



Meeting Notice and Agenda

Who: Legislative Committee

When: Tuesday, November 4, 2008
1:00 pm to 2:45 pm

Where: Portola Hotel & Spa
Two Portola Plaza, Monterey, CA 93940
(831) 649-4511
(Directions Attached)

This meeting is held on the first day of California's Public & Community Transportation Conference & EXPO, co-hosted by the California Transit Association and CalACT. We encourage you to register & attend the entire conference although that is NOT a requirement to attend this specific meeting. To register for California's Public & Community Transportation Conference & EXPO, please visit www.caltransit.org.

Agenda Item

1. Roll Call and Introductions
2. Adopt Recommended 2009 State Legislative Program (p.4)
3. 2008-09 State Budget Update -- Special Session (p.5)
4. Fighting for Transit Funding in the 2009-10 State Budget (p.8)
5. Other Items of Business
6. Adjourn

Call-in Information: 1-800-867-2581

Passcode: 1006105#

**California Transit Association
Legislative Committee Roster**

- 1. Chair Sharon Cooney, San Diego MTS**
- 2. Vice Chair Leslie White, Santa Cruz MTD**
- 3. Kate Breen, San Francisco MTA**
- 4. Andre Colaiace, Access Services, Inc.**
- 5. Kurt Evans, Santa Clara VTA**
- 6. Paul Fadelli, BART**
- 7. David Feinberg, Santa Monica's Big Blue Bus**
- 8. Z. Wayne Johnson, Golden Gate BHTD**
- 9. Dana Lee, Long Beach Transit**
- 10. Ian McAvoy, SamTrans**
- 11. Kate Miller, AC Transit**
- 12. John Monson, MV Transportation, Inc.**
- 13. Rick Ramacier, CCCTA**
- 14. David Reyno, Foothill Transit**
- 15. Bruce Richard, Mendocino Transit Authority**
- 16. Ellen Roundtree, North County Transit District**
- 17. Ed Scofield, Sacramento RTD**
- 18. Victoria Stackwick, SANDAG**
- 19. Michael Turner, LA Metro**
- 20. Wendy Villa, OCTA**

DIRECTIONS
Portola Hotel & Spa
Two Portola Plaza, Monterey, CA 93940
(831) 649-4511

LOCAL AND AIRPORT TRANSPORTATION

Transit: For Monterey-Salinas Transit schedules, please visit www.mst.org or call (831) 899-2555.

For airport transportation: Taxi fare to and from the Monterey Peninsula Airport averages \$10 each way. The hotel does not provide shuttle service. Monterey Air-Bus offers shuttle service between the Monterey Peninsula, Salinas, Morgan Hill as well as San Jose and San Francisco International Airports. Hotel service is available. Call (831) 373-7777 or www.montereyairbus.com.

DRIVING DIRECTIONS

From Northern California

- Take 101 South to the city of Prunedale.
- Stay in right hand lane and look for the sign for Monterey Peninsula.
- Exit on Highway 156 to 'Monterey Peninsula'. Hwy. 156 will become Highway 1 South.
- Exit at Del Monte Ave./ Pacific Grove exit. Continue straight on Del Monte (be in the left lane after the 6th light, do not go through tunnel to Pacific Grove). Hotel will be on right side after the next block.

From Southern California

- Take 101 North.
- Take the 'Monterey Peninsula' exit which will bring you to HWY 68.
- Turn left on HWY 68
- Exit on HWY 1 South.
- Stay in right hand and lane and take first Monterey exit.
- Turn right at the first stop light (Camino Aguajito Ave) and continue until road ends.
- Turn Left on Del Monte Avenue. Continue on Del Monte and continue straight for three stoplights. At the third stoplight get in the left hand lane to continue straight on Del Monte to the Portola Hotel & Spa, which will be on your right side.

From Central California

- Take Highway 99, NW, to Chowchilla.
- Take Highway 152 West to Los Banos, over Pacheco Pass.
- Turn left just past Casa de Fruita - take Highway 156 West to Hollister and San Juan Bautista.
- Take 101 South to the city of Prunedale.
- Stay in right hand lane and look for the sign for Monterey Peninsula.
- Exit on Highway 156 to 'Monterey Peninsula'. Hwy. 156 will become Highway 1 South.
- Exit at Del Monte Ave./ Pacific Grove exit. Continue straight on Del Monte (be in the left lane after the 6th light - do not go through tunnel to Pacific Grove). Hotel will be on right side after the next block.



2. Adopt Recommended 2009 State Legislative Program

Annual adoption of a State Legislative Program is an integral part of making the Association's vision a reality, and is part and parcel of our mission to further the interests of public transportation through implementation of our adopted *Strategic Plan for 2006 to 2010*. In fact, adoption of an annual legislative program is the first tactic listed under the Strategic Plan's highest priority strategic goal, advocacy, which states that we shall "*Influence decision makers to enact policies and supply funds supporting and advancing public transit.*"

The Legislative Committee annually develops a detailed proposal for the Executive Committee's consideration and adoption, defining our efforts in furtherance of this goal.

The Legislative Committee has carried out a program of meetings to review and refine various proposals for possible inclusion in the proposed 2009 State Legislative Program, including on September 18^h, October 2nd, October 14th and November 4th.

The Legislative Committee is scheduled to develop its final recommendation for a proposed 2009 State Legislative Program at the November 4th meeting -- Association staff will then ask the Executive Committee to adopt a 2009 State Legislative Program, based on your recommendation, at its November 4th meeting, immediately after your meeting concludes.

Attachment 1 to this staff report is a draft copy of the latest proposed 2009 State Legislative Program, reflecting the discussions already conducted by the Legislative Committee. This document also reflects our historic policies and principles, as well as several new items recommended by staff; it is displayed to show proposed changes from last year's Program. **The Legislative Committee should review and finalize this document as its recommendation to the Executive Committee, including a final determination of the items covered below, and as displayed in Attachments 2, 3, 4 and 5.**

Attachment 2 is a reference to the various Lobbying Action Levels that the Legislative Committee should assign to individual elements of the Program (these LAL's guide staff in expenditure of Association resources on any particular advocacy effort). Staff has proposed an LAL for each item in the draft Program, as shown in Attachment 1. **The Legislative Committee should act to approve or modify these in its final recommendation to the Executive Committee.**

Attachments 3 and 4 are provided to facilitate the discussion on whether to alter the current distribution formula provided for the allocation of the remaining funds in Proposition 1B's Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) program. Over \$2.65 billion in PTMISEA funding remains available for distribution by the Caltrans Division of Mass Transportation. **The Legislative Committee should determine its final recommendation on this item during the discussion on the 2009 State Legislative Program** – see Objective 2, item A., in Attachment 1.

Attachment 5 is a compilation an analysis of each of the Association member-generated proposals that remain under consideration for possible adoption into the 2009 State Legislative Program. **The Legislative Committee should review and act on each of these, and, for each item it determines to incorporate into the final recommended Program, the Legislative Committee should determine what LAL to assign the item, and where to place the item in the Program – i.e., under which Objective in Attachment 1.**

3. 2008-09 State Budget-Special Session

Association staff will provide an oral report on the latest developments affecting the 2008-09 State Budget and a looming Special Session. The Governor has called a Special Session to commence on or after November 5th to deal with a reported General Fund shortfall of \$10 billion.

The following is a summary of the budget as signed by the Governor on September 25th:

As you know, Governor Schwarzenegger signed the 2008-09 State Budget [AB 1781 (Committee on Budget), which was the original Conference Committee report], along with a series of budget trailer bills [including AB 88, the supplemental appropriations bill, and AB 268, the transportation omnibus bill], on Tuesday, September 23rd. The budget, which was late by a record 85 days, purportedly resolved the state's \$25 billion shortfall. The Governor also used his line-item veto authority to further reduce General Fund expenditures by \$510 million below the levels contained in the legislature's budget.

Among his many reductions, the Governor reduced funding to the State Transit Assistance (STA) Program by \$100 million, to \$306.3 million.

The 2008-09 Budget package included many other program reductions, suspensions of planned spending increases, and elimination of tax loopholes and enactment of so-called "revenue accelerations" in order to provide sufficient resources to fund existing state services. For instance, the Budget does not provide funding for various cost-of-living adjustments (COLAs) for the State Supplemental Payments (SSP), CalWORKs programs and K-14 education categorical programs, and it limits the level of COLA (to less than 1%) provided for K-12 education and community college apportionments.

Furthermore, the Budget diverts approximately \$1.667 billion (including an estimated \$1.47 billion in projected "spillover" revenues) from transit as a means of providing an equivalent amount of General Fund expenditure relief.

The final enacted budget brought total General Fund expenditures to \$103.4 billion, with a reserve of \$1.7 billion. Please see **Attachment 1** for a detailed report from the California Budget Project on the Budget's contents and impacts on various programs.

Some of the key transportation and transit funding elements of the Budget include:

Impacts on Transportation

- **Proposition 42.** Fully funds (\$1.423 billion) Proposition 42 to be allocated according to the following formula:
 - 40% (\$569.2 million) to the STIP
 - 20% (\$284.1 million) to cities for maintenance, rehabilitation and resurfacing of local streets and roads.
 - 20% (\$284.1 million) to counties for maintenance, rehabilitation and resurfacing of local streets and roads
 - 20% (\$284.1 million) to the Public Transportation Account (PTA), as follows:
 - 75% (\$213.08 million) to the State Transit Assistance Program
 - 25% (\$71.03 million) for capital programming.
- **Local Gas Tax Subventions.** The Legislature suspended \$500 million in revenue from the Highway User Tax Account (HUTA) in February, in order to relieve cash flow issues. These funds are collected through the excise tax on gasoline and used for local street and road projects. Reimbursements for the months of April through September will begin at the end of September.

Impacts on Public Transportation

- **Transit funding diversions.** Diverts approximately \$1.667 billion from “spillover” and other traditional transit funding sources to the General Fund or to pay previous obligations of the General Fund, as follows:
 - \$857 million to the General Fund for transportation related G.O. bond debt;
 - \$589 million to the General Fund for Home-to-School transportation;
 - \$138 million to the Department of Developmental Services for regional center transportation;
 - \$83 million to reimburse the General Fund for repayment of a prior loan from Proposition 42 transit funds to the General Fund.
- **State Transit Assistance (STA) program.** Provides \$306.3 million to eligible transit operators. The legislature provided \$406.3 million for STA, but the Governor used his line-item veto authority to reduce funding for this program by \$100 million. That subsequently “freed up” an amount of PTA funds adequate to support the \$1.667 billion in non-transit appropriations made in the Budget Bill and trailer bills. And, we believe there was no logic to the legislature’s picking a \$406.3 million program (e.g. they could have picked, “all revenues besides spillover” – about a \$494 million program); rather, the final number was simply a number inflated by \$100 million above last year’s allocation level, and was probably a “signal” to us that the legislature supports transit, all the while legislative staff knew full well the Governor was going to make whatever line-item cut was necessary to reduce the STA Program down to last year’s level and fund the full \$1.667 billion in General Fund savings.

- State Transportation Improvement Program (STIP) funds. No new funding is provided for *new* transit capital projects, from the Public Transportation Account, for State Transportation Improvement Program (STIP) or Interregional Transportation Improvement program (ITIP) projects. When we inquired with the Department of Finance about the \$71 million that seemingly *should have been* available from Proposition 42 for transit capital projects, here is the response we received: “The money that flows into the PTA from Prop 42 is used for a variety of purposes, the distribution or use is not specified in the trailer bill so it’s used per existing law. Upon the enactment of the 2007-08 budget and the actions by CTC to front-load the STIP, it was anticipated that there would be no additional money in 2008-09 for new project starts. This is still what we are seeing upon enactment of the 2008-09 budget. But that does not mean there isn’t capital spending from PTA. We currently estimate \$304 million in capital spending from PTA in 2008-09, including funds for AB 3090 repayments.”

Proposition 1B Funding

- Provides \$4.7 billion in Proposition 1B bond funding appropriations, including:
 - \$1.5 billion for the Corridor Mobility Improvement Account (CMIA);
 - \$996 million for the State Transportation Improvement Program (STIP);
 - \$417 million for the Trade Corridors Improvement Fund (TCIF);
 - \$350 million for the Public Transportation Modernization Improvement & Service Enhancement Account (PTMISEA);
 - \$214 million for the State Highway Operations Protection and Preservation (SHOPP) Program;
 - \$200 million for the State Local Partnership Program(SLPP);
 - \$100 million for the Transit System Safety Security and Disaster Response Account (TSSSDRA); and,
 - \$103 million for State Route 99.

Prop 1B Economic Stimulus Funding

- Includes, as part of an economic stimulus package, an additional \$250 million in Proposition 1B funding for local streets and roads; of this amount \$187 million is directed to cities and \$63 million is directed to counties.

State Transportation Improvement Program (STIP)

- Provides \$1.5 billion in STIP funding. This represents a \$600 million reduction in funding from 2007-08 (\$2.1 billion). The administration cites statutory changes to spillover and the Public Transportation Account in general through the passage of SB 79, and SB 717 specifically, as underlying causes.

Traffic Congestion Relief Program (TCRP)

- Provides \$183 million to fund remaining projects in the program, \$100 million of which is to be derived from the tribal gaming compact proceeds (should they materialize) and \$83 million from Proposition 42 loan repayments (which, in turn, come from the PTA).

4. Fighting for Transit Funding in the 2009-10 State Budget

We need to focus on assessing our efforts to and progress in (or, lack thereof) influencing the 2009-10 State Budget process. Upon passage of (what then appeared to be) the final 2008-09 budget, with its multi-billion-dollar shift of transit funds, several Executive Committee members remarked that we should not expect new results next year from pursuing the same tactics as in the past.

Therefore, Executive Committee Chair Burns **directed staff to, in conjunction with the Legislative Committee, frame up for Executive Committee consideration a menu of possible new strategies and tactics meant to enhance our prospects for protecting transit funds.**

Accordingly, we will conduct a “blue sky” or brainstorming session with the Legislative Committee during its meeting of November 4th, immediately preceding the Executive Committee’s meeting. We will then report the results of the discussion to the Executive Committee ask them to engage in the same kind of brainstorming session.

Association Chair Michael Burns has further determined that the Executive Committee will not have enough time during its November 4th meeting – running concurrently with our Annual Fall Conference & EXPO – to give this topic the attention it deserves. Thus, **Chair Burns will call for a one-day Executive Committee “retreat” session on protecting 2009-10 transit funding, to be conducted in early January of 2009, as soon as is practicable after release of the Governor’s proposed 2009-10 Budget. He will invite the Legislative Committee members to participate in that session.**

We are still researching meeting facility options, but are trying to target a date between January 13th and 23rd for this one-day session, which will probably take place in Sacramento. At that session we will:

- Analyze the various Legislative and Executive Committee proposals from November 4th, cost out the options, weigh the pros and cons, and provide action recommendations regarding the menu of strategies and tactics.
- Frame the recommendations in the context of the initial recommendations of the Association’s Task Force on Global Warming [proposed to you in Agenda Item 5(c)], the Association’s 2009 Legislative Program [proposed to you in Agenda Item 5(d)], and the Association’s 2009 Work Program and Budget [proposed to you in Agenda Item 6(c)].
- Bring in guest speakers from outside the transit industry, including former California legislators and current highly-placed legislative staff, to address you on the obstacles facing public transit and the Association in pursuing protection of transit funding during these tough economic times.

- Place our 2007-08 and 2008-09 State Budget efforts (and results), and any recommendations for future action, in the context of the existing broader, “three-pronged” strategy we’ve been attempting to carry out to protect and perhaps grow transit funding (i.e. the litigation against the 2007-08 Budget results and the exploration of a possible initiative measure for the 2010 statewide ballot).
- Continue the Executive Committee’s discussion of September 11, 2008, during which members of the Executive Committee raised the question of whether we ought to more affirmatively support efforts to balance the State budget, including adopting specific positions on program cuts and / or revenue enhancements.

To assist the Executive Committee in preparation for the January retreat, **the Legislative Committee should spend the remainder of its time on November 4th brainstorming strategies and tactics for protecting transit funding in the 2009-10 budget process, for referral to the Executive Committee.**



DRAFT PROPOSED 2009 STATE LEGISLATIVE PROGRAM

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Vision Statement

This statement contains our long-range vision for the transit industry and portrays the desired future the Association seeks to achieve. Our Association's vision is to have:

“Fully funded, efficient, and effective public transit systems operating in a balanced transportation network.”

Mission Statement

To attain that vision we carry out our mission to:

“Support the needs of California's public transit systems through advocacy and education.”

Advocacy

The goal of the advocacy effort contained in our *Strategic Plan* is to:

“Influence decision makers to enact policies and supply funds supporting and advancing public transit.”

The objectives of our advocacy effort are aimed at:

- Ensuring that existing transit funds are protected.
- Securing new funds for transit.
- Pursuing laws and regulations that support transit and defeating those that impede transit's ability to meet the public's mobility needs.

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The State Legislative Program is an integral part of making our vision a reality, and is part and parcel of our mission to further the interests of public transportation as defined in our Strategic Plan.

OBJECTIVE 1. Existing Transit Funds are Protected

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A. Protect existing State transit funds, including TDA, PTA, TCRP, Propositions 1B and 1C, and Proposition 42 funds, from being eliminated, terminated, shifted or otherwise used for non-transit purposes, without specific repayment terms, and, restore or obtain repayment of all previous loans or shifts of transit funds, plus interest.

The Association will continue to take all actions necessary and appropriate in support of the Association's lawsuit to reclaim \$1.259 billion in 2007-08 and ongoing diversions from the Public Transportation Account (PTA). The Association will advocate for full transit funding in the 2009-10 State Budget, and restoration of previously shifted funds. The Association will explore all necessary and appropriate mechanisms and avenues for further protecting existing transit funds, such as "spillover" revenue, through the initiative process, including a constitutional amendment. The Association will partner with local government, the environmental community, and other interested transportation groups, among others, and form coalitions advocating for protection of transit funding.

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Proposed Lobbying Action Level: 1

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B. Rationalize State programming of transit capital funds.

Recent amendments to the law governing transit capital project funding emphasize a formula-driven approach, and move away from the State programming and funding of transit capital projects in the State Transportation Improvement Program (STIP). Specifically, SB 717 (Perata) [Chapter 733, Statutes of 2007], provides transit operators with more predictable, flexible funding to address capital or operations needs, by shifting the contribution of Proposition 42's sales tax on gasoline dollars to the PTA from a formula weighted "50% State Transit Assistance (STA) Program and 50% State and regional programming (including through the STIP)" to a formula weighted "75% STA Program and 25% State and regional programming." As a result, approximately an additional \$71 million will flow directly to transit operators annually through the STA Program.

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However, these same funds will now *not* be available annually to the California Transportation Commission (CTC) and regions for support of programming decisions in the STIP and ITIP processes. The Association will therefore continue to engage various stakeholders, including the CTC, Department of Finance, Department of Transportation, the Legislature, regional agencies, and others, in an ongoing effort to protect transit funding to the maximum extent possible and to revise the laws and regulations governing State and regional programming as necessary, to ensure the efficient and effective planning, programming and expenditure of scarce transit capital funds. In this effort we will consider alternative methods of funding transit capital projects to help ensure a more efficient flow of revenue to operators, including to intercity and commuter rail agencies which currently receive PTA funding subject to State and regional programming.

Proposed Lobbying Action Level: 2

C. Support reform of State budget process to balance revenues and expenditures.

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[\[Continue Executive Committee policy discussion from September 11, 2008\]](#)

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D. Oppose imposition of unfunded costs on transit providers through implementation of greenhouse gas emissions reduction laws and regulations.

[Implement Task Force on Global Warming recommendations when finalized]

OBJECTIVE 2: New Transit Funds are Secured

A. Ensure continued equitable allocation of Proposition 1B PTMISEA funds.

A program was put into place in 2007 through SB 88 (Committee on Budget and Fiscal Review) [Chapter 181, Statutes of 2007] for allocating the first \$600 million of Proposition 1B funds appropriated from the Public Transit Modernization, Improvement, Service Enhancement Account (PTMISEA). In 2008, the Legislature allocated \$350 million in AB 268 (Committee on Budget) [Chapter 756, Statutes of 2008], using the same factors established in SB 88. A new program must be put in place to support the 2009-10 PTMISEA appropriation, and possibly for all future PTMISEA appropriations. The Association supports application of the SB 88, and AB 268 principles, policies and structure to all future appropriations of PTMISEA funds, which includes maintaining the determination of all operators' and regions' shares of PTMISEA based on the average of the State Transit Assistance (STA) Program allocations from the 2004-05, 2005-06, and 2006-07 years for the remainder of the available funding left in the program, as well as providing a mechanism to advance funding to eligible recipients. The Association will sponsor a bill to achieve this result. We will continue to support significant annual appropriations from the PTMISEA, including through the 2009-10 budget process. [Consider Legislative Committee recommendation relative to supporting an expenditure program mechanism, whereby agencies would be required to submit an expenditure plan for their share of the remaining funds available, in order to support advocacy for sufficient annual appropriations from the PTMISEA].

Proposed Lobbying Action Level: 2

B. Ensure continued equitable allocation of Proposition 1B TSSSDRA funds.

A program was put into place in 2007 through SB 88 (Committee on Budget and Fiscal Review) [Chapter 181, Statutes of 2007] to direct the Governor's Office of Homeland Security (OHS) and the Office of Emergency Services (OES) with developing guidelines for allocating the full \$1 billion to be appropriated from Proposition 1B's Transit System Safety, Security, Disaster Response Account (TSSSDRA). The Association will monitor this process and ensure all members are informed of the annual grant process and time line. The Association will also determine if any program or policy revisions become necessary, and advocate for enactment of such a consensus proposal should such needed changes become obvious. We will continue to support significant annual appropriations from the TSSSDRA, including through the 2009-10 budget process.

Proposed Lobbying Action Level: 2

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- Deleted: C. Exclude transit contracts from "possessory interest" taxes imposed locally on public transit operators. [As amended by the Executive Committee on September 11, 2008]¶
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- The Yolo County Transit District proposed the Association sponsor a bill to exclude transit contracting from the "possessory interest" classification under the California Revenue and Taxation Code, Section 107. For the past several years, the Yolo County Assessor has been billing the Yolo County Transportation District's (YCTD) bus contractor for property taxes associated with its use of YCTD facilities, citing "possessory interest" provisions of the California Revenue and Taxation Code. The fee started at \$3,000 annually, is over \$10,000 this year, and could escalate to as high as \$120,000 plus annually if it is based on the value of YCTD property, which would eliminate as much as half of an entire route. The Association will survey its membership to determine whether the assessment of this tax is prevalent and whether it has impacted service. ¶
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C. Ensure continued equitable allocation of Proposition 1C TOD funds.

The Association will determine if any program or policy revisions become necessary for the distribution of the Transit Oriented Development (TOD) Housing Program funds made available through Proposition 1C. The Association will attempt to develop and advocate for enactment of such a consensus proposal should such needed changes become obvious. We will continue to support significant annual appropriations from the TOD Housing Program fund, including through the 2009-10 budget process.

Proposed Lobbying Action Level: 2

D. Support efforts to remedy the Guardino decision.

Whether or not new revenues are provided at the State level, the Association will partner with others to build a coalition and support legislation to remedy the impact of the decision in the Santa Clara County Local Transportation Authority vs. Guardino case. Such legislation would reduce the currently-required two-thirds supra-majority vote and make it easier to enact new or continue existing local county sales taxes for transportation purposes.

Proposed Lobbying Action Level: 2

E. Support enactment of new funding resources to combat greenhouse gas emissions.

[Implement Task Force on Global Warming recommendations when finalized]

OBJECTIVE 3: Laws and Regulations That Support Transit are Enacted and Those That Impede Transit’s Ability to Meet the Public’s Mobility Needs are Defeated

A. Enact STA eligibility criteria/farebox recovery ratio formula improvements.

Some transit operators experience trouble meeting the conditions established under Public Utilities Code section 99314.6 for using STA Program funds for operations purposes. Consequently, failure to meet those conditions requires an operator to use STA funds for capital purposes only. Similarly, some operators struggle to meet farebox requirements in obtaining or qualifying for TDA funds. The Association has defined possible solutions to the problems, including: more realistically indexing the current cost ceilings to the Consumer Price Index; establishing a “progressive compliance” approach to suit each operator individually; and / or expanding the list of reasonable cost exemptions. Various members proposed last year that the Association sponsor legislation to make these changes to the current process. Since the Legislature has asked that an independent study be conducted, the Association will work with other interested members to identify other study methods or wait until resources are made available to pursue an independent study. We will also continue to work with the Department of Transportation to obtain resources for an independent study.

Proposed Lobbying Action Level: 3

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A transit system recently proposed that the Association sponsor legislation to exempt defined transit vehicles from weight restrictions. One of its busses was recently weighed by CHP at a State highway scale and found to not be in compliance with axle weight limits. If membership determines that it is advisable to seek corrective legislation to ensure that transit coaches are within vehicle weight laws and regulations, then the Association may pursue legisla... [5]

B. Ensure changes to regional planning and land use law advantage transit but are realistic.

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SB 375 (Steinberg) [Chapter 728, Statutes of 2008], makes numerous changes to the law governing regional transportation and land use planning, with the overall goal of reducing greenhouse gas emissions attributable to the transportation sector in California. Key provisions require the 17 metropolitan planning organizations statewide to factor in greenhouse gas emissions and regional housing needs assessments through what is referred to as the sustainable growth scenario, when constructing their regional transportation plans. The bill does not, however, provide any funding mechanism to promote transit services or projects, nor does it include environmental streamlining for such projects. The Association will oppose the imposition of unfunded costs on public transportation providers in the implementation of this and other greenhouse gas emission reduction laws and regulations. The Association will work to create new funding and opportunities for public transportation to be included in land use decisions. [Implement other Task Force on Global Warming recommendations when finalized]

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Proposed Lobbying Action Level: 2

C. Support efforts to remedy the Bonanno decision.

The California Supreme Court upheld a lower court decision which ruled that a transit agency is liable for injuries sustained by a pedestrian trying to reach a bus stop. The plaintiff argued that the agency's citing of the bus stop was hazardous, and directly contributed to her injuries. This ruling greatly and substantially expands the liability exposure of transit agencies, as nearly any bus stop could be argued to be in a hazardous location. The Association will support efforts to overturn that decision.

Proposed Lobbying Action Level: 3

D. Exempt small operators from administrative burden.

The Association will consider and support exemptions for small operators from financially burdensome new legal or regulatory requirements, or to minimize their impact on small operators.

Proposed Lobbying Action Level: 2

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E. Protect integrity of collective bargaining agreements.

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The Association will support efforts to preserve the local collective bargaining process, where it is in place for our member organizations, and will oppose efforts through statute or regulations to mandate benefits or other specific working conditions that should more appropriately be addressed through collectively bargained agreements.

Proposed Lobbying Action Level: 2

F. Provide incentives to encourage the use of transit.

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The Association will support efforts to create more incentives for the use of transit, whether on the employee or employer side.

Proposed Lobbying Action Level: 3

G. Obtain certified hybrid bus engine technology.

The Association will continue its efforts to take all regulatory and legislative steps necessary to obtain certification of additional hybrid bus engine platforms to meet the diverse needs of California’s transit operators.

Proposed Lobbying Action Level: 2

H. Pursue flexible contracting options for the delivery of projects.

The Association will support efforts to extend the current authority for transit districts to enter into design-build contracts, which is set to expire on January 1, 2011. The Association previously sponsored AB 372 (Nation) [Chapter 262, Statutes of 2006], which extended the sunset date from January 1, 2007 to January 1, 2011, and also reduced the cost threshold for rail projects from \$50 million to \$25 million and non-rail projects from \$25 million to \$2.5 million.

Proposed Lobbying Action Level: 2

Deleted: H. Monitor implementation of California Global Warming Solutions Act of 2006.

The Association will continue to closely monitor the California Air Resources Board’s process in promulgating guidelines for the reduction of greenhouse gas emissions from mobile sources; we will attempt to ensure no undue impact on transit operations, while positioning transit as a solution in an overall effort to reduce global warming.

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The Association also recognizes that some program or policy revisions may become necessary, after more experience is gained through the allocation of this year's \$600 million; the Association will attempt to develop and advocate for enactment of such a consensus proposal should such needed changes become obvious.

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program mechanism , tied to the calculation of a permanent allocation of all shares of remaining dollars to ensure that recipients receive funds as necessary in a given year.

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We will continue to support significant annual appropriations from the PTMISEA through the 2009-10 budget process.

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after more experience is gained through the allocation of this year's initial \$101 million appropriation; the Association will attempt to develop and advocate for enactment of such a consensus proposal should such needed changes become obvious.

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B. Enact exemption from vehicle weight restrictions for transit busses.

A transit system recently proposed that the Association sponsor legislation to exempt defined transit vehicles from weight restrictions. One of its busses was recently weighed by CHP at a State highway scale and found to not be in compliance with axle weight limits. If membership determines that it is advisable to seek corrective legislation to ensure that transit coaches are within vehicle weight laws and regulations, then the Association may pursue legislation as necessary to attain the objective. The Association has tested a member survey on whether or not to pursue resolution; and, that survey has met with positive response from a small number of transit maintenance professionals. The Association will conduct a broader survey to determine the scope of the problem.

LOBBYING ACTION LEVELS

The Association and its members can bring to bear only limited resources and actions on any given piece of legislation considered by the Legislature or Governor, or on any given regulatory proceeding by an administrative agency. Therefore, the Association must prioritize its allocation of resources, according to the legislation's or regulation's impact on the statewide transit industry, and for items that the Association wishes to sponsor or monitor, according to the political context in which the legislation or regulation is moving. Each piece of legislation or regulation upon which the Association takes a position is identified with a Lobbying Action Level (LAL), to guide staff and members with regard to the resources that should be invested and the actions taken to further our position on such bills or regulations.

The LAL indicates, at a glance, the level and type of action taken, based on the following 4-point scale:

Lobbying Action Level 4

Type of Bills or Regulations: Contain policies or provisions that do not currently affect the transit industry statewide, but which could be amended to have an impact. Alternatively, some bills or regulations might be very interesting to some members, so the Association identifies the bills for local action as appropriate.

Action by Staff / Members: The Association would adopt a watch position, and staff would simply monitor the progress of the bill or regulation, taking no other action until or unless amended.

Summary:

- Lowest priority.
- Fewest resources expended.
- No actions taken by Association staff or members, besides designation as a watch in database.

Lobbying Action Level 3

Type of Bills or Regulations: Contain policies or provisions which have some impact on the statewide transit industry, so the Association should adopt an action position, such as support or oppose. However, the impact of the measure is not significant. Similarly, the political effort necessary to achieve our goal will not be difficult: for example, the bill will almost certainly pass and be signed into law (i.e. we support), or, conversely, the bill will surely fail (i.e. we oppose). In other words, it is easy for us to take a position on the measure.

Action by Staff / Members: Should not require a significant effort or allocation of resources by the Association staff or members. The types of actions or level of lobbying activity would include staff preparing a letter identifying the position of the Association, and forwarding that letter throughout the process. There would not be any significant personal follow-up by staff, nor would the Association prepare extensive testimony on the bill or regulation. Members might be made aware of the Association's position, and asked generally to adopt the same position and forward letters as appropriate. Association members would not be targeted strategically nor asked to take specific actions on the bill or regulation beyond producing correspondence.

Summary:

- Some priority.
- Few resources expended.
- Limited actions taken by Association staff or members, including preparation and forwarding of formal correspondence on the bill or regulation.

Lobbying Action Level 2

Type of Bills or Regulations: Contains policies or provisions that have direct impact on the statewide transit industry. The Association should adopt an action position, such as support or oppose. The impact of the measure is or may be significant. The political effort necessary to achieve our goal will or may be difficult: for example, the bill will face hurdles and challenges by opponents and it is not clear that it will be signed into law (i.e. we support), or, conversely, the bill seems to be on a fast-track or is supported by powerful constituencies (i.e. we oppose). In other words, we will have to expend some political muscle and effort to affect the outcome of the measure.

Action by Staff / Members: Should require a fairly significant effort or allocation of resources by the Association staff or members. The types of actions or level of lobbying activity would include those in LAL 3, as well as personal involvement by staff at all points throughout the legislative or regulatory process. Staff would testify before committees, meet with committee and legislative staff, and meet with legislators or regulators regarding the bill or regulation. The Association's membership would, on a targeted and as-needed basis, be asked to contact their legislators or the regulators directly regarding the bill or regulation. Some Association members might also be asked to take other actions to influence the outcome on the measure, such as requesting local coalition partners to become involved, or write letters to the editor of local newspapers.

Summary:

- High priority.
- Many resources expended.
- Full range of lobbying actions taken by Association staff, and some actions requested of strategically targeted Association members.

Lobbying Action Level 1

Type of Bills or Regulations: Contain policies or provisions that have direct, very significant and long-term impact on the statewide transit industry. The Association should adopt an action position, such as support or oppose. The political effort necessary to achieve our goal will be the most difficult: for example, there is strong opposition on all sides (i.e. we support), or, conversely, there is strong support on all sides (i.e. we oppose). In other words, we will have to expend a great deal of political muscle and effort to affect the outcome of the measure. On the other hand, we might adopt the same level of effort on a measure whose outcome is most likely the same as that which we desire, but we want to lend our name and resources to the effort in a very high-profile way, nonetheless (for instance, if there were unanimity of legislative and gubernatorial support for a bill providing a massive and permanent increase in transit funding, we still want to treat the bill as a priority bill).

Action by Staff / Members: Should trigger the highest level effort and most actions possible by the Association staff and members. Our efforts would be comprehensive and strategic. The types of actions or level of lobbying activity would include those in LAL 2, as well as many tactics and actions as possible called for in the Association's Strategic Plan listed under the "Advocacy" goal. These would include: 1) membership education & activation; 2) grassroots outreach & coalition building; 3) policymaker education & support; and, 4) image marketing & media relations. Member involvement would be requested on a strategically targeted basis.

Summary:

- Highest possible priority.
- All resources necessary expended.
- Comprehensive lobbying actions taken by Association staff and strategically targeted Association members.

STATE TRANSIT ASSISTANCE FUND ALLOCATION
Data from SCO

Regional Entity	2004-05	2005-06	2006-07	2007-08	2004-05	2005-06	2006-07	2007-08	2004-05	2005-06	2006-07	2007-08	Allocation of \$2.65B in Prop 1B Transit		
	Total Allocations	Total Allocations	Total Allocations	Total Allocations per SCO 7-22	Total Allocations	Total Allocations	Total Allocations	Total Allocations	through 2006-07	through 2007-08	through 2006-07	through 2007-08	2004-05 through 2006-07	2005-06 through 2007-08	Gain or (Loss) with formula change
TRPA	\$141,332	\$247,618	\$784,556	\$395,387	0.121%	0.123%	0.126%	0.125%	0.125%	0.125%	0.125%	0.125%	\$3,303,239	\$3,319,899	\$ 1,666
MTC	\$43,522,214	\$70,721,804	\$220,177,635	\$113,848,000	37.118%	35.252%	35.309%	36.106%	35.522%	35.520%	35.522%	35.520%	\$941,345,483	\$941,270,120	\$ (7,363)
SACOG	\$4,232,416	\$7,084,652	\$22,554,080	\$12,020,625	3.610%	3.531%	3.617%	3.812%	3.598%	3.656%	3.598%	3.656%	\$95,342,069	\$96,881,917	\$ 153,985
Alpine	\$2,077	\$3,439	\$10,409	\$5,279	0.002%	0.002%	0.002%	0.002%	0.002%	0.002%	0.002%	0.002%	\$44,826	\$44,481	\$ (345)
Amador	\$64,496	\$111,089	\$344,340	\$174,867	0.055%	0.055%	0.055%	0.055%	0.055%	0.055%	0.055%	0.055%	\$1,463,509	\$1,465,800	\$ 2,291
Butte	\$361,930	\$635,003	\$1,903,514	\$957,508	0.309%	0.317%	0.305%	0.304%	0.308%	0.307%	0.308%	0.307%	\$8,164,312	\$8,130,265	\$ (34,047)
Calaveras	\$70,316	\$122,069	\$383,405	\$192,679	0.060%	0.061%	0.061%	0.061%	0.061%	0.061%	0.061%	0.061%	\$1,620,760	\$1,623,606	\$ 2,846
Colusa	\$39,381	\$62,696	\$190,154	\$97,830	0.034%	0.031%	0.030%	0.031%	0.031%	0.031%	0.031%	0.031%	\$822,585	\$815,532	\$ (7,053)
Del Norte	\$45,822	\$78,739	\$244,884	\$156,561	0.039%	0.039%	0.039%	0.050%	0.039%	0.042%	0.039%	0.042%	\$1,039,931	\$1,116,703	\$ 76,772
El Dorado	\$240,199	\$416,496	\$1,312,386	\$664,060	0.205%	0.208%	0.210%	0.211%	0.209%	0.210%	0.209%	0.210%	\$5,542,660	\$5,564,964	\$ 22,304
Fresno	\$1,614,034	\$2,765,819	\$8,516,739	\$4,443,645	1.377%	1.379%	1.366%	1.409%	1.370%	1.380%	1.370%	1.380%	\$36,301,922	\$36,572,449	\$ 270,527
Glenn	\$45,012	\$76,837	\$240,313	\$121,042	0.038%	0.038%	0.038%	0.038%	0.038%	0.038%	0.038%	0.038%	\$1,019,430	\$1,019,048	\$ (382)
Humboldt	\$230,334	\$411,296	\$1,308,594	\$622,364	0.196%	0.205%	0.210%	0.197%	0.207%	0.206%	0.207%	0.206%	\$5,489,580	\$5,447,085	\$ (42,495)
Imperial	\$254,011	\$440,903	\$1,397,248	\$722,827	0.217%	0.220%	0.224%	0.229%	0.222%	0.225%	0.222%	0.225%	\$5,889,114	\$5,955,744	\$ 66,630
Inyo	\$34,080	\$58,648	\$192,943	\$106,926	0.029%	0.029%	0.031%	0.031%	0.030%	0.031%	0.030%	0.031%	\$804,120	\$803,758	\$ (362)
Kern	\$1,283,761	\$2,235,957	\$7,090,062	\$3,670,127	1.095%	1.115%	1.137%	1.164%	1.127%	1.141%	1.127%	1.141%	\$29,864,898	\$30,223,499	\$ 358,601
Kings	\$239,425	\$475,428	\$1,523,750	\$762,514	0.204%	0.204%	0.244%	0.244%	0.238%	0.242%	0.238%	0.242%	\$6,301,323	\$6,422,519	\$ 121,196
Lake	\$108,805	\$182,397	\$566,661	\$284,429	0.093%	0.091%	0.091%	0.090%	0.091%	0.091%	0.091%	0.091%	\$2,414,752	\$2,403,450	\$ (11,302)
Lassen	\$59,049	\$101,030	\$313,080	\$162,123	0.050%	0.050%	0.050%	0.051%	0.050%	0.051%	0.050%	0.051%	\$1,331,870	\$1,340,072	\$ 8,202
Los Angeles	\$33,987,812	\$62,245,271	\$191,073,586	\$93,861,240	28.987%	31.027%	30.642%	29.767%	30.518%	30.468%	30.518%	30.468%	\$808,724,054	\$807,393,006	\$ (1,331,048)
Madera	\$219,461	\$384,243	\$1,211,136	\$622,565	0.187%	0.192%	0.194%	0.197%	0.193%	0.195%	0.193%	0.195%	\$5,108,495	\$5,157,993	\$ 49,498
Mariposa	\$29,038	\$49,652	\$154,356	\$77,249	0.025%	0.025%	0.025%	0.024%	0.025%	0.025%	0.025%	0.025%	\$655,989	\$654,084	\$ (1,905)
Mendocino	\$161,591	\$272,554	\$828,736	\$409,232	0.138%	0.136%	0.133%	0.130%	0.134%	0.133%	0.134%	0.133%	\$3,554,816	\$3,512,831	\$ (41,985)
Merced	\$393,922	\$680,770	\$2,162,100	\$1,109,214	0.336%	0.339%	0.347%	0.352%	0.344%	0.347%	0.344%	0.347%	\$9,111,071	\$9,190,864	\$ 79,793
Modoc	\$15,653	\$26,433	\$82,501	\$40,694	0.013%	0.013%	0.013%	0.013%	0.013%	0.013%	0.013%	0.013%	\$350,693	\$347,971	\$ (2,722)
Mono	\$21,897	\$36,959	\$114,046	\$58,543	0.019%	0.018%	0.018%	0.019%	0.018%	0.018%	0.018%	0.018%	\$486,693	\$487,319	\$ 626
Monterey	\$797,698	\$1,336,839	\$4,182,635	\$2,127,074	0.680%	0.666%	0.671%	0.675%	0.671%	0.671%	0.671%	0.671%	\$17,781,867	\$17,782,613	\$ 746
Nevada	\$163,083	\$282,767	\$889,577	\$441,284	0.139%	0.141%	0.143%	0.140%	0.142%	0.142%	0.142%	0.142%	\$3,759,021	\$3,752,611	\$ (6,410)
Orange	\$6,805,135	\$11,805,542	\$36,627,713	\$17,340,595	5.804%	5.885%	5.874%	5.499%	5.867%	5.772%	5.867%	5.772%	\$155,487,566	\$152,961,955	\$ (2,525,611)
Placer	\$441,051	\$772,776	\$2,390,936	\$1,216,969	0.376%	0.385%	0.383%	0.386%	0.383%	0.384%	0.383%	0.384%	\$10,146,853	\$10,187,598	\$ 40,745
Plumas	\$34,225	\$57,854	\$179,863	\$88,445	0.029%	0.029%	0.029%	0.028%	0.029%	0.029%	0.029%	0.029%	\$765,475	\$758,514	\$ (6,961)
Riverside	\$3,348,739	\$5,792,360	\$18,866,984	\$9,923,425	2.856%	2.887%	3.026%	3.147%	2.975%	3.035%	2.975%	3.035%	\$78,838,443	\$80,424,788	\$ 158,345
San Benito	\$92,618	\$156,965	\$483,352	\$241,970	0.079%	0.078%	0.078%	0.077%	0.078%	0.077%	0.078%	0.077%	\$2,063,099	\$2,051,824	\$ (11,275)
San Bernardino	\$3,775,237	\$6,222,728	\$19,935,558	\$10,309,797	3.220%	3.102%	3.197%	3.270%	3.180%	3.200%	3.180%	3.200%	\$84,258,260	\$84,809,226	\$ 550,966
SANDAG	\$1,751,835	\$2,878,808	\$8,870,663	\$4,596,677	1.494%	1.435%	1.423%	1.458%	1.434%	1.434%	1.434%	1.434%	\$38,004,098	\$38,014,177	\$ 7,079
San Diego MTDB	\$5,529,915	\$9,149,822	\$28,930,454	\$14,442,019	4.716%	4.561%	4.640%	4.580%	4.632%	4.609%	4.632%	4.609%	\$122,755,976	\$122,144,484	\$ (611,492)
San Joaquin	\$1,285,581	\$2,251,762	\$6,927,580	\$3,661,440	1.096%	1.122%	1.111%	1.161%	1.112%	1.127%	1.112%	1.127%	\$29,457,148	\$29,862,189	\$ 405,041
San Luis Obispo	\$487,664	\$826,341	\$2,569,242	\$1,244,713	0.416%	0.412%	0.412%	0.395%	0.412%	0.407%	0.412%	0.407%	\$10,930,743	\$10,791,352	\$ (139,391)
Santa Barbara	\$854,408	\$1,448,122	\$4,493,537	\$2,301,978	0.729%	0.722%	0.721%	0.730%	0.722%	0.723%	0.722%	0.723%	\$19,129,883	\$19,171,188	\$ 41,305
Santa Cruz	\$909,354	\$1,504,872	\$4,497,220	\$2,178,587	0.776%	0.750%	0.721%	0.691%	0.734%	0.718%	0.734%	0.718%	\$19,454,657	\$19,024,774	\$ (429,883)
Shasta	\$299,463	\$508,539	\$1,601,447	\$812,446	0.255%	0.253%	0.257%	0.258%	0.256%	0.256%	0.256%	0.256%	\$6,782,228	\$6,796,332	\$ 14,104
Sierra	\$5,710	\$9,641	\$29,365	\$14,588	0.005%	0.005%	0.005%	0.005%	0.005%	0.005%	0.005%	0.005%	\$125,869	\$124,637	\$ (1,232)
Siskiyou	\$75,715	\$130,321	\$404,854	\$209,391	0.065%	0.065%	0.065%	0.066%	0.065%	0.065%	0.065%	0.065%	\$1,719,561	\$1,731,543	\$ 11,982
Stanislaus	\$851,598	\$1,456,592	\$4,640,428	\$2,350,675	0.726%	0.726%	0.744%	0.745%	0.738%	0.741%	0.738%	0.741%	\$19,559,290	\$19,645,740	\$ 86,450
Tehama	\$95,213	\$163,551	\$516,114	\$258,594	0.081%	0.082%	0.083%	0.082%	0.082%	0.082%	0.082%	0.082%	\$2,181,162	\$2,181,991	\$ 829
Trinity	\$22,295	\$38,167	\$120,081	\$60,722	0.019%	0.019%	0.019%	0.019%	0.019%	0.019%	0.019%	0.019%	\$508,201	\$509,231	\$ 1,030
Tulare	\$671,972	\$1,163,557	\$3,693,893	\$1,891,099	0.573%	0.580%	0.592%	0.600%	0.587%	0.592%	0.587%	0.592%	\$15,564,472	\$15,694,250	\$ 129,778
Tuolumne	\$92,294	\$159,423	\$488,418	\$239,543	0.079%	0.079%	0.078%	0.078%	0.079%	0.078%	0.079%	0.078%	\$2,083,366	\$2,063,677	\$ (19,689)
Ventura	\$1,444,636	\$2,570,506	\$7,546,616	\$3,780,663	1.232%	1.281%	1.210%	1.199%	1.228%	1.220%	1.228%	1.220%	\$32,544,569	\$32,320,327	\$ (224,242)
Totals	\$117,253,507	\$200,615,657	\$623,567,744	\$315,320,224	1.000%	1.000%	1.000%	1.000%	1.000%	1.000%	1.000%	1.000%	2,650,000,000	2,650,000,000	0.000

For the remaining \$3.0 billion in Prop 1B bonds, a one-tenth of one percent change amounts to \$3.0 million.

STATE TRANSIT ASSISTANCE FUND ALLOCATION
Data from SCO

Regional Entity	2004-05	2005-06	2006-07	2007-08	2008-09	2004-05	2005-06	2006-07	2007-08	2008-09	2004-05	2005-06	2006-07	2007-08	2008-09	Allocation of \$2.65B in Prop 1B Transit			Gain or (Loss) with formula change
	Total Allocations	Total Allocations	Total Allocations	Allocations per SCO 7-22	Allocations per SCO 10-8	Total Allocations	Total Allocations	Total Allocations	Total Allocations	Total Allocations	through 2006-07	through 2007-08	through 2008-09	2004-05 through 2006-07	2006-07 through 2008-09	2004-05 through 2006-07	2006-07 through 2008-09		
TRPA	\$141,332	\$247,618	\$784,556	\$395,387	\$387,530	0.121%	0.123%	0.126%	0.125%	0.127%	0.125%	0.125%	0.126%	\$3,303,239	\$3,335,923	\$	\$	\$	32,684
MTC	\$43,522,214	\$70,721,804	\$220,177,635	\$113,848,000	\$110,662,419	37.118%	35.252%	35.309%	36.106%	36.130%	35.522%	35.520%	35.713%	\$941,345,483	\$946,392,733	\$	\$	\$	5,047,251
SACOG	\$4,232,416	\$7,084,652	\$22,554,080	\$12,020,625	\$11,709,494	3.610%	3.531%	3.617%	3.812%	3.823%	3.598%	3.656%	3.717%	\$95,342,069	\$98,502,825	\$	\$	\$	3,160,757
Alpine	\$2,077	\$3,439	\$10,409	\$5,279	\$4,918	0.002%	0.002%	0.002%	0.002%	0.002%	0.002%	0.002%	0.002%	\$44,826	\$43,854	\$	\$	\$	(972)
Amador	\$64,496	\$111,089	\$344,340	\$174,867	\$166,293	0.055%	0.055%	0.055%	0.055%	0.054%	0.055%	0.055%	0.055%	\$1,463,509	\$1,458,893	\$	\$	\$	(4,616)
Butte	\$361,930	\$635,003	\$1,903,514	\$957,508	\$930,487	0.309%	0.317%	0.305%	0.304%	0.304%	0.308%	0.307%	0.304%	\$8,164,312	\$8,069,154	\$	\$	\$	(95,158)
Calaveras	\$70,316	\$122,069	\$383,405	\$192,679	\$185,654	0.060%	0.061%	0.061%	0.061%	0.061%	0.061%	0.061%	0.061%	\$1,620,790	\$1,621,144	\$	\$	\$	394
Colusa	\$39,381	\$62,696	\$190,154	\$97,830	\$93,958	0.034%	0.031%	0.030%	0.031%	0.031%	0.031%	0.031%	0.031%	\$822,585	\$812,855	\$	\$	\$	(9,730)
Del Norte	\$45,822	\$78,739	\$244,884	\$156,561	\$151,201	0.039%	0.039%	0.039%	0.050%	0.049%	0.039%	0.042%	0.044%	\$1,039,931	\$1,176,151	\$	\$	\$	136,220
El Dorado	\$240,199	\$416,496	\$1,312,386	\$664,060	\$650,643	0.205%	0.208%	0.210%	0.211%	0.212%	0.209%	0.210%	0.211%	\$5,562,660	\$5,591,016	\$	\$	\$	48,356
Fresno	\$1,614,034	\$2,765,819	\$8,516,739	\$4,443,645	\$4,333,357	1.377%	1.379%	1.366%	1.409%	1.415%	1.370%	1.380%	1.389%	\$36,301,922	\$36,804,836	\$	\$	\$	502,914
Glenn	\$45,012	\$76,837	\$240,313	\$121,042	\$117,505	0.038%	0.038%	0.039%	0.038%	0.038%	0.038%	0.038%	0.038%	\$1,019,430	\$1,019,118	\$	\$	\$	(312)
Humboldt	\$230,334	\$411,296	\$1,308,594	\$622,364	\$577,890	0.196%	0.205%	0.210%	0.197%	0.189%	0.207%	0.206%	0.201%	\$5,489,580	\$5,339,373	\$	\$	\$	(150,207)
Imperial	\$254,011	\$440,903	\$1,397,248	\$722,827	\$709,007	0.217%	0.220%	0.224%	0.229%	0.231%	0.222%	0.225%	0.227%	\$5,888,114	\$6,020,901	\$	\$	\$	131,787
Inyo	\$34,080	\$58,648	\$192,943	\$106,926	\$102,188	0.029%	0.029%	0.034%	0.034%	0.033%	0.030%	0.031%	0.032%	\$804,120	\$855,665	\$	\$	\$	51,545
Kern	\$1,283,761	\$2,235,957	\$7,090,062	\$3,670,127	\$3,595,762	1.095%	1.115%	1.137%	1.164%	1.174%	1.127%	1.141%	1.153%	\$29,864,898	\$30,552,581	\$	\$	\$	687,683
Kings	\$239,425	\$475,428	\$1,523,750	\$762,514	\$746,749	0.204%	0.237%	0.244%	0.244%	0.244%	0.238%	0.242%	0.244%	\$6,301,323	\$6,454,910	\$	\$	\$	153,587
Lake	\$108,805	\$182,397	\$566,661	\$284,429	\$272,756	0.093%	0.091%	0.091%	0.090%	0.089%	0.091%	0.091%	0.090%	\$2,414,752	\$2,391,788	\$	\$	\$	(22,964)
Lassen	\$59,049	\$101,030	\$313,080	\$162,123	\$153,492	0.050%	0.050%	0.050%	0.050%	0.050%	0.050%	0.051%	0.050%	\$1,331,870	\$1,337,999	\$	\$	\$	6,130
Los Angeles	\$33,987,812	\$62,245,271	\$191,073,586	\$93,861,240	\$90,894,945	28.987%	31.027%	30.642%	29.767%	29.677%	30.518%	30.468%	30.183%	\$808,724,054	\$799,847,356	\$	\$	\$	(8,876,698)
Madera	\$219,461	\$384,243	\$1,211,136	\$622,565	\$607,296	0.187%	0.192%	0.194%	0.197%	0.198%	0.193%	0.195%	0.196%	\$5,108,495	\$5,194,972	\$	\$	\$	86,476
Mariposa	\$29,038	\$49,652	\$154,356	\$77,249	\$74,893	0.025%	0.025%	0.025%	0.024%	0.024%	0.025%	0.025%	0.025%	\$655,989	\$652,294	\$	\$	\$	(3,694)
Mendocino	\$161,591	\$272,554	\$828,736	\$409,232	\$395,270	0.138%	0.136%	0.133%	0.130%	0.128%	0.134%	0.133%	0.131%	\$3,554,816	\$3,471,629	\$	\$	\$	(83,187)
Merced	\$393,922	\$680,770	\$2,162,100	\$1,109,214	\$1,082,113	0.338%	0.339%	0.347%	0.352%	0.353%	0.344%	0.347%	0.350%	\$9,111,071	\$9,265,038	\$	\$	\$	153,967
Modoc	\$15,653	\$26,433	\$82,501	\$40,694	\$39,049	0.013%	0.013%	0.013%	0.013%	0.013%	0.013%	0.013%	0.013%	\$350,693	\$345,290	\$	\$	\$	(5,403)
Mono	\$21,897	\$36,959	\$114,046	\$58,543	\$55,378	0.019%	0.019%	0.018%	0.019%	0.018%	0.018%	0.018%	0.018%	\$486,693	\$485,163	\$	\$	\$	(1,529)
Monterey	\$707,698	\$1,336,839	\$4,182,635	\$2,127,074	\$2,059,098	0.680%	0.666%	0.671%	0.675%	0.672%	0.671%	0.671%	0.672%	\$17,781,867	\$17,810,638	\$	\$	\$	28,771
Nevada	\$163,083	\$282,767	\$889,577	\$441,284	\$422,189	0.139%	0.141%	0.143%	0.140%	0.138%	0.142%	0.142%	0.141%	\$3,759,021	\$3,730,871	\$	\$	\$	(28,150)
Orange	\$6,805,135	\$11,805,542	\$36,627,713	\$17,340,595	\$16,810,337	5.804%	5.885%	5.874%	5.499%	5.488%	5.867%	5.772%	5.684%	\$155,487,566	\$150,832,325	\$	\$	\$	(4,655,242)
Placer	\$441,051	\$772,776	\$2,390,936	\$1,216,969	\$1,193,598	0.376%	0.385%	0.386%	0.386%	0.386%	0.383%	0.384%	0.386%	\$10,146,853	\$10,218,641	\$	\$	\$	71,788
Plumas	\$34,225	\$57,854	\$179,863	\$88,445	\$84,188	0.029%	0.029%	0.028%	0.028%	0.027%	0.029%	0.029%	0.028%	\$765,475	\$750,188	\$	\$	\$	(15,287)
Riverside	\$3,348,739	\$5,792,360	\$18,866,984	\$9,923,425	\$9,783,964	2.856%	2.887%	3.029%	3.147%	3.194%	2.975%	3.035%	3.098%	\$78,838,443	\$82,094,641	\$	\$	\$	3,256,198
San Benito	\$92,618	\$156,965	\$483,352	\$241,970	\$232,571	0.079%	0.078%	0.078%	0.077%	0.076%	0.078%	0.077%	0.077%	\$2,063,099	\$2,038,604	\$	\$	\$	(24,495)
San Bernardino	\$3,775,237	\$6,222,728	\$19,935,558	\$10,309,797	\$10,043,101	3.220%	3.102%	3.197%	3.279%	3.279%	3.180%	3.200%	3.236%	\$84,258,260	\$85,742,582	\$	\$	\$	1,484,322
SANDAG	\$1,751,835	\$2,878,808	\$8,870,663	\$4,596,677	\$4,481,805	1.494%	1.435%	1.423%	1.458%	1.463%	1.434%	1.434%	1.441%	\$38,004,098	\$38,199,678	\$	\$	\$	195,579
San Diego MTDB	\$5,529,915	\$9,149,822	\$28,930,454	\$14,442,019	\$14,079,188	4.716%	4.561%	4.640%	4.580%	4.597%	4.632%	4.609%	4.614%	\$122,755,976	\$122,269,609	\$	\$	\$	(486,367)
San Joaquin	\$1,285,581	\$2,251,762	\$6,927,580	\$3,641,440	\$3,552,875	1.096%	1.122%	1.111%	1.161%	1.160%	1.112%	1.127%	1.136%	\$29,457,148	\$30,097,023	\$	\$	\$	639,876
San Luis Obispo	\$487,664	\$826,341	\$2,569,242	\$1,244,713	\$1,146,757	0.416%	0.412%	0.412%	0.395%	0.374%	0.412%	0.407%	0.398%	\$10,930,743	\$10,557,472	\$	\$	\$	(373,270)
Santa Barbara	\$854,408	\$1,448,122	\$4,493,537	\$2,301,978	\$2,235,745	0.729%	0.722%	0.721%	0.730%	0.730%	0.722%	0.723%	0.725%	\$19,129,883	\$19,220,482	\$	\$	\$	90,600
Santa Cruz	\$909,354	\$1,504,872	\$4,497,220	\$2,178,587	\$2,115,332	0.776%	0.750%	0.721%	0.691%	0.691%	0.734%	0.718%	0.709%	\$19,454,657	\$18,709,453	\$	\$	\$	(745,204)
Shasta	\$299,463	\$508,539	\$1,601,447	\$812,446	\$785,054	0.255%	0.253%	0.257%	0.258%	0.256%	0.256%	0.257%	0.257%	\$6,782,228	\$6,808,054	\$	\$	\$	25,826
Sierra	\$5,710	\$9,641	\$29,365	\$14,588	\$13,464	0.005%	0.005%	0.005%	0.005%	0.004%	0.005%	0.005%	0.005%	\$125,869	\$122,494	\$	\$	\$	(3,375)
Siskiyou	\$75,715	\$130,321	\$404,854	\$209,391	\$201,572	0.065%	0.065%	0.065%	0.066%	0.066%	0.065%	0.065%	0.066%	\$1,719,561	\$1,736,236	\$	\$	\$	16,674
Stanislaus	\$851,598	\$1,458,592	\$4,640,428	\$2,340,675	\$2,279,569	0.728%	0.726%	0.744%	0.745%	0.744%	0.738%	0.741%	0.745%	\$19,559,290	\$19,730,003	\$	\$	\$	170,713
Tehama	\$95,213	\$163,551	\$516,114	\$258,594	\$251,226	0.081%	0.082%	0.083%	0.082%	0.082%	0.082%	0.082%	0.082%	\$2,181,162	\$2,183,410	\$	\$	\$	2,248
Trinity	\$22,295	\$38,167	\$120,081	\$60,722	\$57,573	0.019%	0.019%	0.019%	0.019%	0.019%	0.019%	0.019%	0.019%	\$508,201	\$507,316	\$	\$	\$	(885)
Tulare	\$671,972	\$1,163,557	\$3,693,893	\$1,891,099	\$1,844,370	0.573%	0.580%	0.582%	0.600%	0.602%	0.587%	0.592%	0.597%	\$15,564,472	\$15,811,295	\$	\$	\$	246,824
Tuolumne	\$92,294	\$159,423	\$488,418	\$239,543	\$238,607	0.079%	0.079%	0.078%	0.076%	0.075%	0.079%	0.078%	0.077%	\$2,083,366	\$2,035,784	\$	\$	\$	(47,582)
Ventura	\$1,444,636	\$2,570,506	\$7,546,616	\$3,780,663	\$3,685,164	1.232%	1.281%	1.210%	1.199%	1.203%	1.228%	1.220%	1.206%	\$32,544,569	\$31,949,738	\$	\$	\$	(594,831)
Totals	\$117,253,507	\$200,615,657	\$623,567,744	\$315,320,224	\$306,285,734	1.000%	1.000%	1.000%	1.000%	1.000%	1.000%	1.000%	1.000%	2,650,000,000	2,650,000,000	\$	\$	\$	(0.000)

For the remaining \$3.0 billion in Prop 1B bonds, a one-tenth of one percent change amounts to \$3.0 million.

Association Member-Generated Legislative Proposals for Possible Adoption into the 2009 State Legislative Program

The following is an analysis of the remaining member-generated proposal under consideration by the Legislative Committee for adoption into the 2009 State Legislative Program.

1. Utility User Tax (UUT) Exemptions

Proposal: Exempt all transit fuels such as liquefied natural gas (LNG) from being assessed a UUT by local governments.

Proposed by: Orange County Transportation Authority

Existing law: Existing law exempts transit districts from the excise tax imposed on fuel (Mills-Hayes Act-Rev & Tax Code sec. 8655). Transit districts however make payments of \$0.01 in lieu of the tax for the privilege of operating vehicles on state highways and freeways.

Fuel	State Sales Tax	State Excise Tax
Natural gas	Not subject to sales tax	Partial Exemption on Use Fuel Tax – pay \$.01 per gallon
Diesel fuel	Not subject to sales tax	Partial Exemption on Diesel Fuel Tax – pay \$.01 per gallon
Gasoline	Subject to sales tax	Refund of \$.06 per gallon.

Existing law also authorizes cities and counties to levy Utility User Taxes (UTT) on the consumption of electricity, gas, water, sewer, telephone, telegraph, and cable television services. The governing body of the city or county sets the UUT rate.

Background: The City of Irwindale (and potentially Pomona) was charging a UUT on Foothill Transit for the use compressed natural gas (CNG), which is transferred through a pipe and metered. As a result, Foothill Transit sponsored a bill, AB 2009 (Hernandez), subsequently signed into law [Chapter 221, Statutes of 2008], to exempt a UUT from being assessed on CNG. The author argued that the law needed to be changed in order to recognize the use of CNG by public transit agencies and that historical action by the Legislature has not imposed a tax or fee upon fuel used on any public transportation system. Foothill stated that “the intent of the UUT was to charge city residential households and commercial/industrial buildings for their specific use of a utility to assist in paying for city services and improvements. There appears to be no original intent to levy the tax on a public transit company that provides a service to the residents and

businesses while helping to reduce congestion and air pollution in the community and general area they serve.” Foothill argued that the payment of a UUT on CNG would increase operating expenses and likely lead to service reductions and fewer travel options for the transit customer. Association staff is unaware that a UUT has been assessed on any other type of fuel that is used by a transit agency.

Staff conclusion: There is some question as to whether a UUT can even be assessed on other types of fuels such as LNG, which is not metered by local jurisdictions and is transferred by truck. Thus, staff questions the practical need for this legislation.

2. Allow Three-Position Bike Racks on 40-Foot Buses

Proposal: Modify Vehicle Code Section 35400 b(9) to allow larger three-position bike racks on 40-foot transit buses to require that the racks cannot exceed more than 36 inches from the front body of the bus. An exemption is currently allowed for 45-foot buses. Some operators have high demand for three-position racks but have bus bumpers that only suit the two-position variety.

Proposed by: Gold Coast Transit

Existing Law: Vehicle Code Section 35400 b(8) states that “A bus, when the excess length is caused by a device attached to the rear of the bus designed and used exclusively for the transporting of bicycles. This device may be up to 10 feet in length, if the device, along with any other device permitted pursuant to this section, does not cause the total length of the bus, including any device or load, to exceed 50 feet.”

Vehicle Code 35400 section b (9) states that: “A bus operated by a public agency or a passenger stage corporation, as defined in Section 226 of the Public Utilities Code, used in transit system service, other than a schoolbus, when the excess length is caused by a folding device attached to the front of the bus which is designed and used exclusively for transporting bicycles. The device, including any bicycles transported thereon, shall be mounted in a manner that does not materially affect efficiency or visibility of vehicle safety equipment, and shall not extend more than 36 inches from the front body of the bus when fully deployed. The handlebars of a bicycle that is transported on a device described in this paragraph shall not extend more than 42 inches from the front of the bus. A device described in this paragraph may not be used on a bus that, exclusive of the device, exceeds 40 feet in length or on a bus having a device attached to the rear of the bus pursuant to paragraph (8).”

Background: Gold Coast Transit reports that this law does not take into account that the front bumper of the bus adds another 5 to 7 inches of the bike rack’s extension in from the bus. Therefore, they hope to change the code to say “the racks cannot exceed more than 36 inches from the *bumper* of the bus.” Many operators have stated that they currently use three-position bike-racks.

The Legislative Committee requested that Association staff check in with Gold Coast to see if they have been cited for having a three-position bike-rack.

Staff conclusion: Association staff's findings suggest that neither Gold Coast nor any transit operator has been cited for having a three-position bike rack.

3. Sales Tax Exemptions from Proposition 1B Purchases

Proposal: Exempt from state sales tax all purchases made by local transit agencies or regions when using Proposition 1B's Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) and / or Transit System Safety, Security, and Disaster Response Account (TSSSDRA) funds.

Proposed by: San Diego MTS.

Existing Law: Imposes a sales and use tax on the sale or use of tangible personal property in California, unless specifically exempted. State and local governments are responsible for paying sales tax on their purchases. The sales and use tax rate is comprised of the following components:

5.00%	State rate allocated to the State General Fund
0.50%	State rate allocated to the Local Revenue Fund
0.50%	State rate allocated to the Public Safety Fund
1.25%	Bradley-Burns Uniform Local Sales and Use Tax (including TDA/LTF)

In addition to the basic 7.25% rate, various local entities may levy additional taxes on the sale of tangible personal property, known as transactions and use taxes, which are subject to specified voting requirements.

Background: The San Diego Metropolitan Transit System had to pay \$1 million in state sales tax on purchases from the PTMISEA program and has proposed to exempt the state sales tax from being applied to such purchases. Proposition 1B dedicates funding specific to public transportation through two pots-the \$3.6 billion PTMISEA and \$1 billion TSSSDRA programs. The PTMISEA program allows transit providers to spend their allotted share of funds on capital projects, including rolling stock. Approximately \$2.65 billion in unallocated funding remains for the PTMISEA program. The TSSSDRA program provides funding to transit operators for purposes of purchasing security and safety equipment for transit facilities and vehicles. Nearly \$800 million in unallocated funding remains for the TSSSDRA program.

In 1999, the Los Angeles County Metropolitan Transportation Authority (MTA) sponsored legislation, SB 677 (Polanco), to exempt MTA from having to pay the 5% state sales tax rate applied to the purchase of transit buses. That bill died in the Senate Revenue and Taxation Committee without a vote. MTA was seeking some state assistance in order to comply with a court order that required them to purchase an additional 2,000 buses through a five-year period in order to settle litigation brought on behalf of a class of predominantly minority dependent bus riders in Los Angeles County

seeking relief under the Civil Rights Act of 1964. The Board of Equalization estimated that the state would lose \$33 to \$43 million. Assembly Member Patty Berg carried a similar bill in 2008, AB 1890, to exempt volunteer firefighters from paying sales tax on fire trucks, but that bill died in Assembly Revenue and Taxation Committee. The Board of Equalization (BOE) estimated that AB 1890 would lead to state and local revenue losses of approximately \$373,900 a year.

Fiscal Impact: With over \$2.65 billion remaining in PTMISEA funds and roughly \$800 million remaining in TSSSDRA, an exemption from the 5% state sales tax rate would result in a tax savings to Proposition 1B applicants of \$132.5 million from PTMISEA and \$40 million from TSSSDRA on the remaining allocations.

Staff conclusion: While we do not believe the chances of success for this bill are substantially higher than related bills of the past, the focus right now at the State and Federal levels on “economic stimulus” packages may contribute slightly to a greater chance of success for such a measure. Additionally, we should probably support such a measure in principle.

4. Standardizing Mobility Device Tie-downs

Proposal: Standardize bus tie-downs for mobility devices. The different hookups and devices have proven to be problematic for some bus operators and may pose a safety risk to passengers if the mobility device is not properly secured.

Proposed by: Orange County Transportation Authority

Existing Regulations: California Code of Regulations, Title 13, Division 2, Chapter 6.5, Article 8, section 1269.1(d) states that, “A device or devices shall be provided to secure wheelchairs during transportation to keep them restrained during normal movement of the bus as in starting, stopping and turning.”

California Code of Regulations, Title 13, Division 2, Chapter 6.5, Article 8, section 1269.1(f) requires the following for wheelchair Securement for general paratransit vehicles and schoolbuses used to transport wheelchair passengers:

“(f) Securement of Pupils and Wheelchairs. Passengers shall be secured to wheelchairs by a restraining belt specified in subsection (g) while being loaded, unloaded, and transported. Wheelchairs shall be secured as follows:

“(1) Wheelchairs shall be secured with fasteners of sufficient strength to prevent the chairs from rotating, prevent the chair wheels from leaving the floor in case of sudden movement, or support the chairs in the event the vehicle is overturned.

“(2) Fasteners shall contact the wheelchair on at least three points and shall be spaced to provide the most effective securement. No fastener shall be attached to any

door. No fastener shall project more than 1 1/2 in. above the floor in the area between the wheel wells of the vehicle.

“(3) Fasteners shall consist of either two webbed belts described in subsection (A) or two all-metal devices described in subsection (B), or one each of such devices, installed in conformance with this subsection.

“(A) Webbed safety belts shall meet or exceed federal specifications for Type 2 pelvic restraint seat belts or be certified by the manufacturer to meet or exceed assembly strengths of 5,000 lb in loop fashion or 2,500 lb on each anchorage leg. Certification may be the manufacturer's specifications listed in catalogs or publications. All new construction of webbed fasteners and repairs to webbing shall conform with standards established by the manufacturer of the webbing. Webbed belts attached directly to the vehicle and securement track used for webbed fastener attachments shall be secured to the vehicle at not less than two separate points with bolts, nuts, and lock washers or self-locking nuts. Bolts used shall provide holding strength equal to or greater than that of two bolts 3/8 in. in diameter and of National Fine Thread SAE grade 5. All fastening of webbing and securement tracks shall be in accordance with the manufacturer's specifications provided that no standard established herein may be violated. Where mounting bolts do not pierce the vehicle frame, subframe, body posts, or equivalent metal structure, a reinforcement plate or washer not less than 1/16 in. in thickness and 2 1/2 in. in diameter is required. Smaller diameter washers may be used to install wheelchair securement track provided a minimum of four fasteners and four washers are used for each track installation. These washers shall be not less than 1 1/4 in. in diameter, not less than 1/16 in. in thickness, and have an appropriate inside diameter. In no event shall interior paneling constitute anchorage for a point of securement. When not in use, webbed belts shall be removed or retracted.

“(B) All-metal fasteners shall be secured to the vehicle with bolt nuts and lock washers or self-locking nuts of National Fine Thread SAE grade 5 or equivalent. Such devices shall have two points of securement requiring bolts 3/8 in. in diameter or equivalent, or one point of securement requiring a bolt of 1/2 in. in diameter or equivalent. Where mounting bolts do not pierce the vehicle frame, subframe, body post, or equivalent metal structure, a reinforcement plate or washer not less than 1/16 in. in thickness x 2 1/2 in. in diameter is required. In no event shall interior paneling constitute anchorage for a point of securement.”

Background: At a recent OCTA Board of Directors meeting, concerns were raised by customers regarding wheelchair securement procedures on fixed route buses. A request was made that staff review current procedures and provide a report to the Board of Directors.

Following is an excerpt from OCTA's staff report:

“OCTA’s fixed route system serves nearly 6 million passengers every month. During the month of June 2008, the bus system carried 5.86 million boardings of which 1.15 million were classified as seniors or disabled riders. Nearly 18,200 riders used a wheelchair or other mobility device when riding a transit bus and required assistance from a coach operator to board and alight a bus.

“The process of loading and unloading a customer using a mobility device can be complicated and time-consuming due to the variety of mobility devices available on the market today and the variety of securement equipment. Operations Training conducts in-depth training on wheelchair securement procedures on all series of buses with all new coach operators. Coach operators receive comprehensive classroom training and practical, hands-on training when first hired as well as training updates and reviews throughout their careers.

“To ensure a coach operator empathizes with a wheelchair passenger, empathy training is conducted during student practice/coaching. During this training module, each student plays the role of a customer using a wheelchair. The student is required to use the bus system in a real-world scenario, under the guidance of an operations instructor to fully understand the experience of a wheelchair passenger. During the course of this experience, detailed wheelchair securement procedures are explained and practiced repeatedly.

“All veteran coach operators receive mandatory, periodic update and review training on wheelchair securement procedures within the context of additional required training as part of the ART program. Training is also conducted whenever a new lift/ramp or new series bus is introduced to the fleet, or during subject-specific base training campaigns. Additionally, retraining is conducted when an operator is involved in a preventable accident with a wheelchair customer.

“Coach operators encounter various mobility devices, such as manual wheelchairs, power assist, power wheelchairs, and scooters. Coach operators are trained to recognize the various types of wheelchairs. The wide variety of wheelchairs available and the various manufacturers make it challenging for coach operators to recognize features and the restraining techniques required for each unique wheelchair.

“Although OCTA’s fleet is 100 percent accessible, OCTA is in the process of replacing a large portion of the fleet that has reached its useful life. This year 299 new buses will be in service which will make the wheelchair securement systems more consistent by eliminating the wide variety of bus types. This would make it easier for both, the coach operator and the customer, to learn the securement system of each bus. In addition, to enhance OCTA’s current wheelchair securement training, OCTA is building a mobile wheelchair securement platform, which incorporates the securement system of each series bus in the fleet. Upon completion, the platform will be used in new-hire training as well as for retraining at all Operations bases. OCTA has a proactive approach to training. Its wheelchair securement procedures are in full compliance with the (Americans with Disabilities Act) ADA.

“OCTA has procedures in compliance with ADA to ensure customers using mobility devices are properly assisted when boarding a transit bus, with passenger safety as the highest priority. OCTA’s coach operator training program places a strong emphasis on safety of passengers who use mobility devices to ride the fixed route bus system.”

Staff conclusion: Since the current regulations are permissive it is Association staff’s perspective that the current regulation provides the maximum amount of flexibility in addressing the needs of passengers; therefore, we do not recommend legislation addressing this topic.