

TO: Marketing, Planning & Legislative Committee

DATE: December 26, 2019

FROM: Rick Ramacier
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SUBJECT: 2020 Federal & State Legislative
Preview

Background

Staff will be presenting draft County Connection federal and state legislative programs for 2020 in February. This memo will identify areas of focus for those drafts. The federal program will focus on key items to guide us as we meet with our federal delegation in March or April of 2020. The state program will help focus our on-going meetings with our state delegation that are – in large part - a continuation of programs in 2019.

Federal

The current federal transportation authorization expires on September 30, 2020, about month before the 2020 presidential election. Related to that is the looming point at which the federal Highway Trust Fund (HTF); including the Mass Transit Account (MTA) go “broke”. Thus, these two items will be points of emphasis in 2020. Also, legislation to provide public transit bus operators greater protections, to re-require funding of non-emergency medical transportation (NEMT), to provide additional funding for zero emission buses, to restore federal tax benefits for commuters using transit, and to give public transit operators a larger role in housing development will likely be considered.

However, given that 2020 will be a highly contested election year, much of this potential legislation may not move forward. If the re-authorization of the federal transportation authority misses the September 2020 deadline, a temporary extension is the likely outcome. Funding for additional projects though could be blunted by on-going HTF related problems.

Reauthorization

Transportation reauthorizations during presidential election years are often hard to complete. In 2020, we should not expect this to be easy. Yet, infrastructure investment continues to be a top topic of discussion within Washington DC. So, the transportation community should be ready to move on reauthorization. To that end, the American Public Transportation Association (APTA) has adopted their principles and recommendations for reauthorization. The broad highlights are listed below:

- Calls for a federal investment of \$178 billion over six years to fund public transit and passenger rail (\$145 billion for public transit) projects and improvements.
- Supports the U.S. Chamber of Commerce proposal to increase the federal gas tax by \$25/gallon over five years to both stabilize the HTF and to support the request to invest in public transit previously noted.
- Calls for new investments in mobility innovation and technology in the delivery of public transportation (a County Connection priority).
- Calls for an update to the National Transit Database (NTD) to include services provided by public transportation agencies that are first-mile/last mile related mobility services (a County Connection priority).

These APTA priorities also have been a focus of our interests in recent years.

Bus Operator Protections

Bi-partisan legislation has been introduced to require public transit operators to give their bus operators greater levels of protection from attack by unsafe members of the public. This legislation may become part of the federal transportation reauthorization or it could move forward as a stand-alone bill. The legislation is in draft form. It currently focuses on increasing physical driver protections on the vehicle (i.e. screens), additional bus operator training, and possible technology items (i.e. panic buttons tied to the law enforcement). It currently does not include any provisions to deny service to anyone.

NEMT

After enactment of the Affordable Care Act (ACA), various states have been granted waivers under Medicare to no longer provide or pay for the transportation to and from Medicare eligible medical services. These transportation services generally fall under Non-Emergency Medical Transportation (NEMT) and are funded through the federal department of Health & Human Services (HHS). These transportation services are aimed at lower income participants that are enrolled in some sort of Medicare and/or ACA program for health care and often have no other transportation options to get to medical appointments. When the funding for this transportation is not provided, these individuals often land at their respective local public transit operator's doorstep. Legislation has been introduced to restore the requirement for states to fund NEMT from their HHS Medicare grants.

Housing

While no specific proposal is on the table at this moment, discussion has picked up in Washington DC about giving select public transit operators the ability to be more involved in housing developments near major transit stations or stops. It is the intent of staff to monitor this and keep you informed – should anything move on this item.

New Emerging Issue

As many of you know, local jurisdictions have been taking advantage of ever improving technology to allow them to do priority traffic signalization. This has been used for both traffic smoothing and congestion relief as well as for giving emergency response vehicles, traffic signal priority.

In recent years, technology has emerged to offer public transit the ability to take advantage of traffic signal priority to increase the speed of public transit and thereby reduce the time it takes to travel on public transit. In fact, County Connection and the Contra Costa Transportation Authority (CCTA) are involved in two such projects with Concord and Walnut Creek. The project funding is from the Metropolitan Transportation Commission (MTC). Upon completion, County Connection will be able to trip traffic signals on key corridors in both cities under certain traffic conditions to keep buses to BART on schedule.

However, MTC staff have just recently learned that the head of the Federal Communications Commission (FCC) has instructed the FCC to look at taking the current bandwidth frequencies that jurisdictions use to facilitate traffic signal prioritization communication away for these jurisdictions and making them available to the private sector. This represents a significant threat. Thus, County Connection and its various partners should work to stop any such proposal.

State

Funding

Senator Beall is considering moving two pieces of significant legislation in 2020. One you are familiar with, the so-called FASTER proposal. The other is legislation that would create a large state-wide transportation program that would essentially be a loan program on a large scale. Not much is understood yet about this idea. It would likely provide large capital project proponents to secure essentially very low interest loans to move up projects in the pipeline or to provide “match” to other funding sources. These loans would be paid back over many years through other means.

Housing

Another round of housing bills that are expected to be in play, could impact public transit in some way. These impacts could include drawing transit into the housing development process earlier and more comprehensively. They also could possibly have indirect impacts on service routing and headways.

Transit Fares

Transit fare relief legislation is currently quite active. We can expect bills that direct public transit to offer fare breaks to low income people or that provide free fares to youth or other particular groups of people. Additionally, the state is looking at how it might come up with a state transit fare system.

Seamless Bay Area

Interest parties such as Seamless Bay Area, Transform, and/or SPUR are seeking to make Bay Area transit more “seamless”. To that end, Seamless Bay Area have been talking with Bay Area legislators about sponsoring legislation that would have the Governor create a 21-member state commission to look at Bay Area transit governance and funding. This commission would also be tasked with creating a Bay Area “Transportation Network Manager (TNM)”. The TNM would be charged with planning – and possibly managing – a regional transit system using rail, buses, and ferries. It is undetermined where this TNM would be housed or if would stand alone. It is undetermined the commission’s recommendations on Bay Area transit governance and/or funding would have to be followed by anyone.

This legislation could be a stand alone bill, or folded into a bill authorizing FASTER.

Labor

The current legislature is perceived to be “labor friendly”. Thus, it is expected that we will see additional labor friendly legislation in play in 2020 – some of which could impact public transit.

Next Steps

Based on the above, it could be that 2020 will be an active year for County Connection in terms of federal and/or state legislation. As staff prepares draft legislative programs for 2020, these items will be paid attention to.

In the meantime, staff have begun to meet with our state legislative folks on the potential state items. These have been meeting to mainly flag the items for our members. Follow up meetings are very likely with our members as specific pieces of state legislation emerges.

At the federal level, staff will present our draft 2020 federal program at the February MP&L Committee meeting. Meanwhile, we are already at work on the issue regarding the potential loss of bandwidth frequency and traffic signal priority projects and programs.

Action Requested

This is for information and feedback only.