



METROPOLITAN  
TRANSPORTATION  
COMMISSION

**Agenda Item 4a**  
Bay Area Metro Center  
375 Beale Street  
San Francisco, CA 94105  
TEL 415.778.6700  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

## *Memorandum*

TO: Legislation Committee

DATE: October 7, 2016

FR: Executive Director

W. I. 1131

RE: 2016 Legislative Scorecard

There were a number of notable legislative victories in 2016, along with several disappointments. As noted last month, there is still the possibility that action on a transportation funding package may occur in November if the special session is reconvened.

Attached are two documents that summarize the legislative outcomes, collectively constituting a legislative scorecard:

- Attachment 1 compares the goals set forth in our 2016 Advocacy Program with what actually occurred in Sacramento and Washington, D.C.
- Attachment 2 summarizes the outcome of the state bills on which MTC took a position this year.



---

Steve Heminger

SH:rl

J:\COMMITTEE\Legislation\Meeting Packets\Legis2016\10\_Legis\_Oct 2016\4a\_LegislativeScorecard Cover Memo.docx

Bay Area Metro Center375  
Beale Street, Suite 800  
San Francisco, CA 94105  
Telephone: 415.778.6700  
Fax: 415.778.6700  
Web site: www.mtc.ca.gov



**METROPOLITAN  
TRANSPORTATION  
COMMISSION**

## 2016 LEGISLATIVE SCORECARD

<b>STATE</b>		
<b>Issue</b>	<b>Goal</b>	<b>Outcome</b>
1. Transportation Funding	A. Secure new sources of statewide transportation funding	Senator Beall and Assembly Member Frazier proposed a joint funding package in August — SB x1-1 and AB x1-26, which MTC supports. Whether or not it can be enacted before the end of the special session remains to be seen.
	B. Raise the sales tax cap for local option transportation sales taxes	No statewide legislation introduced on this subject in 2016.
	C. Authorize New Regional Bridge Toll Measure	Action on this was postponed until 2017.
	D. FY 2015-16 State Budget – advocate for a budget that gives top priority to state of good repair and system operations	The Legislature took a “business as usual” approach to transportation funding in the state budget.
	E. Increase Transportation’s Share of Cap & Trade Funding and Revise Definition of Disadvantaged Community	Other than a one-time appropriation of cap and trade funds, including \$10 million for Active Transportation and \$135 million for the Transit & Intercity Rail Capital Program, the Legislature took no action on distributing a greater percentage of cap and trade funds for transportation. There remains a possibility that this could be addressed in SB x1-1/AB x1-26 as both bills would double the TIRCP and the Low Carbon Transit Operations Program’s share of funds. Passage of AB 1550 (Gomez) and AB 2722 (Burke) and the failure of AB 2292 (Gordon) were a setback in our efforts to the region back this year with respect to improving the definition of disadvantaged communities.

Issue	Goal	Outcome
	F. Authorize MTC to issue bonds backed by federal transit formula funds	MTC determined state legislation was not necessary to pursue this strategy for expediting the delivery of key federally-funded regional transit projects.
2. Senate Bill 375/ Plan Bay Area Implementation	A. Extend Regional Commuter Benefit Program	SB 1128 (Glazer) was signed by the Governor, authorizing the program on a permanent basis.
	B. Improve Roadway Safety for All Users Bike and Pedestrian Safety	No significant safety-related legislation was enacted in 2016.
3. Reduce barriers to construction of new housing	Increase state and/or regional funding to support affordable housing	While 2016 was a disappointment with respect to a major infusion of new state funding for affordable housing, there were some notable victories, including SB 1069 (Wieckowski), making it easier for homeowners to develop accessory dwelling units as a way to increase housing supply, AB 2031 (Bonta), allowing issuance of bonds based on former redevelopment funds under certain conditions and AB 1618, the “No Place Like Home” Act, authorizing revenue bonds to be issued backed by Proposition 63 (2004) income tax revenue from the Mental Health Services Fund to provide supportive housing. In addition, Alameda County, Santa Clara County and San Francisco Counties and the cities of Berkeley and Oakland each have sizeable affordable housing measures on the ballot this November; MTC has endorsed them all.
4. Project Delivery	Speed up the design and construction of transportation projects	No progress.
5. Bridge Toll Evasion	Require temporary license plates at the point of sale on new and used cars	AB 516 (Mullin) was enacted, establishing a new temporary license plate program applicable to new and used car dealers. The program will enable the region to significantly reduce revenue loss from toll violations and will go into effect statewide no later than January 1, 2019.

<b>FEDERAL</b>		
<b>Issue</b>	<b>Goal</b>	<b>Outcome</b>
1. Surface Transportation Authorization	A. Maintain structure of MAP 21 and restore financial stability for a multi-year surface transportation bill	Congress enacted the FAST Act on December 5, 2015, providing funding stability for the next five years and including a new federal freight program, as well as increased suballocation of Surface Transportation Program funds based on population. While the law stabilized funding for five years, primarily through a General Fund transfer, the Highway Trust Fund remains out of balance and will need to be addressed in the next reauthorization.
2. Federal Appropriations	A. Maximize federal transportation appropriations for MAP-21 programs	Enactment of the FAST Act provided modest funding increases for all core highway and transit formula programs but Congress has yet to approve a full appropriations bill for FY 2017. Instead, they have passed a continuing resolution allowing funding to continue until December 9, 2016.
	B. Advocate for Capital Investment Grant funding for Resolution 3434/ Plan Bay Area Projects	The FAST Act authorized \$2.3 billion per year for the Capital Investment Grant program for FY 2016-2020. As noted above, the appropriations process for FY 2017 is not yet complete, but President Obama recommended and the House and Senate Appropriations Committees have approved funding consistent with the Full Funding Grant Agreements for the San Francisco Third Street Light Rail/Central Subway project and the BART to Berryessa extension, the region's two major rail extension projects. In addition, based on action in the House and Senate Appropriations Committees, Caltrain appears poised to receive \$100 million in Core Capacity funding to fund electrification.
3. Increase Local/Regional Transportation Funding	Seek passage of the Marketplace Fairness Act in order to increase sales tax revenue available for transportation	Track and support any renewed efforts to enact the Marketplace Fairness Act (MFA), which seeks to apply state and local sales tax rates to e-commerce transactions. The MFA has the prospect of increasing funding for Bay Area transportation agencies as a result of increased revenue from county-based transportation sales taxes, the Transportation Development Act (TDA) funds — a key source of transit operating funding — and AB 1107, the permanent ½ cent sales tax for BART (applicable in Alameda, San Francisco and Contra Costa counties).

Issue	Goal	Outcome
4. Pre-Tax Transportation Fringe Benefits	Preserve mode-neutrality in pre-tax transportation benefits	In December 2015, after MTC adopted the 2016 Advocacy Program, Congress enacted legislation providing permanent parity across transit, parking and vanpool expenses for the amount that an employee may withhold from federal income taxes under the Transportation Fringe benefit program. The rate for 2016 is \$255/month, up from transit and vanpooling from \$130/month in 2015 but this amount will be adjusted each year according to the Consumer Price Index.

### Outcome of MTC Priority Bills in 2015-16 State Legislative Session

#### Assembly Bills

Bill No./ Author	Summary	Position	Status
AB 4 (Linder)	Prohibits weight fee revenues from being transferred from the State Highway Account to the Transportation Debt Service Fund, the Transportation Bond Direct Payment Account, or any other fund or account for the purpose of payment of the debt service on transportation general obligation bonds, and would also prohibit loans of weight fee revenues to the General Fund. Similar provisions were incorporated into SB x1-1 and AB x1-26, which are still active in the special session.	Support and Seek Amendment	Dead
AB 35 (Chiu)	Would, for calendar years 2016 through 2021, inclusive, would increase the aggregate housing credit dollar amount that may be allocated among low-income housing projects by \$100,000,000, as specified. The bill, under the insurance taxation law, the Personal Income Tax Law, and the Corporation Tax Law, would modify the definition of applicable percentage relating to qualified low-income buildings that meet specified criteria.	Support	Dead
AB 156 (McCarty)	Current law requires the California Environmental Protection Agency to identify disadvantaged communities and requires the Department of Finance, in consultation with the State Air Resources Board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. Current law requires the 3-year investment plan to allocate a minimum of 25% of the available moneys in the fund to projects that provide benefits to disadvantaged communities. This bill would require the state board to prepare and post on its Internet Web site a specified report on the projects funded to benefit disadvantaged communities.	Oppose	Dead
AB 157 (Levine)	Authorized the lead agency for a project to open the third lane on the Richmond-San Rafael Bridge to automobile traffic on the eastbound level and to bicycle traffic on the westbound level to complete the design work for the project simultaneously with the environmental review conducted pursuant to the California Environmental Quality Act.	Support and Seek Amendment	Enacted
AB 194 (Frazier)	Authorized a regional transportation agency or the department to apply to the commission to develop and operate HOT lanes or other toll facilities, as specified, and would delete the January 1, 2012, deadline for HOT lane applications and remove the existing limitation on the number of facilities that may be approved.	Support	Enacted
AB 464 (Mullin)	Raised the cap on local transactions and use taxes in a county from 2% to 3%.	Support	Vetoed

<b>Bill No./ Author</b>	<b>Summary</b>	<b>Position</b>	<b>Status</b>
AB 516 (Mullin)	Would require the DMV to develop an operational system, no later than January 1, 2019, that allows a dealer or lessor retailer to electronically report the sale of a vehicle and provide a temporary license plate, as specified. The bill would, commencing January 1, 2018, authorize the DMV to assess specified administrative fees on parking and toll evasion processing agencies to support the administration of this system.	Support	Enacted
AB 744 (Chau)	Current law prohibits a city, county, or city and county from requiring a vehicular parking ratio for a housing development that meets specified criteria in excess of specified ratios. This bill would, notwithstanding the above-described provisions, additionally prohibit, at the request of the developer, a city, county, or city and county from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of 0.5 spaces per bedroom on a development that includes the maximum percentage of low- or very low income units, as specified, and is located within 1/2 mile of a major transit stop, as defined, and there is unobstructed access to the transit stop from the development.	Support	Enacted
AB 828 (Low)	Would require the Public Utilities Commission to conduct an investigation to consider whether existing statutes and regulations relating to for-hire passenger transportation services serve the public interest, encourage innovation, and create a fair and competitive transportation market among companies that provide regulated transportation services. The bill would require the commission to complete the investigation and report its conclusions and recommendations to the Legislature on or before January 1, 2017. This bill contains other related provisions and other existing laws.	Support	Dead
AB 1265 (Perea)	Current law authorizes the Department of Transportation and regional transportation agencies, as defined, to enter into comprehensive development lease agreements with public and private entities, or consortia of those entities, for certain transportation projects that may charge certain users of those projects tolls and user fees, subject to various terms and requirements. These arrangements are commonly known as public-private partnerships. This bill would provide that a lease agreement shall not be entered into under these provisions on or after January 1, 2030, and would delete obsolete cross-references and make technical changes to these provisions.	Support	Dead
AB 1360 (Ting)	Would exempt from specified provisions relating to the Passenger Charter-Party Carriers' Act a service operated by a transportation network company or a charter-party carrier of passengers that prearranges a ride among multiple passengers who share the ride in whole or in part, provided that the vehicle seats no more than 7 passengers, not including the driver, is operated by a participating driver, as defined, is not used to provide public transit services or carry passengers over a fixed route, is not used to provide pupil transportation services or public paratransit services, and the fare for each passenger is less than the fare that would be charged to a passenger traveling alone.	Support	Dead

Bill No./ Author	Summary	Position	Status
AB 1550 (Gomez)	Requires the Cap and Trade investment plan to allocate a minimum of 25% of the available moneys in the fund to projects located within, and benefitting individuals living in, disadvantaged communities as defined by CalEnviroScreen, 5% to projects that benefit low-income households located within a ½ mile boundary of a CalEnviroScreen census tract, and 5% to low income-communities located anywhere in the state.	Oppose Unless Amended	Enacted
AB 1569 (Steinorth)	Would exempt from the provisions of the California Environmental Quality Act a project, or the issuance of a permit for a project, that consists of the inspection, maintenance, repair, rehabilitation, replacement, or removal of, or the addition of an auxiliary lane or bikeway to, existing transportation infrastructure and that meets certain requirements. The bill would require the public agency carrying out the project to take certain actions.	Support and Seek Amendment	Dead
AB 1591 (Frazier)	Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria to ensure efficient use of the funds available for the program. This bill contains other related provisions and other existing laws.	Support	Dead
AB 1592 (Bonilla)	Authorizes the Contra Costa Transportation Authority to conduct a pilot project for the testing of autonomous vehicles that do not have an operator and are not equipped with a steering wheel, a brake pedal, or an accelerator if the testing is conducted only at specified locations and the autonomous vehicle operates at speeds of less than 35 miles per hour.	Support	Enacted
AB 1746 (Stone)	Authorizes the operation of transit buses on the shoulder of a segment of a state highway designated under the transit bus-only program by Alameda-Contra Costa Transit District, the Central Contra Costa Transit Authority, the Livermore Amador Valley Transit Authority, the Los Angeles Metropolitan Transit Authority, the Monterey-Salinas Transit District, the North County Transit District, the San Diego Association of Governments, the San Diego Metropolitan Transit System, and the Santa Clara Valley Transportation Authority, subject to the conditions and requirement by Caltrans and CHP.	Support	Dead
AB 1780 (Medina)	Would, beginning in the 2016-17 fiscal year, continuously appropriate 25% of the annual proceeds of the Greenhouse Gas Reduction Fund to the California Transportation Commission for the Sustainable Trade Corridors Program, which the bill would establish, thereby making an appropriation.	Support	Dead
AB 1889 (Mullin)	Affirms the use of Proposition 1A (High Speed Rail bond) funds for Caltrain electrification, among other projects.	Support	Enacted
AB 1964 (Bloom)	Extends the operation of the provisions allowing specified Clean Air Vehicles to use HOV lanes until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. Similar provisions removing the cap on the number of green stickers were enacted in SB 838, a transportation budget trailer bill.	Oppose Unless Amended	Died



Bill No./ Author	Summary	Position	Status
AB 2014 (Melendez)	Would require, no later than June 30, 2017, and every 2 years thereafter, the Department of the California Highway Patrol, in coordination with the Department of Transportation and in consultation with regional and local entities, to complete a workload study to assess resource needs to supervise existing and expanded freeway service patrols identified by regional and local entities and to submit the study to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget.	Support	Dead
AB 2170 (Frazier)	Would require revenues apportioned to the state from the National Highway Freight Program established by the federal Fixing America's Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions.	Support	Vetoed
AB 2292 (Gordon)	Requires the Office of Environmental Health Hazard Assessment to update the CalEnviroScreen tool or by January 1, 2018, whichever is sooner, to include specified factors, using the best-available data, when identifying disadvantaged communities for investment opportunities related to the 3-year Cap and Trade Scoping Plan.	Support and Seek Amendment	Dead
AB 2332 (Garcia)	Would, by January 1, 2018, require the California Transportation Commission to establish a process whereby the department and local agencies receiving funding for highway capital improvements from the State Highway Operation and Protection Program or the State Transportation Improvement Program prioritize projects that provide meaningful benefits to the mobility and safety needs of disadvantaged community residents, as specified.	Oppose Unless Amended	Dead
AB 2441 (Thurmond)	Would create the Workforce Housing Pilot Program, pursuant to which the Department of Housing and Community Development, subject to the appropriation of funds for that purpose, would award grant funding to eligible recipients, as defined, for the predevelopment costs, acquisition, construction, or rehabilitation of rental housing projects or units within rental housing projects that serve, and for providing down payment assistance to, persons and families of low or moderate income.	Support	Dead
AB 2502 (Mullin)	The Planning and Zoning Law authorizes the legislative body of any city, county, or city and county, to adopt ordinances regulating zoning within its jurisdiction, as specified. This bill would additionally authorize the legislative body of any city, county, or city and county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements, as specified, and would declare the intent of the Legislature in adding this provision.	Support	Dead

<b>Bill No./ Author</b>	<b>Summary</b>	<b>Position</b>	<b>Status</b>
AB 2722 (Burke)	Would create the Transformative Climate Communities Program, to be administered by the Strategic Growth Council. The bill would require the council, in coordination with the California Environmental Protection Agency Assistant Secretary for Environmental Justice and Tribal Affairs, to award competitive grants to specified eligible entities for the development of transformative climate community plans, and projects that implement plans, that contribute to the reduction of emissions of greenhouse gases and demonstrate potential climate, economic, workforce, health, and environmental benefits in disadvantaged communities that have a demonstrated need for climate, economic, workforce, health, and environmental benefits.	Oppose Unless Amended	Enacted
AB 2783 (Garcia)	Current law requires the Strategic Growth Council to develop guidelines and selection criteria for the Affordable Housing and Sustainable Communities Program. This bill would require the Strategic Growth Council to revise the guidelines and selection criteria with respect to density requirements, as specified, and to include specified factors, including energy efficiency, in its greenhouse gas quantification methodology.	Oppose	Dead
ACA 4 (Frazier)	Would provide that the imposition, extension, or increase of a sales and use tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or a transactions and use tax imposed in accordance with the Transactions and Use Tax Law by a county, city, city and county, or special district for the purpose of providing funding for local transportation projects, as defined, requires the approval of 55% of its voters voting on the proposition. The measure would also make conforming and technical, non-substantive changes.	Support	Dead

## Senate Bills

<b>Bill No./ Author</b>	<b>Summary</b>	<b>Position</b>	<b>Status</b>
SB x1-1 (Beall)	Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system and for other specified purposes. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund.	Support	Special Session – active
SB 16 (Beall)	Original funding bill introduced prior to SB x1-1.	Support and Seek Amendments	Dead

Bill No./ Author	Summary	Position	Status
SB 39 (Pavley)	Current federal law, until September 30, 2017, authorizes a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs). Current law authorizes the DMV to issue no more than 70,000 of those identifiers. This bill would increase the number of those identifiers that the DMV is authorized to issue to an unspecified amount. This bill contains other related provisions and other current laws.	Oppose	Enacted
SB 321 (Beall)	Would, for the 2016- 17 fiscal year and each fiscal year thereafter, require the State Board of Equalization on March 1 of the fiscal year immediately preceding the applicable fiscal year, as specified, to adjust the rate in a manner as to generate an amount of revenue equal to the amount of revenue loss attributable to the exemption, based on estimates made by the board that reflect the combined average of the actual fuel price over the previous 4 fiscal years and the estimated fuel price for the current fiscal year, and continuing to take into account adjustments required by existing law to maintain revenue neutrality for each year. This bill contains other existing laws.	Support	Dead
SB 344 (Monning)	Would, commencing January 1, 2018, require a person to successfully complete a course of instruction from a commercial driver training institution or program offered by an employer with an approved course of instruction that has been certified by the Department of Motor Vehicles before he or she is issued a commercial driver's license, except as specified. The bill would require the course of instruction to include, at a minimum, standards necessary to ensure a driver is proficient in safely operating a commercial vehicle.	Support	Dead
SB 760 (Mendoza)	Proposition 1 makes available \$100,000,000 of the bond proceeds, upon appropriation by the Legislature, for projects to protect and enhance an urban creek and its tributaries that meets certain requirements. This bill would require a public agency receiving an appropriation from the \$100,000,000 to give priority to projects that are located in, or directly adjacent to, a disadvantaged community within a distressed watershed and that may also provide greenspace or other venues for physical activities.	Oppose	Dead
SB 824 (Beall)	Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 5% for the Low Carbon Transit Operations Program, for expenditures to provide transit operating or capital assistance consistent with specified criteria. Current law provides for distribution of available funds under the program by a specified formula to recipient transit agencies by the Controller, upon approval of the recipient transit agency's proposed expenditures by the Department of Transportation. This bill would require a recipient transit agency to demonstrate that each expenditure of program moneys allocated to the agency does not supplant another source of funds.	Support and Seek Amendment	Enacted

<b>Bill No./ Author</b>	<b>Summary</b>	<b>Position</b>	<b>Status</b>
SB 1030 (McGuire)	Current law authorizes the Sonoma County Regional Climate Protection Authority to develop, coordinate, and implement programs and policies to comply with the California Global Warming Solutions Act of 2006 and other federal or state mandates and programs designed to respond to greenhouse gas emissions and climate change. This bill would extend these provisions indefinitely. By extending the duties of the Sonoma County Regional Climate Protection Authority, this bill would impose a state-mandated local program.	Support	Enacted
SB 1053 (Leno)	Current law generally prohibits housing discrimination with respect to various personal characteristics including source of income. Existing law defines "source of income" for these purposes as lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant, which does not include a landlord. This bill would amend the definition of "source of income" to also include specified federal, state, or local housing assistance or subsidies paid either to the tenant or directly to the landlord on behalf of the tenant.	Support	Dead
SB 1069 (Wieckowski)	The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. That law makes findings and declarations with respect to the value of 2nd units to California's housing supply. This bill would replace the term "second unit" with "accessory dwelling unit" throughout the law.	Support	Enacted
SB 1128 (Glazer)	Extends the Bay Area Commuter Benefit Program indefinitely, removing its 2017 sunset date.	Support	Enacted
SB 1259 (Runner)	Exempts vehicles occupied by a veteran and displaying a specialized veteran's license plate, as specified, from payment of a toll or related fines on a toll road, high-occupancy toll (HOT) lane, toll bridge, toll highway, a vehicular crossing, or any other toll facility. The bill would also make conforming changes.	Oppose	Dead

**Final Tally**

	<b>Total</b>	<b>Died</b>	<b>Enacted</b>	<b>Vetoed</b>
MTC Supported	31	18	10	2
MTC Opposed	8	6	3	--
Total	39	24	13	2