

TO: Board of Directors

DATE: July 13, 2012

FROM: Rick Ramacier
General Manager

SUBJECT: Update on State and Federal
Legislation

STATE

AB1706 – Eng (Transit Bus Weight)

This bill seeks to modernize the state axle weight limits for transit buses. The current limits were set in 1974. Since that time, transit buses have been required to add wheelchair lifts, heavy equipment related to alternative fuels, and a slew of items relative to safety. The result is that a typical 40 foot bus often weighs more than the 1974 state limit. This is especially true when alternatively fueled buses are full of passengers. Incidentally, the federal axle weight limits are higher than the state limits.

The situation has evolved into one where many buses purchased for use in California over the past many years are overweight relative to the state limits as they leave the factory floor. This issue came to light when a Santa Monica police officer cited a Santa Monica articulated (60 foot bus) bus for exceeding the state limit last year. Soon after, a Los Angeles MTA bus was similarly cited in Culver City. This led the transit operators in Los Angeles County to call on the California Transit Association (CTA) to sponsor legislation updating the state limits to be the same as the federal limits. However, at the urging of the public works directors across the state, the League of Cities (League) and the California State Association of Counties (CSAC) expressed concern with the legislation. It would seem that the public works directors are under the mistaken impression that transit buses can be made lighter and that the state limit shall remain as it has been since 1974. In reality, transit buses are likely only to get heavier as more mandates to put more things on buses come from both the federal and state governments.

As a compromise, the bill, AB1706 contained language calling for a study to be done to determine what the state limits should be. During that intervening period, transit operators would have been able to continue to purchase buses. However, the Governor said he would veto that as he seems to have a strong dislike of study bills. So, the author of AB1706 took the study part out. This in turn led the League and CSAC to oppose AB1706. The bill still was passed out of the Assembly. When it was calendared at the Senate Transportation Committee, the Committee staff insisted that language be included that would have required a transit operator to receive the approval of every city council and county board of the areas it serves before buying and operating a bus. The League and CSAC liked that language. That language would have been problematic for transit to say the least. I and others worked with Senate Transportation Committee staff to get that requirement removed from AB1706. A new compromise was

fashioned and AB1706 was passed by the Senate Transportation Committee with the League and CSAC dropping their opposition.

As it stands now, the AB1706 would grandfather all of the “illegal” transit buses currently operated in California, allow further procurements of said buses upon approval of an applicable transit board at a public meeting after a public hearing where an affected jurisdiction(s) could express concern or opposition. The bill will sunset at the end of 2015. Meanwhile, CTA, the League, and CSAC have agreed to do a joint study on axle weight limits for transit buses outside of AB1706.

Perhaps most importantly is the fact that none of the current County Connection diesel buses exceed the 1974 state limits. However, our diesel hybrids could slightly exceed the limits when full of passengers. We are set to purchase buses in 2013 and/or 2014.

No action is requested of the Board at this time. I would like to begin a dialogue with our public works directors in an effort to educate them on this issue as relates to trends in transit bus design etc.

FEDERAL

Moving Ahead for Progress in the 21st Century (MAP-21) Enacted

Last week, the Congress finally passed a transportation reauthorization bill that the President signed earlier this week. It is a two year bill that expires at the end of federal FY14 (October 1, 2014). All things considered, this is a very good bill for public transit. Under it, overall federal spending on transit will increase from \$10,458,278,000 in FY12 to \$10,695,000,000 in FY14. More importantly, the section (5307 funds) that County Connection most relies on for capital funding (i.e. bus procurements) increase from \$4,160,365,000 in FY12 to \$4,458,650,000 in FY14. And, the entire 5307 program is funded via the gas tax unlike some other pieces of the new legislation that are to be funded from the general fund.

This means that our programmed vehicle procurements for FY13 and FY14 can move forward with certainty.

The legislation collapses a number of smaller programs into larger ones. This will make it easier for our staff to pursue the grants we secure. For example, New Freedom funds (for projects that increase accessibility beyond the ADA) have been folded into the 5310 program. The 5310 program is one that Rossmore, the City of Pleasant Hill, and others have used to purchase vehicles and deliver services to those who would otherwise demand LINK service from us. Also, Job Access and Reverse Commute funds have been folded into the 5307 program. Thus, we can now apply once for these combine finds as opposed to twice – once for each one.

The legislation opens up further opportunities for us. The most significant example is the new “100 bus operating assistance” rule. This allows operators that operate less than 100 buses in the peak to use a portion of their 5307 funds for operations. We currently operate 87 buses in the peak. However, the decision to use any 5307 funds for operations is not our’s alone to make as

MTC has a great role in this. Also, from a global financial view, it may make more sense to not take advantage of this option. Staff will be able to advise you better after we dig into this further.

As the American Public Transportation Association (APTA), MTC and our staff dig deeper into the new legislation, we will provide you with further information and what it means for County Connection.

No action is requested at this time.