demand Management (TDM) – Complete Site Design Checklist;
3) Payment of Fees; and
4) Deficiency Plans and Deficiency Plan Progress Reports, as needed in some jurisdictions.

All of the jurisdictions that are required to provide a Deficiency Plan status report have complied with the requirement. All jurisdictions have complied with the remaining three conformity requirements.

Discussion:
Letters were sent to the jurisdictions requesting Tier 1 Land Use Analysis Program and TDM Site Design Checklist by September 30, 2010, and Deficiency Plan Progress Reports from the responsible jurisdictions by October 8, 2010. Responses were received from all of the jurisdictions. The details of the conformance with regard to the Deficiency Plans are as follows:

1) I-580 westbound between Center Street and I-238 in Alameda County.
   Lead: Alameda County

Participation Jurisdictions: Cities of Oakland, San Leandro, Dublin, Livermore and Pleasanton

Completion Report: The implementation of Deficiency Plan has been completed with the implementation of the I-238 expansion that was completed in October 2009 and completion of Castro Valley Interchange Improvement Project in September 2010. The I-580 freeway segment between Center Street and I-238 for which the deficiency plan was prepared is functioning at a Level of Service of A with an average speed of 60.3 mph based on the 2010 Level of Service Monitoring Study.

2) All jurisdictions that are required to report on the other three active deficiency plans are in conformance as follows:

- Mowry Avenue eastbound from Peralta Boulevard to SR 238/Mission Boulevard
  Lead: City of Fremont
  Participation Jurisdictions: Newark
  Progress Report and Letters of Concurrence: Received and short term mitigation measure has been completed and progress is satisfactory

- SR 185 westbound from 46th Street to 42nd Street in Oakland
  Lead: City of Oakland
  Participation Jurisdiction: City of Alameda
  Progress Report and Letters of Concurrence: Received and the progress is satisfactory on both short term and long term mitigation measures.

- SR 260 (Posey Tube) eastbound and I-880 northbound freeway connection
  Lead: City of Oakland
  Participation Jurisdictions: Cities of Berkeley and Alameda
  Progress Report and Letters of Concurrence: Received and the progress is satisfactory. Additionally, the cities of Oakland and Alameda requested support from the regional agencies in securing funds for portion of the Phase II improvements for the Webster ITS project, which is one of the improvement measures in the Deficiency Plan. The Alameda CTC will work with the cities to determine funding availability.

Attachment A is a summary table that demonstrates the status of conformity with the Alameda County CMP.

Fiscal Impacts:
This item does not affect the Alameda CTC budget.

Attachments:
Attachment A - 2010 CMP Conformance: Land Use Analysis, Site Design Guidelines, Payment of Fees, and Deficiency Plans

Table 1

2010 CMP CONFORMANCE

Land Use Analysis, Site Design, Payment of Fees and Deficiency Plans

	Land Use Analysis Program			Site Design	Payment of Fees	Deficiency Plans/LOS Standards	Meets All Requirements
Jurisdiction	Tier 1 - Ordinance Adoption	Tier 1: GPA & NOP Submittals	Tier 2- Land Use Forecasts	Checklist Complete	Payments thru 4th Qts FY 09/10	Deficiency Plan Progress Reports and Concurrence	
Alameda County	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Alameda	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Albany	Yes	Yes	Yes	Yes	Yes	N/A	Yes
City of Berkeley	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Dublin	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Emeryville	Yes	Yes	Yes	Yes	Yes	N/A	Yes
City of Fremont	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Hayward	Yes	Yes	Yes	Yes	Yes	N/A	Yes
City of Livermore	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Newark	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Oakland	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Piedmont	Yes	Yes	Yes	Yes	Yes	NA	Yes
City of Pleasanton	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of San Leandro	Yes	Yes	Yes	Yes	Yes	Yes	Yes
City of Union City	Yes	Yes	Yes	Yes	Yes	NA	Yes

N/A indicates that the city is not responsible for any deficiency plan for the past fiscal year.

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Memorandum

DATE: November 1, 2010

TO: Planning, Policy and Legislation Commission

FROM: Tess Lengyel, Programs and Public Affairs Manager

SUBJECT: **Legislative Update**

Recommendations:
This is an information item only.

Summary:
At the time of this writing, the November elections have not taken place. Staff will provide a report to the Commissioners on local, state and federal election results and how they may affect the Commission's legislative activities in the coming year. Attachment A is an update from our State lobbyist, Suter, Wallauch, Corbet& Associates, and Attachments B1 and B2 include federal updates.

Development of the 2011 Legislative Program will be done during the December 17th Commission retreat. During the retreat, staff will provide an overview of the legislative landscape in both Washington and Sacramento to set the framwork for crafting the legislative program for 2011.

Background:
Each year, the Commission adopts a Legislative Program to provide direction for its legislative and policy activities for the year.

The purpose of the Legislative Program is to establish funding, regulatory and administrative principles to guide legislative advocacy in the coming year. The program is intended to be flexible to allow for the opportunity to pursue legislative and administrative opportunities that may arise during the year, and to respond to the political issues and processes in Sacramento and Washington, DC.

In the previous year, the legislative program focused on the federal bill reauthorization and on specific project and program implementation including the following sections:

- Federal Transportation Bill Reauthorization
- Transportation Funding
- Project Delivery
- Multi-modal Transportation
- Transportation and Social Equity
- Climate Change

Our state and federal lobbyists will be scheduling meetings early next year with Legislators in Sacramento and Washington, D.C. to discuss the Commission's legislative needs in 2011.

Fiscal Impact:

No direct fiscal impact.

Attachments:

Attachment A1 and A2: State Legislative update
Attachment B1 and B2: Federal updates

Suter▪Wallauch▪Corbett
& Associates
Government Relations

October 29, 2010

TO: Art Dao, Executive Director
Alameda County Transportation Commission

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

With the budget done (for now) and campaigns in high gear, things are fairly quiet in Sacramento. There remain rumors, however, that the Legislature will return after the elections to act on employee MOU's, but so far these are just rumors.

Budget Trailers Finally Singed: The Governor was not in much of a hurry to affix his signature to the two dozen measures that made up the package of trailer bills accompanying the budget this year. After vetoing almost a billion dollars worth of funding from the Budget, he signed it and he also approved AB 1624, which authorizes a short-term cash flow solution to ensure adequate cash flow through November. It was not until time was almost up when he signed nearly all of the budget trailer bills.

The Governor vetoed SB 866, which would essentially establish a process for local government to securitize mandate claim receivables. The Governor did not agree that these payments should be placed ahead of payments for RANs and lease revenue payments, and he expressed concerns about the added interest costs.

While the Governor signed AB 1610, which was the education trailer bill, he vetoed two appropriations in the bill. He cut $25 million for the community college Economic Development and Workforce Development Programs, and reduced funding for community college categorical programs by $35 million.

With this, the 2010-11 budget is officially done – for at least a few months away.

Interim Hearings: The Senate Transportation & Housing Committee is spending little time recovering from election night. On November 4, the Committee has scheduled an informational hearing in Sacramento to review the UC Berkeley Institute of Transportation Studies assessment of the High Speed Rail Authority's ridership forecast, and receive an update on the State Auditor's monitoring of the Authority's activities. Then on November 7th, the Committee will hold a hearing in Solana Beach to review the I-5 North Coast Corridor Project and how AB 32/SB 375 played a role in the environmental review process.

Compensation Surveys: Part of the City of Bell fallout included State Controller John Chiang's new requirement for all cities and counties to submit the compensation rates for all employees.

This information is now posted on the Controller's website (***http://www.sco.ca.gov/compensation_search.html***).

The Controller now plans to extend this requirement to special districts, and all other local public agencies. This week the Controller has mailed the survey request to transit, police, fire, and water districts, with a reporting deadline of December 13th. It will not be long before JPAs and all other local entities are sent this request.

Senate Republicans Get New Leader: It is finally official. There has been yet another changing of the guard in the Senate Republican Caucus. Now former Senate Minority Leader Dennis Hollingsworth had announced several months ago that he planned to turn over his leadership post on July 1. However, since that date came and went and Hollingsworth was in the midst of budget negotiations, that transition date soon became "or when the Budget is finished." The new Reep Leader is Robert "Bob" Dutton, from Rancho Cucamonga. He is no stranger to budgets, having served on the Conference Committee for at least a couple of years.

LEGISLATION
October 29, 2010

The following is a summary of the final status of the main bills we followed over the past two years. This summary focuses on regular session bills and does not include the numerous budget trailer bills.

Bills	Subject	Status	Client - Position
AB 289 **(Galgiani)** High-speed rail.	This bill authorizes the Governor to appoint up to six exempt employees who serve at the will of the Executive Director of the High Speed Rail Authority. AB 289 also specifies that specific ARRA high speed rail funds shall be deposited into the federal trust fund and spent consistent with federal law and SB 965. In addition, This bill specifically authorizes the High Speed Rail Authority to use federal Passenger Rail Investment and Improvement Act f funds for planning and engineering on the Altamont Corridor, Merced to Sacramento Corridor, and the LA to San Diego Corridor. The Governor's veto letter provided the following reason for rejecting this bill. *"This bill would direct the expenditure of federal funds without going through the regular budget review and development process. This budget process is designed to ensure both the Administration and the Legislature can provide input regarding the way in which funds are spent. For this reason I am unable to sign this bill."*	VETOED -2010	ACTIA-Watch CMA - Watch

AB 338 **(Ma)** Transit village developments: infrastructure financing.	AB 338 would allow a city or county to create a transit village infrastructure financing district without a public vote. The bill was not amended to include MTC's suggested amendment to dedicate 10% of the housing funds for units that are fully accessible. The Governor's veto message is as follows: *I am returning Assembly Bill 338 without my signature. This bill would eliminate voter approval requirements for the creation of an Infrastructure Financing District (IFD) and the issuance of tax allocation bonds by an IFD. In doing so, this measure would undermine the rights of voters to approve or reject proposals to redirect their tax dollars and incur public debt. Unlike the creation of a redevelopment plan, the creation of an IFD is not conditioned upon a finding of blight, or upon any other statutory or constitutional restraints other than strict voter approval requirements. As such, elections are the sole basis of public input and fiscal discipline in the creation of an IFD, and it is necessary to require voter approval. For this reason I am unable to sign this bill.*	VETOED -2009	ACTIA- Support CMA-Support
AB 468 **(Hayashi)** Public Employees' Medical and Hospital Care Act: employer contributions.	AB 468 authorizes ACTIA to enact a graduated vesting schedule for Public Employees' Medical and Hospital Care Act (PEMHCA) benefits that specifies no employer contribution for the first five years of service. After five years of service the employer's contribution increases to 50%, and the contribution rate increases 5% per year, with 100% employer contribution after 15 years of service.	Chapter #320, Statutes of 2009	ACTIA – Sponsor CMA-Support

AB 497 (**Block**) Vehicles: high-occupancy vehicle lanes: used by physicians.	AB 497 failed passage in the Senate Transportation & Housing Committee. This bill would exempt from HOV lane occupancy requirements physicians traveling in response to an emergency call.	DEAD	ACTIA – Watch CMA - Oppose
AB 619 (**Blumenfield**) Transportation projects: high-speed rail.	This bill would require any entity that intends to contract with the High Speed Rail Authority to disclose any direct involvement in the deportation of individuals to extermination camps, prisoner of war camps, or any similar camps from 1942 through 1944. The Governor provided the following reason for vetoing this bill. *"While I sympathize with the victims of the Holocaust and other individuals that were transported against their will during World War II, this bill needlessly places the state in a position of acknowledging the activities of companies during that time. For this reason, I am unable to sign this bill."*	VETOED – 2010	ACTIA – Watch CMA – Watch
AB 628 (**Block**) Vehicles: toll evasion violations.	This bill permits toll roads and bridges operating in California, which already use vehicle identification cameras for recording toll violators, to begin using the same technology for the payment of tolls. This method is in addition to cash, a transponder (e.g., FasTrak), or other electronic toll payment devices that are authorized under current law.	Chapter #459, Statutes of 2009	ACTIA – Support CMA -- Support
AB 652 (**Skinner**) Vehicles: vehicle length limitation.	AB 652 creates a pilot program for AC Transit to test the use of bike racks that accommodate three bicycles.	Chapter #369, Statutes or 2009	ACTIA – Support CMA -- Support
AB 670 (**Berryhill, Bill**)	AB 670 failed passage in the Assembly Transportation Committee.	DEAD	ACTIA – Watch CMA -- Oppose

Vehicles: high-occupancy vehicle lanes: veterans.	This bill would have permitted a veteran or active duty member of the United States Armed Forces to use high-occupancy vehicle (HOV) lanes, regardless of occupancy level.		
AB 672 (**Bass**) Transportation: bond-funded projects: letter of no prejudice.	This bill establishes a process for local and regional agencies to apply for a Letter of No Prejudice (LONP) for any project using Prop 1B funds. If approved by the entity administering the Prop 1B program, the LONP will serve to ensure the project sponsor will be reimbursed for expending its own funds for any bond-funded component of the project. Given the uncertainty of the state's budget and financial markets, Speaker Bass has introduced this measure to give local entities a means to deliver projects even if the bond funds are not available.	Chapter #463, Statutes of 2009	ACTIA – Support CMA -- Support
AB 726 (**Nielsen**) Transportation capital improvement projects.	AB 726 died in the Senate Committee on Transportation & Housing. This bill would place in statute the authority to program local road rehabilitation projects in the STIP. It has been the CTC's policy to allow local road rehabilitation projects to be programmed in the STIP, but the author is concerned that the CTC could change this policy.	DEAD	ACTIA – Watch CMA -- Watch
AB 729 (**Evans**) Public contracts: transit design-build contracts.	This bill extended the sunset date to January 1, 2015 on the authority to use design-build contracting on public transit projects.	Chapter #466, Statutes of 2009	ACTIA – Watch CMA -- Watch
AB 744 (**Torrico**) Transportation: toll lanes: Express Lane	AB 744 was held on the Senate Appropriations Committee's Suspense File. This bill would authorize the Bay Area Toll Authority to develop, administer, operate, and maintain an express lane network in the Bay Area.	DEAD	ACTIA - Support In Concept CMA - Support In Concept

Network.			
AB 782 (**Jeffries**) Regional transportation plans: sustainable communities' strategies.	AB 782 was never heard in Committee. It proposed to make several changes to the SB 375 process. AB 782 would have added building industry members to the Regional Target Advisory Committee, require MPOs to establish a business advisory committee, and exempt projects funded through a local sales tax or ARRA funds from the consistency requirements. Similar measures will likely be introduced next year.	DEAD	ACTIA – Watch CMA -- Watch
AB 798 (**Nava**) California Transportation Financing Authority: toll facilities.	AB 798 creates the California Transportation Financing Authority with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed by various revenue streams of transportation funds, and toll revenues. The purpose of the Authority is to finance the construction of new capacity or improvements for the state transportation system. AB 798 was amended to include bus projects as well as rail. Although amendments removing the requirement for Bay Area counties to seek approval from MTC prior submitting an application with the CTFA was rejected by the sponsors, a JPA may apply directly.	Chapter #474, Statutes of 2009	ACTIA – Support CMA -- Support
AB 878 (**Caballero**) Infrastructure financing.	AB 878 died without a hearing. This bill would allow a local governmental agency to enter into an agreement with a private entity for financing specified types of revenue-generating infrastructure projects.	DEAD	ACTIA – Watch CMA -- Watch
AB 881 (**Huffman**) Sonoma County Regional Climate	This bill creates until December 1, 2015, the Sonoma County Regional Climate Protection Authority. The Authority has the same board and staff as the Sonoma County Transportation Authority. This purpose of this bill is to improve coordination	Chapter #375, Statutes of 2009	ACTIA – Watch CMA -- Watch

Protection Authority: greenhouse gas	between local governments in implementing emission reduction strategies.		
AB 949 (**Logue**) Transportation: State-Local Partnership Program.	AB 949 proposed to expand the definition of eligible local matching funds for purposes of participating in the Prop 1B State-Local Partnership Program. The bill would have added developer fees and mineral and resource extraction fees.	DEAD	ACTIA – Oppose CMA -- Oppose
AB 987 (**Ma**) Transit village development districts.	This bill amends the Transit Village Development Act to expand the size of a district to include all parcels located within one-half mile of the transit station. Current law limits the size to one-quarter mile around the station.	Chapter #354, Statutes of 2010	ACTIA – Watch CMA -- Watch
AB 1030 (**Blumenfield**) Renewable energy projects: Department of Transportation.	AB 1030 was held on the Senate Appropriations Suspense File. AB 1030 would authorize the Institute of the Environment (IOE) at the University of California, Los Angeles to map the renewable energy development potential of property owned or controlled by the Department of Transportation (Caltrans).	DEAD	ACTIA – Watch CMA -- Watch
AB 1135 (**Skinner**) Vehicles: registration renewal.	AB 1135 was held on the Assembly Appropriations Suspense File. This bill would require the owner of a vehicle to report the current odometer reading of the vehicle when the renewal registration is paid. A data base would be created to group the odometer information into census blocks where it could be sorted by block group, census tract, and city and county.	DEAD	ACTIA – Watch CMA -- Watch
AB 1175 (**Torlakson**) Toll facilities.	AB 1175 makes several changes to the Toll Bridge Seismic Retrofit Program. The bill include the following changes: • Adds the Dumbarton and Antioch Bridges into the Toll Bridge Seismic Retrofit Program (TBSRP), • Authorize the Bay Area Toll Authority (BATA) to	Chapter #515, Statutes of 2009	ACTIA – Support CMA -- Support

	administratively increase bridge tolls for the purposes of completing these seismic retrofit improvements, to meet bonding obligations, • Requires BATA to provide cash-based option for FastTrack customers that does not require customers to provide a name or address, • Requires BATA to contract with an independent entity to review privacy issues, and • Repeals BATA's authority to reduce the seismic toll surcharge as a means of encouraging the use of FastTrack. The bill was amended to remove provisions that would allow BATA to submit regional measures to voters for toll increases.		
AB 1186 (**Blumenfield**) Employee parking.	AB 1186 was intended to promote the use of the existing "parking-cash-out program," but it was vetoed by the Governor. This bill would require a lessor of a building located in a non-attainment area to list parking costs as a separate line item on all lease agreements. This requirement would only apply leases that provide space for 50 or more employees. Unbundling the parking cost would make it easier to offer employees cash in lieu of parking subsidies. The Governor's veto message is as follows: *I am returning Assembly Bill 1186 without my signature. This bill requires the lessor of a nonresidential building located within a nonattainment area to itemize parking costs in all lease agreements entered into or renewed after January 1, 2011 if the tenants of the building are provided free parking. I recognize that the current cash-out parking program faces many*	VETOED -- 2009	ACTIA – Support CMA – Support

	implementation challenges and many have called for various modifications to improve this program. For this reason, I have signed SB 728 (Lowenthal) which would clarify that either the California Air Resources Board or a local air district may enforce the existing parking cash-out law. With respect to this bill, although well-intended, I am concerned about placing an additional burden on commercial property owners at this time. It is my hope that better enforcement will shed more light on the challenges and effectiveness of this program. For these reasons, I am unable to sign this bill.		
AB 1321 **(Eng)** Environment: The Advance Infrastructure Mitigation Program Act.	AB 1321 would authorize the Natural Resource Agency to develop a program to mitigate the effect of infrastructure projects regionally or statewide and in advance of the projects. The purpose of this program is to develop an innovative way to advance projects more efficiently and provide more effective conservation efforts. This program is known as Regional Advance Mitigation Planning (RAMP). The development of this program is being closely monitored by the Strategic Growth Council, and it is likely that this measure will be reintroduced next year.	DEAD	ACTIA – Watch CMA -- Watch
AB 1386 **(Hayashi)** State highways.	AB 1386 makes several changes to the Local Alternative Transportation Improvement Program (LATIP) for both the Route 238 and Route 84 corridors as follows: • Amends existing law to allow the proceeds from the sale of state owned right-of-way along the proposed Route 238 corridor to be used for both state and local transportation improvements specified in the LATIP, • Specifies that the proceeds from the sale of property is deposited into a special account that AB 1386 creates	Chapter #291, Statutes of 2009	ACTIA – Support CMA – Support

	until it is used to implement a LATIP project, • Allows for local funds to be used to advance a LATIP project and be repaid at a later date with the sale proceeds, and • Repeals the existing housing related provisions for the Rt 238 LATIP, and adds provisions outlining the settlement agreement that is subject to court approval.		
AB 1500 **(Lieu)** High-occupancy lanes: single occupancy vehicles: sunset date.	AB 1500 extends to January 1, 2015, the sunset date on the authority that exempts specified low-emission vehicles from HOV lanes occupancy requirements. These vehicles are know as "white sticker" vehicles that include electric cars and specific natural gas vehicles. This does not apply to the yellow stickers used for the "Prius" exemption.	Chapter #37, Statutes of 2010	ACTIA – Watch CMA -- Watch
AB 1760 **(Blumenfield)** Design-sequencing contracts.	AB 1760 would reenact until January 1, 2014 the authorization for Caltrans to enter into design-sequencing contracts. AB 1760 would allow Caltrans to enter into up to 5 contracts during this time period and only on projects deemed to be a high probability of success. The Governor stated the following in his veto message. *"I am not convinced of the overall effectiveness of the design-sequencing contracting method. Upon the completion of previously authorized design-sequencing contracts, the California Department of Transportation will analyze this contracting method and produce a final report on the effectiveness of this method. I believe any further authorizations of this contracting method should wait until this report has been released and the effectiveness determined."*	VETOED -- 2010	ACTIA – Watch CMA -- Watch
AB 2147 **(V. Manuel Perez)**	This bill proposed to make the following changes to the Safe Routes to School program.	VETOED -- 2010	ACTIA – Support CMA – Support

Safe Routes to School construction program.	• Allows Caltrans, when an application is submitted by a school district, to require that a city or county serve as a responsible agency to ensure that local design standards and applicable state and federal requirements are met. • Allows Caltrans to consider the degree to which the proposal reflects the participation of community stakeholders. • Adds to the list of factors Caltrans must use to rank project proposals to include "benefit to a low-income school." • Requires Caltrans to form a multidisciplinary committee made up of representatives of state agencies and other stakeholders, including nonprofits, cities, counties, and low income community representatives. *"While this bill is intended to enhance the position of low-income communities to compete for SRTS funds, based on the recent success of those communities receiving SRTS program funding, this bill may be unnecessary. A recent review of the SRTS Program determined that low-income schools, which compromise approximately one-third of California schools, have received 35 percent and 44 percent of all SRTS grants awarded over the past five years through the state and federal programs, respectively."*		
AB 2516 **(Hill)** Housing accessibility: Accessible Housing Task Force.	AB 2516 was held on the Assembly Appropriations Suspense File. This bill would require the Department of Housing and Community Development (HCD) to establish the Accessible Housing Task Force to expand the amount of housing near public	DEAD	ACTIA – Watch CMA -- Watch

	transit that is accessible and habitable by people of all ages and disabilities. In addition, this bill requires the task force to produce a report of their findings and provide it to the Legislature by June 30, 2012.		
AB 2567 (**Bradford**) Vehicles: parking violations: digital photograph recordings.	AB 2567 authorizes local public agencies to use automated parking enforcement systems (cameras) on street sweepers to enforce street sweeping-related violations.	Chapter #471, Statutes of 2010	ACTIA – Watch CMA -- Watch
ACA 9 (**Huffman**) Local government bonds: special taxes: voter approval.	ACA 9 would amend the Constitution to allow cities and counties to incur bond debt for infrastructure project with 55% voter approval. It would also allow cities, counties and special district to impose a special tax with a 55% voter approval.	DEAD	ACTIA – Support CMA – Support
ACA 15 **(Arambula)** Local government transportation projects: special taxes: voter approval.	ACA 15 would amend the Constitution to lower the voter approval threshold for local transportation sales taxes from 2/3 to 55%.	ASSEMBLY DEAD	ACTIA – Support CMA – Support
SB 82 (**Hancock**) Community colleges: transportation fees.	SB 82 raises the cap from $60 per semester to $70 per semester that can be imposed for transportation services by community college districts. The bill also includes language stating the total fees shall not exceed the amount necessary to reimburse the district in providing the transportation services, and would allow the governing board of the district to annually increase the fee to cover inflation.	Chapter #619, Statutes of 2010	ACTIA – Watch CMA -- Watch
SB 83 (**Hancock**) Traffic congestion:	SB 83 allows any county congestion management agency to place on the ballot a majority vote measure to impose up to a $10 fee on each vehicle for the purpose of funding congestion	Chapter #554, Statutes of 2009	ACTIA – Support CMA – Sponsor

motor vehicle registration fees.	mitigation and air quality programs.		
SB 128 **(Padilla)** California Climate Change Institute.	SB 128 was held on the Senate Appropriation Committee's Suspense File. SB 128 would establish the California Climate Change Institute and requires the Institute to support research and education programs relating to climate change and greenhouse gas emissions.	DEAD	ACTIA – Watch CMA -- Watch
SB 391 **(Liu)** California Transportation Plan.	SB 391 requires Caltrans to update its state transportation plan by December 31, 2015 and every five years thereafter. This bill also requires the plan to address how the state will meet the transportation infrastructure and mobility needs of California and attain air pollution standards required by federal and state law and achieves greenhouse gas (GHG) emissions reductions needed from the transportation sector.	Chapter #585, Statutes of 2009	ACTIA – Support CMA – Support
SB 406 **(DeSaulnier)** Land use: environmental quality.	The Governor vetoed SB 406 because it did not require a public vote before increasing the registration fee. SB 406 would authorize a metropolitan planning organization to request the air district to increase the air quality registration fee by up to a $2 on each vehicle registered within the district. If the population exceeds 300,000 then all amounts above $1 must be used for grants to cities, counties and congestion management agencies for planning and projects related to implementing a regional blueprint plan. In the Bay Area, the resolution requesting the surcharge must be adopted by both MTC and ABAG.	VETOED -- 2009	ACTIA – Support CMA – Support

	The Governor's veto message is as follows: *I am returning Senate Bill 406 without my signature. Reducing greenhouse gas emissions is of utmost priority in my administration and is essential for achieving California's climate change goals. However, this bill would authorize a municipal planning organization, a council of governments, or a county transportation commission and a sub-regional council of governments, by resolution, to impose a new fee on motor vehicles registered in their jurisdiction. As I have said in prior veto messages, such an increase should be subject to voter approval. For this reason, I am unable to sign this bill.*		
SB 425 **(Simitian)** Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.	SB 425 was held on the Senate Appropriations Committee's Suspense File. SB 425 would authorize a new tax credit of up to 80 percent of costs incurred by small businesses for qualified commute reduction expenditures, as specified. This bill would also prohibit taxpayers from claiming a business expense deduction for parking subsidies unless employees provided with a parking subsidy are offered a cash allowance in lieu of a parking space (parking cash-out program)	DEAD	ACTIA – Support CMA – Support
SB 455 **(Lowenthal)** High-speed rail.	This bill requires the five gubernatorial appointees to the High-Speed Rail Authority be confirmed by the Senate. The Governor's veto message stated the following: *"Current law provides that the five members of the High-Speed Rail Board appointed by the Governor are not subject to Senate confirmation. I see no reason to change this. I might be persuaded to change my mind if the Legislature were to allow the Executive Branch to confirm its four appointments to the*	VETOED -- 2010	ACTIA – Watch CMA -- Watch

	Board."		
SB 474 **(Ducheny)** Transportation: pilot programs.	This bill requires a transportation agency, prior to entering into a public-private partnership or design-build agreement as authorized in existing law, to pass a resolution that identifies the benefits anticipated from using the alternative project delivery or financing methods over traditional methods. The veto letter included the following: "*….This bill is simply unnecessary. Under existing law, public agencies have the authority to utilize design build and P3 to develop and finance transportation projects. Decisions about when and where the use of these strategies will be effective is a decision for qualified transportation professionals. Requiring elected officials to issue a finding every time an agency wishes to use one of these tools to deliver a project would create an unnecessary hurdle potentially leading to project delays. For this reason I am unable to sign this bill."*	VETOED – 2010	ACTIA – Watch CMA -- Watch
SB 535 **(Yee)** Vehicles: high-occupancy vehicle lanes.	SB 535 extends for six months from January 1, 2011 to July 1, 2011, the sunset date that that exempts a specified number of hybrid vehicles (Prius vehicles) from the HOV lanes occupancy requirements. The bill would also allow the DMV to issue only 40,000 stickers that exempt advanced technology partial zero-emission vehicles (AT PZEV) (such as the Chevy Volt) from the HOV lane occupancy requirements. The AT PZEV stickers would be available starting January 1, 2012 and sunset on January 1, 2015. The bill also extends the sunset date for the use of white stickers, which are available for electric and some natural gas vehicles from January 1, 2011 to January 1, 2015.	Chapter #215, Statutes of 2010	ACTIA – Watch CMA -- Watch
SB 728	SB 728 attempts to add teeth to the Parking Cash-out Program.	Chapter #359, Statutes of	ACTIA – Support

(Lowenthal) Air pollution: parking cash-out program.	This bill would authorize the cities, counties, and air districts to adopt a local ordinance and penalty to ensure employers comply with the program. Under the Parking Cash-out Program any employer with 50 or more employees that are located in a non-attainment area must provide a parking cash out program if the employer provides a parking subsidy to employees.	2009	CMA – Support
SB 783 **(Ashburn)** High-speed rail.	SB 783 requires the HSRA to adopt a business plan and submit the plan to the Legislature by January 1, 2012 and every two years thereafter. The Plan must address the following issues: • Include the most recent patronage forecast to identify high, medium and low ridership. • Prepare alternative financial pro formas for different levels of service. • Identify supplemental funding sources to augment the bond funds. • Identify agreements to public or private entities to fund components of the project. • Identify alternative public-private development strategies. • Hold at least one public meeting on the business plan.	Chapter #618, Statutes of 2009	ACTIA – Watch CMA -- Watch
SB 965 **(DeSaulnier)** High-speed rail.	SB 965 includes findings and declarations on the importance of high speed rail and the potential for job creation, and establishes a process on how high speed rail ARRA funds are spent. • Authorizes the HSRA to spend ARRA funds upon appropriation by the Legislature. • Authorizes the HSRA to use ARRA funds for capital projects if matched by Prop 1A bond funds. • Requires the HSRA to ensure federal funds are obligated	VETOED – 2010	ACTIA – Watch CMA -- Watch

	and spent consistent with federal guidelines. • Requires the HSRA to submit an expenditure plan on how the ARRA funds will be spent including specific milestones and an estimate on the number of jobs created in California. • Exempts the ARRA funds dedicated to the Transbay Transit Center from the provisions of this bill. The veto letter stated the following: *"This bill directs the expenditure of federal funds without going through the regular budget review and development process. This budget process is designed to ensure both the Administration and the Legislature can provide input regarding the way in which funds are spent."*		
SB 1215 **(Price)** Public contracts: architectural and engineering services firms: prequalification lists.	SB 1215 would create a pilot project that would authorize Caltrans to establish prequalified lists of small, medium and large architectural and engineering firms. The pilot project would sunset on January 1, 2014. This bill seeks to enable small businesses to compete for Caltrans engineering contracts by allowing Caltrans the ability to establish prequalification lists of architectural and engineering firms for small, medium, and large contracts. These prequalification lists would be created for each Caltrans district.	DEAD	ACTIA – Support CMA – Watch
SB 1245 **(Simitian)** High-occupancy vehicle lanes.	SB 1245 was held in the Assembly Committee on Transportation,. SB 1245 would place in statute a prohibition on charging tolls to carpools that meet the occupancy requirements for using an HOV lane that has been converted to be a HOT lane. In addition, the bill adds language that would allow an increase in the occupancy	DEAD	ACTIA – Watch CMA -- Watch

	requirement if Caltrans determines it would maximize throughput.		
SB 1268 (**Simitian**) Toll bridges, lanes, and highways: electronic toll collection mechanisms: disclosure of personal information.	SB 1268 enacts privacy protections for the use of electronic toll collection devices. SB 1268 would prohibit a transportation agency from selling or providing personally identifiable information of a subscriber. The bill would allow a transportation agency to store certain personally identifiable information of a subscriber and would require it to discard other information within a designated time period.	Chapter #489, Statutes of 2010	ACTIA – Watch CMA -- Watch
SB 1299 (**Lowenthal**) Vehicles: vehicle miles traveled fee (VMT).	SB 1299 proposed to require the Department of Motor Vehicles to develop and implement, by January 1, 2012, a pilot program designed to assess issues related to implementing a vehicle miles traveled (VMT) fee in California.	DEAD	ACTIA - Support In Concept CMA - Support In Concept
SB 1348 (**Steinberg**) California Transportation Commission: guidelines.	SB 1348 would enact a procedure for the California Transportation Commission (CTC) to follow when developing program guidelines. The purpose is to establish a structured and public process for the CTC to follow when developing and adopting guidelines. The Governor provided the following reason for vetoing this bill. *"This bill is unnecessary as it establishes a formal process which is very similar to the process already used by the CTC. For this reason I am unable to sign this bill."*	VETOED – 2010	ACTIA – Support CMA – Support
SB 1371 (**Correa**) Transportation: bond funded projects: letter of no prejudice.	SB 1371 was gutted and amended to create a process for issuing a letter of no prejudice (LONP) for projects funded by the $950 million in bond funds dedicated to local and regional rail operators in the High Speed Rail Bond Act.	Chapter #292, Statutes of 2010	ACTIA – Watch CMA -- Watch

SB 1418 (**Wiggins**) Transportation: motorist aid services.	SB 1418 failed passage in the Assembly Transportation Committee. This bill would increase from $1 to $2 the vehicle registration fee that is imposed to fund the motorist call box program. The bill also expands the authority to use of this fee revenue for the implementation, maintenance, and operation of the following: a call-box program, a freeway service patrol, roadside assistance, intelligent transportation systems, traveler information systems and support for traffic operation centers. The bill would also allow MTC to place call boxes at parking and roadway areas in state and federal parks.	DEAD	ACTIA – Watch CMA -- Watch
SB 1445 (**DeSaulnier**) Land use and planning: environmental quality.	SB 1445 was held in the Assembly because concerns were expressed that it could be used to support Proposition 23, because SB 1445 would authorize new "taxes" to implement AB 32. Originally, SB 1445 proposed to impose statewide a vehicle fee of $2. The revenue would be allocated to MPOs to fund SB 375 implementation. As amended, the intent of the bill stays the same but the funding mechanism changes. SB 1445 would authorize an MPO to place on the ballot a vehicle fee of up to $4. The revenue would be used to for regional planning activities primarily related to implementing SB 375. In the Bay Area the funds would be split between MTC and ABAG. Also consistent with prior versions, if the fee amount exceeds $2 then the amount collected above $2 must be made available as grants to cities, counties, and congestion management agencies. *The new bill, however, contained language that would allow MTC and ABAG to use any TDA funds to reimburse counties for the cost of the election if the fee measure fails. The language does not specify which pot of TDA funds they can use.*	DEAD	ACTIA – Support CMA – Support

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Washington Friday Report

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INSIDE THIS WEEK

As of this writing the polls close in about 100 hours and the implications one way or another will be immense. In fact, Washington will look very different Wednesday morning as Obama and Congress 2.0 begin to take shape. We will update you regularly starting Wednesday on how the elections might impact your federal priorities. Meanwhile, here are some of the highlights of what happened in our last "normal" week for a while!

High Speed Rail

U.S. Department of Transportation Secretary **Ray LaHood** announced this week awards under the High-Speed Intercity Passenger Rail (HSIPR) Program, of $2.4 billion for high speed rail projects across the country. The Federal Railroad Administration chose to award 54 projects in 23 states. In order to maximize the positive impacts of the funding the Obama administration has secured a commitment from more than 30 rail manufacturers and suppliers who agreed to establish or expand their bases of operations in the U.S. if they are hired to build the new high speed lines. The money is being awarded for a range of activities, such as construction of track and stations, purchase of new passenger equipment, and planning studies to develop new high-speed rail service. *Materials included for your review.*

Extending the House GOP Earmark Ban?

Representative Jerry Lewis (CA) who is the currently the ranking member of the House Appropriations Committee wrote an op-ed for Politico yesterday entitled "*Restoring Spending Sanity*." In the op-ed, Rep. Lewis discusses his plans to extend the earmark moratorium Republicans adopted earlier this year if the Republicans obtain control of the House and he becomes chairman of the Committee. *"To address these great budget challenges, we must not be distracted by a damaging and divisive internal debate on earmarks. Regardless of individual positions on this, the fact remains that they have become a symbol of Washington spending. Our efforts simply must not be focused on the fraction of a percent of the federal budget represented by these projects -- but on the tremendous task of cutting discretionary spending."* Although Rep. Lewis has been one of the biggest defenders of earmarks and believes in congressional members' right to help direct spending through earmarks, Lewis said Republicans should continue the moratorium enacted earlier this year in a show of fiscal restraint. *We have attached the Representative's op-ed for your review.*

Public Housing Repairs

This week's New York Times included analyzed the poor state of public housing across the country. Over the last 15 years more than 150,000 public housing units have been lost all around the nation, and an additional 5,700 units are pending removal. The story noted that city housing authorities everywhere are lacking the necessary funds to fix even the existing units. The Office of Public and Indian Housing in the Department of Housing and Urban Development, stated that in total, the country's housing authorities still need $22 billion to $32 billion to rehabilitate their buildings. In response to this growing crisis, HUD has drafted legislation that would allow housing agencies to borrow public and private money, using their land and buildings as equity, to finance repairs (The Preservation, Enhancement and Transition of Rental Assistance Act (PETRA). They can then use money received annually from Congress to pay back the debt over time. This bill has not yet been formally introduced to Congress, but has already received fairly mixed reactions from officials at public housing authorities who worry that this would allow too much privatization of public housing. *We have included the story for your review.*

Homeland Security and Local Law Enforcement

Department of Homeland Security (DHS) Secretary **Janet Napolitano** delivered remarks to law enforcement personnel from across the nation about continuing and expanding partnerships between DHS and state, local, tribal and territorial law enforcement to combat evolving threats of terrorism at the International Association of Chiefs of Police (IACP) Annual Conference in Orlando, FL.

In her remarks, Secretary Napolitano noted that individuals prepared to carry out terrorist acts may carry out violence with little or no warning which requires DHS and all of its law enforcement partners to adapt quickly to the changing environment. She emphasized that the experience and skills state and local enforcement bring to fighting violent crime every day can be leveraged to counter threats like domestic terrorism, as homeland security begins with hometown security. Secretary Napolitano also emphasized the Department's joint efforts with the Justice Department to expand the nationwide Suspicious Activity Reporting Initiative as well as the national expansion of DHS' "If You See

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Something, Say Something" campaign. *We have included that release for your review.*

FCC Spectrum Summit

Last week, the FCC Commission hosted a spectrum summit highlighting the coming broadband spectrum crunch, its consequences, and potential policy solutions. The summit focused on mobile broadband's potential to drive economic growth, create new jobs, and ensure U.S. leadership in the global economy. It also addressed ways to ensure that America has the spectrum resources necessary to realize these possibilities. **Chairman Julius Genachowski** made the following remarks at the summit, "*the explosive growth in mobile communications is outpacing our ability to keep up. If we don't act to update our spectrum policies for the 21st century, we're going to run into a wall - a spectrum crush-that will stifle American innovation and economic growth and cost us the opportunity to lead the world in mobile communications.*" The event featured leaders from industry, government, academia, and the investment community. *We have provided Chairman Genachowski's remarks for your review.*

Fuel Efficiency Standards for Trucks and Buses

The Environmental Protection Agency and the Department of Transportation have announced the first national standards to reduce greenhouse gas emissions and improve fuel efficiency of heavy-duty trucks and buses. The national program is projected to reduce greenhouse gas emissions by nearly 250 million metric tons and save 500 million barrels of oil over the lives of the vehicles produced within the program's first five years. The new proposed standards are for three categories of heavy trucks: combination tractors, heavy-duty pickups and vans, and vocational vehicles. The categories were created to address specific challenges for manufacturers in each area. The National Highway Traffic Safety Administration (NHTSA) estimates that the program will provide $41 billion in net benefits over the lifetime of model year 2014 to 2018 vehicles. NHTSA and EPA will jointly hold two public hearings: one in Chicago on November 15th and one in Boston on November 18th. *We have included the release for your review.*

Community Health Centers Funding

This week the Department of Health and Human Services announced the availability of up to $335 million for existing community health center around the U.S. The funds are to be distributed under the Expanded Services (ES) initiative and were made possible by the Affordable Care Act. The money will help increase access to preventative and primary health care, including dental health, behavioral health, pharmacy, vision, and/or enabling services at existing health care center sites. Health center grantees requesting funds must demonstrate how these funds will be used to expand medical capacity and services to underserved populations in their service areas. **The applications are due January 6, 2011 at 8 P.M. ET.** *Release attached.*

Support for Social Security

This week a coalition of members of Congress sent a letter to President Obama expressing their strong support for Social Security and their desire to see it strengthened in the near future. They reminded the President that this included a strong opposition to any effort to privatize Social Security. *"Cutting Social Security benefits beyond the already scheduled increase in the retirement age from 65 to 67 would create even more needless hardship for millions of vulnerable Americans."* The President has recently requested the National Commission on Fiscal Responsibility and Reform complete a list of recommendations that improve the long-term fiscal outlook and address the growth of entitlement spending. This group of House members requested that Social Security not be examined as a possible cut by the Commission. *We have included the letter for your review.*

New at Energy

We had a good opportunity on Friday to meet with the new intergovernmental staff at the Department of Energy. They have very considerable experience at the local and state level and want to increase interaction with local leaders and staff in their work at DOE. Given the era of fiscal restraint we are about to enter into, funding for the Energy Conservation and Efficiency Block Grant is a high hurdle, but we did discuss other ways they could provide direct assistance for local programs. *We'll keep you up to date on activities in this area.*

All Around HUD This Week

We participated in several very useful meetings at HUD this week at the Assistant Secretary and Deputy Assistant Secretary level. We learned that HUD will continue to address housing and community development issues with new initiatives, despite the climate of reduced expectations in federal spending. For example, following NSP3, HUD will determine what its next move should be to deal with the large volume of foreclosures. And in light of Congressional and PHA concerns about their proposed *"Preservation, Enhancement and Transition of Rental Assistance Act" (PETRA)* a new retooled version will be unveiled in the weeks to come. *We'll keep you updated on HUD developments.*

Sustainable Communities Call

This week we participated in a call to discuss the Administration's recent sustainable communities efforts. The call included **Melody Barnes**, Director of the Domestic Policy Council for the President, Secretary of DOT **Ray LaHood,** Secretary of HUD **Shaun Donovan**, and Administrator of the EPA **Lisa Jackson**. They all stated how excited they were about all the recent funding awards their various agencies had given out, both separately and collectively, in promoting sustainable communities. Melody Barnes noted that this underscores an important shift in aligning investment and policies with the guideline of creating livability. Secretary LaHood and Secretary Donovan mentioned how crucial working with mayors and local communities had been in forming their policies. *We have included the White House release on sustainable communities for your review.*

Please contact Len Simon, Claire Colegrove or Rukia Dahir with any questions.

MEMORANDUM

TO: Arthur Dao
Alameda County Transportation Commission
FROM: CJ Strategies
RE: Legislative Update
DATE: October 29, 2010

The mid-term elections are November 2. The current schedule has Congress returning to Washington for a lame duck session the week of November 15. The first week of the lame-duck session is unlikely to produce much legislative activity. House and Senate leaders will be occupied with organizational matters — including possible leadership contests — in advance of a weeklong Thanksgiving break. That will push significant legislative action into a period beginning November 29.

As we have stated previously, the agenda and length of the lame-duck session will be determined by the outcome of the elections. However, there are a few priorities the current Democratic leadership wants to address in a lame duck session: an omnibus appropriations package, an extension of the 2001 and 2003 tax cuts that expire at the end of the year, and a number of expiring authorizations including SAFETEA-LU.

There are many other bills on the lame duck session agenda:

- Extension of unemployment benefits
- Child Nutrition and food safety bills
- START Treaty
- South Korea trade agreement

In addition, Majority Leader Reid has not said whether he will attempt to revive the energy legislation he unveiled over the summer. However, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman (D-NM) said he plans to push a package of clean energy proposals in the lame duck. The House passed its climate change and energy package in 2009.

The lame duck agenda could change if Democrats lose the majority in either or both chambers.

Continuing Resolution

Congress passed a continuing resolution (CR) before adjourning; the CR (HR 3081) is funding the vast majority of federal agencies and programs at existing 2010 levels, since the start of the fiscal year on October 1. The CR runs through December 3, with Democrats planning to use the post-election lame-duck session to enact a year-end omnibus measure to complete the FY11 appropriations process.

FY 11 Appropriations

The full House approved its Transportation HUD bill on July 29, while the Senate Appropriations Committee approved its draft on July 22. The House bill includes $67.4 billion in discretionary spending, which is $1.3 billion less than the President requested and $500 million less than FY 10 levels. Under the House bill, the Transportation Department would receive $79.4 billion in total funding; this is an increase of $3.7 billion over FY 10 levels and $1.7 billion more than requested. The Senate draft provides $67.9 billion.

- The House bill includes $45.2 billion for the Federal Highway Administration (FY10 enacted level is $42.1 billion; the Senate provided $42.6 billion.
- The House bill includes $400 million for the "TIGER" national infrastructure investments grants program, under which the Transportation Department makes discretionary grants for local transportation projects. The president had proposed to terminate the program, which received $600 million in 2010; the Senate draft would provide $800 million.
- The House bill includes $11.3 billion for the Federal Transit Administration – this is $500 million above the FY10 enacted level and $575 million above the President's Budget request; the Senate draft would provide $10.8 billion.
- Both House and Senate bills include $150 million for HUD for Sustainable Communities initiatives to promote integrated housing and transportation planning

In addition, the House-passed bill includes **$1,000,000 for the I-80/Gilman Street Interchange**.

As stated above, Congress will take up the FY11 bills (including Transportation HUD) in some type of omnibus legislation during the lame duck session.

TIGER II

The Department of Transportation announced the winners of the TIGER II competitive grant program last week. The Green Transportation Initiative, which will improve seven bicycle and pedestrian corridors in Alameda and Contra Costa Counties, including the East Bay Greenway, will receive $10.2 million.

SAFETEA-LU Reauthorization and Innovative Financing

As reported previously, the Administration continues to push Congress to take up its $50 billion infrastructure plan that was first announced in September.

The Treasury Department and Council of Economic Advisers released a report on October 12, concluding that this is the "optimal time" to invest in public works projects, not only because of the high unemployment rate but also because of low prices in the construction sector. President Obama met with a bipartisan group of mayors, governors and transportation officials, all eager to see money flow to neglected projects.

The immediate $50 billion investment in transportation infrastructure is intended to jump-start the economy and create jobs. The funds would be targeted to highways/roadways, public transit, high-speed/passenger rail, and aviation. The $50 billion is intended to "jump start" the surface transportation authorization over and above the surface transportation authorization bill. The Administration wants funding to be available once the ARRA funds are used.

Along with the $50 billion proposal, the Administration unveiled its transportation “vision for the future,” which represents a broad outline of the White House’s recommendations for a six-year surface transportation authorization bill to replace SAFETEA-LU. Elements of the six-year plan include:

- Establishing a national infrastructure bank.
- Making high-speed rail a permanent component of the overall federal surface transportation program.
- Streamlining, modernizing and prioritizing federal surface transportation investments by consolidating programs and utilizing performance measures and incentives.
- Expanding investments in areas such as safety, environmental sustainability, economic competiveness, and livability.

Although there has been little movement in either chamber over the last few months, the current extension expires on December 30, 2010. As stated above, there will be action to extend the program during the lame duck session.

The Administration plans to release a detailed proposal for both the infrastructure bank and the broader SAFETEA-LU reauthorization as part of its FY11 budget request, which will be released in February.

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