



Government Relations & Public Affairs Committee Information

July 30, 2009

Federal Advocacy Update

Issue: Update on FY 2010 appropriations, complete streets bill and centers of excellence legislation.

Recommendation: None; this is for information only.

Discussion: On July 23, the House of Representatives passed H.R. 3288, the FY 2010 Transportation, Housing and Urban Development appropriations bill, which includes over \$76 billion for transportation programs and projects, including \$41 billion for highways (1 percent increase), \$10.5 billion for transit (2.5 percent increase), \$16 billion for aviation, and \$4 billion for high-speed passenger rail grants. It also increases the budget for the rail relocation program to \$40 million (60 percent increase), which is promising for the downtown Railyards rail relocation project. The Senate has not yet taken action on its version of the FY2010 Transportation Appropriations bill.

H.R. 3288 contains funding for several regional projects sponsored by Representatives Lungren and Matsui:

- Citrus Heights Economic Development Initiatives, ADA infrastructure - \$450,000 (Lungren)
- Rancho Cordova/International Drive Extension-Folsom South Canal Bridge - \$500,000 (Lungren)
- Rancho Cordova/ Pedestrian, ADA and Safety Improvements on Mather Field Road - \$200,000 (Matsui)
- Sacramento/South Corridor Phase II - \$40,000,000 (Matsui)
- Sacramento/Intermodal Transportation Facility Rail Line Relocation - \$750,000 (Matsui)
- State Route 99 Interchange Improvement Project - \$500,000 (Lungren)

Complete Streets Legislation (H.R. 1443/S. 584)

SACOG provided letter of support reflecting Board action. SACOG staff, legal counsel, and federal advocate reviewed questions posed by the Government Relations & Public Affairs Committee in June. A summary of responses to those questions is attached. Staff will continue to work with Congresswoman Matsui's office to inform the legislation.

Centers of Excellence (H.R. 2665)

SACOG provided letter of support reflecting Board action and continues to monitor this legislation, which may ultimately become part of the transportation authorization legislation.

Approved by:

Mike McKeever
Executive Director

Attachment
MM:RS:EJ:sb

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Responses to Committee Questions on Federal Complete Streets Legislation

Members of the Government Relations & Public Affairs Committee posed the following questions at its June meeting. Answers from SACOG staff and legal counsel follow each.

1. What are the unique impacts of the proposed federal complete streets legislation when compared with current California law?

The proposed federal complete streets legislation applies to all federally funded projects of a transportation improvement program (TIP), including new road construction and road modification projects within two years of adoption. This would be applied through policies adopted by states and MPOs, as well as federal rules promulgated after adoption by the Department of Transportation. The legislation would not prescribe how complete streets goals are met. In contrast, California's complete streets law applies only to substantive revisions of city and county general plan circulation elements starting in January 2011.

2. What specific types of projects would the proposed federal legislation apply to? Does it include rehabilitation projects?

The proposed federal legislation applies to all federally funded new road construction and road modification projects under a TIP, including design, planning, construction, reconstruction, rehabilitation, maintenance, and operations. It would not mandate design standards; national accessibility standards would be set (see question 4), but state and local design standards would still reflect local needs.

3. What is exempt from the proposed federal legislation, and how flexible are the exemptions?

The proposed federal legislation contains three types of exemptions: (1) roadway projects in which certain uses are prohibited by law; (2) cost to the exempted project in achieving compliance with applicable complete streets policy would exceed 20 percent of the full project cost; or (3) existing and planned populations, employment, or transit service are so low that the need for the complete streets policy is not warranted.

There is little to no opportunity to expand these exemptions, however, there is room for local control to determine how an adopted policy would be implemented based on local context. This would occur through broad language allowing more projects to meet the spirit of the policy rather than broadening the exemptions. An RTPA, MPO or state would have the ability to draft a broad policy that considers multiple land use contexts and community characteristics. This would give the RTPA, MPO or state the flexibility to draft a policy that is acceptable to multiple local interests.

With regard to the third type of exemption, the bill does not define how the Secretary of Transportation would make a determination finding that the need for the complete streets policy is not warranted. These definitions are usually prescribed in one of three ways: promulgating

regulations, issuing guidance documents, or establishing a program to make the determination on a case-by-case basis.

4. What are the accommodation requirements of the proposed federal legislation?

The proposed federal legislation does not change the groups consulted in developing metropolitan (regional) transportation plans or TIPs; its focus is on ensuring all travelers are able to use the roadway safely and efficiently. Specific standards for accessibility will be promulgated by the Architectural and Transportation Barriers Compliance Board. Additionally, the Secretary of Transportation will provide guidance and produce a best practices guide on how to effectively implement complete streets principles. These standards and guidelines will complement the existing accessibility standards under the Americans with Disabilities Act (ADA), but the bill has no impact on existing ADA requirements.