



Regional Transportation Planning Agency - Local Transportation Commission
Monterey County Service Authority for Freeways & Expressways
Monterey County Regional Development Impact Fee Joint Powers Agency
Email: info@tamcmonterey.org

EXECUTIVE COMMITTEE

Members are: Mary Adams, Chair; Michael LeBarre, 1st Vice Chair; Chris Lopez, 2nd Vice Chair; Ed Smith, Past Chair; Wendy Askew, County Representative; Kimbley Craig, City Representative

Wednesday, March 2, 2022

****8:30 AM****

REMOTE CONFERENCE ONLY

There will be NO physical location of the meeting.

Please see all the special meeting instructions at the end of the agenda.

Join meeting online at

<https://us02web.zoom.us/j/775161178?pwd=STY4UzZZblpOK0VLdEs3RGZUS3kyUT09>

OR

Via teleconference at +1 669 900 6833

Meeting ID: 775 161 178

Password: 536047

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 the Committee. Under this item, each member of the public is allowed three minutes to address concerns. Comments in items on this agenda may be given when that agenda item is discussed. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to Maria at maria@tamcmonterey.org by

5:00 pm the Monday before the meeting, and such comments will be distributed to the Committee before the meeting.

3. BEGINNING OF CONSENT AGENDA

Approve the staff recommendations for items listed 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 the Executive Committee draft minutes of February 2, 2022.

- Rodriguez

END OF CONSENT AGENDA

4. Monterey Branch Line Recreational Use Unsolicited Proposal

1. **RECEIVE** information about unsolicited proposals from the Museum of Handcar Technology and the Mendocino Railway for interim uses of the Monterey Branch Line corridor between Marina and Sand City for a recreational enterprise in 2022; and
2. **PROVIDE** direction to staff.

- Guther

The Museum of Handcar Technology submitted a new request for handcar operations on the Monterey Branch Line corridor in 2022. Subsequently, the Mendocino Railway company submitted an unsolicited proposal for use of the same section of the Monterey Branch Line corridor for recreational use of railbike operations. Neither entity offers a service that meets TAMC's mission, thus, per the adopted unsolicited proposals policy, the Executive Committee can refuse both requests at any time during the process. To move forward with selecting a proposal, the Executive Committee can direct staff to initiate a Request for Proposals (RFP) process for recreational uses of the corridor. Staff seeks Committee input and direction.

5. RECEIVE update on state and federal legislative issues and **RECOMMEND** the Board of Directors take positions on proposed legislation.

- Watson

Staff and consultants will present updates on state and federal legislative activities and present proposed positions on draft legislation.

6. DISCUSS how to conduct future TAMC Board of Directors and committee meetings.

- Muck

It is recommended that the Committee discuss how and where to conduct future meetings, in light of the fact that the COVID-19 pandemic state of emergency declared by Governor Newsom, allowing the Transportation Agency Board of Directors and Committees to meet remotely, could be lifted in the near future.

7. RECEIVE report on draft TAMC Board meeting agenda.

- Muck

8. ANNOUNCEMENTS

9. ADJOURN

ANNOUNCEMENTS

Next Executive Committee meeting:
Wednesday, April 6, 2022 at 8:30 a.m.

If you have any items for the next agenda, please submit them to:

Elouise Rodriguez, Senior Administrative Assistant

Elouise@tamcmonterey.org

[Important Meeting Information](#)

Remote Meetings: On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allowed local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. That order expired on September 30, 2021. Governor Newsom has now signed AB 361, and the TAMC Board of Directors approved a resolution to enact AB 361 on September 22, 2021. This legislation permits teleconferencing for Brown Act meetings during a state of emergency. Thus, TAMC meetings will convene remotely, until further notice. For remote meetings, the public is strongly encouraged to use the Zoom app for best reception. Prior to the meeting, participants should download the Zoom app at: <https://zoom.us/download>. A link to simplified instruction for the use of the Zoom app is: <https://blog.zoom.us/wordpress/2018/07/03/video-communications-best-practice-guide/>.

Remote Meeting Public Comment: Due to current circumstances, there may be limited opportunity to provide verbal comments during remote meetings. Persons who wish to address the Committee for public comment or on an item on the agenda are encouraged to submit comments in writing to maria@tamcmonterey.org by 5:00pm the Monday before the meeting. Such comments will be distributed to the Committee before the meeting. Members of the public participating by Zoom are instructed to be on mute during the

proceedings and to speak only when public comment is allowed, after requesting and receiving recognition from the Chair.

Agenda Packet and Documents: Any person who has a question concerning an item on this agenda may call or email the Agency office to make inquiry concerning the nature of the item described on the agenda. Complete agenda packets are on display online at the Transportation Agency for Monterey County website. 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 review at the Agency website. Agency contact information is as follows:

Transportation Agency for Monterey County
www.tamcmonterey.org
Office is closed an all employees are working remotely until further notice
TEL: 831-775-0903
EMAIL: info@tamcmonterey.org

Agenda Items: The agenda will be prepared by Agency staff and will close at noon nine (9) working days before the regular meeting. Any member of the Committee may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

Alternative Agenda Format and Auxiliary Aids: 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 staff at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish language interpreters, 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.

CORRESPONDENCE, MEDIA CLIPPINGS, AND REPORTS - No items this month.



Memorandum

To: Executive Committee
From: Elouise Rodriguez, Senior Administrative Assistant and Clerk of the Board
Meeting Date: March 2, 2022
Subject: **Executive Committee draft minutes of February 2, 2022**

RECOMMENDED ACTION:

APPROVE the Executive Committee draft minutes of February 2, 2022.

ATTACHMENTS:

- ▣ Draft February Executive Committee Minutes

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: Mary Adams (Chair), Michael LeBarre (1st Vice Chair),
 Chris Lopez (2nd Vice Chair), Ed Smith (Past Chair),
 Wendy Root Askew (County representative), Kimbley Craig (City representative)*

Wednesday, February 2, 2022

*** 8:30 a.m. ***

REMOTE VIDEO/PHONE CONFERENCE ONLY

EXECUTIVE COMMITTEE	MAR 21	APR 21	MAY 21	JUN 21	AUG 21	SEP 21	OCT 21	NOV 21	JAN 22	FEB 22
Mary Adams, Chair Supr. Dist. 5 (S. Hardgrave, C. Courtney)	P (VC)	P (VC)	P (VC)	P(A) (VC)	P(A) (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)
Michael LeBarre, 1st Vice Chair King City (C. DeLeon)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)
Chris Lopez, 2nd Vice Chair Supr. Dist. 2 (P. Barba)	P (VC)	P (VC)	P (VC)	E	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)
Ed Smith, Past Chair Monterey (D. Albert, A. Renny)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	E
Wendy Root Askew, County Representative Supr. Dist. 1 (L. Gonzales/ J. Gomez)	P(A) (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P(A) (VC)	P(A) (VC)	E	P (VC)
Kimbley Craig, City Representative (C. Cromeenes)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)	P (VC)

TC: via teleconference; VC: via video conference

P = Present

A = Absent

P(A) = alternate present

E = Excused

1. CALL TO ORDER:

Chair Adams called the meeting to order at 8:30 a.m. Roll call was taken, and a quorum was confirmed.

Staff present: Goel, Guther, Muck, Rodriguez, Watson, and Zeller.

Others present: Agency Counsel Katherine Hansen; Colleen Courtney, District 5 alternate; David Rohal and Chris Hart, Sierra Railroad

2. PUBLIC COMMENTS:

No public comment.

3. CONSENT AGENDA:

M/S/C

Craig/LeBarre/unanimous

On a motion by Committee Member Craig, seconded by Committee Member LeBarre, the Committee voted 5-0 to approve the minutes from the Executive Committee meeting of January 3, 2022.

4. DRAFT OVERALL WORK PROGRAM, BUDGET AND INTEGRATED FUNDING PLAN

On a motion by Committee Member Lopez, seconded by Committee Member Craig, the Committee voted 5-0 to recommend the Board of Directors authorize the Executive Director to submit the draft fiscal year 22/23 Overall Work Program to Caltrans for initial review; that the Board provide direction and guidance to staff on the three-year budget for fiscal years 22/23 through 24/25, the Overall Work Program for fiscal year 22/23, and the 2022 Integrated Funding Plan; and that the Board direct the Executive Director to bring the final three-year budget, one-year Overall Work Program, and the Integrated Funding Plan back to the Board on May 25, 2022 for approval, to include a 4% cost of living increase.

Mike Zeller, Director of Programming & Project Delivery, reported the annual Overall Work Program and Integrated Funding Plan describes the activities that the Agency will undertake during the next fiscal year, and provides the basis for the 2022/23 budget. The budgeting process was changed last fiscal year so that regional projects such as Salinas Rail Extension and Measure X programs are now listed in the Integrated Funding Plan. The two documents are intended to complement each other, but not necessarily add up. Agency staff time spent working on regional projects continues to be included in the Agency's budget. Direct expenses for these regional projects are only included in the Integrated Funding Plan.

Rita Goel, Director of Finance & Administration, reported that the Agency budget separates expenditures into two types: operating and direct programs. Operating expenditures include salaries and benefits, materials and supplies, and equipment. Direct program expenditures for outside consultants, contracts, and ongoing project and program delivery with continuous funding such as Freeway Service Patrol and Call Box are in the Agency's budget and the

Overall Work Program. Operating: The proposed fiscal year 2022-2023 operating expenditure budget is \$3,630,869 a net decrease over fiscal year 2021-2022 of \$179,565. The Committee agreed that the draft operating budget to be presented to the Board on February 23, 2022, be revised to include a 4% cost of living increase.

5. TAMC BOARD DRAFT AGENDA

Executive Director Todd Muck reviewed the draft regular and consent agenda for the TAMC Board meeting of February 23, 2022.

After Executive Committee discussion, direction was provided to staff to place the following items for consideration on the regular agenda:

- Unmet Transit Needs Hearing
- Draft Overall Work Program and Budget
- Closed Session: Executive Director Evaluation

6. ANNOUNCEMENTS

Executive Director Todd Muck asked the opinion of the Committee if they would prefer a 9 a.m. start time; it was the consensus of the Committee to keep the meeting start time of 8:30 a.m.

Director Muck announced that a TAMC Board Special Meeting would be held on February 9, 2022, at 8:30 a.m.

7. ADJOURNMENT

Chair Adams adjourned the meeting at 9:41 a.m.



Memorandum

To: Executive Committee
From: Alissa Guther, Assistant Transportation Planner
Meeting Date: March 2, 2022
Subject: **Monterey Branch Line Recreational Use Unsolicited Proposal**

RECOMMENDED ACTION:

Monterey Branch Line Recreational Use Unsolicited Proposal

1. **RECEIVE** information about unsolicited proposals from the Museum of Handcar Technology and the Mendocino Railway for interim uses of the Monterey Branch Line corridor between Marina and Sand City for a recreational enterprise in 2022; and
2. **PROVIDE** direction to staff.

SUMMARY:

The Museum of Handcar Technology submitted a new request for handcar operations on the Monterey Branch Line corridor in 2022. Subsequently, the Mendocino Railway company submitted an unsolicited proposal for use of the same section of the Monterey Branch Line corridor for recreational use of railbike operations. Neither entity offers a service that meets TAMC's mission, thus, per the adopted unsolicited proposals policy, the Executive Committee can refuse both requests at any time during the process. To move forward with selecting a proposal, the Executive Committee can direct staff to initiate a Request for Proposals (RFP) process for recreational uses of the corridor. Staff seeks Committee input and direction.

FINANCIAL IMPACT:

For the 2019-20 work on the Museum of Handcar Technology proposal, developing and executing the reimbursement agreement and lease agreement, TAMC expended approximately \$17,500 on planner time and legal costs, including the filing of California Environmental Quality Act (CEQA) documentation. Of that amount, the Museum of Handcar Technology reimbursed TAMC a total of \$6,130.56 in 2020, leaving TAMC to pay about \$11,370 in Agency reserve funds to cover those costs.

The 2021 lease agreement included a \$15,000 deposit for staff time. In fiscal year 2020-2021, \$11,140.82 was expended to support the 2021 trial run, of which \$7,350.89 was funded through the deposit and \$3,789.93 from TAMC funds. During fiscal year 2021-2022, TAMC spent \$4,824.86 of the deposit funds for the first two quarters until December 2021. The total expenditures from 2021 on then total \$15,965.68, which is \$965.68 over the deposit amount.

If the Executive Committee directs staff to proceed with activities related to publishing a request for proposals for a recreational use of the corridor, staff estimates that planner and legal costs are likely to exceed \$15,000. CEQA documentation is expected to be more extensive for long-term use of the corridor. The California Public Utilities Commission (CPUC) indicated that long-term use would require TAMC to apply for a CPUC permit to make any changes to the rail line. Proceeding with any recreational proposal would involve an additional set of costs, including

potential liability and insurance costs, although every effort would be made to transfer such costs to the operator.

DISCUSSION:

On February 24, 2021, the Board of Directors approved a lease agreement with the Museum of Handcar Technology for a trial use of the Monterey Branch Line corridor for recreational use. The agreement was executed, and the handcars had a successful trial in the summer of 2021. The lease agreement expired on September 30, 2021. The Museum of Handcar Technology's proposed 2022 operations would run approximately three and a half (3.5) miles from the Palm Avenue/ Marina Drive intersection in Marina, under the Highway 1 overcrossing and over the bike path, to the balloon spur tracks in the Fort Ord Dunes State Park, with a request to include a lease for an additional two and a half (2.5) miles towards Sand City. The project proponents are requesting to place a 45-foot-long cargo container to store handcars and a 20-foot-long container for support item storage on the tracks within the Monterey Branch Line right-of-way near Palm Avenue in Marina. They propose to have employees and customers park on TAMC property off Marina Drive. They would make upgrades to the tracks needed to support their operations. Changes to their operations as compared to the trial run in 2021 include permanently modifying the bicycle path that connects across the rail tracks from Beach Range Road to the Caltrans coastal trail; having a year long, month to month lease; possibly extending operations to Sand City; and adding fencing around the area where they will base their operations.

In January 2022, Mendocino Railway submitted an unsolicited conceptual proposal for use of the Monterey Branch Line rail corridor for railbike operations. Their proposal is similar to the handcar operations, with a different kind of technology (the handcars are operated by hand, while the railbikes are operated by foot). The railbike proposal requests a long-term agreement for use of the corridor from Marina to Sand City, including a base at Marina with a container using electricity to charge batteries and store bikes. The proposal also includes permanent alterations to the bicycle path that connects across the rail tracks from Beach Range Road to the Caltrans coast trail, and bike turntables at either end that can be installed or removed within a day. The railbike proposal includes other concepts such as a train car station for administration operations at Palm Avenue.

Because TAMC has received two unsolicited proposals for what is essentially the same project concept, it is not possible to engage with one or the other without a full competitive process. Since recreational uses are not within the mission or goals of the Agency, it is reasonable for the Executive Committee to direct staff to reject both proposals. The other option is for the Committee to direct staff to proceed with a competitive procurement for recreational use of the rail line corridor.

Before the Board of Directors can approve a lease, several activities would need to take place. As the property owner, the Agency would be required to serve as the lead agency for the purposes of the California Environmental Quality Act (CEQA); costs could be billed to the project proponent. TAMC would also be responsible for coordinating on a permit from the CPUC, in cooperation with the winning vendor for the operations.

The project proponent would be responsible for obtaining all reviews and permits, including, as necessary: County and City of Marina use permits (branch line is in the County, parking is in the City), State Parks review, and Coastal Commission review and permits.

Currently, staff seeks Committee direction to reject both proposals and whether to initiate a Request for Proposals process for a recreational use of the corridor.

WEB ATTACHMENTS:

1. [Museum of Handcar Technology Conceptual Proposal](#)
2. [Mendocino Railway Conceptual Proposal](#)
3. [Mendocino Railway Railbike Presentation](#)



Memorandum

To: Executive Committee
From: Christina Watson, Director of Planning
Meeting Date: March 2, 2022
Subject: Legislative Update

RECOMMENDED ACTION:

RECEIVE update on state and federal legislative issues and **RECOMMEND** the Board of Directors take positions on proposed legislation.

SUMMARY:

Staff and consultants will present updates on state and federal legislative activities and present proposed positions on draft legislation.

FINANCIAL IMPACT:

The legislative proposals may have a financial impact on TAMC if they are enacted.

DISCUSSION:

Agency legislative analyst Gus Khouri will present an update on state legislative activities, Agency legislative analyst Paul Schlesinger will present an update on federal legislative activities.

Attachment 1 is a draft state bill list with positions for the Executive Committee to consider recommending to the Board of Directors, as follows:

- Assembly Bill (AB) 1638 (Kiley): "Motor Vehicle Fuel Tax Law: suspension of tax" would suspend the gas tax for six months, which would dramatically decrease state transportation funds. Staff recommends an "oppose" position.
- AB 1778 (Cristina Garcia): "State transportation funding: freeway widening" would prohibit state funds or personnel time to be used on freeway widening projects in areas with high rates of pollution and poverty. Staff recommends an "oppose unless amended" position, with a recommendation to the author to make it a pilot program or consider offsets.
- AB 1944 (Lee): "Local government: open and public meetings" would amend the Brown Act to enable remote participation in meetings without requiring publicly posting the location of the remote participants. Staff recommends a "support" position.
- Senate Bill (SB) 922 (Wiener): "CEQA exemptions; transportation-related projects" would extend California Environmental Quality Act (CEQA) exemptions for bicycle and transit projects. MST asks that TAMC support this bill.

February 18 was the deadline for bill introduction, after this report was drafted. Any new bills of interest to TAMC will be presented verbally at the Executive Committee meeting and added to the list for the TAMC Board report. Staff will

seek feedback from the Bicycle and Pedestrian Facilities Advisory Committee and the Technical Advisory Committee on a few of the bills on the list. As those meetings occur after the Executive Committee meeting, staff will reflect input from those committees in the TAMC report.

Attachment 2 is a state legislative report. Staff and consultants will present updates at the meeting.

ATTACHMENTS:

- ▣ Draft bill list
- ▣ State update

TAMC Bill Matrix – March 2022

Measure	Status	Bill Summary	Recommended Position
AB 1638 (Kiley) Motor Vehicle Fuel Tax Law: suspension of tax	1/12/2022 Introduced	This bill would suspend the imposition of the tax on motor vehicle fuels for 6 months. If enacted, this bill would drastically impact state funding for highways, local streets and roads, and public transportation given that the gas tax is the main source of funding for transportation infrastructure and voters have repeatedly supported protection of those funds.	OPPOSE Priority 1S
AB 1778 (Cristina Garcia) State transportation funding: freeway widening	2/3/2022 Introduced	This bill would prohibit any state funds or personnel time from being used to fund or permit freeway widening projects in areas with high rates of pollution and poverty. The recommendation is to oppose unless amended to make this bill a pilot program or require seeking alternatives to pursue multi-modal options, zero-emission vehicle investments, or procurement of zero emission trucks through the corridor as offsets for projects that traverse an area of high pollution. In its current form, this bill may impact funding highway projects in Monterey County.	OPPOSE UNLESS AMENDED Priority 2S
AB 1909 (Friedman) Vehicles: bicycle omnibus	2/9/2022 Introduced	This bill would remove the prohibition of class 3 electric bicycles (electric bicycles that feature pedal assist and top off at 28 miles per hour) on a bicycle path or trail and would remove the authority of a local jurisdiction to prohibit class 1 (20 mph max speed and motor work only when pedaling) and class 2 (also 20 mph but has a throttle boost) electric bicycles on these facilities. The bill would instead authorize a local authority to prohibit the operation of a class 3 electric bicycle at a motor-assisted speed greater than 20 miles per hour. This bill extends the authorization for an electric bike to cross an intersection to a when a “WALK” sign is displayed, unless a bicycle control signal is displayed. This bill would no longer require a bicycle to be licensed and requires a vehicle that is passing or overtaking a vehicle to move over to an adjacent lane of traffic if one is available, before passing or overtaking the bicycle.	Watch Priority 9S

TAMC Bill Matrix – March 2022

Measure	Status	Bill Summary	Recommended Position
AB 1919 (Holden) Transportation: free transit passes	2/9/2022 Introduced	This bill is currently a spot bill stating the intent of the Legislature to enact future legislation to ensure all public-school pupils and all students attending the California State University, the University of California, and the California Community Colleges receive free and unlimited access to student transit passes.	Watch Priority 3S
AB 1944 (Lee) Local government: open and public meetings	2/10/2022 Introduced	The Ralph M. Brown Act allows for meetings to occur via teleconferencing as long as the legislative body provides notice of each teleconference location of each member that will be participating in the public meeting, and those locations are made accessible to the public, and posted to the agenda to allow for public participation. At least a quorum of the legislative body must participate from locations within the boundaries of the local agency’s jurisdiction. Until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would exempt the requirement for publicly posting the location of remote participation by a member of the local agency. It would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.	SUPPORT Priority 15S
SB 674 (Durazo) Public Contracts: workforce development: covered public contracts	9/9/21 Two-year bill	This bill would require the Labor and Workforce Development Agency to create the California Jobs Plan and the United States Jobs Plan, which requires private entities bidding on covered public contracts over \$10 million related to the procurement, manufacturing, installation, and maintenance of transportation infrastructure, excluding contracts for road, bridge, or highway construction, to include as part of their application a form stating information about jobs created and retained.	Watch Priority 1S

TAMC Bill Matrix – March 2022

Measure	Status	Bill Summary	Recommended Position
SB 726 (Gonzalez) Alternative fuel and vehicle technologies: transportation sustainability strategy	9/7/21 Two-year bill	This bill would require the California State Resources Board and the State Energy Resources Conservation and Development Commission to develop a comprehensive transportation sustainability strategy. The bill would require the Board, as part of the 2027 update of the scoping plan, to set a greenhouse gas emissions reduction target for the transportation sector.	Watch Priority 1S
SB 771 (Becker) Sales and Use Tax Law: zero emissions vehicle exemption	5/26/21 Two-year bill	This bill would provide a state sales tax exemption on the purchase of an electric or a hybrid electric vehicle.	Watch Priority 1S
SB 873 (Newman) California Transportation Commission: state transportation improvement program: capital outlay support	1/24/2022 Introduced	This bill would require the California Transportation Commission (CTC) to make an allocation of capital outlay support resources by project phase, including preconstruction, for each project in the State Transportation Improvement Program (STIP). The bill would require the CTC to develop guidelines, in consultation with the Department of Transportation (Caltrans), to implement these allocation procedures. The CTC would be required to establish a threshold for requiring a supplemental project allocation. Caltrans would be required to submit a supplemental project allocation request to the CTC for each project that experiences cost increases above the amounts in its allocation.	Watch Priority 2S

TAMC Bill Matrix – March 2022

Measure	Status	Bill Summary	Recommended Position
SB 922 (Wiener) CEQA exemptions; transportation-related projects	2/3/2022 Introduced	This bill would repeal the January 1, 2030, sunset date, to indefinitely continue an exemption from the California Environmental Quality Act (CEQA) for bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles. The bill repeals the January 1, 2023, to indefinitely continue a CEQA exemption for transit prioritization projects and projects for pedestrian and bicycle facilities or for the institution or increase of new bus rapid transit, bus, or light rail services on public or highway rights-of-way. Provisions relating to projects valued at over \$100 million require additional consideration for displacement of disadvantaged communities and suggest anti-displacement strategies, designs, or actions for those projects for which at least 50% of the project or projects' stops and stations are in an area at risk of residential displacement and will have a maximum of 15-minute peak headways. MST recommends a support position as it extends the CEQA exemption for transit projects.	SUPPORT Priority 11S
SB 932 (Portantino) General plans: circulation element: bicycle and pedestrian plans and traffic calming plans	2/7/2022 Introduced	Commencing January 1, 2023, this bill would require the legislative body, upon any substantive revision of the circulation element, to ensure that a modified circulation element includes bicycle and pedestrian plans and traffic calming plans. This bill would require a county or city to include in its modified circulation element a map of the high injury network within its boundaries and would further require a county or city to identify and prioritize safety improvements that may be implemented within 15 years that would address serious and injurious traffic collisions. This bill would increase or decrease the 15-year implementation period based on whether the measures introduced by a county or city work to reduce its percentage of traffic violence.	Watch Priority 14S



February 16, 2022

TO: Board Members, Transportation Agency for Monterey County

FROM: Gus Khouri, President, Khouri Consulting LLC

RE: **STATE LEGISLATIVE UPDATE – MARCH**

General Update

Khouri Consulting is actively working with TAMC staff to monitor all bills in advance of the February 18 bill introduction deadline, as well as any two-year bills. Policy bill hearings will begin in mid to late March for new bills. These bills must progress to the Appropriations Committee of each house by April 29, if keyed fiscal, meaning a cost is associated from enactment, and May 6, if keyed non-fiscal, to move to the Floor. Bills that make it to fiscal committees must be heard by May 20 and be approved by May 27 off the floor of each house. Two-year bills, which are bills that have previously made it to the second house or are proposed constitutional amendments, are considered after May 31. Policy committees must complete their business by July 1, fiscal committees by August 12, and all business by the floor of each house by August 31, to be considered for signature by the Governor by September 30.

Fiscal Year 2022-23 State Budget Summary

On January 10, Governor Newsom released his proposed FY 2022-23 State Budget. The 2022-23 Budget, which contains \$213.1 billion in General Fund spending (\$286.4 billion with special funds) is projected to have a healthy one-time surplus of \$45.7 billion (\$28.7 billion higher than projected from FY 20-21 through FY 22-23), leaving roughly \$20 billion in unencumbered resources after obligations to education and the Rainy-Day Fund (Propositions 98 and 2, respectively, are fulfilled). For transportation, a budget package deal hinges upon exhaustion of the \$4.2 billion remaining in appropriation authority from Proposition 1A, the High-speed Rail

Bond Act of 2008, to allow for the Governor's proposed FY 22-23 investments transit and rail projects (\$3.25 billion, \$2 billion available statewide), grade separations (\$500 million), climate resiliency on the state highway system (\$400m), active transportation projects (\$500 million) and zero-emission vehicle infrastructure and incentives (\$3.9 billion, total of \$10 billion over six years). With the Congressional passage of the Infrastructure Investment and Jobs Act last November, California will receive more than \$40 billion of new formula-based transportation funding over the next five years and billions of dollars in additional funding from new competitive grants.

The Governor proposes to "pause" the annual inflation adjustment to the per gallon fuel excise tax rate, scheduled for July 1, 2022. This mechanism was approved as part of SB 1 in 2017 to protect against inflation and has an impact on funding made available to fund maintenance and congestion management on highways and repairing local streets and roads. Former California State Transportation Agency David Kim, who stepped down on January 14, stated that this is only a pause and not a repeal, and that the purpose is to provide a relief to consumers at the pump with gas prices that have exceeded \$5 per gallon. If enacted, this action would decrease fuel tax revenues by \$523 million in FY 2022-23, but the amount would be backfilled by the State Highway Account. There is no mechanism to regulate price adjustments by the petroleum industry.

The legislature will commence the budget subcommittee process in the coming weeks to discuss the Governor's proposed FY 22-23 budget, leaving items open and delaying action until the release of the May Revision. Per the Constitution, the legislature must send a balanced budget to the Governor by June 15. The budget must be signed by the Governor by June 30 and goes into effect on July 1, the start of the 2022-23 fiscal year.



Memorandum

To: Executive Committee
From: Todd Muck, Executive Director
Meeting Date: March 2, 2022
Subject: Return to In-person Meetings

RECOMMENDED ACTION:

DISCUSS how to conduct future TAMC Board of Directors and committee meetings.

SUMMARY:

It is recommended that the Committee discuss how and where to conduct future meetings, in light of the fact that the COVID-19 pandemic state of emergency declared by Governor Newsom, allowing the Transportation Agency Board of Directors and Committees to meet remotely, could be lifted in the near future.

FINANCIAL IMPACT:

None.

DISCUSSION:

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which enhanced State and Local Governments ability to respond to COVID-19 Pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allowed local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. That order expired on September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency, rather than under the Brown Act's prior more narrow rules for participation in a meeting by teleconference. AB 361 provides that if a state or local health official recommends social distancing, the TAMC Board of Directors and its Committees may meet remotely, provided that within 30 days of the first meeting after September 30, and every 30 days thereafter, the Board of Directors finds that 1) the Governor’s proclaimed state of emergency is still in effect; 2) the Board of Directors has reconsidered the circumstances of the state of emergency, and 3) the state of emergency continues to directly impact the ability of the members to meet in person.

AB 361 sunsets in January 2024 but in order to be in effect, Governor Newsom’s state of emergency must still be in effect; once it is lifted, AB 361 can no longer be applied regardless of the sunset date. Governor Newsom’s state of emergency order is still in effect and it is anticipated that it will remain in effect for months to come and thus, TAMC may continue using AB 361 for virtual meetings. Staff recommends that the Committee discuss how to conduct future meetings pursuant to the Brown Act, in the scenario that the state of emergency is terminated in the coming months.