



Board Report

File #: 2020-0734, **File Type:** Federal Legislation / State Legislation (Position)

Agenda Number: 35.

**EXECUTIVE MANAGEMENT COMMITTEE
NOVEMBER 19, 2020**

SUBJECT:2021 LEGISLATIVE PROGRAM

ACTION:APPROVE STAFF RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

- A. RECEIVING the State and Federal Legislative Report;
- B. ADOPTING the proposed 2021 Federal Legislative Program as outlined in Attachment A; and
- C. ADOPTING the proposed 2021 State Legislative Program as outlined in Attachment B.

ISSUE

The Board of Directors adopts, on an annual basis, a legislative program for the upcoming state legislative and federal congressional sessions, which provides guidance to staff on legislative issues and policy as a means of advancing and protecting Metro's authority and the transportation interests of Los Angeles County. Pursuant to the goals outlined in the Long-Range Transportation Plan (LRTP), Equity Platform, Vision 2028 Plan, and other board directives, we will continue to evaluate and consider long term strategic advocacy and legislative goals for the agency as outlined in the plan. We will continue to work with the implementing departments within Metro to develop the broader objectives and will bring to the Board authorization to pursue additional specific measures as they become sufficiently developed and ready for pursuit through legislative processes.

DISCUSSION

Policy Implications

The role of the legislative program is to clearly define Metro's goals and objectives by securing necessary legislative authority, program funding and regulatory actions needed at the state and federal levels. The program provides policy direction to our advocacy activities in Sacramento and Washington, D.C. To achieve these important goals, Government Relations staff will implement a long-term legislative strategy of consensus building and coordination with transportation stakeholders throughout Los Angeles County, the State of California and with Federal officials. The Legislative Program directs staff to monitor and engage in a number of legislative and advocacy efforts. The

[Government Relations Legislative Matrix <http://libraryarchives.metro.net/DB_Attachments/201110%20-%20November%202020%20-%20LA%20Metro%20Legislative%20Matrix.pdf>](http://libraryarchives.metro.net/DB_Attachments/201110%20-%20November%202020%20-%20LA%20Metro%20Legislative%20Matrix.pdf), which is updated and presented to the Board monthly, highlights a number of bills of interest to the agency.

Federal Recap

In 2020, our agency continued to aggressively pursue our Board-approved federal legislative priorities in Washington, DC. Federal transportation programs continued to be administered under the latest surface transportation authorization bill, the Fixing America's Surface Transportation Act (FAST Act), which was signed into law on December 4, 2015. The FAST Act was set to expire September 30, 2020, and the House of Representatives did pass a new five-year reauthorization bill (H.R. 2 - The Moving Forward Act), but agreement with the Senate and White House could not be reached leading to a one-year extension of the FAST Act.

The FAST Act now expires on September 30, 2021. H.R. 2 - championed by the Chair of the House Transportation and Infrastructure Committee Peter DeFazio (D-OR) - if enacted, would have made historic investments into transit and rail programs as well as institute broad reforms of federal transportation policies. In 2021, the outcome of the election will weigh heavily on which direction federal funding and policy moves regarding transportation infrastructure. If Democrats remain in control of the House - which as of this writing appears to be the case - H.R. 2 will likely be a framework for efforts to pass a long-term surface transportation reauthorization bill.

Among the challenges that have carried over from the previous year, the U.S. House of Representatives and U.S. Senate continued to disagree on annual appropriation bills to fund the various federal agencies and programs. While the U.S. House of Representatives approved nearly all their annual appropriations bills - including the Transportation, Housing, and Urban Development Appropriations Bill, the U.S. Senate was unable to approve any of their 12 annual appropriations bills. As of the writing of this report, the Federal Government is operating on a Continuing Resolution through December 11, 2020. Metro continues to work closely with our Los Angeles County Congressional Delegation to advocate for the priorities included in the House and Senate Appropriations bills that would benefit our agency.

Lastly, Metro worked hard in Washington, DC to successfully advance our capital projects through discretionary federal grant programs. With regards to Section 3 of the Westside Purple Line Extension, we were successful in advocating for completion of another Full Funding Grant Agreement in the amount of \$1.3 billion through the Federal Transit Administration's Capital Investment Grant Program. The completion of the Full Funding Grant Agreement for Section 3 put Metro on the path to have the project in revenue service prior to the 2028 Olympic and Paralympic Games being hosted by the City of Los Angeles. In 2021, Metro will continue to aggressively prioritize and strongly advocate for the pillar projects and other important transit capital projects to be included in the pipeline for future awards of funding through the Capital Investment Grant Program.

In January 2021, Congress will begin the first session of the new 117th Congress. Metro will continue to work closely with the Administration, the U.S. Department of Transportation and Congress to leverage our local funding to advance transit, highway and other effective mobility projects across Los Angeles County. (The complete 2021 Federal Legislative Plan is outlined in Attachment A)

State Recap

During the 2020 State Legislative Session, the California Legislature and Governor Newsom worked to bring the state's economy back after devastating wildfires and sought recovery during the COVID-19 pandemic. The legislature passed a number of proposals that focused on that state's climate change goals, transportation projects, workforce recovery and funding. To respond to the rapidly changing nature of the pandemic, the Legislature had to completely change the way they do business. The legislature moved to approve remote voting for members due to health precautions, the State Capitol had extremely limited in-person capacity, policy committees made accommodations for remote testimony and presentations. Due to extended recess, the legislature made an unprecedented decision to shorten the legislative session and leadership from both the Assembly and Senate urged members to focus their legislative portfolios on COVID-19 relief, wildfire recovery and other pressing issues. The Governor's timely executive orders, and the state legislature's emphasis on economic recovery and relief, high-speed rail, wildfires and climate change pointed to the need to prioritize the state's recovery following widespread wildfires and ongoing impacts from the COVID-19 pandemic across industries.

This legislative session, our advocacy efforts focused heavily on the bills that the Metro Board directed staff to pursue through the 2020 Legislative Program goals and a number of proposals that would have impacted a number of Metro's programs. Metro's 2020 State Legislative priorities focused on seeking additional funding and policy changes to accelerate Metro's Four Pillar projects, clarification with respect to Metro's design-build authority, enhancing bus-only lane enforcement, and extending certain exemptions to spur affordable housing development. One key priority for Metro's ongoing advocacy efforts was and continues to be privacy issues related to Metro's tolling authority and Express Lanes program implementation. Privacy issues will continue to be of central concern to the Legislature overall and this issue will continue to be a cross-cutting concern across Metro's services and programs. Due to the shortened legislative session, a number of our sponsored proposals did not move forward during the session.

Senator Ben Allen authored SB 664, proposing policy changes that would clarify certain provisions in statute related to Metro's operations of the ExpressLanes. These policy changes sought to create stronger privacy protections for toll customer data, clarify provisions related to interoperability among toll operators, and improve certain aspects related to citations and toll collection. The 2020 State Legislative Program Goals provided staff with the direction to support legislation that enhances Metro's ability to enforce the ExpressLanes Board adopted toll policy. The Board has also directed staff, through the adoption of the 2020 State Legislative Program goals to support legislation that amends the CA Streets and Highways Code that impact Metro's interoperability with other California Toll agencies. Metro staff continues to remain engaged in discussions to ensure that the future expansion of Metro's ExpressLanes network is successful. In doing so we will work with the all of the tolling agencies in California, the Chairs of the respective committees, leadership and the Los Angeles County Delegation to ensure that accurate information is available to decision makers and to ensure that we are able to maintain interoperable programs while protecting travelers' personally identifiable information.

Our work with the Los Angeles County Legislative Delegation has borne fruit with the Governor's

appointment of additional Southern California-based Commissioners to the California Transportation Commission (CTC). Hilary Norton, representing the Los Angeles area, has been elected Chair of the CTC. This legislative session, a number of Transit and Intercity Rail Capital Program funds were awarded in Los Angeles County, along with other Senate Bill 1 discretionary grants. We will continue to work with State leadership and the legislative delegation to ensure that Los Angeles County receives a proportionate share of state transportation funds.

Despite the shortened session and the need to narrow legislative priorities in both houses, two key CEQA reform bills passed the legislature this year, Senate Bill 288 (Wiener) and Senate Bill 757 (Allen). Metro also supported the California Transit Association's efforts to seek state and federal relief funding and policy changes to help transit agencies continue to operate throughout the COVID pandemic and subsequent substantial ridership losses. Below is a summary of the major legislation relevant to Metro's work that moved through the legislative process this year.

- **SB 757 (Allen/Atkins):** This Metro-sponsored legislation was the first CEQA streamlining legislation of its kind for public transit, and would have granted the AB 900 (2011) shortened CEQA litigation period to key environmental leadership transit projects. Unfortunately, since SB 995 (Atkins) did not pass, SB 757 was vetoed by the Governor.
- **SB 288 (Wiener):** This bill included provisions to expand statutory CEQA exemptions for key active transportation, bus rapid transit and other capital projects. The bill was signed into law - and Metro staff are evaluating potential projects that could be considered for the new CEQA exemptions under this bill.
- **AB 2337 (Bloom):** This Metro-sponsored legislation would have authorized Metro to pilot a program that allowed for front-facing cameras on our buses in order to capture parking violations in bus-only lanes. The bill was put on hold at the author's request due to COVID.
- **AB 1350 (Gonzalez), AB 2012 (Chu), and AB 2176 (Holden):** This trio of bills shared a common goal, to encourage transit agencies to establish free student and senior transit pass programs. Metro's Board of Directors took "Work With Author" positions on all of these bills. AB 1350 was subsequently substantially amended to address high school diploma attainment during the COVID-19 crisis, while AB 2012 and AB 2176 did not move forward in the committee process.
- **ACA 5 (Weber):** This Assembly Constitutional Amendment would repeal Section 31 of Article I of the California Constitution. Section 31 of Article I was added to the Constitution through the passage of Proposition 209 in 1996, which prohibited affirmative action programs in public education, contracting, and employment. Metro's Board took a Support position on this bill. The bill passed the legislature and was on the November 2020 General Election ballot as Proposition 16. Proposition 16 failed to pass.

Metro staff were also regularly engaged in discussions around COVID-19 relief bills for public employers that would have impacted our workforce. The list below outlines bills reviewed by multiple departments of Metro staff.

- **AB 3216 (Karla):** This would clarify provisions related to the re-hiring and retention of employees of certain industries (airports/hotels/etc) that were laid off due to the COVID-19 state of emergency. This bill was vetoed by the Governor.
- **SB 1159 (Hill):** This would define new provisions for injury or death related to COVID-19. This

bill was signed by the Governor.

- **AB 685 (Reyes):** This would create new OSHA provisions for providing notice to employees with possible exposure to COVID-19. This bill was signed by the Governor.
- **SB 1383 (Jackson):** This would add new employer requirements regarding unpaid leave and would amend the California Family Rights Act (CFRA) to require employers in the state to provide unpaid leave. This bill was signed by the Governor.

An additional priority for Metro's ongoing advocacy efforts include the need to provide certainty and stability to our power supply as we work to meet the agency's ambitious Zero-emission Bus Plan. Metro staff have been engaged in discussions with LADWP and Southern California Edison to plan for future needs on a regular basis. Most recently, staff has worked to clarify Metro's Essential Use Designation to ensure power supply in the event of a major event or power shutoff. Next year, staff will work to engage the California Public Utilities Commission (CPUC) on these issues and will continue to ensure that statewide policy decisions do not hinder the final plans for the Zero-emission Bus Plan roll out.

During next year's legislative session, we will continue to monitor statewide recovery policy and funding efforts. We will also be working to ensure that the gubernatorial administration addresses the need for critical transportation infrastructure and housing policies that help LA County to address our long-term sustainability goals.

As in previous years, our State Advocacy strategy continues to include a robust outreach and communications plan to inform and engage the members of the Los Angeles County State Assembly and Senate delegation in support of the Board-adopted Legislative program, Vision 2028, 28 by 2028, Zero-Emission Bus Plan and LRTP goals. State advocacy efforts will also continue to support Metro's Planning Department policies and programs to secure discretionary and formula funding under Senate Bill 1 for Los Angeles County as administered by the CTC. Staff will also engage in discussions and advocate for state policies and funding opportunities as the Board approves directives to implement new initiatives that would address Metro's goals to implement the Equity Platform, Fareless System Initiative, Better Bus, and Affordable Housing.

In addition to the above, staff will be working to address a variety of other specific policy issues in the Legislative process, budget process as well as in various administrative processes in Sacramento (the entire 2021 State Legislative Program is outlined in Attachment B). These include but are not limited to:

- Clarifying Metro's procurement statutes;
- Expanding Metro's authority to install forward-facing cameras on its bus fleet to enforce bus-only lanes;
- Clarifying the process by which CEQA is implemented with respect to Metro's transit and affordable housing development projects;
- Clarifying statutes related to Metro's Express Lanes program implementation and tolling authority;
- Exploring how Enhanced Infrastructure Financing District authorization and other value capture strategies can be leveraged as a funding tool for Metro's projects;
- Clarifying provisions of Metro's authorizing statute that would affect Metro's ability to

implement fare-capping or a fareless transit system;

- Implementation of AB 5 (Gonzalez) and evaluating its potential impacts on Metro's programs;
- Working with the California Public Utilities Commission and the California Air Resources Board to advance Metro's Zero Emission Bus Program;
- Working with the Gubernatorial Administration and key leadership in ensuring that the Governor's Executive Orders on Sustainability align with Metro's plans; and
- Supporting the allocation of cap and trade funds to Los Angeles County.

DETERMINATION OF SAFETY IMPACT

Approval of this item will not have an impact on safety.

FINANCIAL IMPACT

A number of the proposed state and federal legislative initiatives may provide additional funding for countywide transportation programs and projects.

ALTERNATIVES CONSIDERED

The Board of Directors could determine that a legislative program is unnecessary for the agency. Failure to adopt a legislative program could result in Metro being ill prepared to address the policy and legislative challenges that will arise during the coming year.

NEXT STEPS

Government Relations staff will continue to regularly sponsor (virtual) briefings in Washington, D.C. and Los Angeles County for our Congressional Delegation and other key staffers on both the House and Senate Appropriations and Authorization committees and with officials in the incoming Administration. We have and will continue to place a strong emphasis on briefings for professional staff members working for House and Senate committees with primary responsibility for authorizing and appropriations bills. Metro looks forward to continuing to be an active stakeholder as Congress takes action on reauthorizing the surface transportation authorization bill - the FAST Act - which expires on September 30, 2021. Metro has played an active role in shaping discussions on a new surface transportation bill and will forcefully advocate for our Board-approved Rebuilding America initiative to be embedded in any new transportation bill or infrastructure stimulus measure.

In Sacramento, we will continue to develop and strategically advance our agency's Board approved State Legislative Program through maintaining support and close relationships with the Los Angeles County State Legislative Delegation, key leaders in the Senate and Assembly Transportation Committees, as well as key stakeholders including, the Governor, Caltrans Director, California Transportation Commission, and the California State Transportation Agency.

Government Relations staff will initiate briefings for the Gubernatorial Administration, members of the Legislature as well as committee staff. We will also work with state legislators to author any legislative initiatives proposed by this program. At the federal level, Government Relations will keep

in close contact with new and existing members of our Congressional delegation and key Authorizing and Appropriations staff to keep our projects at the forefront. Staff will continue to engage in strategic advocacy and legislative efforts related to a number of transportation issues and inform the Board of those efforts. Pursuant to the Board adopted Board Advocacy Plan we will also work closely with the Board to utilize Board member's relationships and experience in legislative matters.

Government Relations will continue to ensure that our legislative priorities and efforts are coordinated with our regional transportation partners, including Metrolink, Southern California Associations of Governments (SCAG), Municipal Operators, and Southern California County transportation commissions.

In addition, Government Relations will continue to pursue state and federal legislative initiatives that promote the efficient and rapid delivery of Measure R and Measure M projects as well as leverage Measure R and Measure M funds for additional state and federal transportation resources, and to form a coalition to protect state revenues.

The first year of the 2021-2022 State Legislative Session will commence on December 7, 2020. The U.S. House of Representatives and U.S. Senate are scheduled to begin the 117th Congress this coming January, 2021.

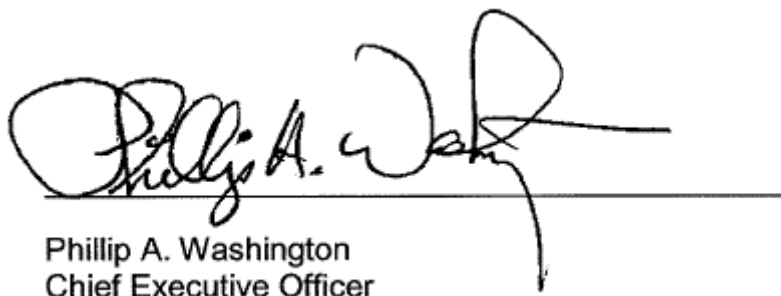
ATTACHMENTS

Attachment A - 2021 Federal Legislative Program

Attachment B - 2021 State Legislative Program

Prepared by: Michael Turner, DEO, Government Relations (213) 922-2122
Raffi Hamparian, Senior Director, Government Relations, Federal Affairs (213) 922-3769
Michael Davies, Senior Manager, Federal Affairs, (213) 314-8090
Desarae Jones, Senior Manager, Government Relations/State Affairs (213) 922-2230
Alex Amadeo, Government Relations Officer, State Affairs (213) 922-2763

Reviewed by: Yvette Rapose, Chief Communications Officer, (213) 418-3154



Phillip A. Washington
Chief Executive Officer