

PLATINUM | ADVISORS

Meeting of April 28, 2023

TO: Gerald Cochran, Chair, Governmental Affairs and Public Information Committee
Michael Theriault, President, Board of Directors
Denis J. Mulligan, General Manager

FR: Platinum Advisors, LLC

RE: **STATE UPDATE FROM THE DISTRICT'S LEGISLATIVE ADVOCATES, PLATINUM ADVISORS, LLC**

Session Status: With the 30 day in print rule complete and the deadline to amend spot bills having passed, policy committees are in full swing. The Legislature returned from its Spring Recess on April 10th, and the hearing madness has begun in a rush to meet the first major deadline on April 28th which requires all “fiscal” bills to be moved out of policy committees. The deadline for policy committees to meet quickly follows on May 5th.

Fiscal Cliff: On March 15th, the Assembly Budget Subcommittee #3 held a hearing to review the Governor’s proposed spending plan for transportation. The hearing also included a lengthy discussion of the need for public transit operating funds. Michael Pimentel, Executive Director of the California Transit Association, was invited to outline the fiscal cliff facing California’s transit operators and answer questions from the committee. Overall, all the legislators that spoke at the hearing expressed support for public transit and the need to maintain service levels, but they stressed any relief plan needs to include addressing longer term solutions and performance measures.

Assembly Budget Committee Chair, Assemblyman Phil Ting, attended the Subcommittee hearing to ask questions and express his frustration on how to meet the challenges facing transit operators. Summing up his position Assemblyman Ting stated, “If you come to us with a proposal to give (transit) money and then tell us what to do, I will not support your proposal.” Assemblyman Ting continued that any plan to sustain operations must include a specific request and a plan that avoids simply pushing the fiscal cliff back. The plan he is looking for would include steps transit operators will take to transform service to attract riders and result in longer term fiscal stability. Given the state’s fiscal outlook and pressing demands in funding health and social services, he wants to avoid having transit operators returning in a couple of years for additional resources.

Assemblywoman Laura Friedman suggested tying the receipt of any new state funding to increasing ridership levels. Assemblywoman Friedman commented, “I do think (transit) deserves the budget you are asking for, but I don’t yet see the coordination in terms of getting people into the transit system.”

While the hearing did highlight the challenges facing transit operators in securing fiscal assistance, the interest of legislators in exploring options and developing a proposal was evident, and we are early in the budget process. Subcommittee #3 chair, Assemblyman Steve Bennett, stated there are a list of challenges to consider and directed the LAO to work with CTA and the Governor’s office

on identifying a list of issues facing transit operators and options the legislature can consider when crafting short and long term solutions for public transit.

For any plan to be seriously considered, it must specify the level of fiscal assistance that is needed and how it can be provided within existing budget constraints, what steps transit operators have taken, or plan to take, to adjust to ridership patterns, and how local and regional governments and transit operators are contributing to avoid additional service cuts.

There is Hope: Leading the charge to secure fiscal relief for transit operators, Senator Scott Wiener circulated a letter that was signed by 10 legislators. The signatories included Senators Scott Wiener, Bill Dodd, Henry Stern, and John Laird, as well as Assembly members Wendy Carrillo, Damon Connolly, Alex Lee, Marc Berman, Matt Haney, and Diane Papan.

The letter urged the Budget Committee Chairs, Senator Nancy Skinner, and Assemblyman Phil Ting, to include in the budget, “a suite of actions to help maintain and improve transit service, and ultimately, support the state in meeting our ambitious climate, equity, and mobility objectives.”

The letter highlights the need to preserve the commitment made in the current year budget for the Transit Intercity Rail Capital Program. The Governor's budget proposal would reduce the TIRCP commitment by \$2 billion. In addition, the letter urges the budget chairs to either provide direct operating assistance, or by amending existing programs to provide flexibility in how those funds are used by operators. The letter also calls for extending the existing TDA/STA relief provisions until the 2024-25 fiscal year.

Another letter submitted to the budget committee chairs, also supported the need to maintain the TDA/STA relief provisions. This letter was signed by Senators Dave Cortese, Bill Dodd, Henry Stern and Josh Newman. This letter also urged the consideration of using cap & trade auction revenue to transit operations.

Legislation: With the end of the pandemic emergency order, the ability to hold meetings remotely ended. While legislation enacted last year provides for a limited and cumbersome process for board members to participate remotely, there have been several new measures introduced that provide for specific legislative bodies to hold remote meetings. The following is a summary of the Brown Act bills introduced this session.

	Subject	Status
<p>AB 557 (Hart D) Open meetings: local agencies: teleconferences.</p>	<p>AB 557 would extend indefinitely the existing authorization for local legislative bodies with a majority vote to hold remote meetings if a proclaimed state of emergency exists. AB 557 would also change the requirement to reauthorize the use of remote meetings from every 30 days to every 45 days.</p>	<p>Assembly Local Government</p>
<p>AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body.</p>	<p>AB 817 would authorize a “subsidiary body” to remotely hold a public meeting if specified conditions are met.</p> <p>The bill defines a subsidiary body to include:</p> <ul style="list-style-type: none"> • certain types of commissions, committees, or other body as defined in paragraph (b) of Government Code Section 54952, • a body that serves exclusively as an advisory body, • a body that is not authorized to take final action on any contract, legislation, regulation, or permit. <p>AB 817 would also require the members of the body to participate through both audio and visual technology. The public must be able to participate in the body’s proceedings either by phone line or through an internet-based platform.</p>	<p>Assembly Local Government</p>
<p>AB 1379 (Papan D) Open meetings: local agencies: teleconferences.</p>	<p>AB 1379 would amend the Brown Act to allow a legislative body to hold meetings in any combination of in person or remote participation.</p> <p>The bill specifies a quorum can be established by any of the following:</p> <ul style="list-style-type: none"> • Consisting of members participating remotely. • Consisting of members participating at a designated location. • Consisting of members participating remotely and at a designated location. <p>AB 1379 specifies that the “singular designated physical meeting location” must be open to the public and located within the legislative body’s jurisdiction.</p>	<p>Assembly Local Government</p>

	Subject	Status
<p><u>SB 411</u> <u>(Portantino D)</u> Open meetings: teleconference s: bodies with appointed membership</p>	<p>SB 411 would authorize a legislative body as defined in the bill to use alternate teleconferencing provisions.</p> <p>The bill currently defines “legislative body” to mean a board, commission, or advisory body of a local agency whose membership is appointed. This definition includes, but is not limited to, a neighborhood council located in Los Angeles County. Expectations are that the bill will be amended to apply only to neighborhood councils located in LA County.</p>	Senate Governance & Finance
<p><u>SB 537</u> <u>(Becker D)</u> Open meetings: local agencies: teleconference s.</p>	<p>SB 537 would authorize specified legislative bodies to hold meetings remotely. The bill would only apply to legislative bodies that are a board, commission, or advisory body of a “multijurisdictional,” cross county agency, the membership of which board, commission, or advisory body is appointed.</p> <p>The bill defines “multijurisdictional” to be a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity. While the bill would clearly allow an entity such as MTC to hold remote meetings, it would require legal counsel to review to determine if this bill would apply to a board comprised of representative from a county and multiple cities within in a single county.</p>	Senate Governance & Finance

The following are other measures we have been tracking or advocating in support of on behalf of the Bridge District.

	Subject	Status	Position
<p><u>AB 321</u> <u>(Wilson D)</u> Sales and Use Tax: exemptions: zero-emission public transportation ferries.</p>	<p>AB 321 would provide a partial exemption to the state sales tax for the purchase of a "zero-emission public transportation ferry" by a city, county, city and county, transportation district, transit district, or other public agency that provides transit services to the public. This exemption would sunset on June 1, 2028. This exemption also mirrors the existing exemption for the purchase of zero emission buses.</p> <p>AB 321 was heard by the Assembly Revenue & Taxation Committee on</p>	Assembly Revenue & Taxation Suspense File	Co-Sponsor

	Subject	Status	Position
	March 13 th . Do to the general fund impact, AB 321 was placed on the Committee’s Suspense File and will be revisited before the April 28 policy committee deadline.		
AB 463 (Hart D) Electricity: prioritization of service: public transit vehicles	<p>AB 463 is sponsored by the California Transit Association. The goal is to ensure utilities take into consideration the electricity needs to charge electric buses when planning for power shutoffs.</p> <p>This measure would require the CPUC to consider the economic, social equity, and mobility impacts of a temporary power discontinuance to customers that rely on electrical service to operate public transit vehicles. In addition, AB 463 would require electric utilities to include in their public safety power shutoff plans protocols related to mitigating those public safety impacts on public transit vehicle charging infrastructure</p>	ASSEMBLY U. & E	SUPPORT
AB 740 (Gabriel D) Department of General Services: drone cybersecurity.	<p>AB 740 would establish cybersecurity and privacy standards for data collected by drones that are operated by California state and local government entities.</p> <p>It would require the California Department of Technology (CDT) to issue regulations meant to ensure the confidentiality, integrity, and availability of data collected, transmitted, and stored by government drones. The regulations, at minimum, would have to ban the use of drones made by certain entities identified by the federal government; forbid government entities from selling drone data; and require that these entities collect, process, and use</p>	Assembly Accountability & Administrative Review	Watch

	Subject	Status	Position
	<p>drone data in a manner that is reasonably necessary and proportionate to the lawful purposes for which it is collected.</p>		
<p><u>AB 1464</u> (<u>Connolly D</u>) Richmond-San Rafael Bridge.</p>	<p>AB 1464 would require the Bay Area Toll Authority (BATA) and Caltrans to consider specific operational changes if they plan to open a third lane on the westbound level of the Richmond-San Rafael Bridge to motor traffic.</p> <p>The specific changes to be considered include:</p> <ul style="list-style-type: none"> • Add a moveable “zipper” barrier to the eastbound level of the bridge similar to the barrier on the westbound level so that a continuously operated bicycle and pedestrian lane is maintained. • Operate the moveable zipper barriers on both levels of the bridge in such a manner so as to allow the most efficient flow of traffic in either direction while preserving an open bicycle and pedestrian lane. 	<p>Assembly Transportation</p>	<p>Watch</p>