

INTER OFFICE MEMO

TO: MP&L Committee

FROM: Rick Ramacier
General Manager (retired as of 12/30/21)

DATE: December 29, 2021

SUBJ: 2022 Federal Legislative Program Planning

Background

Assuming the pandemic is subsiding after a peak of the Omicron wave, the traditional annual visits to Congress and select meetings with US DOT or FTA officials in March of 2022 should be considered. It's also possible that many offices may be willing to meet via Zoom, etc.

Regardless, I recommend that County Connection prepare a 2022 federal legislative advocacy program. So below, I will outline a brief process and suggest likely items to address in the program. Through an agreement with County Connection, I will provide support to the new General Manager for this as he will not have in house ability to produce a program in the near term.

Process

Staff aims to present to you in February, a draft program and a recommended approach to meeting with the Congressional delegation and/or select federal officials. The formats will be tied to in person meetings and/or Zoom meetings. They will be flexible to meet those two different ways of meeting. Staff (with my support) will reach out to various offices in mid-January to gain a sense of how they anticipate meetings will be handled in March.

If County Connection sends a group to Washington DC in March, you should go in conjunction with the APTA Legislative Conference, set for the week of March 13th.

Issues

The issues in play that are national in scope are likely to include:

- Possible separate federal highway and transit re-authorization. While the Infrastructure Investment and Jobs Act (IIJA) has been enacted. It does not in theory replace the need for transportation re-authorization. The IIJA is not funded by the federal highway and mass transit accounts for example. However, it is also possible that the IIJA will become the de facto reauthorization. This will be likely in debate in 2022.
- The Build Back Better Act (BBB) is seemingly still alive, hanging by a thread. This legislation would likely have significant funding opportunities for public transit. Its chances of moving through Congress has to be considered slim, though.
- If reauthorization stalls, a separate bill on bus operator safety may move.
- Other issues may emerge from members of congress.

Relative to County Connection, there are two other areas of federal interest. The first is the reemergence of directed spending or “earmarks”. These are likely to be part of the federal budgeting process in 2022. Both Congressmen DeSaulnier and Congressman Swalwell are interested in carrying earmark attempts for County Connection should something clear and obvious be at hand. Projects that help County Connection move towards a zero-emission fleet, create innovative solutions to customer focused projects, or promote equity are likely to gather potential interest. Staff will provide with some examples at your February meeting.

Finally, the issue of PEPR and the possibility of the Biden administration holding up California transit deferral grants because of it looms. The Court may decide on February 11, 2022, that USDOL cannot use Section 13c of the federal transit laws to hold up California grant solely because PEPR was enacted by the State in 2013. A decision like that will likely put this issue at rest for a bit. However, should court allow the lawsuit to proceed and lift the current Stay on USDOL from holding grants, then the issue will grow towards a severe challenge for County Connection. It would be appropriate to inform and seek assistance from its Congressional delegation with this issue should USDOL begin withholding grants after February 11, 2022.

Next Steps

Staff would like to engage the MP&L Committee in a discussion how we should proceed with a 2022 federal legislative program. We would particularly like to receive your feedback and thoughts on approaches to meetings.

If appropriate we would seek your thoughts on moving this item for a full Board discussion.

Finally, we plan to return in February with a draft program and plan of action.