
AC TRANSIT DISTRICT
Board of Directors
Executive Summary

GM Memo No. 09-239

Meeting Date: October 28, 2009

Committees:

Planning Committee
External Affairs Committee
Rider Complaint Committee
Board of Directors

Finance and Audit Committee
Operations Committee
Paratransit Committee
Financing Corporation

SUBJECT: AC Transit Position on AB 744 and Internal Communications on Legislation

RECOMMENDED ACTION:

Information Only **Briefing Item** **Recommended Motion**

Fiscal Impact:

None

Background/Discussion:

Director Peeples requested a review of the communications to the State lobbyist regarding the Board's position on AB 744 and that a process for future communications concerning legislation position directions be established.

Attached to this memo is a letter dated May 28th that was developed in support of AB 744 which was sent at the request of MTC staff. At the time that it was sent, the letter did not conflict with the External Affairs Committee's position. At the May 27th Board of Directors meeting, the Board took a "Support if Amended" position to include revenues for transit. Since it was MTC's intent to include this provision, staff believed that the proposed letter characterized the Board's position at that time. It should be noted that the current version of the bill includes prioritization of net revenues for transit purposes.

At the July 29th Board Meeting additional information about the bill was introduced by Director Peeples including the Sierra Club's position on AB 744. During this meeting, the Board identified additional criteria for which a support position on this bill would be contingent based on the Sierra Club's recommendations. This was communicated to the State lobbyist. At the time, additional changes to the bill were in play therefore no additional correspondence to legislative staff on AB 744 was submitted.

Proposed Process Changes:

Staff recommends the following administrative process changes in order to ensure the Board's position is clearly communicated to the lobbyist and legislative staff. The recommendation entails memorializing External Affairs Committee recommendations within the Legislative Update upon presentation to the full Board. Any subsequent action taken by the Board will be underscored in the Legislative Update in the month following

the changes. In addition, details about the recommendation, and more specifically, what the amendment language should be that would alter the Board's position on a particular bill, will also be articulated in the Legislative Update. This will ensure that all concerned staff members are informed about the Board's position on legislation and will avoid further miscommunication to the lobbyist. Also attached is Attachment B summarizing the Board actions and discussions pertaining to AB 744.

Prior Relevant Board Actions/Policies:

External Affairs Committee Meeting May 27, 2009 - GM Memo 09-108
Board of Directors Meeting June 10, 2009 - GM Memo 09-073

Attachments:

Attachment A - AB 744 Support Letter
Attachment B – Summary of Board actions pertaining to AB 744

Approved by: **Rick Fernandez, General Manager**
 Jim Gleich, Deputy General Manager

Prepared by: **Kate Miller, Manager, Capital Development, Legislation & Grants**
Date Prepared: **October 16, 2009**



Alameda-Contra Costa Transit District

Rick Fernandez, General Manager

May 28, 2009

The Honorable Kevin de Leon
Chair, Assembly Appropriations Committee
California State Assembly
State Capitol
Sacramento, CA 95814

AB 744 (Torrico) — Support

Dear Chair de Leon,

Alameda Contra Costa Transit District (AC Transit) is the second largest public bus system in California. AC Transit provides local and Express Bus service in Alameda and Contra Costa Counties and has a ridership exceeding 70 million passenger trips per year. AC Transit urges your support for AB 744 (Torrico), which authorizes the Bay Area Toll Authority (BATA) to establish an express lane network within the nine-county San Francisco Bay Area. As required by state and federal law, the network would protect travel time savings for bus riders and carpoolers by varying the tolls based on real-time traffic conditions in order to assure free-flowing traffic. Moreover, it would close the gaps in the existing carpool lane network, allowing bus operators such as AC Transit the ability to provide premium express bus service with predictable travel times on the network.

The HOT lane network would reduce the severe congestion that currently chokes the Bay Area's highways. The enhanced network would also reduce harmful vehicle emissions by reducing congestion, encouraging transit usage and carpooling, and moving slower moving traffic off surface streets onto the enhanced express lane network.

BATA also estimates that the network would generate approximately \$6 billion in new net toll revenue over the current 25-year planning horizon which will be available to fund improvements in the express lane network corridor. The bill prioritizes transit enhancements and projects that reduce emissions for the use of these funds.

For all of these reasons, we urge you to support AB 744 when it comes before you for your consideration.

Sincerely,

Rick Fernandez
General Manager

Board Action 5/27/09

10. Consider verbal reports from the Chair of the External Affairs Committee on legislative matters (Note: Pursuant to Policy No. 100, the Board may take action on legislative matters requiring immediate action.)

With regard to AB 744 (Torrigo), Vice President Peoples noted his opposition to the bill because it would add 400 miles of toll lanes of which only 100 miles are paid for and the possibility that the funds may come from transit money. He further added that it would increase transit capacity and the subsidization of the automobile. Director Harper reported that he would support it if it was amended to include money for transit operations.

Consensus to approve a **SUPPORT IF AMENDED** position on AB 744 (Torrigo) – Transportation: toll lanes: Express Lane Network (Director Young, Vice President Peoples – No; Director Wallace – abstained) (4-2-1-0).

Board Action - 6/10/09

No Action

Board Action - 6/24/09

No Action

Board Action – 7/8/09

4. Consideration of the legislative report by Steve Wallauch of Suter, Wallauch, Corbett and Associates (verbal).

Appearing by Teleconference: Steve Wallach, Suter, Wallauch, Corbett and Associates

Mr. Wallauch reported on the state budget, the growing budget deficit, the issuance of IOUs, and the property tax shift. He further provided the Board with an update on the following legislative matters:

- AB 744 (Torrigo) – Transportation: toll lanes: Express Lane Network;
- AB 1175 (Torlakson) – Toll bridges: seismic safety retrofit program;
- SB 535 (Yee) – Vehicles: HOV lanes; and
- AB 1502 (Eng) - Vehicles: HOV lanes.

The Board did not take a position on pending legislation; however, referred the matters to the External Affairs Committee which will convene a special meeting on July 29, 2009, to re-examine the District's position on AB 744 (Torrigo) and SB 535 (Yee).

Board Action 7/29/09

9. Consider verbal reports from the Chair of the External Affairs Committee on legislative matters (Note: Pursuant to Policy No. 100, the Board may take action on legislative matters requiring immediate action.)

AB 744 (Torricono) - Transportation: toll lanes: Express Lane Network:

Director Ortiz reported that she had been contacted by the Sierra Club regarding the District's position on AB 744 (Torricono) and it had been requested that the District take a watch position on the bill.

Vice President Peoples noted his opposition to the bill and distributed information on the committee analysis of the bill now in the senate (Exhibit A to the minutes). He reported that bonding capacity would be taken away from the bridges and used to build highways that serve urban sprawl, noting that there is no money for I-80 and that the first \$2 billion would be used for the BART to San Jose Project. He further reported that the District had erroneously been listed as supporting the bill.

MOTION: PEEPLES/HARPER to approve an **OPPOSE** position on AB 744 (Torricono).

Discussion continued. Director Davis expressed concern with the notion that the District's lobbyist had not provided a detailed analysis of the bill. Deputy General Manager Jim Gleich suggested that the matter be tabled until a detailed analysis could be provided by Suter, Wallaich, Corbett and Associates. He further advised that the District's current position on the bill was "support if amended".

SUBSTITUTE MOTION: ORTIZ/DAVIS to table action on SB 744 (Torricono) until an analysis of the bill can be provided (7-0-0-0).

Ayes:	Directors Ortiz, Davis, Wallace, Harper, Young, Vice President Peoples, President Fernandez – 7
Noes:	None – 0
Abstain:	None – 0
Absent:	None – 0