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- San Bernardino County Transportation Commission
 - San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency
 - Service Authority for Freeway Emergencies
-

Revised Agenda Item No. 12

Board of Directors

April 11, 2013 at 9:30 am

Location:

San Bernardino Associated Governments
SANBAG Lobby
1170 W. 3rd Street
San Bernardino, California 92410

Discussion Calendar

Council of Governments

12. Federal Update

1. Adopt the proposed principles on CEQA Modernization
2. Receive Legislative Bill Matrix and adopt the following positions on State Legislation:
 - a. Oppose Unless Amended AB 863 (Torres, D-Chino)
 - b. Work with Author AB 1290 (Perez, D-Los Angeles)
3. Approve letter opposing court closures in San Bernardino County
4. Receive Federal Update

Wendy Strack

Recommendation Number 3 was added at the request of the Legislative Ad Hoc Committee after agenda was finalized and mailed.



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Minute Action

REVISED AGENDA ITEM: 12

Date: April 11, 2013

Subject: Legislative Briefing

- Recommendation:***
1. Adopt the proposed principles on CEQA Modernization
 2. Receive Legislative Bill Matrix and adopt the following positions on State Legislation:
 - a. Oppose Unless Amended AB 863 (Torres, D-Chino)
 - b. Work with Author AB 1290 (Pérez, D-Los Angeles)
 3. **Approve letter opposing court closures in San Bernardino County**
 4. Receive Federal Update

Background: State Update
 The California Environmental Quality Act (CEQA) was enacted in 1970 following the passage of the National Environmental Policy Act (NEPA) the prior year. As originally drafted, a bill that was only three pages in length was followed by decades of legislative and regulatory actions, litigation, and the passage of increasingly stringent environmental policies designed to advance the broad goals of the preservation of critical environment, historical and cultural resources, as well as enhanced public participation and transparency in the process.

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*Approved
 Board of Directors*

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

COG	X	CTC	X	CTA	X	SAFE	X	CMA	X
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Check all that apply.
 BRD1304b-wvs

- <http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2013/brd1304/AgendaItems/BRD1304b1-wvs.pdf>
- <http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2013/brd1304/AgendaItems/BRD1304b2-wvs.docx>
- <http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2013/brd1304/AgendaItems/BRD1304b3-wvs.docx>
- <http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2013/brd1304/AgendaItems/BRD1304b4-wvs.docx>
- <http://portal.sanbag.ca.gov/mgmt/committee/directors/brd2013/brd1304/AgendaItems/BRD1304b5-wvs.docx>

As many as 120 laws have been passed since CEQA was initially contemplated, including the Clean Air Act, the Clean Water Act, AB 32, and SB 375. Yet a comprehensive review of the current CEQA process has yet to occur or result in significant modifications to the current process. As a result, the CEQA process is open to abuse by project opponents that frequently use the confusing layers and conflicting directives to slow and derail projects for reasons completely unrelated to goals of CEQA.

This is not to say that CEQA does not also achieve its goals by requiring a thorough and comprehensive examination of projects and related impacts. In fact, the achievements of CEQA were significant considerations in the federal government's willingness to engage in a partnership with California to delegate NEPA approvals to the state.

In an era of project streamlining and reform, as well as an emphasis on job creation and economic stimulus, the federal government has embraced streamlining initiatives through "Every Day Counts" and Moving Ahead for Progress in the 21st Century (MAP-21) reforms. The state has also acknowledged the benefits of improved project delivery timeframes through the limited use of CEQA exemptions and approval of alternative project delivery authorities. However, broader CEQA reform has remained elusive.

Beginning late last year, former Senator Michael Rubio (D-Shafter) and Senate President pro Tem Steinberg (D-Sacramento) held a series of conversations with the stated goal of advancing the reform/modernization of CEQA. With Senator Rubio's departure, there are some questions about the momentum of any potential reforms, which makes coalition building even more significant if any outcomes are to be realized.

In addition, this legislative session has seen the introduction of at least 29 bills related to CEQA, each having varying impacts or benefits and many of which still lack sufficient content to properly evaluate the bill. As has been noted in prior meetings, SB 731 (Steinberg) is anticipated to be one of the key negotiating vehicles in this legislative session. The constantly changing dynamics of the CEQA debate at the state level has made individual bill positions difficult.

There are two major groups forming to bring this discussion to the forefront, the "CEQA Working Group" and "CEQA Works." The CEQA Working Group is comprised of business and community organizations seeking to "modernize" CEQA to reflect the multitude of subsequent environmental laws and to reduce the potential for misuse and abuse. "CEQA Works" was alternatively formed as a counter-effort by mainly environmental groups to demonstrate CEQA's benefits.

After extensive consultation with the CEQA Working Group, this coalition seems to best represent the direction SANBAG would like to see reforms develop and allows discussion to happen on a broader level without being tied to one bill. As the key negotiator for CEQA modernization, SANBAG's inclusion in this organization would help ensure a seat at the table to develop strategy and outreach as these complex negotiations unfold. There is no cost to joining this organization.

A copy of the CEQA Working Group's "Proposed Principles for CEQA Modernization" is included as Attachment #1 and staff recommends that SANBAG adopt these principles and move forward with membership in the working group. The current membership of the organization is also included. Staff's recommendation is consistent with the adopted 2013 State Legislative Platform, "SANBAG will advocate for reforms to ensure projects are delivered faster with more coordination."

State Legislation

AB 863 (Torres, D-Chino) allows NEPA responsibilities for railroad, public transportation and multimodal projects to be assumed by the California Department of Transportation (Caltrans), similar to authority previously approved for highway projects. As Caltrans does not currently have the staff, expertise, or resources to take on this additional oversight responsibility, placing this responsibility on the agency could result in project delays.

Staff recommends that the Board of Directors adopt an "OPPOSE UNLESS AMENDED" position in order to allow SANBAG to work with the author on proposed amendments to ensure the bill does not negatively impact project delivery timeframes. Specifically, SANBAG would request that the author amend the bill to specially apply to the Gold Line Extension to the City of Montclair or to amend the bill to allow delegation to local agencies.

This recommendation is consistent with SANBAG's 2013-2014 adopted State Legislative Platform under the provision "SANBAG will work to ensure that existing innovative project delivery tools are available and effective" and "SANBAG will advocate for reforms to ensure projects are delivered faster with more coordination". A more detailed analysis of this bill is included as Attachment #3.

AB 1290 (Pérez, D-Los Angeles) has been introduced by the Speaker of the Assembly and proposes a number of changes both to the membership of the California Transportation Commission (CTC) and the responsibilities related to the implementation of Sustainable Communities Strategies (SCS) which fall under its purview. The expansion of the membership and role of the CTC, as well

as the imposition of additional and duplicative reporting and state mandated activities, could present potential issues with slowing project delivery and reducing the responsiveness of the CTC.

Preliminary conversations with the author's office indicate that there is a significant willingness to work with local agencies in order to further develop a proposal that increases the communication and coordination of the SCS implementation effort while not creating a system that inhibits project delivery. Staff recommends that SANBAG engage in these conversations in order to ensure that the bill reflects the SANBAG's 2013-2014 adopted State Legislative Platform provision, "SANBAG will advocate for reforms to ensure projects are delivered faster with more coordination."

Staff recommends a WORK WITH AUTHOR position. A more detailed analysis of this bill is included as Attachment #4.

Letter regarding Court Closures

SANBAG has been requested to send a letter opposing the proposed court closures in San Bernardino County given the dramatic impact that this proposal is expected to have on our region. For a county spanning 20,000 square miles, the proximity of courthouses to those with matters pending before the court carries significant cost and time pressures for impacted parties.

This request follows letters that have already been sent by a number of local agencies from the region and the testimony by regional elected officials before the Assembly Budget Subcommittee on this topic.

The attached letter has been reviewed by the Legislative Ad Hoc Committee comprised of the Board President, Immediate Past President, and Board Vice-President and approved for consideration by the full Board of Directors. The recommendation is send the letter reflecting SANBAG's opposition to further court closures in San Bernardino County.

Federal Update

In March, Congress voted to approve a Continuing Resolution (CR) that will continue funding for federal agencies through September 30th. The House approved the CR on March 21st by a 318-109 vote, a day after Senate passed it 73-26. President Obama is expected to sign the measure.

The measure appropriates funds to federal government agencies through the remainder of the current federal Fiscal Year (FFY) 2013. Had the previous CR been allowed to expire March 27th, the government would have shut down. The

approved resolution fully funds MAP-21 programs, incorporating a number of adjustments to the original House version, such as fully funding MAP-21 Federal Transit Authority (FTA) Formula and Bus programs at \$8.5 billion. It also provides \$4 million to fund the new FTA transit safety program established under MAP-21 and includes technical corrections to the appropriations language for transit research and the New Starts program.

The CR does not alter the sequestration process, so, despite the restoration of MAP-21 Formula and Bus funding, those programs funded from the General Fund, including New Starts, FTA Research, FTA Administration, Hurricane Sandy Emergency Relief, and Amtrak, will still face cuts in funding of approximately 5 percent from the agreed-on FFY 2013 levels. Sequestration cuts to the New Starts program will potentially affect even those projects with Full Funding Grant Agreements. SANBAG does not expect to see a loss of funding to current or near-term projects in our region as these projects have either already received funding from the impacted programs or are funded out of the Highway Trust Fund (HTF), which is not impacted by the sequester. However, the sequester will limit available funding for New Starts programs in the future. In addition, any personnel reductions that may result from the sequester could delay federal project approvals going forward.

Also in March, the House ended debate on the House Budget Resolution. The non-binding resolution passed the House by a vote of 221-207, largely on party lines. The House Budget aims to balance the federal budget within a 10-year window, by FFY 2023. The House Budget assumes no General Fund transfers to the HTF in future fiscal years and restricts future transportation investments to tax receipts dedicated to the HTF, which would drastically reduce funding levels after MAP-21 expires. However, it does not alter any funding assumptions related to MAP-21 funding or programs in FFY 2014.

The Senate began debate the same day on the Senate Budget Resolution, which passed through the Senate Budget Committee along party lines. The Senate Budget Committee's proposal continues to promote General Fund investment in transportation and infrastructure projects, with a one-time \$50 billion infusion for capital investments in highways and public transit, as part of a larger \$100 billion infrastructure package. Neither the House nor Senate budget resolutions address the need for a longer-term funding solution to the HTF shortfall.

Lastly, the President's FFY 2014 budget is still pending. Historically, the President has released his budget in February but due to the sequester and fiscal cliff negotiations, a February budget was difficult. Another contributing factor is the President was waiting for the House and Senate to pass their budget resolutions. The new expected date for the President's budget release is

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April 10th. Staff will continue to provide updates as information becomes available.

Financial Impact: This item has no fiscal impact to the FY2012/2013 SANBAG Budget.

Reviewed By: This item will be presented at the General Policy Committee on April 10, 2013.

Responsible Staff: Wendy Strack, Director of Legislative Affairs



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April 11, 2013

The Honorable Bob Blumenfield
Chairman, Assembly Budget Committee
State Capitol, Room 6026
Sacramento, CA 95814

Dear Chairman Blumenfield:

On behalf of the San Bernardino Associated Governments (SANBAG), I urge the State to reconsider court closures that will severely impact our County. As the Council of Governments for a region that spans over 20,000 square miles of mountain, desert, and valley terrain through urban and rural areas, having local courthouses is of the utmost importance.

San Bernardino County is already facing the largest shortage of judges in the State of California. According to the statewide Judicial Needs Study released in October 2012, the San Bernardino Superior Court system should have 156 judges and more than 1,500 staff members, yet it operates with only 91 judges and less than a thousand staff members. In addition, the formula used by the California Judicial Council to allot funding to the courts is outdated and does not properly take into account San Bernardino County's vast service area and recent population growth.

The State has already closed the Chino courthouse and shuttered courtrooms in Joshua Tree. The pending closure of the Needles and Big Bear courthouses, along with the closure of courtrooms in Barstow will mean that crime victims, jurors, law enforcement officers, court personnel, and others are forced to drive many more miles to make court appearances.

Our cash-strapped local governments are already struggling to provide basic services to residents. The overtime and fuel costs associated with longer court trips will create even more budget pain for our 24 cities and the County of San Bernardino.

Thank you for your consideration in this matter. If you have additional questions about SANBAG's position on court closures, please contact Ray Wolfe, Executive Director for SANBAG or Wendy Strack, Director of Legislative Affairs at (909) 884-8276.

Sincerely,

Janice Rutherford
President, Board of Directors

Mike Leonard
Vice-President, Board of Directors

cc: Members of the Assembly Budget Committee
Smith, Watts & Martinez, LLC
San Bernardino County Legislative Delegation