



SACOG Board of Directors

Item # 06-1-14
Action

January 12, 2006

State Legislative Priorities

Issue: Approval of 2006 Legislative Plan.

Recommendation: The Strategic Planning Committee recommends that the SACOG Board approve the attached draft 2006 Legislative Program as a starting point, pending further refinement as the session progresses and issues develop.

Committee Action/Discussion: Continuing with the second year of the two-year session, the Strategic Planning Committee recommends that the Board develop positions in principle for five key areas of likely legislation in 2006 (attachment A), and proceed with the 2006 Legislative Program (Attachment B) as a continuation of the 2005 program, using SACOG's adopted legislative procedures (Attachment C with a minor change). The principles for the five key areas are not included in this packet, but will be brought to the Legislative & Public Affairs Committee meeting on February 6.

Of the 76 bills identified of potential Board interest in 2005, the Governor has signed 30 and vetoed six. Staff will track the remaining bills of interest in the 2006 legislative session. Several bills of particular interest to the SACOG Board in 2005 remain active for 2006, and new ones will be introduced. Staff will monitor new legislation introduced in 2006 for appropriate bills to bring to the Legislative and Public Affairs Committee and/or the full Board for consideration.

The 2006 session is anticipated to have a particular focus on transportation, infrastructure and CEQA issues. Consistent with the SACOG Legislative Procedures adopted in 2005, staff will advocate for any new legislation in 2006 related to the State Legislative Program "Advocacy" List. In particular, staff would work with SACOG's lobbyist to advocate for legislation relating to the Sacramento region's share of transportation revenues, including any potential new infrastructure investments, and continue to participate in legislative policy discussions related to CEQA reform to provide greater flexibility for implementation of Blueprint principles. At the direction of the Strategic Planning Committee, staff will be holding a meeting with member and partner agency staff on January 17 and hope to bring recommended priorities for the infrastructure bond to the January Board meeting.

SACOG's new lobbyist, Jack Molodanof, will be available at this meeting to discuss this item.

Approved by:

Mike McKeever
Executive Director

MM:RTS:ef
Attachment

Key Staff: Pete Hathaway, Director of Transportation Planning, (916) 340-6235
Rebecca Thornton Sloan, Manager of Communications, (916) 340-6224

SACOG Key Legislation of Interest in 2006

As the second year in the two-year session, staff recommends continuing tracking and advocacy efforts with the following focus in 2006. The following identifies key legislative efforts to address policy issues of interest to the Legislative and Public Affairs Committee and the SACOG Board consistent with the 2005 State Legislative Program.

Infrastructure Bond

The Legislature and the Governor are proposing a major transportation/infrastructure bond in 2006. The mix of transportation and infrastructure improvement projects to be included in the bond and the bond size are yet to be defined. It is expected that SB 1024 will ultimately serve as the authorizing legislation. In its current form, SB 1024 (Perata) would place on the ballot a \$7.825 billion transportation/infrastructure bond. The Governor has also proposed a bond measure which is substantially larger than that provided for in SB 1024. Other bond legislation proposals include SB 601 (Soto), SB 863 (Florez) and SB 153 (Chesbro). Details are likely to be flushed out in the early months of session in an attempt to be ready for a spring ballot.

Land Use and CEQA Reform

In 2005, SACOG staff was active in seeking relief from regulatory measures to provide local jurisdictions greater flexibility in promoting high quality developments consistent with regional efforts to implement Blueprint principles. Focused efforts to gain flexibility through CEQA reform continue in 2006.

Proposition 42 Firewall

Governor's support of Proposition 42 in 2005 suggests progress in 2006 on legislative efforts to ensure a firewall permanently protecting future Proposition 42 funds for transportation projects. ACA 4 (Plescia) would require sales taxes on motor vehicle fuel deposited into the General Fund be transferred to the Transportation Investment Fund. ACA 9 (Bogh) would change the vote requirement to 4/5 of the membership of each house of the Legislature to suspend the transfer of motor vehicle sales tax revenue from the General Fund to the Transportation Investment Fund. ACA 11 (Oropeza) proposes interest be paid on a loan of revenues if the loan is not repaid during the same fiscal year. These constitutional amendments are still pending.

Local Revenue Options and Toll Roads

Local and regional agencies, frustrated with the shortfalls in state transportation funding, have begun to seek local options for more funding. Discussions regarding privatization of transportation system expansions fostered legislation in 2005 to authorize public/private partnerships. If successful, toll road authorizing legislation would provide new flexibility to our region in the Metropolitan Transportation Plan 2030. SB 1020 (Migden) would authorize counties to increase the sales tax rate for Transportation Development Act (TDA) purposes, to support transit and rural road maintenance, from ¼ percent to ½ percent. AB 850 (Canciamilla) would allow Caltrans to enter into public/private partnerships to build two toll road projects, modeled on the partnership that built the Alameda freight rail corridor in Los Angeles. AB 509 (Richman) would authorize regional agencies to enter into agreements to finance regional user-fee based transportation projects. All three bills are pending.

Project Delivery

SACOG monitored legislative attempts in 2005 to expedite transportation project delivery. SB 705 (Runner) would allow Caltrans to use design sequencing for large projects, allowing construction to begin on early project stages while design is still underway for later stages. AB 1266 (Niello) would increase Caltrans' existing authority for design-build contracts, whereby one contractor is hired to complete both the design and construction of a project, from 12 to 16 projects; under the current authority Caltrans has undertaken 11 projects, generally successfully, and the procedure is federally authorized and commonly used nationwide and worldwide. Both bills are pending.

Board requested continued monitoring and information on policy issues related to improving the region's flood protection and related land uses.

Flood Control

With the recent events of Hurricane Katrina and a heightened awareness of the threats of both the American and Sacramento rivers in the Sacramento region, the SACOG Board participated in two flood control workshops in 2005. While not a primary policy focus of SACOG, the Board continues to consider the relationship between transportation, land use and flood protection. Key legislative efforts to address flood protection include: AB 798 (Wolk) to place on the ballot a yet to be defined flood control bond measure; AB 1244 (Wolk) to extend the sunset provision of the CALFED Bay-Delta Authority, a likely vehicle for further flood protection measures; and AB 1665 (Laird) to rename the Reclamation Board to the Central Valley Flood Control Board, which is likely the administration's vehicle to create an assessment district to fund flood control projects. SB 153 (Chesbro) and SB 1024 (Perata) are both large scale bond measures which include substantial funding for flood control projects. These bills are all still pending.

Sacramento Area Council of Governments 2006 State Legislative Program

The 2005 State Legislative Program outlines the policy issues of interest to SACOG and organizes them based on the Board's desired level of staff involvement. The Program provides SACOG staff a framework for their involvement in state legislative matters while providing the Board certainty and knowledge about SACOG's legislative involvement.

ADVOCACY – SACOG STAFF WILL ACTIVELY SUPPORT OR OPPOSE THE FOLLOWING LEGISLATION:

1. Seek legislation to fully fund the Sacramento Emergency Clean Air and Transportation program for the retrofit or replacement of high-pollution heavy-duty diesel engines within the SACOG region.
2. Seek legislation to provide rewards to SACOG jurisdictions that have met the production goals of the Sacramento Regional Compact for Production of Affordable Housing.
3. Protect current transportation funding levels and formulas to assure the Sacramento region continues to receive a fair and equitable share of all transportation revenue *and potential infrastructure investments*.
4. Protect Prop 42, which provides permanent dedication of the State sales tax on fuel with 40% allocation to local agencies for road maintenance, 40% for the STIP, and 20% for State Transit Assistance.
5. Support legislative or regulatory measures that provide local jurisdictions greater flexibility to promote mixed-use and multi-modal developments, greater transportation-land use connectivity, or improved jobs-housing balance.

FOR BOARD CONSIDERATION -- SACOG STAFF WILL BRING THE FOLLOWING ISSUES TO THE BOARD FOR CONSIDERATION AND A POSSIBLE POSITION:

1. Seek Board consideration to oppose any efforts to reduce the percentage of STIP funds programmed by Regional Transportation Planning Agencies below 75%.
2. Seek Board consideration to oppose legislative efforts to shift or loan transportation funds to non-transportation purposes.
3. Seek Board consideration to support increases in state transportation revenues to further the region's implementation of its Metropolitan Transportation Plan, including revenue for the provision and maintenance of transit operations and local road rehabilitation and maintenance.
4. Seek Board consideration of legislative efforts to increase funding for transportation purposes, including bikeways, safe routes to schools, and pedestrian facilities.
5. Seek Board consideration of legislation to overhaul state transportation funding and administrative structure as outlined in the California Performance Review. Consider support for efforts that improve transportation project delivery through organizational reform, process streamlining, greater flexibility in contracting methods and public/private partnerships.
6. Seek Board consideration to support legislation to provide commuter choice tax incentives for transit use, carpool, and vanpool.

7. Seek Board consideration to support legislation to improve conditions for cycling and walking as an alternative to driving.
8. Seek Board consideration to support legislation to resolve the cost reimbursement issue concerning the Regional Housing Needs Assessment (RHNA) mandate.
9. Seek Board consideration of legislative and regulatory measures that reduce the cost of housing production, including construction defect litigation and CEQA reforms.
10. Seek Board consideration to support legislation to provide for self-certification of the housing element law, or reform the housing element law to provide incentives and increased flexibility, rather than sanctions, for local governments to achieve and maintain compliance with housing element law.
11. Seek Board consideration of legislation that preserves local government land-use control or provides local governments increased flexibility in meeting state mandates through cooperative regional approaches.
12. Seek Board consideration of legislative efforts to streamline the environmental review process for individual transportation projects that are part of a CEQA approved region-wide growth plan.
13. Seek Board consideration of legislation to authorize tax-increment financing in transit-oriented development areas.
14. Seek Board consideration of legislation funding air quality programs that use incentives to accelerate private and public fleet turn-over to help reduce total regional emissions from on-road and off-road mobile sources.
15. Seek Board consideration of legislative efforts encouraging the state and federal government to take action to reduce mobile source emissions under their jurisdictions or to delegate authority over these mobile sources to local governments.

TRACK AND MONITOR -- SACOG STAFF WILL CONTINUOUSLY MONITOR ALL INTRODUCED LEGISLATION AND TRACK THOSE BILLS DETERMINED TO BE OF INTEREST TO SACOG. SPECIFICALLY, STAFF WILL TRACK ALL LEGISLATION FOUND IN THE FOLLOWING ISSUE AREAS:

Transportation

Housing

Smart Growth

Land Use

Local Government

Environmental Policies

Water, Energy, Open Space, or any other issues that may impact the region's growth

SACOG Legislative Procedures

Purpose of Legislative Procedures

SACOG's Legislative Procedures ensure that the SACOG Board of Directors provides prior approval of any position on legislation taken by Board members or staff. The Legislative Procedures also detail the steps Board members and staff must follow before communicating a SACOG position on legislation when there is insufficient time for full Board approval.

The Role of State Legislative Program

The State Legislative Program outlines the legislative priorities that the SACOG Board has approved for staff to either actively pursue, bring to the Board for consideration, or simply track and monitor. In essence, the Legislative Program serves as the strategic plan of SACOG's legislative involvement while the Legislative Procedures serve as the basic rules.

SACOG Board members and staff will make every reasonable effort to seek Board approval before any legislative position is communicated as a SACOG position. In addition, staff will utilize email to keep Legislative and Public Affairs Committee members updated on pending issues of interest to SACOG. However, because time constraints may arise which may make Board approval impossible, the following "normal" and "urgency" Legislative Procedures shall be followed by Board members and staff:

- **Legislation in the State Legislative Program "Advocacy" List (Normal)**
SACOG Board members and staff may communicate a position consistent with the Board approved State Legislative Program after seeking approval from the Legislative and Public Affairs Committee at a regularly scheduled meeting.
- **Legislation in the State Legislative Program "Advocacy" List (Urgency)**
SACOG Board members and staff may communicate a position consistent with the Board approved State Legislative Program without prior approval from the Legislative and Public Affairs Committee if staff reasonably believes that time does not permit committee approval AND the legislative issue is critical to the well-being of SACOG or its member jurisdictions. As soon as reasonably possible, the Executive Director shall email members of the Legislative and Public Affairs Committee to inform them of the staff action.
- **Legislation not included in the State Legislative Program (Normal)**
SACOG Board members and staff may not communicate any position on legislation outside the State Legislative Program without prior Board approval.
- **Legislation not included in the State Legislative Program (Urgency)**
SACOG Board members and staff may communicate a position on legislation outside the State Legislative Program if staff reasonably believes that time does not permit committee approval AND the legislative issue is critical to the well-being of SACOG or its member jurisdictions. However, the Executive Director must first secure approval from the Board Chair and the Chair of the Legislative and Public Affairs Committee. If the Chair of the Legislative and Public Affairs Committee can not be reached, the Executive Director shall secure approval from the Vice Chair. As soon as reasonably possible, the Executive Director shall email the full Board of Directors to inform them of staff action.