



# **MONTEREY-SALINAS TRANSIT BOARD ADMINISTRATIVE PERFORMANCE COMMITTEE MEETING AGENDA**

**November 9, 2020**

**Time: 9:00 AM Pacific Time (US and Canada)**

Governor Newsom's COVID-19 Executive Order N-25-20 allows MST to hold meetings via teleconference and to make meetings accessible electronically to protect public health. The November 9, 2020 meeting of the Board Administrative Performance Committee will be held via Zoom conference. There will be NO physical location of the meeting. The public is asked to use the Zoom app for best reception. There may only be limited opportunity to provide oral comments during the meeting. Persons who wish to make public comment on an agenda item are encouraged to submit comments in writing by email to MST at [clerk@mst.org](mailto:clerk@mst.org) by 3:00 pm on Friday, November 6, 2020; those comments will be distributed to the legislative body 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. Prior to the meeting, participants should download the Zoom app at: <https://zoom.us/download> A link to tutorials for use of the Zoom app is: <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials> and <https://support.zoom.us/hc/en-us/articles/209743263-Meeting-and-Webinar-Best-Practices-and-Resources>

## **REMOTE CONFERENCE ONLY**

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# ***MST AGENDA & MEETING NOTICE***

**Group:** Board Administrative Performance Committee (BAPC)

**Directors:** Alejo, Clark (Vice Chair), LeBarre (Chair), Martinez, O'Connell, Pacheco

**Staff:** Carl Sedoryk, General Manager/CEO, Lisa Rheinheimer, AGM, Kelly Halcon, Director of HR and Risk Management, Robert Weber, Chief Operating Officer, Norman Tuitavuki, Deputy Chief Operating Officer, Mark Eccles, Director of Information Technology, Michelle Overmeyer, Director of Planning and Innovation

**Date:** November 9, 2020

**Time:** 9:00 am

*The BAPC Committee provides policy direction to the Board and monitor performance in areas of Finance and Budget, Procurement, Legislative, Intergovernmental Relations, Business Development, Planning, Marketing, and Customer Service, Regulatory Compliance, Risk Management, Employee Compensation/Benefit Programs, and Information Technology.*

1. Call to order.
2. Public comment on matters not on the agenda.

*Members of the public may address the Committee on any matter related to the jurisdiction of MST but not on the agenda. There is a time limit of not more than three minutes for each speaker. The Committee will not take action or respond immediately to any public comments presented, but may choose to follow-up at a later time, either individually, through staff, or on a subsequent agenda.*

3. Receive Administrative Performance Update. (Refer to MST Board Agenda Item 7-1) (Page 49) (Carl Sedoryk)
4. State Legislative Update and Draft 2021 Legislative Program. (Michelle Overmeyer) (Page 5)
5. Federal Legislative Update and Draft 2021 Legislative Program. (Carl Sedoryk/Don Gilchrest) (Page 11)
6. Review Staff Performance Incentive Process. (Kelly Halcon)
7. Staff and Committee member comments, questions, or referrals.
8. Closed Session

*As permitted by Government Code §54957 et seq. of the State of California, the Board of Directors may adjourn to Closed Session to consider specific matters dealing with*

*personnel and/or pending possible litigation and/or conferring with the Board's Meyers-Milias-Brown Act representative.*

- 8-1. CONFERENCE WITH LABOR NEGOTIATORS (§54957.6) Monterey-Salinas Transit Employee Association(MSTEA)(No Enclosure) (Kelly Halcon)
9. Return to Open Session
  - 9-1. REPORT ON CLOSED SESSION AND POSSIBLE ACTION.
10. Adjourn

## **MST Board and Committee Agendas**

### **Accessibility, Language Assistance, and Public Comments**

Materials related to an item on this agenda submitted to the Board after distribution of the agenda packet are available for public inspection at the Monterey-Salinas Transit Administration Building at 19 Upper Ragsdale Dr., Suite 200, Monterey, CA 93940 during normal business hours.

Upon request, Monterey-Salinas Transit will provide written materials in appropriate alternative formats, including disability-related modifications or accommodations, auxiliary aids, or services to enable individuals with disabilities to participate in public meetings. Please send a written request, including your name, mailing address, phone number, description of the requested materials, and preferred alternative format or auxiliary aid or service at least three working days prior to the meeting at the address below.

Public comments may be submitted for any item on the agenda by contacting MST:

**Mail:** MST, Attn: Clerk to the Board, 19 Upper Ragsdale Dr., Suite 200, Monterey, CA 93940

**Website:** <https://mst.org/contact-us/> • **Email:** [clerk@mst.org](mailto:clerk@mst.org) • **Phone:** (888) 678-2871



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To: Board Administrative Performance Committee

From: Michelle Overmeyer, Director of Planning and Innovation

Subject: State Legislative Update and Draft 2021 Legislative Program

Calendar year 2020 started off with state legislative efforts geared toward addressing the Air Resources Board’s Innovative Clean Transit (ICT) Rule, expedited environmental clearance for certain transportation projects, and safeguarding against proposals that would mandate free transit and undermine partnerships that MST had established. With the COVID-19 pandemic, efforts were redirected in the spring and many of the original efforts were suspended. AB 2012 (Chu) free senior transit passes and AB2176 (Holden) free student transit passes were both shelved due to COVID-19. AB 1350 (Gonzalez) free youth transit passes advanced the farthest, however, through the “gut and amend” process, AB 1350 evolved into a bill related to retroactive high school diplomas and was ultimately unrelated to transit.

Through participation on the California Transit Association’s (CTA) COVID-19 Transit Crisis Relief Task Force and the State Legislative Committee, staff was able to support and advocate for legislation that will benefit MST through the pandemic and into recovery. Several administrative and regulatory relief measures were approved to allow flexibility in spending previously-programmed grant funds for a broad range of operating expenses, a temporary suspension in farebox recovery ratio requirements and expedited environmental review for transportation projects that can be quickly moved to construction and generate new jobs. A summary of action taken on some key legislation is provided in the table below.

Legislation	Discussion	Disposition
<p style="text-align: center;">AB 107 (Committee on Budget)</p>	<p>Includes a statutory relief measure to provide temporary flexibility in the use of State Transit Assistance – State of Good Repair program funds. The measure authorizes a transit agency to expend funds apportioned for the 2019-20 to 2021-22 fiscal years, inclusive, on any operating or capital costs necessary to maintain transit service levels, provided the governing board of the recipient transit agency makes a declaration that the expenditure of those funds is necessary to prevent transit service levels from being reduced or eliminated.</p>	<p>Signed by Governor 9/29/20</p>

SB 288 (Wiener)	Statutorily exempting from CEQA various transit project types. Staff supported the bill as it moved through the Legislature and CTA was successful in amending the bill to include a new statutory exemption for the construction of infrastructure needed to support zero-emission bus deployments.	Signed by Governor 9/28/20
SB 1351 (Beall)	Would have authorized the state to sell revenue bonds, backed by the Transportation Improvement Fee, to accelerate the delivery of state highway projects. CTA had raised concerns about the bill due to its impact on the allowable uses of funding, received by transit agencies from the Local Partnership Program.	Vetoed by Governor 9/28/20

Looking ahead to the next legislative session, staff continues to work with CTA's State Legislative Committee. The CTA will adopt its official 2021 legislative program in mid-November, and staff will rely on much of that effort in MST's State Legislative Program. Some new pieces of proposed legislation that are currently being vetted through CTA's committee as potential CTA- sponsored efforts:

- Proposal to expand current vehicle code authorizing forward-facing cameras to cite violators who park in bus-only lanes.
- Proposed amendment to AB 2394 (Garcia, 2016) to require Medi-Cal customer's managed care plans to reimburse public transit operators for Medi-Cal eligible trips.
- Proposal for new legislation directing the California Air Resources Board to create a specific voucher incentive program for public transit agencies to transition their fleets to zero emission.

Staff is recommending your Committee review and provide feedback on MST's draft 2021 State Legislative Program. The Committee's input will be incorporated into the final 2021 State Legislative Program that will go to the full board in December.

ATTACHMENT(S): Draft 2021 State Legislative Program

PREPARED BY:  REVIEWED BY:   
 Michelle Overmeyer Carl G. Sedoryk

# MST ~~2020-2021~~ State Legislative Program

## 1S. Engage in cooperative support among partner organizations.

- a. Support the ~~2020-2021~~ Legislative Programs of the California Transit Association (CTA) and California Association of Coordinated Transportation (CalACT).
- b. Support CTA's efforts to support legislation and administrative strategies to implement ~~the current "FAST Act"~~ a new federal transportation authorization legislation in a way that ensures the best possible outcome for transit operators in California.
- c. Support the ~~2020-2021~~ State Legislative Programs for the Transportation Agency for Monterey County (TAMC) and MST member-jurisdictions.
- d. Support other partner agency legislative efforts where common interests exist.
- e. Ensure that state legislative efforts are consistent with and coordinated with the MST federal legislative program.

## 2S. Support transit-related legislation.

- a. Support legislation and policies that enable transit-supportive development.
- b. Support legislation augmenting programs to fund public transit buses and support vehicles with electric, bio-fuel and other alternative-powered engines.
- c. Support legislation that increases safety for transit employees and customers by increasing penalties against those that commit crimes against an operator of a transit vehicle, against the transit riding public, or against property of transit agencies.
- e.d. Monitor and support efforts to advance racial justice and transportation equity through state transportation policy.

## 3S. Encourage the state to restore, preserve and augment transportation and transit funding.

- a. Oppose any transfer or expenditure of Transportation Development Act, Public Transportation Account, Traffic Congestion Relief Fund, and other transit funds to state and local agencies for purposes other than those specified in the Act and existing transit funding law. Monitor the effects of 2010 Proposition 22 and Proposition 26 on transit funding.
- b. Continue to Educate ~~educate~~ the public on the value of ~~the recently enacted~~ SB-1, which comprehensively enhances funding for transportation throughout the state, including public transit. Pursue funds that have been disencumbered from other agencies' cancelled projects. Ensure that funds are maximized for MST and that the region's authority to decide how to program any new funds is

retained. Work with the Governor's Administration, the Legislature, the California Transportation Commission, Caltrans and others in key decision-making processes. Seek funding for bus operations, maintenance and administration facilities; new bus purchases; electric charging infrastructure; transit stations; security improvements to property and buses; bus shelters; ticket vending machines; Intelligent Transportation Systems (ITS); Bus Rapid Transit (BRT); and mixed-use transit oriented developments (TODs).

- c. As Caltrans is the designated recipient for some of MST's federal funds, support legislation and administrative strategies to implement the transit programs in FAST Act and the new transportation bill in a way that ensures prompt distribution of funds to small urban and rural operators to yield the best possible outcome for transit.
- d. Support and advocate protecting and maximizing transit's share of Cap & Trade revenues, including additional ongoing, dedicated revenue for transit from the 40 percent of Cap & Trade funds not continuously appropriated pursuant to existing statute.
- e. Participate in the development of California Air Resources Board Zero Emission Vehicle Investment Plan criteria ~~and Innovative~~ and apply for funding as appropriate.
- f. Support discussions with the Administration and California State Transportation Agency on implementation of the Governor's executive orders to address climate change through transportation investments to protect transit agencies from any negative impacts, and work to ensure state and federal funds are made available to achieve the goals outlined in the orders.
- g. Advocate for additional state funding to address the adverse funding impact of the COVID-19 pandemic on transit agencies.
- h. Support MST member-jurisdictions' efforts to combat homelessness and advocate for transit funding the help get homeless individuals to jobs, medical appointments, and other essential services.
- i. Support efforts to bridge the digital divide by funding capital and operating expenses for broadband and wifi-enabled transit buses.

#### **4S. Support reductions in burdensome legal and/or regulatory requirements.**

- a. Support exemptions for small operators from financially burdensome new legal or regulatory requirements or minimize their impact on small operators.
- b. Continue to participate on the California Transit Association's (CTA's) Transportation Development Act (TDA) Reform Task Force to review existing metrics for the qualification and distribution of TDA revenues, with the possibility for legislation in 2020-2021 to update TDA law.

- c. Oppose efforts to mandate benefits or other specific working conditions that would increase MST's costs and that would be more appropriately addressed through the local collective bargaining process.
- d. Monitor ongoing rule-making discussions at the California Air Resources Board including AB 32, SB 375 and the state's "Cap and Trade" program, and oppose additional regulatory requirements that do not have a new, dedicated funding source provided for their implementation.
- e. Monitor the California Air Resources Board's (ARB) Innovative Clean Transit (ICT) regulation and support the provision of new sources of funding to incentivize the adoption of ZEB technology.
- f. Support efforts to streamline state-administered federal grant programs to allow funds to be delivered to transit agencies more promptly and/or administered directly by small urban transit operators who already receive and manage federal transit grants, where appropriate.
- g. Monitor state implementation of pension reform laws.
- h. Support efforts to include certain types of transit projects in CEQA reform measures as they are periodically proposed.

**5S. Raise MST's profile and role in state legislative issues.**

- a. Continue to bring legislators, key Governor Newsom staff and others to MST for a facilities tour and presentation.
- b. Develop and maintain positive working relationships with elected state representatives including ~~newly-elected~~ Governor Newsom, Assemblymembers Rivas and Stone, and Senators Caballero and Monning's replacement for District 17. Reach out to elected legislative officials during the 2020-2021 session, including those that may be assigned committees with oversight over transportation-related matters.
- c. Continue having MST Board and staff participate in transit-related meetings with elected representatives, key transportation and budget committee members and other officials.

DRAFT – ~~December 14~~November 9, 2020

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To: Board Administrative Performance Committee

From: Carl Sedoryk, General Manager  
Don Gilchrest, Federal Legislative Consultant

Subject: 2021 Federal Legislative Program

**RECOMMENDATION:**

Federal Legislative Update and Recommend Draft 2021 Federal Legislative Program to MST Board for Approval.

**FISCAL IMPACT:**

None.

**POLICY IMPLICATIONS:**

Your board adopts an annual legislative program. The Draft federal legislative program (Attachment) is consistent with our mission of advocating and delivering quality public transportation as a leader within our community and industry. The 2021 Legislative Program will be presented to federal legislators and their respective staff members and will direct MST positions on legislative matters throughout the year. The Legislative Program is also used as a guideline for supporting, opposing, or watching legislation when time does not permit official MST Board action on specific legislation.

**DISCUSSION:**

To monitor and guide transit-related legislation in Washington, DC, MST participates with the American Public Transportation Association (APTA) and the Community Transit Association of America (CTAA) legislative efforts. In addition, MST is represented by Walters & Associates in Washington, DC. This firm provides analysis, advice, staff support, and advocacy regarding federal issues on our behalf and has successfully assisted MST in seeking additional funding for ongoing capital and operating needs. Don Gilchrest from Thomas Walters & Associates is scheduled to be in attendance at the December 14<sup>th</sup> meeting of your Board to provide an in-person update on major federal transportation issues. After this presentation, staff is recommending that your Committee recommend the MST adopt the 2021 Federal Legislative Program at its meeting of December 14, 2021.

Attachment: 2021 DRAFT Federal Legislative Program

REVIEWED BY:   
Carl G. Sedoryk

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## MST ~~2020~~2021 Federal Legislative Program

### 1F. Engage in cooperative support among partner organizations.

- a. Support the 2021<sup>10</sup> American Public Transportation Association (APTA), and Community Transit Association of America (CTAA) Legislative Programs.
- b. Support APTA's recommendations on any federal Infrastructure Initiative that may be enacted into law by Congress and the President. Include transit capital and operating funds as part of any further potential economic stimulus and jobs bills that may be proposed, and relieve local agencies from funding match requirements.
- c. Support the 2021<sup>10</sup> Federal Legislative Programs for the Transportation Agency for Monterey County (TAMC) and MST member-jurisdictions.
- d. Support other partner agency legislative efforts where common interests exist.

### 2F. Ensure short-term and long-term transit funding stability and expansion.

- a. ~~Oppose any legislation that would eliminate or reduce the Federal Transit Benefit that was enacted into law at equal levels for parking and transit at the end of 2015.~~
- b. Ensure a steady stream of needed vehicle and infrastructure funding on an annual basis, seek additional funding for the Federal Transit Administration Section 5339(a) and 5339(b) Bus and Bus Facility formula and competitive capital grant programs.
- c. Seek federal funding for critical transit projects, including but not limited to new buses, bus equipment/facilities, Bus Rapid Transit (BRT).
- d. Seek maximum annual appropriations for transit programs authorized under the FAST Act.
- e. Protect Mass Transit Account funded programs in FAST Act Authorization against rescission, sequestration or other financial reductions from attempts to solve General Fund imbalance problems with the federal budget. Seek funding from all authorized discretionary and formula funding sources including Section 5310/New Freedoms (NF), Small Transit Intensive Cities (STIC), the federal mass transit benefit, homeland security, FTA Section 5309 (including continuation of the Small Starts program), FTA Section 5339(a) and (b), FTA Section 3006(b) (innovative mobility for seniors and disabled), US Department of Agriculture (rural areas), US Department of Health and Human Services (Affordable Care Act), US Department of Defense, US Department of Veterans Affairs, and other programs.

- f. Support strategies to stabilize and increase transportation funding sources in light of the depletion of the federal highway trust fund and transit trust fund, and advocate for a well-funded, swiftly-implemented, multi-year federal transportation program supported by annual, full-year, on-time appropriations of funding by Congress and apportionments by FTA. Support the APTA Recommendations on federal public transportation authorizing law.
- g. Support California receiving its fair share of its contribution to federal transportation funding.
- h. Oppose efforts to reduce or limit federal formula or discretionary transit funds or eliminate the federal role of funding public transit operations and capital by deleting the program from the Highway Trust Fund.
- i. Seek additional funding for elderly and disabled transportation, including the FTA Section 5310 elderly and disabled transit capital funding program, which under FAST Act incorporates funding for projects formerly eligible under the Section 5317 New Freedoms Program.
- j. Oppose any efforts to shift current, expanded, or new transit funds or fuel taxes/fees to non-transportation programs or projects.
- k. Support initiatives to develop the workforce necessary to successfully deliver transit services, including continued and expanded funding of regional training consortium programs, which provide advanced transit specific training through local community colleges and similar educational institutions.
- l. Support federal legislative efforts to provide incentives for electric and hybrid-electric buses and infrastructure equivalent or comparable to the alternative fuels tax credit currently available for compressed and liquefied natural gas.
- m. Support increased public transportation funding to reduce vehicles miles travelled and associated greenhouse gas emissions. Ensure that trust fund and general fund transit programs are protected if carbon fees are implemented at the federal level. Support green energy funding and incentives for zero-emission buses.
- n. Increase the Small Transit Intensive Cities (STIC) set-aside from two percent to three percent.

**3F. Support reductions in burdensome legal and/or regulatory requirements.**

- a. Encourage legislative and regulatory efficiency.
- b. Require the Department of Transportation (DOT) to consistently apply the requirement that federal loans be considered local match across all DOT programs.
- c. Work to streamline regulations and improve the ability of local and regional agencies to plan and deliver transportation projects and services in a timely, cost-effective manner.

- d. Advocate for changes in policies that inhibit MST's abilities to effectively provide mobility, including inappropriate usage of the 13c provision of the 1964 Federal Transit Act, restrictions of buses based on axle weight, Buy America, and unreasonable spare ratio requirements.
- e. Monitor Asset Management, Safety, and Performance requirements on transit agencies being implemented by the Federal Transit Administration and continue to advocate for exemptions and/or reduced reporting requirements for small operators.
- f. Reduce regulatory burden, advocate that any new federal safety regulations should accept the safety programs of public transit agencies that have developed their safety plans/activities as members of large risk pools (e.g. CalTIP).

**4F. Raise MST's profile and role in federal legislative issues.**

- a. Continue to bring legislators, key staff and other federal stakeholders to MST for a facilities tour and presentation.
- b. Offer opportunities to educate Congressman Jimmy Panetta and his local and DC staff members about MST and the importance of public transit in the Monterey Bay region, the State of California, and around the entire country.
- c. Continue having MST Board and staff participate in transit-related meetings with federal elected representatives, key transportation and budget committee members, and other officials.

December ~~9~~14, ~~2019~~2020

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