

AGENDA

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY
SERVICE AUTHORITY FOR FREEWAYS EMERGENCIES
AND
MONTEREY COUNTY REGIONAL DEVELOPMENT
IMPACT FEE
JOINT POWERS AGENCY
EXECUTIVE COMMITTEE**

*Members are: Maria Orozco (Chair),
Simon Salinas (1st Vice Chair), Jerry Edelen (2nd Vice Chair),
Lou Calcagno (Past Chair),
Jane Parker (County representative), Kimbley Craig (City representative)*

**Wednesday, August 3, 2011
TAMC Conference Room
55-B Plaza Circle, Salinas**

*****9:00 a.m.*****

Complete agenda packets are on display at the Transportation Agency for Monterey County office and at these public libraries: Carmel, Monterey, Salinas Steinbeck Branch, Seaside, Prunedale, and King City. Any person who has a question concerning an item on this agenda may call the Agency Secretary to make inquiry concerning the nature of the item described on the agenda. Please recycle this agenda.

- 1. ROLL CALL:** *Call to order and self-introductions. If you are unable to attend, please contact Elouise Rodriguez, Senior Administrative Assistant. Your courtesy to the other members to assure a quorum is appreciated.*
 - 2. PUBLIC COMMENTS:** Any member of the public may address the Committee on any item not on the agenda but within the jurisdiction of Transportation Agency and Executive Committee. Comments on items on today's agenda may be given when that agenda item is discussed.
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BEGINNING OF CONSENT AGENDA: Approve the staff recommendations for items **3.1 - 3.2** below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

- 3.1 APPROVE** enclosed minutes from the Executive Committee meeting of June 1, 2011. – Rodriguez **Pages 4 - 7**
- 3.2 RECOMMEND** that Board of Directors **APPROVE** evaluation form, procedure and timeline for completing annual evaluation for Executive Director and Counsel. – Goel **Pages 8 - 13**

END OF CONSENT AGENDA

- 4. RECEIVE** staff report on budgetary impacts of a proposed shift to a single county metropolitan planning organization and presentation from Andrew Chesley, Executive Director of the San Joaquin Council of Governments on single-county metropolitan planning organization operations and regional collaboration efforts in the San Joaquin Valley. – Hale **Pages 14- 26**
- 5. RECEIVE** an update on state legislative activities. – Hale/ Arriaga **Pages 27 - 37**
- 6. RECEIVE** report on draft agenda for TAMC Board meeting of August 24, 2011. – Hale **(Handout)**
- 7. Executive Director’s Report** – Hale
- 8. ADJOURNMENT**

**Next Executive Committee meeting is:
Wednesday, September 7, 2011
Please mark your calendars.**

Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public inspection at the office of the Transportation Agency for Monterey County, 55-B Plaza Circle, Salinas, CA. Documents distributed to the Committee at the meeting by staff will be available at the meeting; documents distributed to the Committee by members of the public shall be made available after the meeting.

Transportation Agency for Monterey County
55-B Plaza Circle, Salinas, CA 93901-2902
Monday thru Friday
8:00 a.m. – 5:00 p.m.
TEL: 831-775-0903
FAX: 831-775-0897

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish Language interpreters and printed materials, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting, and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.

DRAFT MINUTES

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY
SERVICE AUTHORITY FOR FREEWAYS EMERGENCIES AND MONTEREY
COUNTY REGIONAL DEVELOPMENT IMPACT FEE
JOINT POWERS AGENCY
EXECUTIVE COMMITTEE MEETING**

*Members are: Maria Orozco (Chair),
Simón Salinas (1st Vice Chair), Jerry Edelen (2nd Vice Chair),
Lou Calcagno (Past Chair), Jane Parker (County representative),
Kimbley Craig (City representative)*

Wednesday, June 1, 2011

***** 9:00 a.m.*****

Transportation Agency Conference Room
55-B Plaza Circle, Salinas

1. **CALL TO ORDER:** Chair Orozco called the meeting to order at 9:03 a.m. Board members present: Calcagno, Edelen, Orozco, Parker and alternate Chris Lopez for Salinas and alternate James Serrano for Craig. Staff present: Bachman, Goel, Hale, Rodriguez, and Zeller. Others present: Henry Gowin, District 2 and via-phone Eileen Goodwin, Apex Strategies.
2. **PUBLIC COMMENTS:** None

3. **CONSENT AGENDA**

On a motion by Board member Parker and second by Board member Edelen the committee voted 6 – 0 to approve consent item 3.1 – 3.2 as follows:

- 3.1 **APPROVED** enclosed minutes from the Executive Committee meeting of May 4, 2011.
- 3.2 **RECOMMENDED** that the Transportation Agency for Monterey County adopt Governmental Accounting Standards Board Statement No.54: Fund Balance Reporting and Governmental Fund Type Definitions, effective for Fiscal Year 2010-11.

Committee member Parker asked that staff highlight the “operating expenditure reserve” on the Governmental Accounting Standards Board Statement No. 54.

END OF CONSENT

4. DISCUSSED & APPROVED direction to staff on the Strategic Planning Session follow up.

Debbie Hale, Executive Director, reported that the Strategic Planning Session held on May 22, 2011 was very productive.

Eileen Goodwin, Apex Strategies, reported (via-conference call) that the three modules discussed at the Planning Session were funding, project priorities and roles. She noted that on the funding aspect the board expressed interest in investigating an event tax to events held at Laguna Seca, Pebble Beach, etc. She gave a general overview of the rest of the planning session including a summary of other Board feedback including the results of the project priorities expressed through the dots as well as an overview of the TAMC role vis a vis MST, Caltrans and AMBAG.

Board member Calcagno noted that the event tax is essential and visitors should pay their share. Director Hale commented that staff is going to do an analysis on different tax revenues and compare with the sales tax.

Director Hale noted that staff is also going to review the finances and re-tier the project list. She also noted that staff is reviewing the duties of TAMC against MST and AMBAG duties. Board member Edelen noted that TAMC staff should also take a look at programs that can be eliminated such as the Freeway Service Patrol and the Call Box programs. Board member Calcagno concurred noting that staff also takes a look at merging Board meetings and staff time. Board member Parker expressed concern with merging programs that are protected by having separate entities. Board Chair Orozco noted that more and more companies are merging, noting it comes with a challenge, but is do- able.

Board member Calcagno asked that staff take a look at the duties of MST and TAMC, and what duties can be merged. He also suggested that the Board hire an outside consultant to review and assist in the merge. Agency Counsel Blankenship noted that MST and TAMC are agencies created by state law for separate purposes and may require some legislative work. Director Hale noted that TAMC does not have the resources to explore both AMBAG and MST's duties concurrently and asked the Committee for direction on which of the two they wanted staff to review. The Committee directed staff to review the duties between AMBAG and TAMC.

Board member Parker commented that the Strategic Planning Session was well organized.

5. **DISCUSSED and RECOMMENDED** that the Board **APPROVE** revisions to Agency Bylaws.

On a motion by Board member Calcagno and second by Board member Edelen the committee voted 6 – 0 to recommend that the Board approve revisions to Agency bylaws.

Rita Goel, Director of Finance & Administration, reported that the Transportation Agency is proposing to update its Bylaws. She noted that the minor changes added are adding the City of Watsonville as an ex-officio member, the language designating Monterey Salinas Transit's Mobility Advisory Committee as Monterey County's Social Services Transportation Advisory Council and changing the election of officers to take place every year in January at the beginning of the Agency's meeting as directed by the Executive Committee. Agency Counsel Blankenship noted that he would work with Ms. Goel on the appropriate language to change the election from December to January.

6. **PROVIDED** direction on continuing Agreement with County Counsel for legal services for the Transportation Agency for Monterey County.

On a motion by Board member Parker and second by Board alternate Serrano the committee voted 6 – 0 to continue agreement with the County of Monterey and use the services of Lee Blankenship as a retired annuitant employed by the County.

Rita Goel, Director of Finance & Administration, reported that the Transportation Agency for Monterey County currently has an agreement with the County of Monterey to provide legal services to the Agency Board. The current County Counsel assigned to the Agency is Lee Blankenship, who is retiring from the County of Monterey at the end of June 2011. In order to best provide the Agency with legal services, staff is proposing to continue the agreement with the County of Monterey and use the services of Lee Blankenship as a retired annuitant.

7. **RECEIVED** report on draft agenda for TAMC Board meeting of June 22, 2011.

Executive Director Hale reviewed the June 22, 2011 draft agenda. She reported that the primary items on the agenda are the follow up on the Strategic Planning Session, noting that there are two separate issues: Funding/Project Priorities and Institutional Roles. She also noted that the Board would be asked to adopt the finding on unmet transit needs in Monterey County in Fiscal Year 2011-12, and to approve the Local Transportation Fund allocations to Monterey-Salinas Transit (MST) for Fiscal Year 2011-12. She highlighted the consent agenda, noting that the Board would be asked to approve the updated weighted vote table, revisions to the Administrative Policies, and to the Human Resources Rules and Regulations. She also noted that the Board would be asked to accept the State of California Transportation Development Act Compliance and Audit Reports for fiscal year ending June 30, 2010.

8. **ADJOURNMENT**

Chair Orozco adjourned the meeting at 10:17 a.m.

Respectfully Submitted,

Elouise Rodriguez, Senior Administrative Assistant



Memorandum

To: Executive Committee

From: Rita Goel, Director of Finance & Administration

Meeting Date: August 3, 2011

Subject: **EVALUATION OF EXECUTIVE DIRECTOR AND COUNSEL**

RECOMMENDED ACTION:

RECOMMEND that Board of Directors **APPROVE** evaluation form, procedure, and timeline for completing annual evaluation for Executive Director and Counsel.

SUMMARY:

The Agency Bylaws require an annual evaluation of the Executive Director and Counsel.

FINANCIAL IMPACT:

None.

DISCUSSION:

Attached with this report are evaluation forms for the Agency's Executive Director Debra L. Hale and Counsel Lee Blankenship. The attached evaluation forms were revised in 2007 in response to recommendations from Board Members. The proposed procedure and timeline for completing the annual evaluation is:

1. **August 29, 2011** – Staff mail to voting members of the Board of Directors the enclosed evaluation forms for the Executive Director and Counsel, enclosing a stamped envelope addressed to Chair Maria Orozco to return the completed evaluation forms.
2. **September 30, 2011** - All voting Board Members complete evaluation forms and hand deliver or send them in the provided stamped addressed envelope to Chair Maria Orozco for her receipt no later than **September 30, 2011**.
3. **October 1 – 14, 2011** – Chair Maria Orozco reviews completed evaluation forms and prepares summary of results to present to Executive Committee on November 2, 2011.

4. **November 2, 2011** - Executive Committee meets in **Closed Session** to review the evaluations, formulate a recommendation to the Board of Directors and confer with the Executive Director and Agency Counsel regarding the recommendations.
5. **December 7, 2011** – Board of Directors meets in **Closed Session** to review the evaluations and recommendations of the Executive Committee and take any appropriate actions.

Approved by: _____
Rita Goel, Director of Finance & Administration

_____ Date

Consent Agenda

Counsel review

N/A

Attachment 1: Evaluation form for Executive Director

Attachment 2: Evaluation form for Counsel

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)
PERFORMANCE EVALUATION OF
EXECUTIVE DIRECTOR DEBRA L. HALE**

In evaluating the performance of the Executive Director, consider the factors below in arriving at your overall rating. Check the box in each category that you think best applies.

- 1 = Unsatisfactory, performance does not meet job requirements.
- 2 = Improvement needed, performance partially meets requirements of job.
- 3 = Satisfactory, performance adequately meets requirements of job.
- 4 = Exceptional, performance is excellent, exceeding job requirements.

Dimension	1 *	2 *	3	4
Accessible to elected officials, staff and the public.				
Attitude. Is enthusiastic, cooperative, adaptive, energetic, willing to spend whatever time is necessary to do a good job.				
Communication. Keeps Board Members fully informed of issues affecting the Agency.				
Community Relations. Skilled in representing Agency policies to other agencies, the public, and news media.				
Community and professional reputation. Is regarded as a person of high integrity and ability for the agency.				
Decisiveness. Is able to reach timely decisions and initiate action, but is not impulsive.				
Execution of Policy. Understands and complies with the policies and objectives of the organization. Efforts lead to successful accomplishment of goals.				
Expertise and knowledge of transportation issues.				
Imagination. Shows originality in approaching problems. Is able to visualize the implications of various approaches				
Non-political but understands and works effectively in the political arena.				
Leadership. Motivates others to maximum performance.				
Loyalty. Genuine interest in work, job and the agency. Concerned with agency's image and reputation.				
Personnel Development. Appoints and trains effective subordinates; retains excellent staff.				
Presents thoughts in an orderly, understandable manner.				
Responds quickly and effectively to requests from Board Members for information, advice, and service.				
Strategic Thinking. Thinks ahead on how the organization can best approach change.				
Unbiased. Takes a reasonable and rational viewpoint based on facts and qualified opinions.				
Written reports are clear, concise, and accurate.				

***NOTE: Please explain any rating of a "1" or a "2" in the comment section below, or use the space to provide any additional comments.**

General Comments:

Please provide specific comment:

(1) Leadership and management skills:

(2) Staff development:

(3) Reputation in the community:

(4) Reputation with Transportation Agency member agencies:

(5) Opportunities for development/ Recommendations for more emphasis or improvement

Overall Rating: (Consider all factors listed on page 1 in arriving at an overall rating.)

- Unsatisfactory, performance does not meet job requirements.
- Improvement needed, performance partially meets requirements of job.
- Satisfactory, performance adequately meets requirements of job.
- Exceptional, performance is excellent, exceeding job requirements.

Signature: _____

Date: _____

Print Name: _____

Please return evaluation to Chair in enclosed stamped addressed envelope. Thank you.

Agenda Item 3.2, Attachment 2

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)
PERFORMANCE EVALUATION OF
TAMC Counsel Lee Blankenship**

In evaluating the performance of Counsel, consider the factors below in arriving at your overall rating. Check the box in each category that you think best applies.

- 1 = Unsatisfactory, performance does not meet job requirements.
- 2 = Improvement needed, performance partially meets requirements of job.
- 3 = Satisfactory, performance adequately meets requirements of job.
- 4 = Exceptional, performance is excellent, exceeding job requirements.

Dimension	1 *	2 *	3	4
Accessible to elected officials, staff and the public.				
Attitude. Is enthusiastic, cooperative, adaptive, energetic, willing to spend whatever time is necessary to do a good job.				
Communication. Keeps Board of Directors fully informed on legal issues affecting the Agency. Advises Board Members so that all actions are in accord with Agency By-laws, state and federal law.				
Community Relations. Skilled in representing Agency policies to other agencies, the public, and news media.				
Conflict of interest. Keeps Board Members informed of any possible conflicts of interest.				
Decisiveness. Is able to reach timely decisions and initiate action, but is not impulsive.				
Execution of Policy. Understands and complies with the policies and objectives of the organization. Efforts lead to successful accomplishment of Board directives.				
Expertise and knowledge of legal issues.				
Imagination. Shows originality in approaching problems. Is able to visualize the implications of various approaches				
Non-political but understands and works effectively in the political arena.				
Loyalty. Genuine interest in work, job and the agency. Concerned with agency's image and reputation.				
Presents thoughts in an orderly, understandable manner.				
Responds quickly and effectively to TAMC requests for information, advice, and service.				
Strategic Thinking. Thinks ahead on how the organization can best approach change.				
Unbiased. Takes a reasonable and rational viewpoint based on facts and qualified opinions.				
Written reports are clear, concise, and accurate.				

General Comments:

Please provide specific comment:

(1) Leadership and management skills:

(2) Knowledge of legal requirements affecting TAMC:

(3) Reputation in the community:

(4) Reputation with member agencies:

(5) Opportunities for development / Recommendations for more emphasis or improvement:

Overall Rating: (Consider all factors listed on page 1 in arriving at an overall rating.)

- Unsatisfactory, performance does not meet job requirements.
- Improvement needed, performance partially meets requirements of job.
- Satisfactory, performance adequately meets requirements of job.
- Exceptional, performance is excellent, exceeding job requirements.

Signature: _____

Date: _____

Print Name: _____

Please return evaluation to Chair in enclosed stamped addressed envelope. Thank you.



Memorandum

To: Executive Committee
From: Debra L. Hale, Executive Director
Date: August 3, 2011
Subject: **Single-County Metropolitan Planning Organization Scenario**

RECOMMENDATION

RECEIVE staff report on budgetary impacts of a proposed shift to a single county metropolitan planning organization and presentation from Andrew Chesley, Executive Director of the San Joaquin Council of Governments on single-county metropolitan planning organization operations and regional collaboration efforts in the San Joaquin Valley.

SUMMARY

At its strategic planning session and subsequent follow up at its June, 2011 meeting, the Transportation Agency Board of Directors directed staff to research the notion of taking on the federal metropolitan transportation organization (MPO) responsibilities that are currently handled by the multi-county Association of Monterey Bay Area Governments. The purpose of such a shift to a “single-county MPO” would be to improve cost effectiveness by removing duplication of efforts across the agencies and increasing investment in the regional transportation model. This report summarizes staff analysis of the budgetary impacts of such a change, the options for continuing regional transportation discussions, and the timing of any possible change.

FINANCIAL IMPACTS

Under a single county metropolitan planning organization designation, the Transportation Agency is estimated to receive an additional \$648,500 in federal highway and transit planning funds, offset by a loss of \$395,000 in more flexible state planning funds. The result would be a net estimated annual amount available to cover increased responsibilities and to increase investment in the travel forecast model of just under \$250,000, but less flexibility in how to use these funds. The net estimated increase to the Santa Cruz County Regional Transportation Commission to cover these costs would be \$292,700, and the net increase in state funding for the San Benito COG is estimated at \$29,000. These amounts are subject to change depending on state and federal allocations.

If the current organizational structure is maintained, there is a possibility that AMBAG will seek to reduce the amount of federal planning funds that are allocated to the Transportation Agency and the Santa Cruz County Regional Transportation Commission to help meet its financial obligations.

DISCUSSION

The Transportation Agency Board of Directors has asked staff to evaluate the potential for designating our agency as the federal metropolitan planning organization (MPO) effectively to handle all the transportation planning activities in the county. The Santa Cruz County and San Benito County transportation planning agencies are also performing such a review.

Budgetary Issues

Given the financial issues that have been experienced recently at AMBAG, it is likely that the current relationship between the four agencies (AMBAG, TAMC, Santa Cruz County RTC and San Benito COG) will change even if all organizations continue to retain transportation planning responsibilities. Last year, AMBAG staff sent a letter indicating that it would like to reevaluate the memorandum of understanding that sets the distribution of federal planning funds among the four agencies, but the Board deferred action on this until next fiscal year.

The Santa Cruz County and Monterey County transportation agencies have also in the past helped AMBAG utilize its federal planning funds by agreeing to match “in kind” activities funded with non-federal monies. Both agencies have indicated that they would like to revisit this policy to assure that they have enough non-federal match for their own federal grants. In addition, the City Managers have indicated that they feel it is an appropriate time to reevaluate the sharing of responsibilities across transportation agencies, given the shortage of local funding (see letter, **Attachment 1**). For these reasons, now is an appropriate time to review all options for restructuring and improving cost effectiveness.

Below is a list of the transportation and related responsibilities that are currently performed by the Association of Monterey Bay Area Governments that are typically performed by other single-county metropolitan planning organizations in San Luis Obispo County, Santa Barbara County and throughout the San Joaquin Valley.

- Overall Work Program (summary of agency activities for federal funding partners)
- Metropolitan Transportation Plan (25 year planning document)
- Metropolitan Transportation Improvement Plan (5 year programming document)
- Multi-County Travel Forecast Model
(utilized for general plans, transportation projects, capital improvement plans)
- Regional Environmental Document Clearinghouse
- Regional Housing Needs Assessment (occurs every 8 years)
- Census Data Center (disseminates population information)
- Monterey County Ridesharing Activities
- Sustainable Communities Strategy (part of the Regional Transportation Plan)

Under the proposed scenario, the first three roles would be absorbed into existing Transportation Agency activities with a small amount of additional staff time, primarily relating to the auditing functions for the work program. The latter roles would represent additional work effort by the agency. Staff recommends that under such a scenario the Sustainable Communities Strategy be completed by AMBAG since grants are already allocated and the work is well underway. After its adoption, updates could be handled on a single county basis by the Transportation Agency in coordination with its partners in the neighboring counties.

Staff is in the process of developing a budget for taking on this additional workload. Initial estimates are that it would take 1.0 full-time equivalent (FTE) staff persons to take on the above activities (not including ridesharing), and the level of effort would vary depending on what activities are due to take place. This need could be filled with one additional staff person, some contracted out activities, and a reshuffling of current agency assignments. It is anticipated that the travel forecast model would remain a regional effort towards which the Transportation Agency would make an annual contribution to a coordinating agency. At present, AMBAG's budget includes in federal planning funds \$292,000 for modeling activities, not including the upgrades for land use and bicycle modeling. Monterey County ridesharing activities would take an additional 0.5 to 1.0 FTE of staff time and would likely need to be funded out of new monies; however, the current rideshare grant expires in April 2012 and would require a new funding source regardless of which agency performs the activities.

Another option would be for the three countywide transportation agencies to merge with AMBAG and the single agency would handle all the transportation planning activities and allocation of transportation funding for the region. Staff has not been directed to evaluate this option, although it is likely to be reviewed by others. It is worth noting that while this structure does exist elsewhere in the state (most notably in the 9-county San Francisco Bay Area), there are still single-county agencies that provide input to the multi-county Metropolitan Transportation Commission. A key issue under this type of structure is concerns about local control over transportation funding.

Opportunities for Regional Interactions

Some individuals have expressed a concern that by taking the transportation responsibilities away from AMBAG that there will no longer be an opportunity for regional interactions regarding transportation or other matters. In fact, Santa Cruz and Monterey County agencies are already collaborating on the 511 traveler information system program and are collaborating in support of the Monterey Bay Electric Vehicle Alliance.

Another way to collaborate is through a multi-county regional forum. Staff has invited the Executive Director of the San Joaquin Council of Governments, Andrew Chesley, to come to the Executive Committee to talk about how his agency handles the metropolitan planning organization responsibilities as a single-county agency, as well as discuss the San Joaquin Valley Regional Transportation Planning Agencies. They are an association of the eight MPOs in the San Joaquin Valley. They have a policy forum which represents elected officials from each county. Among other collaborations, they have worked together to secure transportation funding along the Highway 99 corridor in recent state bond measures and also developed a regional plan setting freight project priorities. **Attachment 2** is a copy of their memorandum of understanding. The group meets periodically throughout the year, but is staffed by existing agencies.

This type of a regional forum could be created among the three Monterey Bay Area counties with minimal additional cost. Follow up activities would be conducted by existing agencies. One idea would be for each of the three counties to host a meeting annually, for a total of three meetings a year. Another idea would be to expand to include the Central Coast Coalition region (adding in Santa Barbara and San Luis Obispo counties) and create a policy forum for the five counties that corresponds to the Caltrans District 5 region.

Attachment 3 is a June 22, 2011 letter signed by three county presidents of the League of Women Voters in the region in support of AMBAG and "regional planning". Staff has not been contacted by

any of these presidents nor is aware of any research conducted by these entities regarding this issue. It is important to note that there are ways to conduct regional planning without having a separate organization, as is done by the San Joaquin Valley Regional Transportation Planning Agencies.

Timing and Coordination Issues

To learn more about all the activities that would need to be conducted as a single-county metropolitan planning organization, staff from all four agencies are meeting with Caltrans Planning, Programming and Audits departments, as well as the Federal Highway and Transit Administrations, the State Housing and Community Development Department, the California Air Resources Board. Any new information from these meeting will be provided at the Executive Committee meeting. The Federal Highway Administration indicated that it would be checking with its legal counsel regarding the precise procedure for withdrawing from an existing MPO and forming a new organization. According to the regulations, local governing boards representing 75% of the population within the three-county region (cities and counties), including the largest city (Salinas) and the Governor or his designee must approve withdrawal from the existing MPO and redesignation of the new MPO. **Attachment 4** is an excerpt of the regulations on this process.

One of the issues that arose at our last meeting with Caltrans and Federal Highways planning staff was the timing of any transition to a new federal metropolitan planning organization (MPO). They wanted to make sure that the adoption of the Sustainable Communities Strategy was not affected by a transition; the Strategy is slated for adoption no later than 2013. The federal agencies also noted that they hoped that the federal transportation programming document would not need to be re-adopted before its December 2012 expiration due to any redesignation of MPO status. All projects that receive federal funding must be included in this document. Typically it is amended after adoption of the State Transportation Improvement Program, which will occur in Spring 2012. Based on this information, staff's conclusion is that a formal transition of MPO responsibilities should take place no sooner than the start of the state or federal 2012/13 fiscal year; however, steps toward such a transition, particularly voting by the local governing boards, would need to proceed well before that July/October 2012 date.

Next Steps

Staff plans to present a more detailed analysis at the August 24, 2011 Transportation Agency Board of Directors meeting, and will continue to attend meetings of other regional agencies on this issue. Staff seeks direction on further information to gather and present at the August Board meeting.

Debra L. Hale, Executive Director

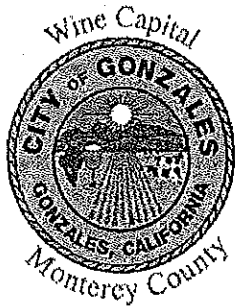
Date

Regular Agenda

Counsel Review: N/A

Attachments:

1. Letter from Monterey Bay Managers Association
2. San Joaquin Valley Regional Transportation Planning Agencies MOU
3. Letter from League of Women Voters
4. MPO designation and redesignation regulations



City of Gonzales

P.O. BOX 647
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147 FOURTH ST.
FAX: (831) 675-2644

GONZALES, CALIFORNIA 93926
www.ci.gonzales.ca.us

June 27, 2011

Maria Orozco
Mayor

Stephanie Aguilar, President
Association of Monterey Bay Area Governments
445 Reservation Road, Suite G
P.O. Box 809
Marina, California 93933-0809

Scott Funk
Mayor Pro Tem

Dear Ms. Aguilar:

Liz Silva
Councilmember

I am sending you this short letter as representative of the Monterey Bay Area Managers Group, (which encompasses Monterey, San Benito, and Santa Cruz Counties) for your consideration.

Jose G. Lopez
Councilmember

As you know, many of our cities are and have experienced significant budget challenges, which have required us to take a hard, long and critical look at all our functions and operations. Nothing has been left off the table. Therefore, with the transition currently underway with your Executive Director position, now would be an appropriate time to take a comprehensive look at AMBAG.

Jack L. Reed
Councilmember

René L. Mendez
City Manager

To these ends, a subcommittee of the Managers Group comprised of Carlos Palacios, Watsonville City Manager; Daniel Dawson, Del Rey Oaks City Manager; René L. Mendez, Gonzales City Manager; Nick Chiulos, Director of Intergovernmental and Legislative Affairs for the County of Monterey; Debbie Hale, Executive Director of the Transportation Agency for Monterey County; and George Dondero, Executive Director of the Santa Cruz County Regional Transportation Commission would like to work with your Interim Executive Director Les White, to take a comprehensive look at AMBAG and its role in the future. Many of us have already discussed this idea with our representatives to AMBAG.

Please do not hesitate to give me a call or email me at rmendez@ci.gonzales.ca.us if you have any questions and/or would like to discuss this further.

Sincerely,

René L. Mendez
City Manager

cc: City Managers and County Administrator, Members of MBAMG
Transportation Agency of Monterey County
Santa Cruz County Regional Transportation Commission
Les White, AMBAG Interim Executive Director

Gonzales will continue to be a safe, clean, family-friendly community, diverse in heritage, and committed to working collaboratively to preserve and retain its small town charm.

**MEMORANDUM OF UNDERSTANDING
OF THE
REGIONAL PLANNING AGENCIES
IN THE
SAN JOAQUIN VALLEY**

THIS MEMORANDUM OF THE UNDERSTANDING, which shall be effective upon the 21st day of September 2006, between and among the Council of Fresno County Governments, the Kern Council of Governments, the Kings County Association of Governments, the Madera County Transportation Commission, the Merced County Association of Governments, the San Joaquin Council of Governments, the Stanislaus Council of Governments, and the Tulare County Association of Governments, herein referred to as regional planning agencies, hereby enter into this Memorandum of Understanding;

WITNESSETH:

WHEREAS, the above listed regional planning agencies first entered into a Memorandum of Understanding on September 21, 1992, agreeing to coordinate regional planning activities; and

WHEREAS, this memorandum of understanding shall supercede and replace the existing memorandum of understanding; and

WHEREAS, since 1992 the above listed regional planning agencies have cooperatively addressed issues pertaining to transportation planning and related air quality responsibilities, transportation modeling, geographic information mapping; and

WHEREAS, the regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare are federally designated metropolitan planning organizations (MPOs) responsible for implementing the federal comprehensive transportation process and have specified air quality/transportation planning responsibilities for their respective areas; and

WHEREAS, the eight regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare (hereinafter referred to as the "Eight Valley RPAs" are state designated regional transportation planning agencies (RTPA) or local transportation commissions (LTC) responsible for the state comprehensive transportation planning process; and

WHEREAS, the Eight Valley RPAs shall cause to be developed and adopted a Valley Chapter of the Regional Transportation Plan, which shall be included within each regional planning agency's own plan. This chapter shall address issues that cross jurisdictional boundaries and specifically affect several counties, such as a transportation corridor, and may include air quality, highways, streets and roads, aviation, rail, goods movement, and transportation demand management efforts; and

WHEREAS, the regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare are responsible for the allocation of projected housing needs to their respective cities and county; and

WHEREAS, the San Joaquin Valley is designated as:

- a nonattainment area for the 8-hour ozone standard,
- a nonattainment area for both PM-10 and PM-2.5 standards, and
- the urban areas of Bakersfield, Fresno, Modesto and Stockton are designated as maintenance areas for carbon monoxide, and

WHEREAS, the Federal Clean Air Act requires nonattainment area plans to include transportation control measures; and

WHEREAS, the California Clean Air Act requires nonattainment area plans to include reasonably available transportation control measures; and

WHEREAS, the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users of 2005, and any successor federal act, requires that when multiple Metropolitan Planning Organizations exist within designated air quality nonattainment areas they shall consult with each other and with the state in the coordination of plans and programs; and

WHEREAS, the Eight Valley RPAs shall develop and maintain a unified and coordinated approach to air quality management planning process issues; and

WHEREAS, the cities and counties within the San Joaquin Valley are projected to have significant increases in population, housing and employment during the next thirty years requiring a cooperative, comprehensive, and coordinated planning process.

WHEREAS, the Eight Valley RPAs shall serve as a forum to encourage and facilitate regional data sharing, GIS development and mapping; and

WHEREAS, the Eight Valley RPAs shall rely, as much as practicable, on existing regional planning agencies for its financing, data and expertise, but may jointly contract for services if provided for in each of their individual Overall Work Programs and Budgets.

NOW, THEREFORE, BE IT UNDERSTOOD AND AGREED that the regional planning agencies of the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare shall coordinate as the San Joaquin Valley Regional Planning Agencies with respect to the performance of the following tasks when interregional issues are involved:

1. Preparation of multi-modal transportation plans that will include coordinated forecast methodologies for future population, housing, employment, land use, and air quality, and identify other common elements in relationship to the San Joaquin Valley and major interregional transportation corridors.
2. Preparation of regional transportation plans and policies addressing identified common transportation issues occurring within the Valley.
3. Preparation and development of regional transportation improvement programs and other short-range programs to provide for timely implementation of transportation control measures consistent with schedules included in applicable Air Quality Attainment plans.
4. Coordination with the San Joaquin Valley Unified Air Pollution Control District on emission reduction projects necessary for the implementation of the California Clean Air Act.
5. Coordination with Caltrans District Offices on transportation system planning efforts.
6. Coordinate planning efforts with the appropriate state and federal agencies to insure good communication is maintained on issues important to the San Joaquin Valley.
7. Development and use of coordinated transportation and traffic database information for transportation modeling and related emission modeling.
8. Preparation of interregional technical and transportation systems studies in developing transportation corridor or plan alternatives.

9. Coordination on rail issues (both passenger rail and goods movement) within the Valley, including the development of plans and policies that affect rail service.
10. Provide a leadership role for all Valley Blueprint activities by planning for future growth and quality of life through the integration of transportation, housing, land use, economic development and environmental protection elements. Such integration to result in a more efficient and effective transportation system and land use pattern to achieve the three outcomes (3Es) that define quality of life – prosperous economy, quality environment, and social equity.
11. Provide a leadership role and act as a forum for Valley issues and concerns, where such issues and concerns transcend boundaries, allowing the development and consensus of policy questions of mutual interest in order to pursue a coordinated course of action without infringing on the jurisdictional powers of the individual governments.

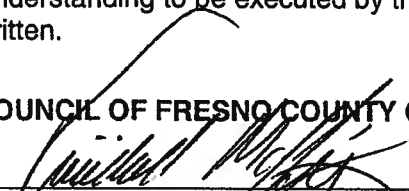
BE IT FURTHER UNDERSTOOD AND AGREED that to oversee the coordination efforts the following organizational structures shall be established:

12. The San Joaquin Valley Regional Planning Agencies Policy Council is hereby created consisting of two elected officials (and one alternate) appointed from each of the regional planning agencies policy boards listed herein. The Policy Council shall meet at least twice each fiscal year to provide guidance on common interregional policy issues. The Policy Council shall also represent the San Joaquin Valley at public forums, including before the California Transportation Commission, the Governor and his/her administration, and before State and Federal legislative bodies that require a common voice. The Policy Council shall also provide direction and guidance to the Regional Planning Agencies Executive Directors Committee.
 - a. The Policy Council shall cause to be created a set of By-Laws which shall further describe its operational structure and the operational structure of any subcommittees it may create.
 - b. The Policy Council shall provide direction to the Regional Planning Agencies Executive Committee on the development of an Annual Work Program and Budget for activities to be carried out jointly, including identifying revenue for the implementation of these activities. The Annual Work Program and Budget is to be reflected in each respective regional planning agency's budget documents as appropriate.
 - c. Nothing herein shall be construed as limiting in any manner the authority and responsibilities of the respective regional planning agencies, and all plans, programs and activities shall at all times be carried out in such manner as to maintain and recognize the separateness and autonomy of the individual regional planning agencies.
13. The San Joaquin Valley Regional Planning Agencies Executive Directors Committee consisting of the regional planning agencies' Executive Directors (or their designees) shall hereby continue to provide coordination and direction on all administrative work required to carry out the development of plans that address interregional issues. The Executive Directors Committee may establish technical committees to assist in research and plan development that address interregional issues as defined herein and on other interregional issues as directed by the Policy Council. One of the primary roles of the Executive Directors Committee shall be as the primary advisory body to the Policy Council on all items appearing on its agenda, and one of its functions shall be to recommend agenda items for the Policy Council's regular agenda. The Executive

Directors Committee shall implement the Annual Work Program and Budget as approved by the Policy Council.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their respective officers to be effective on the date first above written.

COUNCIL OF FRESNO COUNTY GOVERNMENTS



Mayor Pro Tem Trinidad M. Rodriguez, Chairman



Barbara Goodwin, Executive Director

KERN COUNCIL OF GOVERNMENTS



Councilmember David Couch, Chairman



Ronald E. Brummett, Executive Director

KINGS COUNTY ASSOCIATION OF GOVERNMENTS

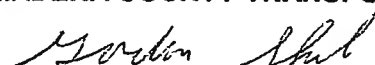


Councilmember Sid Craighead, Chairman



Terri King, Executive Director

MADERA COUNTY TRANSPORTATION COMMISSION



Councilman Gordon Skeels, Chairman




Patricia Taylor, Executive Director

MERCED COUNTY ASSOCIATION OF GOVERNMENTS



Councilmember William Spriggs, Chairman



Jesse Brown, Executive Director

SAN JOAQUIN COUNCIL OF GOVERNMENTS




Councilman John W. Harris, Chairman



Andrew Chesley, Executive Director

STANISLAUS COUNCIL OF GOVERNMENTS

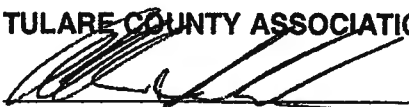


Mayor James Ridenour, Chairman



Vince Harris, Executive Director

TULARE COUNTY ASSOCIATION OF GOVERNMENTS



Supervisor Allen Ishida, Chairman



George Finney, Executive Director

**San Joaquin Valley Regional Planning Agencies Policy Council
By-Laws**

WHEREAS, the eight Regional Planning Agencies in the San Joaquin Valley have executed a Memorandum of Understanding creating the San Joaquin Valley Regional Planning Agencies Policy Council, and

WHEREAS, the Memorandum of Understanding vests the Policy Council with the responsibility of overseeing the coordination efforts of Valley issues and concerns and providing guidance on common interregional policy issues, and

WHEREAS, the organizational structure, process and functions of the Policy Council are set forth within the Memorandum of Understanding;

THEREFORE, BE IT RESOLVED:

1. The By-Laws of the Policy Council shall be specified herein, except that these By-Laws shall not limit, restrict, modify or supersede those activities or duties conferred or implied in the Memorandum of Understanding.
2. Membership of the Policy Council shall be as provided in the Memorandum of Understanding of September 9, 2009.
3. The Policy Council, as per the Memorandum of Understanding, shall provide guidance on common interregional policy issues. The Policy Council shall also represent the San Joaquin Valley at public forums, including before the California Transportation Commission, the Governor and his/her administration, and before State and Federal legislative bodies that require a common voice. The Policy Council shall also provide direction and guidance to the Regional Planning Agencies Executive Directors Committee on the development of an Annual Work Program and Budget for activities to be carried out jointly, including identifying revenue for the implementation of these activities.
4. The Policy Council shall have the ability to form additional committees and/or subcommittees, either formally or ad hoc, as deemed necessary.
5. The Policy Council shall meet at least twice each fiscal year, at such time and location as may be prescribed by vote of the membership at a previous meeting. If no time or location is so prescribed, the Chairman, or his representative, shall be authorized to fix said meeting time and location. Accommodations shall be made so that members may officially participate in all meetings through the use of video-conferencing and/or telephone conference facilitation.

Special meetings may be called by the Chairman or his representative at any time. The members shall be notified in writing and via FAX or e-mail of all special and regular meetings; written nature of meeting shall be forwarded by first class mail or other appropriate means not less than five days prior to the meeting.

All regular and special meetings shall be conducted in accordance with the Ralph M. Brown Act, as amended.

Except as provided herein or in the Memorandum of Understanding, the most recent edition of Robert's Rules of Order shall constitute the parliamentary authority for the Council.

Items of an emergency nature which require immediate action by the Council may be added to the agenda upon concurrence of a majority vote of the members, once a quorum has been established.

6. The duly authorized representatives of a majority of the members shall constitute a quorum for the transaction of all business of the Council. No action shall be taken except upon a majority vote 2/3 of those present and voting.
7. Officers of the Policy Council shall consist of a Chairman and Vice-Chairman, who shall be elected from the duly authorized representatives of member regional planning agencies. Their duties shall be as follows:
 - a. Chairman: To preside over all meetings, maintain order, decide questions of parliamentary procedure, call special meetings, and such other duties as elsewhere herein provided.
 - b. Vice-Chairman: To perform the duties of the Chairman in the absence of such officer or upon disqualification of such officer.
8. Nomination and election of officers shall be held in July, at the beginning of each fiscal year, or at the first meeting subsequent to July, and such officers shall serve a one-year term. Any vacancy during the term shall be filled by nomination and election of such officer for the remainder of the term.
9. Nominations may be made either by a committee appointed by the Chairman or directly from the floor by duly authorized representatives.
10. An election for each office, beginning with that of Chairman, shall be held immediately after all nominations have been declared closed by the Chairman. If there is more than one nominee for any office, voting shall be by roll call of all duly authorized representatives.
11. Officers shall take office immediately after their election or as soon thereafter as practicable, and serve until disqualified or their successors are duly elected, whichever condition occurs first.
12. The Policy Council shall be responsible for making all amendments to these By-Laws.
 - a. Proposed amendments may be originated by the any duly authorized representative to the Council.
 - b. Proposed amendments may not be finally acted upon unless all of the members have been given written notice thereof at a prior meeting or by mail at least 15 days prior to the date of the meeting at which final action is to be taken.
 - c. Amendment to these By-Laws shall require the approval of a majority of the duly authorized representatives of the members, the same number of

13. The San Joaquin Valley Regional Planning Agencies Executive Directors Committee, as specified in the Memorandum of Understanding, shall select a Chairman and Vice-Chairman in July of each year from among its members. The duties of the Executive Directors Committee shall be:
 - a. To hold meetings and conduct business as deemed appropriate under the Memorandum of Understanding.
 - b. To recommend agenda items for the Policy Council's regular agenda.
 - c. To be the primary advisory body to the Policy Council, with review and recommendation, on all items appearing on its agenda, including but not limited to, the annual work program and budget, reports, studies, plans and policy items.
 - d. To continue to provide coordination and direction on all administrative work required to carry out the development of plans that address interregional issues.
 - e. To implement the annual work program and budget as approved by the Policy Council.
14. The Executive Directors Committee shall have the ability to form additional committees and/or subcommittees, either formally or ad hoc, as deemed necessary.
15. The Executive Directors Committee shall hold regular meetings, at such time and location as may be prescribed by vote of the committee members. If no time or location is so prescribed, the Chairman, or his representative, shall be authorized to fix said meeting time and location. Accommodations shall be made so that members may officially participate in all meetings through the use of video-conferencing and/or telephone conference facilitation.

Special meetings may be called by the Chairman or his representative at any time. The members shall be notified either in writing, or via FAX or e-mail, of all special and regular meetings; written nature of meeting shall be forwarded by first class mail or other appropriate means not less than five days prior to the meeting.

All regular and special meetings shall be conducted in accordance with the Ralph M. Brown Act, as amended.

Except as provided herein or in the Memorandum of Understanding, the most recent edition of Robert's Rules of Order shall constitute the parliamentary authority for the Council.

Items of an emergency nature which require immediate action by the Committee may be added to the agenda upon concurrence of a majority vote of the members, once a quorum has been established.

16. Business may be conducted when there are at least five (5) members present to perform the duties of the Executive Directors Committee. Any motion or action of

17. All administrative work of the Policy Council shall be performed by or under the direction of the Executive Directors Committee. The Executive Directors Committee, or its designee, shall:

- a. Serve as Secretary to the Policy Council.
- b. Serve as Secretary to such committees as the Council may establish.
- c. Keep a good and sufficient record of the proceedings and business of the Policy Council.
- d. Maintain files for all reports, correspondence and other business of the Council.
- e. Maintain a record of all financial transactions.
- f. Perform such other duties as may be assigned.



THE LEAGUES
OF WOMEN VOTERS
*of the Monterey Peninsula,
Salinas Valley and Santa Cruz County*

June 22, 2011

Stephany Aguilar
President
AMBAG
P.O. Box 809
Marina, CA 93933

SUBJECT: SUPPORT FOR REGIONAL PLANNING

Dear President Aguilar and Members of the Board of Directors:

The Leagues of Women Voters of Santa Cruz County, Monterey Peninsula and Salinas Valley would like to take this opportunity to support regional planning in the three county area. We are aware of efforts to change or eliminate the regional planning functions of AMBAG. Because of our long-standing support for regional planning for land use, transportation and air quality, we urge the Board to make every effort to assure that those functions continue within the region while addressing short-comings of the existing organization that may exist.

AMBAG was formed in 1968 as a forum for collaboration and communication. It played an invaluable role in coordinating such efforts as opposing exported wastewater from the Santa Clara Valley and the Kesterson drain to the Monterey Bay and supporting formation of the Monterey Bay Sanctuary. The functions identified below are currently performed by AMBAG. They are regional in scope and cannot be effectively performed by single county organizations:

1. As the federally designated Metropolitan Planning Organization (MPO), AMBAG is responsible for preparing the Metropolitan Transportation Plan (MTP).
2. If transportation conformity determinations are required again because the North Central Coast Air Basin fails to meet the federal ozone standard, the MPO plays a critical role in transportation and general conformity determinations.
3. As the MPO, AMBAG is required to approve federal plans to meet federal ambient air quality standards for ozone.
4. AMBAG prepares population, employment and housing forecasts that are used in regional plans including those for water, transportation and air quality. Using a common set of forecasts assures consistency from one regional plan to another.
5. AMBAG's transportation model is used by the Air Resources Board (ARB) to prepare mobile source emission inventories for air quality plans. The population, employment and housing forecasts are used to forecast population-related emissions.

6. AMBAG negotiates with the California Department of Housing and Community Development regarding regionwide fair share allocations for housing and works with cities and the counties to disaggregate allocations.
7. AMBAG is preparing the SB375 plan having already laid the ground work with the Blueprint. AMBAG has also prepared baseline emission inventories for local GHG action plans, a unique accomplishment in California.

The Board may wish to review regional structures currently used throughout California to determine their applicability to our three county region. For example, the Bay Area has a transportation planning agency (Metropolitan Transportation Commission) which combines the functions of all county transportation agencies into a single organization leaving other regional planning efforts to the Association of Bay Area Governments (ABAG) and the Bay Area Air Quality Management District (BAAQMD). In Southern California, the Southern California Association of Governments performs functions very similar to those currently performed by AMBAG.

The Leagues appreciate your dedication to effective regional governance, and we look forward to your efforts to assure that regional cooperation continues.

Sincerely,



Beverly Bean
LWV of the Monterey Peninsula



Jan Karwin
LWV of Santa Cruz County



Mary Ellen Dick
LWV of Salinas Valley

cc: Rich Stedman, MBUAPCD
TAMC
SCCRTC
San Benito County COG
AMBAG Cities and Counties

**DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
23 CFR Parts 450 and 500**

**Statewide Transportation Planning;
Metropolitan Transportation Planning**

Excerpt:

§ 450.310 Metropolitan planning organization designation and redesignation.

(a) To carry out the metropolitan transportation planning process under this subpart, a metropolitan planning organization (MPO) shall be designated for each urbanized area with a population of more than 50,000 individuals (as determined by the Bureau of the Census).

(b) MPO designation shall be made by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

(c) Each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs shall, to the extent practicable, provide coordinated transportation planning for the entire MPA. The consent of Congress is granted to any two or more States to: (1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under 23 U.S.C. 134 and 49 U.S.C. 5303 as the activities pertain to interstate areas and localities within the States; and (2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(d) Each MPO that serves a TMA, when designated or redesignated under this section, shall consist of local elected officials, officials of public agencies that administer or operate major modes of transportation in the metropolitan planning area, and appropriate State transportation officials. Where appropriate, MPOs may increase the representation of local elected officials, public transportation agencies, or appropriate State officials on their policy boards and other committees as a means for encouraging greater involvement in the metropolitan transportation planning process, subject to the requirements of paragraph (k) of this section.

(e) To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs.

(f) Nothing in this subpart shall be deemed to prohibit an MPO from using the staff resources of other agencies, non-profit organizations, or contractors to carry out selected elements of the metropolitan transportation planning process.

(g) An MPO designation shall remain in effect until an official redesignation has been made in accordance with this section.

(h) An existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

(i) Redesignation of an MPO serving a multistate metropolitan planning area requires agreement between the Governors of each State served by the existing MPO and units of general purpose local government that together represent at least 75 percent of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).

(j) For the purposes of redesignation, units of general purpose local government may be defined as elected officials from each unit of general purpose local government located within the metropolitan planning area served by the existing MPO.

(k) Redesignation of an MPO (in accordance with the provisions of this section) is required whenever the existing MPO proposes to make:

(1) A substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general purpose local government served by the MPO, and the State(s); or (2) A substantial change in the decisionmaking authority or responsibility of the MPO, or in decisionmaking procedures established under MPO by-laws.

(l) The following changes to an MPO do not require a redesignation (as long as they do not trigger a substantial change as described in paragraph (k) of the section):

- (1) The identification of a new urbanized area (as determined by the Bureau of the Census) within an existing metropolitan planning area;
- (2) Adding members to the MPO that represent new units of general purpose local government resulting from expansion of the metropolitan planning area;
- (3) Adding members to satisfy the specific membership requirements for an MPO that serves a TMA; or
- (4) Periodic rotation of members representing units of general-purpose local government, as established under MPO by-laws.

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Memorandum

To: Executive Committee
From: Christina Watson, Senior Transportation Planner
Meeting Date: August 3, 2011
Subject: State Legislative Update

RECOMMENDED ACTION

RECEIVE an update on state legislative activities.

SUMMARY

The state budget and redevelopment agency controversy is the main focus of work in Sacramento. The Transportation Agency is sponsoring a measure enabling non-profits to perform habitat mitigation for transportation projects. John Arriaga of JEA and Associates will attend the meeting and give an update on state legislative activities.

FINANCIAL IMPACT

The passage of the state budget is good news for transportation finance, because the state can now sell bonds, which will finance the voter-approved bonds for transportation projects. Several of the proposed bills on the Agency bill track may have financial impact to the Agency but it is as yet unclear to what extent.

DISCUSSION

Attachment 1 is a budget and transportation report from the Agency's state legislative advocate, JEA & Associates.

Key transportation aspects of the state budget include:

- The Gas Tax Swap deal remains intact.
- Having an adopted state budget allows the state to resume selling bonds, which will finance transportation projects via the voter-approved transportation bond initiatives.
- Governor Brown used his line item veto authority to eliminate funding for 47.5 Caltrans positions to review impacts of local projects (Project Initiation Documents) on the state highway system.
- He also eliminated nearly \$150 million in Proposition 1B appropriations to enhance local transit routes and feeder systems to high speed rail due to the lack of a comprehensive state rail plan.

- In addition, Counties were "disappointed but not disheartened" that Realignment lacks dedicated revenues and constitutional protections, and cities are fuming over the two-bill "extortion" scheme to take redevelopment revenues, which are arguably dedicated and constitutionally protected under Proposition 22.

Attachment 2 is the bill track of legislation of relevance to the Agency's adopted priorities, updated to reflect changes to the bills since the report to the Board of Directors on June 22, 2011.

John Arriaga will attend this Committee meeting and present a budget and legislative update.

Approved by: _____
Debra L. Hale, Executive Director

Date signed: _____
Regular Agenda
Reviewed by Counsel: N/A

Attachments:

1. JEA& Associates Report
2. Transportation Agency for Monterey County State Legislative Bill List as of July 13, 2011



Date: July 18, 2011
To: Debbie Hale, TAMC Executive Director
From: John Arriaga, JEA & Associates
Re: State Report –Legislative Committee Meeting

A majority vote budget that was passed on June 15 but soon vetoed, and on June 16 a “gimmick-free” budget was passed in time to start the new fiscal year (July 1). Despite the failure of the months-long negotiations with Republicans to get their support for extending the about-to-expire tax rates on sales, vehicles and income, legislative Democrats and the Governor managed to refashion the June 15 budget which would be both balanced, and according to State Treasurer Bill Lockyer, “financeable.” In a statement from the Governor’s Office, it was noted that the new budget drops General Fund spending to the lowest level in decades, returns authority to local government and closes the state’s \$26.6 billion deficit.

The budget makes substantial cuts to government programs and reduces state spending by \$15 billion. As a result, California’s General Fund spending — as a share of the economy — is now at its lowest level since 1972-73. The budget also takes critical steps to address the state’s long-term fiscal challenges by eliminating more than three-quarters of the structural deficit, putting in place a \$500 million reserve and making a commitment to secure stable funding for core services moving forward.

The budget recognizes that, since the May Revision, California’s tax revenues have continued to increase, providing billions of dollars to help close the budget gap and fund education under Proposition 98. Current projections are that an additional \$4 billion in revenue will be collected during the next fiscal year. As a safeguard, however, if these revenues are not realized, billions of dollars in additional cuts will be triggered to maintain a balanced budget.

The mix of cuts and revenue allow Governor Brown to maintain two key budgetary priorities, protecting K-12 education and funding the historic realignment initiative. The Governor’s realignment proposal is designed to address the state’s chronically high rates of recidivism, bring “government closer to the people,” and respond to the recent Supreme Court ruling that requires the prison system reduce its population by 33,000 inmates in the next two years. Realignment is supported by the state’s counties, police chiefs, peace officers, sheriffs and probation officers.

The main changes from the June 15 version of the budget and the current one include:

- \$4 billion in higher projected revenues in 2011-12, with triggered cuts if the money doesn't come in.
- 1.06 percentage point sales tax swap that redirects money to local governments for Brown's "realignment" plan rather than to the state. Sales tax rate fall one percentage point on July 1.

It maintains these provisions from the June 15 version:

- \$150 million cut each to University of California, California State University
- \$150 million cut to state courts
- \$200 million in Amazon.com online sales tax enforcement
- \$2.8 billion in deferrals to K-12 schools and community colleges
- \$300 million from \$12 increase per vehicle in DMV registration fee
- \$50 million from fire fee for rural homeowners
- Higher tax receipts (now worth \$1.2 billion for May and June)

It rejects these elements from the June 15 version:

- \$1.2 billion in revenue from selling state buildings
- \$900 million from raising a quarter-cent local sales tax
- \$1 billion in revenue shift from First 5 commissions
- \$500 million cut in local law enforcement grants
- \$540 million deferral to University of California
- \$700 million in federal funds for Medi-Cal errors

The budget includes \$23.8 million in line-item vetoes. The 2011-2012 California State Budget, in full, is available at: www.ebudget.ca.gov.

Transportation Budget Update

The passage of the budget has brought about several changes and cuts. However, on a positive note, the Gas Tax Swap deal remains intact. Also, the passage of a budget allows the state to move forward to sell the bonds needed to fund Prop. 1B and other projects. It appears that the full amount of Prop. 1B that was appropriated by the subcommittees is contained in the budget bill. Also included is \$262 million in Prop. 1A appropriations previously approved by the subcommittees.

Unfortunately, the Governor used his line item veto authority to eliminate funding for 47.5 Caltrans positions to review impacts of local projects on the state highway system. The loss of the funding for Caltrans oversight on Project Initiation Documents (PIDs) developed by local agencies for projects on the state route system means that locals will have to reimburse Caltrans for their review of PIDs. Caltrans is currently working to streamline PIDs, to minimize what is required in the documents, which will hopefully help reduce the time and cost to prepare these documents. The Governor also eliminated nearly \$150 M in Prop 1B appropriations to enhance local transit routes and feeder systems to high speed rail due to the lack of a comprehensive state rail plan.



Transportation Agency for Monterey County
State Legislative Bill List
As of: July 13, 2011

Deleted: June 2

NOTE: Bills that failed deadlines and are now dead or 2-year bills were deleted from this list.

AB 286(Berryhill, Bill R) State highways: Routes 108 and 120

Introduced: 2/8/2011

Last Amended: 4/27/11

Status: 6/27/2011 - In committee: Placed on Sen APPR. suspense file.

Summary: Would require proceeds from the sale of excess properties acquired by the department for improvements to State Highway Route 120 to be used for improvements to the State Highway Route 108 in Stanislaus County, the North County Corridor.

Position: Watch

Priority: Unknown

Action Taken: None

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AB 427(John A. Pérez, D) Transportation bond funds: transit system safety.

Introduced: 2/14/2011

Last Amended: 6/29/2011

Status: 7/13/2011 - From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

Calendar: 8/15/2011 hearing: Senate Appropriations

Summary: Prop 1B (2006) included \$1 billion for the Transit System Safety, Security, and Disaster Response Account. Existing law designates the California Emergency Management Agency as the administrative agency for this account and requires the allocation of 60% of the funds in the account for capital expenditures to transit operators and other transportation agencies using the allocation formulas applicable to the State Transit Assistance Program, and 15% of the funds for capital expenditures to specified intercity passenger rail systems and commuter rail systems. Existing law requires allocation of the 60% share of funds based on 2 different formulas also used for the State Transit Assistance program, with 50% of available funds allocated based on population and the remaining 50% based on operator revenue. Existing law provides that entities that receive bond funds from the 15% share for intercity passenger rail systems and commuter rail systems are not eligible for the 60% share of funds. This bill would provide that commuter rail operators eligible to receive State Transit Assistance funds are also eligible to receive funds from the 60% share of Transit System Safety, Security, and Disaster Response Account funds.

Position: Watch

Priority: Unknown

Action Taken: None

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Deleted: In 2007, SB 88 created a formula by which the bond proceeds would be distributed. SB 88 specified that 60% of the bond funds would be allocated according to the existing statutory formula for State Transit Assistance, 25% would be allocated for capital expenditures to regional public waterborne transit agencies, and 15% would be allocated to intercity passenger rail systems. The bill would authorize operators that receive funds from the account for intercity passenger rail systems and commuter rail systems to also be eligible for funds designated for capital expenditures of transportation planning agencies, county transportation commissions, and other specified transit-related agencies.

AB 484(Alejo D) Land use: natural resources: transfer of long-term management funds.

Introduced: 2/15/2011

Last Amended: 5/27/11

Status: 7/8/2011 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/8/2011)

Summary: Would authorize funds set aside for the long-term management of any lands or easements conveyed to a nonprofit organization pursuant to the above provisions to also be conveyed to the nonprofit

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organization. Would also require the nonprofit organization to hold, manage, invest, and disburse the funds in furtherance of managing and stewarding the land or easement for which the funds were set aside.

Position: SUPPORT

Priority: 8 (Habitat Mitigation Land Management)

Action Taken: TAMC Sponsor Measure – Attended hearings to speak in support of measure

AB 485(Ma D)Infrastructure financing.

Introduced: 2/15/2011

Last Amended: 6/29/2011

Status: 7/11/2011-read second time. Ordered to third reading

Calendar: 7/13/2011 Senate Third Reading (Item 151)

Summary: Would eliminate the requirement of voter approval for the adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit village development district. Would require a city or county that uses infrastructure financing district bonds to finance its transit village development district to use at least 20% of the revenue from those bonds for the purposes of increasing, improving, and preserving the supply of lower and moderate-income housing; to require that those housing units remain available and occupied by moderate-, low-, very low, and extremely low income households for at least 55 years for rental units and 45 years for owner-occupied units; and to rehabilitate, develop, or construct for rental or sale to persons and families of low or moderate income an equal number of replacement dwellings to those removed or destroyed from the low- and moderate-income segment of the housing market as a result of the development of the district. Would set forth the findings and declarations of the Legislature, and the intent of the Legislature that the development of transit village development districts be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code. This bill would also eliminate the requirement of voter approval and authorize the legislative body to create the district, adopt the plan, and issue the bonds by resolutions.

Position: Watch

Priority: 9 (TOD)

Action Taken: None

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AB 650(Blumenfield D)Blue Ribbon Task Force on Public Transportation for the 21st Century.

Introduced: 2/16/2011

Last Amended: 6/29/2011

Status: 6/30/2011-Withdrawn from committee. Re-referred to Com. on APPR.

Calendar: 8/15/11 hearing: Sen APPR

Summary: Would establish, until March 30, 2013, the Blue Ribbon Task Force on Public Transportation for the 21st Century. Would require the task force to be comprised of 12 members and would require the Senate Committee on Rules and the Speaker of the Assembly to each appoint 6 specified members, by January 31, 2012. The bill would require the task force to elect one of its nonlegislative members as chair. Would require the task force to issue a written report that contains specified findings and recommendations relating to, among other things, the current state of California's transit system, the estimated cost of creating the needed system over various terms, and potential sources of funding to sustain the transit system's needs, and to submit the report by September 30, 2012, to the Governor, the Legislature, the Joint Legislative Budget Committee, the Senate Committee on Rules, the Speaker of the Assembly, and the transportation committees of the Legislature. Would require the task force, for purposes of collecting information for the written report, to consult with appropriate state agencies and departments and would require the task force to contract with consultants for preparation of the report. Would require Caltrans to provide administrative staffing to the task force. Would appropriate \$750,000 from the Public Transportation Account to the department to accomplish the purposes of these provisions.

Position: Watch

Priority: 3 (Funding)

Action Taken: None

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AB 710(Skinner D)Local planning: infill and transit-oriented development.

Introduced: 2/17/2011

Last Amended: 7/12/2011

Status: 7/12/2011 Read second time and amended. Ordered to third reading.

Calendar: 7/13/2011 Sen Third Reading (Item 196)

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Summary: Would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development.

Position: Watch

Priority: 9 (TOD)

Action Taken: None

AB 796(Blumenfield D)Financial assistance.

Introduced: 2/17/2011

Last Amended: 5/11/2011

Status: 7/13/2011-Read second time and amended. Re-referred to Com. on APPR.

Calendar: 8/15/11 hearing: Sen APPR

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Summary: The California Alternative Energy and Advanced Transportation Financing Act requires the California Alternative Energy and Advanced Transportation Financing Authority, in consultation with the State Energy Resources Conservation and Development Commission, to establish criteria for selecting projects related to renewable energy and alternative transportation technologies that would receive financial assistance, including loans, loan loss reserves, interest rate reductions, insurance, guarantees, and other credit enhancement or liquidity facilities, from the authority. Would require the CAEATFA to establish the Clean Energy and Jobs Incentive Program to provide financial assistance in the form of loan loss reserves to a participating financial institution providing loans to California-based entities for the development and expansion of manufacturing facilities or the installation of eligible technologies.

Position: Watch

Priority: 5 (Climate Change)

Action Taken: None

AB 845(Ma D)Transportation: bond funds.

Introduced: 2/17/2011

Last Amended: 5/10/2011

Status: 7/06/2011 From committee: Re-referred to Com. on APPR.

Calendar: 8/15/11 hearing: Sen APPR

Summary: Would require the guidelines adopted by the commission to determine the funding share for each eligible commuter and urban rail recipient to use the distribution factors gathered from the 2007 Data Tables of the National Transit Database of the Federal Transit Administration. Would require the commission to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient and would require matching funds provided by the recipient to be from non-state funds. Would define "non-state matching funds" for purposes of these bond fund allocations to mean local, federal, and private funds, as well as state funds available to an eligible recipient that are not subject to allocation by the commission.

Position: Watch

Priority: 2 (Rail Services) and 7 (High Speed Rail)

Action Taken: None

AB 892(Carter D)Department of Transportation: environmental review process: federal pilot program.

Introduced: 2/17/2011

Last Amended: 5/10/11

Status: 7/13/2011-Read second time and amended. Re-referred to Com. on APPR.

Calendar: 8/15/11 hearing: Sen APPR

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Summary: Existing law gives the Department of Transportation full possession and control of the state highway system. Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery pilot program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law, until January 1, 2012, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the pilot program. This bill would delete this repeal date and extend the operation of these provisions until January 2019.

Position: SUPPORT

Priority: 1 (Streamlining)

Action Taken: Executive Committee adopted "support" position 4/6/11; Letter sent 4/11/11

AB 1097(Skinner D)Transit projects: domestic content.

Introduced: 2/18/2011

Last Amended: 6/13/11

Deleted: 4/25/11

Status: 7/12/2011 Read second time. Ordered to third reading.

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Calendar: 7/14/2011 Sen Third Reading (Item 135)

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Summary: Would require the Secretary of Business, Transportation and Housing to specifically authorize a state or local agency receiving federal funds for transit purposes to provide a bidding preference to a bidder if the bidder exceeds Buy America requirements applicable to federally funded transit projects.

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Position: Watch

Priority: 1 (Streamlining)

Action Taken: None

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AB 1164 (Gordon) Federal transportation funds.

Introduced: 2/18/2011

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Amended: 7/12/11

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Status: 7/13/2011: Withdrawn from committee. Re-referred to Com. on APPR.

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Calendar: 8/15/11 hearing: Sen Approps

Summary: Existing law provides for programming and allocation of state and federal transportation capital improvement program funds by the California Transportation Commission and authorizes Caltrans to make loans from the State Highway Account of federal transportation economic stimulus funds to advance bond-funded projects pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. This bill would enact similar provisions authorizing Caltrans, until September 30, 2015, to make loans from the State Highway Account of specified federal transportation funds to advance bond-funded projects. The bill would require the loans to be repaid to the State Highway Account within 3 years from the proceeds of bonds sold pursuant to the bond act and would provide for the appropriation of those repaid funds to Caltrans for use on projects in the state highway operation and protection program or the local assistance program.

Position: Watch

Priority: 3 (Funding)

Action Taken: None

ACA 4(Blumenfield D)Local government financing: voter approval.

Introduced: 12/6/2010

Status: 7/06/2011: In committee: Set, first hearing. Referred to ASM APPR. suspense file.

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Summary: Would lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in one year the income and revenue provided in that year, that is in the form of general obligation bonds to fund specified public improvements and facilities, or buildings used primarily to

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provide sheriff, police, or fire protection services.

Position: Watch

Priority: 4 (Voter Threshold)

Action Taken: None

AJR 5(Lowenthal, Bonnie D)Transportation revenues.

Introduced: 2/10/2011

Last Amended: 3/29/11

Status: 6/8/2011-Chaptered by the Secretary of State, Chapter Number 29, Statutes of 2011

Summary:Would request the President and the Congress of the United States to consider and enact legislation to conduct a study regarding the feasibility of the collection process for a transportation revenue source based on vehicle miles traveled, in order to facilitate the creation of a reliable and steady transportation funding mechanism for the maintenance and improvement of surface transportation infrastructure.

Position: Watch

Priority: 3 (Funding)

Action Taken: None

SB 28(Simitian D)Vehicles: electronic wireless communications devices: prohibitions.

Introduced: 12/6/2010

Last Amended: 7/7/11

Status: 7/14/2011-In Senate. Concurrence in Assembly amendments pending.

Summary:Would require the Department of Motor Vehicles to test the driver's license applicant's understanding of the distractions and dangers of handheld cell phone use and text messaging while operating a motor vehicle.

Position: Watch

Priority: N/A (Safety)

Action Taken: None

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SB 223(Leno D)Voter-approved local assessment: vehicles.

Introduced: 2/9/2011

Amended: 7/11/11

Status:7/11/2011 Read second time and amended. Re-referred to ASM Com. on APPR,Calendar: 8/17/2011

Anticipated Hearing Assembly APPR., Not in daily file.

Summary:Would authorize the City and County of San Francisco to impose a voter-approved local assessment for specified vehicles if certain conditions, including approval by local voters, are met.

Position: Watch

Priority: 3 (Funding)

Action Taken: None

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SB 436(Kehoe D)Land use: mitigation lands: nonprofit organizations.

Introduced: 2/16/2011

Last Amended:7/13/11

Assembly Member Alejo added as principal coauthor

Status: 7/13/2011-Read second time and amended. Re-referred to Com. on APPR.

Calendar: 8/17/2011 Anticipated Hearing ASSEMBLY APPR., Not in daily file.

Summary:The Planning and Zoning Law authorizes a state or local public agency, if the agency requires a property owner to transfer to the agency an interest in real property to mitigate an adverse impact upon natural resources caused by permitting the development of a project or facility, to authorize a nonprofit organization to hold title to and manage that interest in real property, provided that the nonprofit organization meets specified requirements. Would, revise these provisions and would, until January 1, 2022,authorize a state or local public agency to provide funds to a nonprofit organization to acquire land or easements that satisfy the agency's

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mitigation obligations, including funds that have been set aside for the long-term management of any lands or easements conveyed to a nonprofit organization, as specified. Would require a nonprofit organization that holds funds on behalf of the Department of Fish and Game for the long-term management of land to comply with certain requirements, including certification by the department, and oversight by the Controller under specified circumstances. Would also state the findings and declarations of the Legislature with respect to the preservation of natural resources through mitigation, and would state that it is in the best interest of the public to allow state and local public agencies and nonprofit organizations to utilize the tools and strategies they need for improving the effectiveness, costefficiency, and durability of mitigation for California's natural resources.

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Position: SUPPORT

Priority: 8 (Habitat Mitigation Land Management)

Action Taken: Letter sent 5/27/11

SB 468 (Kehoe D) Department of Transportation: north coast corridor project: high-occupancy toll lanes.

Introduced: 2/17/2011

Last Amended: 7/13/11

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Status: 7/13/2011-Action from APPR.: Read second time and amended. Re-referred to APPR.

Calendar: 8/17/2011 Anticipated Hearing Assembly APPR., Not in daily file.

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Summary: Would impose additional requirements on Caltrans with respect to specified highway projects on State Highway Route 5 in southern California, known collectively as the north coast corridor project, that are located entirely or partially in the coastal zone, including requiring the department to collaborate with local agencies, the California Coastal Commission, and other affected local, state, and federal agencies to ensure that multimodal transportation options are evaluated and included in the public works plan and, where appropriate, in the project design for the projects. The bill would make these requirements applicable to the San Diego Association of Governments (SANDAG) and would also require SANDAG, for these projects, to establish a safe routes to transit program that integrates the adopted regional bike plan with transit services and, pursuant to SANDAG's agreement, as specified, to commit to dedicate for regional habitat acquisition, management, and monitoring activities a portion of specified taxes approved by the voters in San Diego County. The bill would, for these projects, require the department to suspend a notice of determination relating to environmental impact, issued between January 1, 2011, and January 1, 2012, until it is determined that environmental documents for the projects satisfy the requirements of the bill.

Position: OPPOSE

Priority: 1 (Streamlining)

Action Taken: Executive Committee adopted "oppose" position 4/6/11; Letter sent 4/11/11

SB 653 (Steinberg) Local taxation: counties: school districts: community college districts: county offices of education: general authorization.

Introduced: 2/18/11

Last Amended: 6/6/11

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Status: 6/07/2011 Read second time. Ordered to third reading.

Calendar: 7/14/2011 Sen Third Reading (Item27)

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Summary: This bill would authorize the governing board of any county or city and county, any school district, any community college district, and any county office of education, subject to specified constitutional and voter approval requirements, to levy, increase, or extend a local personal income tax, transactions and use tax, vehicle license fee, and excise tax, including an alcoholic beverages tax, a cigarette and tobacco products tax, a sweetened beverage tax, and an oil severance tax.

Position: Watch

Priority: 1 (Streamlining) and 3 (Funding)

Action Taken: None

SB 910 (Lowenthal, Alan) Vehicles: bicycles: passing

Introduced: 2/18/2011

Last Amended: 6/22/11

Deleted: 5/10/11

Status: 7/07/2011 Read second time. Ordered to third reading.

Calendar: 7/13/2011 Asm Third Reading (Item 94)

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Summary: Would require the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle, traffic conditions, weather, and the surface and width of the highway. The bill would prohibit the driver of the motor vehicle that is overtaking or passing a bicycle proceeding in the same direction on a highway from passing at a distance of less than 3 feet between any part of the motor vehicle and any part of the bicycle or itsoperator, except as provided. The bill would make a violation of this provision an infraction punishable by a \$35 fine. Would also require the imposition of a \$220 fine on a driver if a collision occurs between a motor vehicle and a bicyclist causing bodily harm to the bicyclist, and the driver is found to be in violation of the above provisions. Would additionally permit a driver of a motor vehicle to cross those double parallel lines in a substandard width lane, as described, to pass a person operating a bicycle in the same direction, if in compliance with a specified provision.

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Position: Watch

Priority: 10S (complete streets)

Action Taken: None