



Memorandum

TO: BUILDING BETTER
TRANSPORTATION COMMITTEE

FROM: James R. Helmer
Betsy Shotwell

SUBJECT: LEGISLATIVE REPORT

DATE: 04-16-04

Approved

Date

RECOMMENDATION

Accept Legislative Report.

BACKGROUND

The objective of this report is to provide information and insights on legislative activities at both the federal and state levels.

ANALYSIS

Federal

TEA-21 Reauthorization Moves Forward

The House of Representatives approved its bill reauthorizing the Transportation Equity Act for the 21st Century (TEA-21) at the end of March. The \$275 billion highway and transit bill was passed by a vote of 357-65. The bill (H.R. 3050) had been reduced from its original funding level of \$375 billion. Efforts from House members to increase the funding to \$375 billion over the six-year period were defeated.

In February, the Senate passed S. 1072, a \$318 billion six-year reauthorization bill. The Senate voted 76-21 to approve S. 1072, which would fund \$255 billion for highways, \$56.5 billion for transit and \$6.5 billion for safety over six years. The Administration's proposal calls for \$245 billion in guaranteed spending. The President's plan does not classify its \$8.5 billion General Fund contribution to the transit title as "guaranteed" since the Administration is proposing to eliminate the budgetary "firewalls" that TEA-21 used to segregate that money from the rest of the budget. The total budget authority in the President's revised bill is about \$256 billion.

The House version of the bill provides authorization for future funding for the BART extension and funds three other City priority transportation projects. Those projects are:

- Silicon Valley Transportation Incident Management Center (TIMC) \$6 million
- Guadalupe River Trail \$5.5 million
- Coyote Creek Trail \$5.5 million

The Senate version of the bill does not include any earmarks. The Senate will add projects during a conference committee with the House.

The conference committee will meet to work out the differences between the Senate and House bills. Projects already earmarked in the House bill are not likely to be eliminated during conference, but probably will be reduced by some amount. Due to the nature of negotiations required to reconcile the bill and Congressional recesses scheduled through the summer and fall it could take a substantial amount of time to conclude committee discussions on the authorizing legislation. Such talks took two months to bring to closure both in 1998, the last time such a measure was passed, and in 1991, when the previous measure was finalized.

Also impacting discussions are reports that Senate Democrats also are making a stand on the bill for their right to be more fully involved in conference committee action, alleging that senators of their party have been "locked out" of conferences on such other major legislation this session such as pension funding and last year's Medicare prescription drug law.

State

MTC Governing Board Membership - AB 2741 (Salinas)

During the 2001-02 Legislative Session, Senator Tom Torlakson introduced legislation, which if passed would have merged the Metropolitan Transportation Commission (MTC) with the Association of Bay Area Governments (ABAG). That bill was defeated in the Assembly Local Government Committee, with the caveat that MTC and ABAG form a taskforce to develop a local solution to issues of concern. During the taskforce meetings, it was recognized that one of the issues that needed to be addressed was the representational make-up of the MTC governing board. Although the ABAG/MTC taskforce recognized the need to review the representation issue it was not included as part of the taskforce's work plan. The taskforce concluded its work in December 2003.

On February 20, 2004, two pieces of legislation were introduced to expand the membership of MTC's governing board. AB 2741 as introduced by Assemblymember Simon Salinas would have expanded the commission to 36 members from the current 19. The Santa Clara Valley Transportation Authority (VTA) sponsored AB 2741. Additionally, Assemblymember Lois Wolk introduced AB 2908, which increased the commission by two members and was sponsored by MTC. The goal of both measures was to increase regional representation on the commission.

During the months of February and March regional discussions took place in regards to both bills, including discussions between MTC and VTA in order to reconcile the differences in the legislation.

At its March 19, 2004 VTA Board of Directors workshop, VTA staff announced that an agreement had been reached with MTC to support and move forward a single piece of legislation aimed at expanding the regional membership of MTC's commission.

AB 2741 (Salinas) was amended in the Assembly on March 30, 2004 and incorporates language from Assemblymember Wolk's AB 2908 expanding the membership of MTC's governing board by two with the new members appointed, one by the Mayor of San José, and one by the Mayor of Oakland. Under the current structure, the Mayor of San Francisco has had the ability to appoint one member to MTC. If passed by the Assembly and Senate and signed into law by the Governor, AB 2741 will create a governing board with greater regional balance. The recommended changes to MTC's governing structure will provide the three largest cities in the Bay Area: San José, Oakland and San Francisco, with equal input into regional transportation decisions.

The enactment of AB 2741 will provide the City of San José a voice at the table for greater participation in regional transportation decision-making. In addition, San José's participation on the MTC's governing Board will strengthen MTC's voice as the Bay Area region competes for State and Federal funding to implement the region's transportation priorities.

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