



## **Legislative Committee Meeting**

### **REGULAR MEETING AGENDA**

**September 26, 2008  
9:00 a.m.**

**South Florida Regional Transportation Authority  
Board Room  
800 NW 33<sup>rd</sup> Street, Suite 100  
Pompano Beach, Florida 33064  
*www.sfrta.fl.gov***

LEGISLATIVE COMMITTEE MEETINGS ARE SCHEDULED ON AN AS NEEDED BASIS. FOR FURTHER INFORMATION CALL (954) 942-RAIL (7245). TIME OF MEETINGS SUBJECT TO CHANGE.

#### **Members**

**Commissioner Bruno Barreiro  
Commissioner Josephus Eggelletion, Jr  
Commissioner Jeff Koons  
Bill T. Smith**

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**Directions to SFRTA: I-95 to Copans Road. Go west on Copans to North Andrews Avenue Ext. and turn right. Go straight to Center Port Circle, which is NW 33rd Street, and turn right. SFRTA's offices are in the building to the right. The SFRTA offices are also accessible by taking the train to the Pompano Beach Station. The SFRTA building is South of the station. Parking is available across the street from SFRTA's offices, at the Pompano Beach Station.**

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**LEGISLATIVE COMMITTEE MEETING**  
**OF SEPTEMBER 26, 2008**

The meeting will convene at 09:00 a.m., and will be held in the Board Room of the South Florida Regional Transportation Authority (SFRTA), Administrative Offices, 800 NW 33<sup>rd</sup> Street, Suite 100, Pompano Beach, FL 33064.

**CALL TO ORDER**

**ROLL CALL**

**AGENDA APPROVAL** – Additions, Deletions, Revisions

**MATTERS BY THE PUBLIC** – Persons wishing to address the Committee are requested to complete an “Appearance Card” and will be limited to three (3) minutes. Please see the Minutes Clerk prior to the meeting.

<b>CONSENT AGENDA</b>
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Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion in the form listed below. If discussion is desired by any Committee Member, however, that item may be removed from the Consent Agenda and considered separately.
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None.

<b>REGULAR AGENDA</b>
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Those matters included under the Regular Agenda differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion, if so desired.
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None.

<b>INFORMATION / PRESENTATION ITEMS</b>
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Action not required, provided for information purposes only.
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II. – PRESENTATION: Federal and State Legislative Session

**OTHER BUSINESS**

**SFRTA EXECUTIVE DIRECTOR REPORTS/COMMENTS**

**LEGISLATIVE COMMITTEE MEMBER COMMENTS**

**ADJOURNMENT**

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to the Planning Department at 800 NW 33<sup>rd</sup> Street, Suite 100, Pompano Beach, Florida, or telephone (954) 942-RAIL (7245) for assistance; if hearing impaired, telephone (800) 273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the South Florida Regional Transportation Legislative Committee with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons wishing to address the Committee are requested to complete an "Appearance Card" and will be limited to three (3) minutes. Please see the Minutes Clerk prior to the meeting.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY  
LEGISLATIVE COMMITTEE  
MEETING: SEPTEMBER 26, 2008

PRESENTATION ITEM REPORT

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Information Item       Presentation

FEDERAL AND STATE LEGISLATIVE SESSION

SUMMARY EXPLANATION AND BACKGROUND:

Mr. John Cline, C2 Group, will provide a presentation regarding the federal reauthorization issues facing the 2009 US Congress.

Mr. David Ericks, Ericks Group Inc., will provide a verbal update of the State Legislative issues for the 2009 Legislation Session.

EXHIBITS ATTACHED:

Exhibit 1 – Executive Summary – Emerging Issues for Reauthorization of SAFETEA-LU



**TO:** Vicki A. Wooldridge, Government Affairs Manager  
South Florida Regional Transportation Authority

**FROM:** John A. Cline

**DATE:** Thursday, September 04, 2008

**RE: Executive Summary - Emerging Issues for Reauthorization of SAFETEA-LU**

The purpose of the memo is to highlight likely reauthorization issues. Certainly, the level of federal funding will be a prominent issue. One question is whether funding levels will drive program structure or needed program changes will drive funding levels. Another major—and related—issue is whether Congress will merely reauthorize the surface transportation program or fundamentally restructure it. In any event, energy and climate issues are likely to affect the debate. A number of current bills contain provisions that could be written into the surface transportation authorizing legislation.

A preliminary list of stakeholders (in addition to the Congressional Committees and US DOT) that will influence—or in some cases merely attempt to influence—the debate includes: APTA, AASHTO, ARTBA, the new Metropolitan Mobility Caucus, the National Surface Transportation Infrastructure Financing Commission, the National Surface Transportation Policy and Revenue Study Commission, the U.S. Conference of Mayors, the National Conference of State Legislatures, Transportation for America, and the U.S. Chamber of Commerce.

Thus far, we have identified ten major issues. We have also noted several House and Senate bills that could be integrated—in whole or in part—into the authorizing legislation.

**I. Goods Movement:**

Goods movement has been a primary focus for the National Revenue Commission and for ARTBA. DOT has also addressed goods movement. AASHTO has recommended that freight be eligible to be funded under its proposed tax credit bond program. The National Surface Transportation Infrastructure Financing commission proposes to consider goods movement needs in its analysis of the needs of the surface transportation system.

**II. Funding Levels/Mix of Highway and Transit Spending:**

Funding is almost certain to be an area of controversy. One issue that is likely to be hard-fought is whether transit should receive a greater proportion of federal dollars than it has traditionally received. Some support does exist (other than what could be expected from APTA) for allocating more federal transportation dollars to transit than has traditionally been allocated. ARTBA, on the other hand, has recommended keeping the current highway/transit

split in funding allocation and eliminating flexibility in the use of funds between highway and transit.

Regardless of the outcome of the debate over how to allocate federal transportation funds, calls to increase transit funding can be expected. AASHTO, ARTBA, and NCSL have all called for increased funding. On the other hand, the shortfall in the HTF could renew calls for decreased federal funding of transit or at least for reduced federal share for transit.

Two other funding-related issues likely to arise are earmark reform (raised by ARTBA and NCSL) and tax equity (raised by Senator Obama, among others). Both H.R. 6030 and H.R. 6495 contain provisions related to tax equity for transit compared with parking.

### **III. Structure of Federal Surface Transportation Programs:**

There have been numerous calls for restructuring in general. The GAO has addressed the question in a March 2008 report, testimony to Congress, and a forum on transportation challenges. Both SAFETEA-LU commissions have noted a need for reform. ARTBA has called for restructuring the federal program into two components. The Congressional Research Service has identified several approaches that could be taken if the program restructuring is driven by funding.

Specifically identified topics include the need for national investment priorities (National Revenue Commission); performance standards (proponents include the GAO, the National Surface Transportation Infrastructure Finance Commission, and DOT; NCSL has opposed); modal funding (DOT and Finance Commission oppose); and focusing on metropolitan areas (proponents: Brookings Institute; DOT). The creation of the Metropolitan Mobility Caucus in the House is another sign that there could be a push for the new legislation to contain more emphasis on metropolitan transportation needs.

Restructuring the surface transportation programs raises questions about transition issues—particularly important for big multi-year projects—and the political ramifications concerning almost inevitable winners and losers. In addition, there is the rather salient question of whether transit would be adequately funded if funding came from mode-neutral sources.

### **IV. Trust Fund Shortfall:**

There is a clear recognition of the problem posed by the HTF shortfall. The House has attempted to transfer money into the HTF; a bill is now awaiting action in the Senate.

### **V. Approaches to Financing:**

Despite being strongly criticized, there is still widespread support for retaining the gas tax, at least as an interim measure. There have been numerous calls for increasing the gas tax, stopping transfers from the HTF, indexing the tax, or removing exemptions from the tax, as well as legislative proposals for doing so. Groups that have called for gas tax increases include ARTBA, the U.S. Chamber of Commerce, the National Revenue Commission, AASHTO, ARTBA, and NCSL.

At the same time, many sources highlight problems with the gas tax. Various stakeholders and commentators have criticized the gas tax on policy grounds, for example that the tax: does not convey the full costs of usage, conflicts with fuel efficiency goals; fails to address congestion and attendant environmental problems; and fails to provide strong incentives for effective technology development and deployment. Critics have called for more direct user charges.

Both SAFETEA-LU commissions have addressed the issue of what the criteria should be for analyzing alternative sources of revenue. Even supporters of retaining the gas tax seem to recognize that at some point system financing will have to transition to another source. The upcoming legislation can be expected to address this issue in some fashion.

User pay in general and specific methods should be major issues. Those specific methods include: tolls, VMT-based funding, congestion pricing, PPPs, tax-increment financing, infrastructure banks, private activity bonds, debt financing, TIFIA, and other taxes/user fees.

#### **VI. New Starts Issues:**

The Congressional Research Service has flagged the likelihood of a continued debate on appropriate criteria. The evaluation of land use, energy conservation, and GHG reduction—already addressed in pending legislation—can be expected to be the subject of substantial debate. Numerous references to the importance of Transit Oriented Development (TOD) suggest that at least some stakeholders will argue for giving increased weight to TOD in evaluating New Start projects. Another factor that could receive attention is providing intermodal connections, including transit/aviation links.

Given the connection between transit and reduced vehicle emissions, there is support for devoting at least some revenue from carbon fees to transit. (See H.R. 6316) Problems with increased costs due to delays in the approval process could lead to streamlining requirements. The National Revenue Commission, among others, has highlighted the streamlining issue. The need to prepare for non-driving baby boomers could also be an issue.

#### **VII. Operating Assistance:**

The need for help in meeting rising fuel costs is clear, and in fact has been addressed in legislation (H.R. 6052) that has already passed the House. Rep. Blumenauer called this legislation “a sign of things to come for the upcoming reauthorization.”

#### **VIII. Planning:**

Given the emphasis that DOT and (some) other stakeholders have placed on performance criteria and CBA, these issues are sure to be debated. Smart growth is also likely to be debated, particularly in light of California smart growth legislation now deemed likely to be enacted. Other possible topics include state planning flexibility, recognizing rural planning organizations, and JARC.

**IX. Environment:**

It is probable that numerous stakeholders will suggest streamlining the environmental approval process, while environmental groups will object. For example, ARTBA has recommended a number of changes, including changes in CMAQ eligibility, that could spark the debate.

**X. Climate Change/Energy:**

As discussed, the relationship between transit and climate change/energy is likely to enter into discussion of the New Starts program. At least some stakeholders are likely to urge Congress to integrate transportation policy into energy efficiency and independence policies. Given the growing support for integrating climate change and transportation issues, other measures that take into account or reward energy factors may be proposed. Such measures are already included in H.R. 6052 and Senator Cardin's amendment to the Lieberman-Warner Climate Security Act.

**Pending legislation:**

A number of House and Senate bills in the 110<sup>th</sup> Congress contain provisions that could influence the upcoming surface transportation authorizing legislation or that members could attempt to include in that legislation. The bills include:

**H.R. 2116**, Freight Rail Infrastructure Capacity Expansion Act, A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity.

**H.R.3401**, National Infrastructure Bank Act of 2007, A bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects.

**H.R. 5102**, Our Nation's Trade, Infrastructure, Mobility, and Efficiency Act of 2007 or the ON TIME Act of 2007, A bill to direct the Secretary of Transportation to establish and collect a fee based on the fair market value of articles imported into the United States and articles exported from the United States in commerce and to use amounts collected from the fee to make grants to carry out certain transportation projects in the transportation trade corridors for which the fee is collected.

**H.R. 6030**, The Creating Opportunities to Motivate Mass Transit Utilization to Encourage Ridership (COMMUTER) Act of 2008, A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit against income tax for 50 percent of the employer's cost of providing tax-free transit passes to employees, up to \$115/month.

**H.R. 6052**, Saving Energy Through Public Transportation Act of 2008, A bill to promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation. Includes grants to improve public transportation services, increased Federal share for clean air act compliance, a capital cost of contracting vanpool pilot program, and increased Federal share for end-of-line fixed guideway stations.

**H.R.6316**, Climate MATTERS Act of 2008, a bill to reduce global greenhouse gas emissions through the creation of a domestic carbon market and international trade measures, and to direct the revenue therefrom to public interests.

**H.R. 6495**, Transportation and Housing Choices for Gas Price Relief Act of 2008, A bill to authorize programs and activities to support transportation and housing options that will assist American families in reducing transportation costs, and for other purposes. Provisions include providing federal funds for fare subsidies, service improvements, fuel purchases, and technology assistance and requiring the Federal Transit Administration to expand its formula for evaluating Streetcar proposals to include land use, density, economic development, and carbon emission reductions.

**S.1926**, National Infrastructure Bank Act of 2007, A bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects.

**S.2021**, Build America Bonds Act of 2007, A bill to provide \$50,000,000,000 in new transportation infrastructure funding through bonding to empower States and local governments to complete significant infrastructure projects across all modes of transportation, including roads, bridges, rail and transit systems, ports, and inland waterways.

**S. 3036**, Lieberman-Warner Climate Security Act of 2008, A bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases. [Substitute for S. 2191] Debated in the Senate In June 2008, not passed, returned to Senate Calendar. Included Cardin amendment (section 611 of Title VI, Subtitle B), which would create a transportation sector emissions reduction fund (TSER) funded from the proceeds of auctioning emission allowances.