

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
LEGISLATIVE COMMITTEE**

**MEETING MINUTES
September 11, 2014**

At 5:35 P.M. Chair Gordon called the Legislative Committee meeting to order in the Second Floor Auditorium at the San Mateo Transit District Office.

Committee Members Attending:

Art Kiesel (City of Foster City)
Deborah Gordon (Town of Woodside)
Richard Garbarino (City of South San Francisco)
Mary Ann Nihart (City of Pacifica)
Karen Ervin (City of Pacifica)
Catherine Carlton (City of Menlo Park)

Guests or Staff Attending:

Matt Robinson, Shaw/ Yoder/ Antwih Inc.
Sandy Wong, Jean Higaki, Matt Fabry, Ellen Barton, C/CAG Staff

1. Public comment on related items not on the agenda.

None

2. Approval of Minutes from August 14, 2014.

Member Garbarino moved and Member Ervin seconded approval of the August 14, 2014 minutes. Motion passed unanimously.

3. Stormwater legislative activities update.

Matt Fabry deferred to Matt Robinson with the update of AB 2170 and AB 418.

4. Update from Advocation & Shaw/ Yoder/ Antwih

Matt Robinson from Shaw/ Yoder/ Antwih presented the legislative update.

AB 418 was held on the Senate floor locked in party politics. AB 2170 however, was sent to the Governor's office and was enrolled on August 18. The Governor's staff does not foresee any issues and there are support letters from both the League of Cities and the California Special Districts Association. If no action is taken, the bill becomes law automatically on September 30.

AB 2403 was signed into law on June 28, 2014. It clarifies the definition of water to include “water from any source,” associated with Proposition 218. Prop 218 still requires a protest process but not a voter approval process.

CalEPA and California Air Resources Board (CARB) have adopted using the CalEnviroScreen as a criterion in identifying “disadvantaged communities” for Cap and Trade funding. CalEnviroScreen is based on 19 factors divided into environmental factors and demographic factors. The Bay Area, as a whole, is much less competitive under CalEnviroScreen. MTC and CMA staffs are working on comment letters requesting that the disadvantage community criteria be broadened. The comment period deadline is September 15, 2014, 5:00pm. CARB is expected adopt this criterion on September 18, 2014. The legislative committee was concerned that the concentration of funding in disadvantaged communities may prevent the implementation of worthwhile and cost effective GHG reducing projects and other projects that would more effectively serve disadvantaged communities. Draft program guidelines are anticipated in October and there will be another round of workshops and opportunities for comment.

The Legislative Committee recommended sending a letter to CalEPA and CARB, commenting on the use of CalEnviroScreen, based on the letter being developed by MTC.

High Speed Rail (HSR) was also discussed. In future years, HSR is expected to receive 25% of annual Cap and Trade funds. It is expected that these funds will be used to build the system south to north. HSR anticipates using their Federal dollars to complete the construction of the central valley portion between Fresno and Bakersfield. In the Bay Area, Caltrain is starting the electrification project. No one is able to say that Cap and Trade can fully fill the construction funding gap at this time.

Member Nihart asked about general funding for failing infrastructure. The Secretary of California State Transportation Agency (CalSTA) convened a working group to look at solutions to pay for transportation infrastructure improvements, in light of the decrease in gas tax. Discussions included expanding the implementation of express lanes and a consideration of implementing a road user fee. It is expected that CalSTA will reinstate a bill similar to SB 983 which would specify agencies allowed to apply to the California Transportation Commission (CTC) to convert High Occupancy Vehicle (HOV) lanes to High Occupancy Toll (HOT) lanes. It is also anticipated that CalSTA will look at a pilot program to test road user fees. It is anticipated that the revenues generated from a road user fee may be distributed similarly to the current gas tax distribution formula.

Member Nihart expressed concern about using vehicle miles traveled as a basis for a road user fee as most of the service sector workforce is forced to commute long distances because they cannot afford to live near the areas where they work.

Member Carlton asked about how HOT Lane would work in figuring out if vehicles are high occupancy or not. It is proposed that a FastTrack device would allow to drivers to declare how many people are in their vehicles at a given time.

5. Review and recommend approval of the C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified).

Per the discussion under Item 4, the Legislative Committee recommends sending a letter to CalEPA and CARB, commenting on the use of CalEnviroScreen, based on the letter being developed by MTC and based on a review by members of the Legislative Committee.

6. Adjournment

The meeting adjourned at approximately 6:23 P.M.