



ITEM ID: 2023-328-0

TRANSMITTAL DATE: October 20, 2023

MEETING DATE: October 27, 2023

TO: Board of Directors

FROM: Paul Hubler, Chief Strategy Officer

SUBJECT: October Legislative Update

Issue

Staff provides a regular monthly update on current legislative affairs.

Recommendation

Receive and file.

Strategic Commitment

This report aligns with the Strategic Business Plan commitments of:

- **Connecting and Leveraging Partnerships:** We will forge new and enhanced relationships with our public and private partners to integrate and coordinate connecting services, providing residents throughout Southern California with better, seamless, sustainable alternatives to driving. This commitment is met by sharing news, information and the Authority’s legislative priorities with elected officials.
- **Advancing Key Regional Goals:** We will grow the role of regional rail in addressing climate change, air quality, and other pressing issues by advancing toward zero emissions, making rail a compelling alternative to single-occupant automobiles and advancing equity-focused opportunities for all communities throughout Southern California. This commitment is met by encouraging federal, state and local support for Authority priorities.

Background

Staff continues to engage with local, state, and federal government and community relations stakeholders relating to Metrolink service and relevant policy initiatives.

Discussion

Local

The Community Relations team is preparing for the Ventura County Line outreach meetings scheduled for October 17 for city staff and October 24 for elected officials. In addition to participating in local community events, these meetings serve as an opportunity for Metrolink to hear directly from our local communities about how we can be a better neighbor. These meetings provide information on our SCORE program and how it will improve service on the Ventura County Line as well as updates on Maintenance of Way, Quiet Zones and planned State of Good Repair projects. This is our second set of outreach meetings following a similar series of meetings we hosted for the San Bernardino Line in May 2023.

At the request of the City of San Fernando, Metrolink met with city staff on September 14 to discuss pedestrian safety issues as well as concerns regarding pedestrian crossing gates. Staff will continue to work with the city on safety concerns and will report further actions that are taken to enhance pedestrian safety.

Additionally, Government and Community Relations staff will support a meeting with Metrolink CEO Darren Kettle and newly elected Los Angeles City Councilmember Imelda Padilla on November 9 at her district office. This meeting will provide an opportunity to hear directly from the Councilwoman about issues or concerns, as well as to provide an overview of the Metrolink system and our efforts to enhance ridership, service levels, safety and to be responsive to community concerns.

The Community Relations team is working in conjunction with a consultant to develop a comprehensive Community Based Organization (CBO) program to enhance Metrolink's relationships with these organizations throughout our network. Strong relationships with the communities we serve are a priority at Metrolink. Updates will be provided as the CBO identification and outreach process is developed.

Central Maintenance Facility (CMF) Tours

On August 29, Metrolink staff hosted a tour for staff from Los Angeles Council District 13 (Hugo Soto-Martinez), whose district is near the CMF. Additionally, staff is preparing for a tour on October 23 with Los Angeles Councilwoman Eunisses Hernandez, who represents Los Angeles Council District 1. The goal of these tours is to inform the elected offices of the important service and maintenance work that takes place at the CMF, as well as the mitigation efforts implemented by Metrolink to reduce noise and emissions impacts to the community.

Metrolink in the Community

Metrolink participated in the Open Streets 2023 Festival which was held in the communities of Sylmar, San Fernando and Pacoima on September 23. Metrolink distributed information regarding SCORE, the Mobility for All program and other programs. The community relations team will continue to participate in community events to raise awareness of Metrolink service and programs.

State

The state Legislature reconvened from summer recess on August 14. Floor session was conducted between September 5 and September 14. Governor Newsom has until October 14 to sign or veto the bills that were passed by the Legislature. A full list of relevant and priority bills is provided in the attached legislative matrix.

Several bills expanding design-build authority have been passed by the Legislature and presented to the Governor including:

- AB 400 (Rubio) – permanently extends the existing authority for local agencies to utilize Design-Build procurement processes
- SB 617 (Newman) – expands Progressive Design Build Authority to regional transportation agencies for non-state highway roadways
- SB 706 (Caballero) – Removes the 15-project maximum and restriction to water-related projects for cities, counties, or special districts to use Progressive Design Build Authority

Also presented to the Governor was AB 819 (Bryan), which reduces existing penalties from a misdemeanor and fine to only a maximum \$400 fine for fare evasion and unauthorized use of discount tickets. ACA 1 (Aguilar-Curry) passed both houses and was ordered to the Governor's desk on the final day of session, September 14th. This amendment would lower the voter threshold for local affordable housing and public infrastructure projects from two-thirds to 55%. It also adds accountability requirements, including annual and independent audits of how money is used and the establishment of citizen oversight committees to track spending. The amendment will be on the November 2024 ballot, and to be enacted, must be approved by a simple majority of California voters.

There are a few bills that were moved to the inactive file in the final days of the Legislative session, including:

- AB 7 (Friedman) – would have required the California Transportation plan to include a financial element.
- AB 610 (Holden) – would have sponsored the Youth Transit Pilot Pass Program. A similar bill was passed by the Legislature last year but vetoed by the Governor due to lack of funding allocated in the state budget.
- AB 832 (Cervantes) – would have required that at least one of the Governor-appointed members of the California Transportation Commission have expertise in transportation issues and professional experience that includes working in or representing disadvantage communities.

The Legislature is now in recess through January 3, 2024. Staff will continue to engage member agency staff, external partners, and trade associations like the California Transit Association (CTA) in setting legislative goals and priorities for the 2024 Legislative Program. The program will be presented to the Board later this year.

On September 30, the California State Transportation Agency (CalSTA) published the 2023 SB 125 draft guidelines to provide additional clarification and guidance on the use of funds appropriated in late August in the Budget Act of 2023. Staff has been engaged with the CTA on requested revisions or amendments to the use and allocation of funding.

Federal

Congress returned to regular business after the August recess to continue work on the Fiscal Year 2024 appropriations process prior to the September 30 end of the federal fiscal year. In addition to the appropriations bills, Congress will also address other important measures for the remainder of the calendar year, including the rail safety legislation, FAA Reauthorization, National Defense Authorization Act (NDAA), expiring public health bills, the Farm Bill, and energy permitting reform legislation. With these competing priorities, it is likely that Congress will seek to secure a Continuing Resolution (CR) to keep the government operating beyond September 30th. A government shutdown remains possible given the uncertainty whether the votes are available to pass a CR.

The House Committee on Appropriations has reported 10 of 12 FY 2024 appropriations bills funded at FY 2022 levels – \$119 billion below the levels allowed in the debt ceiling measure signed into law in June. The Senate Committee on Appropriations reported all 12 of the FY 2024 appropriations bills prior to the August recess, funded at higher amounts more closely tracking to the debt ceiling agreement.

It remains unclear on what timeframe Congress may move to pass a Rail Safety bill in the aftermath of the freight train derailment of hazardous materials in East Palestine, Ohio earlier this year. Since that time, pressure for further regulation has eased but Senate leadership remains publicly committed to passage of legislation. In the House, leadership of the Transportation and Infrastructure Committee is awaiting the National Transportation Safety Board (NTSB) final report documenting the causes of the accident before taking legislative action. Staff will monitor closely any developments relating to this bill, including provisions that could affect Metrolink. Currently there is no committee action scheduled in either the Senate or House.

In September, Metrolink participated in multi-agency efforts to advocate for federal legislation and policies beneficial to Metrolink, passenger rail, and the transportation sector. Metrolink's CEO and Chief Strategy Officer attended the Commuter Rail Coalition (CRC) second annual summit in Chicago from September 18-20. The CRC held strategy sessions regarding federal policies beneficial to passenger rail, including support for full eligibility of commuter rail in federal discretionary grant programs. Additionally, CRC will monitor federal rail safety initiatives for unreasonable industry burdens. CRC will also continue to monitor excess liability insurance cost increases for passenger rail. The policy objectives pursued by CRC are consistent with Metrolink's board-adopted legislative platform.

Metrolink staff also participated in the California Transit Association (CTA) federal advocacy trip to Washington DC on September 18-19. CTA members from across California came together in Washington to advocate for a variety of shared goals, including full funding of programs authorized in the IIJA, also known as the Bipartisan Infrastructure Law. The delegation met with the offices of both California Senators and key House members and staff of the California congressional delegation on the authorizing and appropriating committees and subcommittees. These meetings were well-timed to deliver these messages of robust funding from the federal government, in advance of congressional conference deliberations likely this fall to determine final transportation funding levels, including for passenger rail. Staff will keep the Board apprised of these ongoing congressional efforts through the remaining session.

Prepared by: Jeffrey Dunn, Director, Government and Community Relations
Sylvia Novoa, Manager, Public Affairs
Julie Nieto, Management Analyst II
Grayson Hahn, Grad on Career Track

Approved by: Paul Hubler, Chief Strategy Officer

Attachment(s)

[Appendix A - October 2023 Bill Matrix](#)