MEMO

DATE: June 7, 2007

TO: Regional Council

FROM: Don Rhodes, Manager, Government and Public Affairs, (213)-236-1840; Rhodes@scag.ca.gov

SUBJECT: Summary of SCAG legislative positions.

BACKGROUND:

SCAG has taken positions on the following legislative bills during this legislative session. This summary of the legislation and positions taken are provided for your information and review. Attached are the graphic and written provisions of SCAG's legislative protocol that describe the process for positions being taken on legislation, including when an expedited review is needed.

Assembly Bills

AB 630 (Price): SUPPORT - requires the Air Resources Board (ARB) to expeditiously adopt an emissions standard or requirement proposed by South Coast Air Quality Management District that requires a waiver or authorization under the federal Clean Air Act. It further requires that ARB submit the standard or requirement to the EPA for waiver or authorization, if necessary.

AB 1240 (Benoit): SUPPORT - AB 1240 designates the Riverside County Transportation Commission (RCTC) as a transit operator for the purpose of entering into design-build contracts to construct the initial phase of the Perris Valley Commuter Rail Line, which will run approximately 16 miles from downtown Riverside to Perris.

AB 1457 (Huffman): OPPOSE - AB 1457 would prohibit a state or local agency from funding the construction of a road that would physically encroach upon a state park. Specifically, it prevents the construction of the SR-241 Foothill Transportation Corridor South, a project contained in SCAG's Regional Transportation Plan.

Senate Bills

SB 61 (Runner): SUPPORT - Enhances prior public private partnership (PPP) legislation by providing the California Department of Transportation with broader authority to enter into PPPs for projects on high priority transportation corridors.

SB 375 (Steinberg): SUPPORT – Provides for the integration of transportation and land-use planning. Requires the California Transportation Commission to adopt guidelines for travel demand models used in the development of Regional Transportation Plans (RTPs), and provides for streamlined CEQA requirements for local governments that conform their land use plans to a preferred growth scenario.

MEMO

SB 442 (Ackerman): SUPPORT – Enables the use of design build contracting for the construction of high-occupancy vehicles lanes connecting State Route 22 (SR-22) to Interstate 405 (I-405) and Interstate 605 (I-605) in south west Orange County, a project known as "Phase II" of the SR-22 project, to continue the accelerated delivery of this project.

SB 1028 (Padilla): SUPPORT - Requires the Air Resources Board (ARB) to be held to the same statutory standard of conduct for mobile source emissions as local air districts are held under existing law for stationary source emissions, by requiring ARB to adopt and enforce every feasible rule and regulation under the Federal Clean Air Act or authorized by the Environmental Protection Agency to achieve ambient air quality standards.

The positions taken on these bills are consistent with SCAG's 2007 Legislative Program and Protocol. A copy of the relevant protocol sections are provided for your information.

FISCAL IMPACT:

Work associated with implementation of the SCAG 2007 Legislative Program is covered Government Affairs Work Element # 07-810.SCGS1.

Reviewed by: *Division Manager*

Reviewed by: *Department Director*

Reviewed by: *Chief Financial Officer*

APPENDIX A

LEGISLATIVE PROTOCOL

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LEGISLATIVE PROTOCOL

LEGISLATIVE PROGRAM

- SCAG employs the services of contract lobbyists in Washington, DC and Sacramento.
- Contacts with the federal and state lobbyists are coordinated through the Manager of Government and Public Affairs.
- The lobbyists work with SCAG to implement the Legislative Program and to coordinate visits to Washington, DC and Sacramento by Regional Council Members for the purpose of meeting with elected and appointed officials of the executive and legislative branches of the federal and state government.
- The budget for Government Affairs advocacy activities is provided through General Fund revenues. Federal law prohibits the use of federal funds for lobbying purposes.
- Retainers and expenses for both the federal and state legislative advocates are contained within the FY 2005/06 Overall Work Program adopted by the Regional Council.
- SCAG's advocacy efforts are coordinated with the county transportation commissions, cities, counties and subregional organizations to ensure the maximum efficacy. Policy Review and Action SCAG and its state and federal lobbyists operate according to the Legislative Program approved annually by the Regional Council.
- The Regional Council establishes SCAG's official policies on all legislative or regulatory matters.

Policy Review and Action

SCAG legislative staff shall communicate to legislators, administrators and others SCAG's positions on bills, constitutional amendments, and other matters when germane Regional Council policy exists.

- If no germane Regional Council policy exists or it is unclear whether an adopted policy is on-point, legislation and other matters shall be processed as follows:
  - If the legislation or other matter falls under the purview of a task force or sub committee and time permits, it shall be presented to the task force or sub committee first.
  - Legislation or other matters first heard in a task force or sub committee shall be referred to the appropriate policy committee for consideration. If no relevant task force or sub committee exists, the legislation or other matter shall be submitted to the appropriate policy committee.
  - Not less than one month after a policy committee has considered and recommended a position on legislation or other matters, the matter shall be brought to the Regional Council for adoption of a formal position.

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Legislation shall be referred to more than one task force or sub committee and one committee at the direction of the Executive Committee.

Certain matters may be referred directly to the Regional Council due to their critical nature or the time constraints of the federal or state legislative calendars.

Certain matters may be brought to the Regional Council the same day they are considered by a policy committee or the Executive Committee acting in its capacity of Legislative Committee due to the constraints of the federal or state legislative calendars.

Regional Council, policy committee, sub committee, and task force members desiring Regional Council action on legislative or other matters not directly contained within the Legislative Program shall direct their requests to the Executive Committee.

If the Executive Committee approves the request, SCAG legislative staff shall process the legislative or other matter in the manner outlined above.

- Upon the adoption of a position by the Regional Council, SCAG legislative staff shall consult members of the Executive Committee (the SCAG President and the policy committee chairs) and determine the appropriate course of action to be taken.
- SCAG legislative staff shall present one of the following recommendations to Executive Committee members (a flow chart illustrating this protocol follows in Appendix B):

  For legislative or other matters contained within the Legislative Program or directly related to SCAG's statutory responsibilities: In addition to position letters and legislative tracking and interaction as described below, SCAG legislative staff shall, at the direction of the Executive Committee, coordinate advocacy visits to Sacramento or Washington, DC, for Regional Council members and/or SCAG management to meet with key policy makers and/or interested stakeholders and/or relevant grass roots organizations.

  For legislative or other matters not contained within the Legislative Program, but considered traditional SCAG issues: In addition to a position letter to the author and legislative tracking by SCAG legislative staff and lobbyists, position letters shall be mailed to the appropriate legislative leadership, key legislators, legislative committees and executive branch agency officials. SCAG legislative staff and lobbyists shall interact with these persons to offer amendments, present testimony, fill information requests, or participate in working groups.

  For legislative or other matters not contained in the Legislative Program, no traditionally considered SCAG issues, or not related to SCAG's statutory responsibilities: A position letter shall be delivered to the author's office to be filed on record. SCAG legislative staff and lobbyists shall monitor the progress of the matter and alert the Regional Council to any changes detrimental to SCAG's interest.

Exceptions: Upon the direction of the Regional Council or the Executive Director upon consultation with the President, or when a legislative or other matter is resolved and no further action is required, the above procedures may be waived, amended, or otherwise altered. SCAG legislative staff shall seek guidance and offer alternative recommendations in those cases.

- For legislative or other matters contained within the Legislative Program or directly related to SCAG's statutory responsibilities: In addition to position letters and legislative tracking and interaction as described below, SCAG legislative staff shall, at the direction of the Executive Committee, coordinate advocacy visits to Sacramento or Washington, D.C., for Regional Council members and/or SCAG management to meet with key policy makers and/or interested stakeholders and/or relevant grass- roots organizations.
- To facilitate the implementation of the Legislative Program, SCAG legislative staff shall coordinate workshops with policy committees early in the legislative calendar to review introduced bills and constitutional amendments and narrow SCAG's legislative focus.
- Throughout the remainder of the legislative session, SCAG legislative staff shall present legislative matrices to the policy committees. In preparing the matrices, the staff shall review measures being tracked by various organizations including those representing cities, counties, and councils of governments and transportation commissions. Staff shall also seek the recommendations of its Sacramento and Washington lobbyists and other sources in preparing the matrices.
- SCAG legislative staff shall also present a matrix to the Regional Council tracking bills and constitutional amendments upon which SCAG has taken a position or which SCAG sponsors.
- Legislative matrices shall be updated monthly when the Legislature is in session.

APPENDIX B

LEGISLATIVE PROTOCOL FLOW CHART

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LEGISLATIVE PROTOCOL FLOW CHART

The Regional Council establishes SCAG's official policies on all legislative and regulatory matters to the Regional Council (RC), or directly from a Policy Committee to the RC.

NO POSITION

Executive Committee determines best path to Regional Council

TO TASK FORCE(S)

If relevant and time permits

TO POLICY COMMITTEE

Recommends position and takes to RC following month

TO REGIONAL COUNCIL

Adopts a formal position

- Critical, time-sensitive matters may go directly to the Regional Council (RC), or directly from a Policy Committee to the RC.
- RC, Policy Committee, and Task Force members may request action on issues not in the Legislative Program from the Executive Committee.

POSITION

SCAG legislative staff presents one of the following recommendations to the Executive Committee

For Matters within the Legislative Program

1. Position letter to author's office for the record
2. Monitoring by legislative staff and lobbyists
3. Position letters and interaction with legislative leadership, committees, officials, etc.
4. Advocacy visits to Sacramento and/or Washington, D.C., for RC members and/or SCAG management
5. Media Outreach and Publicity

For Matters not in the Legislative Program but Traditional Issues

Action 1-3

For Matters not in the Legislative Program nor Traditional Responsibilities

Action 1-2

SCAG staff facilitates Legislative Program implementation with Policy Committee workshops and legislative matrices for Policy Committees and the Regional Council.