

**SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT**  
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688  
(510) 464-6000

**AGENDA**

**PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE**

April 4, 2012

COMMITTEE MEMBERS: Directors Blalock (Chairperson), Radulovich, and Raburn

Director Blalock, Chairperson of the Planning, Public Affairs, Access, and Legislation Committee, has announced the agenda for a regular meeting on Wednesday, April 4, 2012, at 10:30 a.m., in the BART Board Room, Kaiser Center 20<sup>th</sup> Street Mall – Third Floor, 344 20<sup>th</sup> Street, Oakland, California

**AGENDA**

1. Call to Order and Pledge of Allegiance.
2. State and Federal Legislative Update.\* For information.
3. General Discussion and Public Comment.

Patricia K. Williams  
Assistant District Secretary

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to this meeting, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## Memorandum

**TO:** PPAAL Committee Members

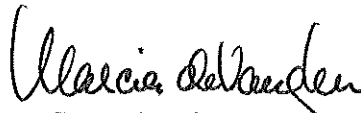
**DATE:** April 2, 2012

**FROM:** General Manager

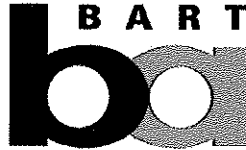
**SUBJECT:** PPAAL Committee: Update on 2012 Legislative Activities – For Information

On April 4, 2012, the PPAAL Committee will receive an update on the 2012 Legislative activities. The attached two documents will be discussed at the meeting: (1) Discussion Paper, and (2) PPAAL Bill Watch List.

If you have any question or comments on this material, please contact Paul Fadelli at (510) 464-6159 or Kerry Hamill at (510) 464- 6153 of our Government Relations Department.

  
Grace Crunican

cc: Board Appointed Officers  
Deputy General Manager  
Executive Staff



## BART PPAAL COMMITTEE MEETING

### Discussion Paper

APRIL 4, 2012

This discussion paper presents a general update (a snapshot in time) of legislative actions and potential bills of interest since the beginning of this year -- and after the BART Board approved specific legislative goals for 2012. PPAAL Chairman Thomas Blalock requested that the ongoing actions and potential legislation be grouped under the goals approved by the Board on February 2<sup>nd</sup>. By the time the BART Board takes positions on specific bills in June of this year, some of the legislation discussed here may have gone away or changed and other bills may have become more important to BART for Board consideration.

### I. State Priorities/Actions

**Goal: Respond to State Budget Proposals & Actions;** Secure Dedicated Transit Funding; Work to Appropriate Dedicated Transit Funds from Propositions.

#### Actions:

- BART is working with the California Transit Association (CTA), legislators and other entities to protect **State Transit Assistance (STA)**. The passage of Governor Brown's tax initiative in November could take pressure off finding additional revenues to respond to the state's deficit. The BART Board should consider taking a position on the Governor's tax proposal to support his plan to help resolve the state deficit.
- BART continues to advocate on many fronts to have the **Proposition 1A "Connectivity" funds** appropriated to BART and other transit agencies identified in the legislation and proposition. These funds -- important to BART's new rail car procurement -- have been vetoed by two governors over the last two budgets. We are working with State Senator Loni Hancock on possible legislation to assist BART's efforts to receive all or part of its \$256 million owed to us. Last month the MTC approved a Memorandum of Understanding (MOU) which included most large Bay Area transportation agencies, including BART, cities and the CHSRA to improve the Peninsula rail corridor and accommodating future HSR in the Bay Area. The MOU specifies that BART will contribute \$38M in HSR Connectivity funds to the CalTrain

improvements with a commitment that it will first receive \$150M in HSR connectivity funds for its rail car purchase.

- BART continues to support efforts through CTA and other avenues to **sell state bonds** that will assist in ultimate delivery of funds from Propositions 1A and 1B.

**Legislation to Watch:**

- **Governor's Budget (May Revise)**
- **AB 845 (Ma):** Sponsored by BART, this bill – now on the Senate Floor – has highlighted the effort to appropriate connectivity funding by focusing on the California Transportation Commission's (CTC).
- **SB 1189 (Hancock):** Appropriation of Connectivity Funds.

<p><b>Goal: Continue Efforts to Enhance Transit Revenue Opportunities</b></p>
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**Actions:**

- BART is working with local land use and transportation organization Transform on issues involving **securing state transit funding** through its “Invest in Transit” campaign. BART is an official sponsor of Transform’s “Transportation Choices Summit” to be held in Sacramento May 1-2 to discuss options for additional funding.
- With redevelopment agencies dissolved in the state, BART continues to work on issues related to **IFDs** which can assist local TOD funding needs. BART has been successful, working with author Fiona Ma, in moving legislation to the Senate Floor to expedite the financing of IFDs for TODs (AB 485). With uncertainty as to how the legislation will address the void of redevelopment, the path forward for IFD legislation remains uncertain at this time.
- In response to requests from Directors Blalock and Murray, BART sought support from CTA transit agencies and legislators for legislation granting BART authority to create “**Benefit Assessment Districts**” similar to that authority now held by VTA and LAMTA. Benefit Assessment Districts could allow BART some local financing options on specific projects if certain procedures are followed. Sen. Mark DeSaulnier, Chair of the Senate Transportation Committee, said he would be open in the next legislative session to seriously consider carrying such a bill for BART.

### Legislation to Watch:

- **AB 485 (Ma):** BART-sponsored bill to allow Infrastructure Finance District (IFD) to be expedited locally without a vote.
- **AB 1532 (Perez)** Cap & Trade
- **AB 2173 (Skinner)** MTC Regional Gas Tax
- **SB 214: (Wolk):** IFD for any project
- **ACA 23: (Perea)** Local voting—55%

**Goal: Monitor Legislative Actions of Ongoing BART Police Oversight Activities;**  
Monitor Implementation of AB 1586 (Swanson); Monitor Implementation of AB 716 (Dickinson).

### Actions:

- As requested by GM Crunican, BART continues to communicate with the Chairs of the state legislature's Public Safety Committees (Assemblymember Tom Ammiano and Senator Loni Hancock) and the committee members on BART's progress in implementing the **NOBLE Report recommendations**.
- BART succeeded last year in getting new authority, through AB 716 (Dickinson) that would allow **new enforcement authority** to better protect BART station agents. The BART Police Department and government staff must now develop – in conjunction with the legislature and other transit agencies – a work plan to implement the new program.
- Another item identified by the BART Police Chief as a priority is legislation to address the growing **copper theft** problem. Following Director Raburn's suggestion, BART staff reached out broadly to determine the best approach to address a growing concern which already has considerable laws on the books to help curtail the crime. With VTA and CTA's support BART was able to secure Assemblywoman Joan Buchanan (San Ramon) as an author to carry legislation (AB 1971) to specifically highlight transit's unique concerns on copper theft.

### Legislation to Watch:

- **AB 391 (Pan):** Metal Theft Information
- **AB 1971 (Buchanan):** Transit Copper Theft
- **AB 2247 (Lowenthal):** Pirate Vendors on transit

**Goal: Show BART's Environmental Achievements as Part of Unique California Environmental Landscape; Remain Active in Greenhouse Gas/ Land Use/Cap & Trade Issues; Support Efforts to Expedite CEQA process for Transit Projects; Continue to Support Legislation that enables and encourages Transit Oriented Development (TOD).**

**Actions:**

- At the end of the last legislative session, BART and LAMTA spoke out at a hearing where legislation was being pushed to **expedite CEQA** procedures for significant infrastructure projects (over \$100 million) and asked: “What about transit?” Since then, BART has worked to prioritize the effort of lessening CEQA delays for environmentally-friendly transit projects. BART worked with the Governor’s office of Planning & Research to develop definitions to assist transit for SB 226 (Simitian), specifically requested that CTA prioritize this issue during the legislative year, and provided legislative options to Assemblyman Feuer who requested ideas about how to best expedite CEQ process for transit. BART also worked with staff of Sen. Dianne Feinstein in Washington on a possible amendment to the reauthorization bill to expedite environmental review of transit projects by better combining CEQA and NEPA review. The amendment was not included in MAP-21 which passed the Senate.
- Governor Brown included in his budget a **Cap and Trade** program—as a result of the state’s effort to implement AB 32 – which his Department of Finance says will ultimately provide \$1 Billion to state coffers. BART continues to work through CTA (on both the Legislative and Cap & Trade Committee) to demonstrate that transit should be in line as recipients of funding to allow transit to help further the goals established by AB 32 and SB 375.
- BART’s IFD bill, AB 485, is at the center of discussions on how to replace redevelopment type assistance for **local infrastructure development**. BART will continue to pursue legislation which seeks to expedite financial assistance to TOD projects which assist environmental goals.

**Legislation to Watch:**

- **AB 1444 (Feuer)**, Expedite CEQA for Transit
- **AB 1627 (Dickinson)** Healthy Communities Act (per Dir. Raburn)
- **AB 1532 (Perez)** Cap & Trade
- **SB 1380 (Rubio)** CEQA Reform/bicycles

## **Goal: Support Efforts Providing Incentives for Transit Use**

### **Actions:**

- Last year legislation was sponsored by MTC and the Bay Area Air Quality District to authorize metropolitan planning organizations (MPO) in the state to adopt a **commuter benefit ordinance** requiring employers with 20 employees or more to offer certain commuter benefits. The BART Board supported SB 582 (Yee) that would have required employers to offer either (1) a pre-tax program to allow employees to exclude their commuting costs incurred for transit passes, vanpool charges, or bicycle commuting from taxable wages; (2) An employer-paid benefit to offset the costs of commuting via public transit or a vanpool; or (3) An employer-provided transit program where the employer provides transportation to the employees in a vanpool or bus at no cost. Governor Brown vetoed SB 582 last session. Another version (SB 1002) has been introduced by Sen. Yee this session and sponsored by the BAAQD that would increase the employee threshold to 50 employees.
- BART has requested that the CTA schedule a meeting with the **California Insurance Commissioner's** office to discuss options involving state insurance policies which

### **Legislation to Watch:**

- **SB 1339 (Yee)** Employee Commuter Benefits

## **Other Watch List Bills Potentially Impacting BART**

- **AB 57** (Beall) MTC Governance
- **AB 1916** (Buchanan) CEQA reform
- Potential BART Labor Bill (Skinner)
  - **AB 2053** (Allen)
- Redevelopment legislation
  - **AB 1585** (Perez) Redevelopment Housing Funds
  - **SB 654** (Steinberg) Redevelopment Affordable Housing
  - **SB 1151** (Steinberg) Redevelopment Assets management
- **SB 1160** (Padia): Statewide Cell Phone Shut off policy
- **SB 1002** (Yee) Public Information Act

## II. Federal Priorities/Actions

### **Goal: Pursue BART Priorities through Reauthorization Process**

#### **Actions:**

- BART continues to work with its Bay Area delegation to emphasize its **new rail car and State of Good Repair (SOGR)** needs through advocacy, correspondence, and on-site tours at BART facilities. Also, working with the seven oldest passenger rail providers -- Metropolitan Rail Discussion Group (MRDG) -- BART sought adequate formula funding in the reauthorization legislation for the heavy passenger rail systems and sought to defeat House action which deleted the dedicated funding for public transit. BART also demonstrated and sought support for specific BART goals (livability programs, commuter benefits, etc.) through letters, advocacy and website alerts.
- BART supported CA Sen. Boxer's MAP-21 (Senate) version of the reauthorization legislation by, in part, conducting a postcard campaign seeking rider **support for the legislation which supported higher levels of transit funding** than the House version.
- BART succeeded in securing support from Senators Feinstein and Boxer for **an amendment to assist BART's new rail car procurement**. Accepted as part of the "Manager's Amendments" to the MAP-21 legislation (S 1813), the amendment would allow two additional years for BART to secure funding from the initial car purchase agreement. The amendment must now remain in any House version of the authorization bill and be agreed to by congressional conferees in the bill ultimately sent to the President. With the House unable to move authorization legislation forward, however, Congress last week sent the President a bill to extend existing authorization (for the ninth time) for 90 days.
- At the 2012 **APTA Legislative Conference** Director Raburn and BART staff met with Bay Area Delegation Staff to press Reauthorization goals, and met with FTA and FRA staff at the Department of Transportation (DOT) on BART goals involving State of Good Repair/new rail cars, livability programs, transit safety and tax incentives/commuter benefits.

### **Goal: Continue to assist Job Creation and "Make It In America" Goals**

#### **Actions:**

- Job creation and BART's Make it in America efforts were featured in the **2012 Report to Congress** this year and distributed to congressional members and staff and Administration officials.



**Goal: Additional Federal Legislative Efforts**

**Actions:**

- BART continues to support the extension of **Transit Commuter Benefits** which would preserve the parity between transportation fringe benefits for parking and transit, and wrote letters to its congressional delegation last October to support that extension. The BART Board has also supported HR 2412, McGovern (D-MA) /S1034, Schumer (D-NY) which would extend permanently the pre-tax transportation benefits of up to \$230 a month per employee for transit expenses, the same amount as offered for qualified parking. BART should continue to support such important efforts to equalize benefits to transit users, as accepted in MAP-21.
- BART Continue to monitor and support efforts to fund the **California High Speed Rail** project which has already been prioritized by the Obama Administration. Director Raburn and BART staff met with Federal Railway Administration executives on this issue during the APTA Legislative Conference.

**Watch List: Bills and Topics Potentially Impacting BART**

- **S. 1813** (Boxer-Inhofe), MAP-21 Surface Transportation Authorization
- **HR 7** (Mica) Surface Transportation Authorization
- **H.R. 613** (Garamendi) Airports, Highways, High-Speed Rail, Trains, and Transit: Make it in America Act would eliminate certain grounds for waiving Buy America requirements for transit and other transportation projects and would increase the percentage requirements for American made content in transit vehicles going forward.
- **H.R. 1825** (Blumenauer) Commuter Relief Act would set a uniform cap for all employer transportation fringe benefits to \$200 a month and increase the amount of money that employers could give to employees who use alternate forms of transportation.
- **HR 2412** (McGovern)/**S. 1034**, (Schumer) which would extend permanently the pre-tax transportation benefits of up to \$230 a month per employee for transit expenses, the same amount as offered for qualified parking.

## PPAAL Bill "Watch" List

### State Assembly:

- **AB 57 (Beall)** – MTC governance bill to add 2 new members from Oakland and San Jose to the Commission. SF used to be strongly opposed. Bill has been amended to require that SF BCDC member must be from SF. SF no longer opposed. Sen. DeSaulnier supports.
- **AB 391 (Pan)** – Would expedite the electronic reporting processing for secondhand dealers and pawnbrokers when making specific transactions – like buying/selling copper -- to local law enforcement officers and establish a fee system to help pay for the Dept. of Justice system.
- **AB 485 (Ma) (BART Sponsored)** – Would eliminate the voter approval for local adoption of an Infrastructure Finance District (IFD) plan, district and the selling of bonds for TOD etc.
- **AB 845 (Ma) (BART Sponsored)** Highlights BART's need to attain formula "connectivity funds" putting CTC connectivity funding implementation guidelines into state code.
- **AB 1444 (Feuer)** -- Would seek ways to expedite the CEQA process for transit projects in the state.
- **AB 1532 (Perez)** – Would establish the "Greenhouse Gas Reduction Account" for future dispersal of funds collected from the market-based cap and trade program presently in Governor Brown's budget.
- **AB 1574 (Galgiani)** - would continue the High-Speed Rail Authority (HSRA) in existence with limited responsibilities and place the authority within the Business, Transportation and Housing Agency.

- **AB 1585 (Perez)** – Would provide procedures for resolution of redevelopment transition issues with respect to affordable housing in the state.
- **AB 1627 (Dickinson)** – Known as the “Healthy Neighborhoods Act,” this bill would require new and expanded developments to incorporate measures to reduce Vehicles Miles Traveled (VMT) that would be generated by the specific project. Bill seeks to reduce greenhouse gas emissions by encouraging development in existing neighborhoods. Supports SB 375 goals.
- **AB 1916 (Buchanan)** – Would make technical changes toward the goal of expediting CEQA processes for certain projects.
- **AB 1971 (Buchanan) – (BART Sponsored)** Would highlight specific copper wire theft issues involving transit systems and would enhance vandalism provisions and make specific penalties more consistent.
- **AB 2053 (Allen)** – Labor (ATU) bill that would lock in the 15 years of credited service for employees before vesting in health benefits.
- **AB 2173 (Skinner) – (MTC Sponsored)** Would allow MTC to submit ballot measures for specific counties (not all mandate) in order to raise regional gas tax.
- **AB 2247 (Lowenthal)** – Would establish new on site sales/merchandizing provisions for all transit facilities in the state.
- **ACA 23 (Perea)** -- Constitutional Amendment would allow imposition or extension of special taxes for transportation projects by a 55% voter approval level.

**State Senate:**

- **SB 52 (Steinberg)** – Would clarify specifics to the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 [AB 900] (Buchanan and Gordon) dealing with expediting the CEQA for large projects.
- **SB 214 (Wolk) (BART Supported)** – Would eliminate the voting approval requirement for Infrastructure Finance Districts (all projects including transit).
- **SB 654 (Steinberg)** – Would clarify issues involved with dissolving RDAs specific to affordable housing.
- **SB 1002 (Yee)** – Would update requirements for public records request – requiring public agencies to make information in an electronic and searchable format by commonly used software. The bill would prohibit charging for the cost of providing such services.
- **SB 1151 (Steinberg)** -- Would deal with assets management issues involving the dissolving of redevelopment agencies
- **SB 1160 (Padilla)** -- Would provide specific conditions statewide where cellular service could be terminated. (Hearing April 17). Based on BART event/policy.
- **SB 1189 (Hancock)** – Would highlight and support efforts to appropriate the Proposition 1A “connectivity” funds for those who should receive the formula funding.
- **SB 1339 (Yee)** -- Would allow the MTC & BAAQD to jointly adopt commuter benefit ordinances requiring employers (with 50 or more employees) to offer certain commute benefits.

- **SB 1380 (Rubio)** – Seeks to amend CEQA in ways that could assist biking and pedestrian projects.

### **Federal Legislation:**

- **HR 7 (Mica)** – The House Surface Transportation legislation. (House has not moved this bill, but instead has approved a 9<sup>th</sup> extension of the authorization legislation for 90 days).
- **HR 613 (Garamendi) (BART Supported)** – “Make it in America” legislation for transportation sectors to increase requirements for American content.
- **HR 1825 (Blumenauer) (BART Supported)** -- “Commuter Relief Act” would set a uniform cap for all employer fringe benefits per month (\$200), but increase the ability for involvement by “alternative” commuters.
- **HR 2412 (McGovern) S/ 1034 (Schumer) (BART Supported)** – would extend permanently to employees the pre-tax transportation benefits for transit expenses at the same level as parking benefits.
- **S 1813 (Boxer-Inhofe)** – MAP -21 (BART Supported) passed the US Senate. A two-year bill that would provide \$109 Billion for transit and highway projects.