

## STAFF REPORT

**SUBJECT:** Federal Legislative Program

**MEETING DATE:** January 19, 2011

**AGENDA ITEM:** 15

**STAFF CONTACT:** Gregg Hart, Jim Kemp

**RECOMMENDATION:**

- A. Receive report on federal transportation program reauthorization (SAFETEA-LU) and approve federal legislative agenda for 2012.
- B. Authorize the chair to sign a letter to Senator Boxer commenting on Moving ahead for Progress in the 21<sup>st</sup> Century (MAP-21—the Senate Environment and Public Works Committee reauthorization proposal).
- C. Select and authorize SBCAG delegation to schedule meetings in Washington DC to advocate for SBCAG legislative agenda.

**SUMMARY:**

Staff has been working with SBCAG's federal lobbyist, Thomas Walters and Associates, to develop SBCAG's 2012 federal legislative program and strategy that will assist in guiding efforts to obtain discretionary federal funding for high priority transportation projects in Santa Barbara County and to influence federal legislation to protect SBCAG's interests. Maintaining a robust federal legislative program is consistent with the board's Strategic Plan goal to aggressively pursue outside matching funds to complete Measure A project commitments and meet the region's transportation needs.

Unfortunately, again last year both the House and Senate did not allow any earmarks in federal appropriations funding so the projects that SBCAG planned to submit for federal funding were not considered. The multi-year transportation reauthorization bill, now called MAP-21, has only recently begun to move and, as currently drafted, does not include any earmarks. SBCAG staff and our federal lobbyist remain prepared to act quickly if an opportunity presents itself to include SBCAG's high priority transportation projects, as identified in the Board adopted Measure A Strategic Plan, in federal appropriations or reauthorization legislation.

Some of the smaller regional agencies in California have expressed concerns about some of the provisions in MAP-21. The two issues that raised concerns for SBCAG staff were the provision that sets a new threshold for Metropolitan Planning Organizations (MPOs) at an urban area population of 200,000 rather than the current 50,000 population threshold and the inclusion of the Transportation Enhancements and Safe Routes to School Programs under the CMAQ program. SBCAG staff, with the assistance of our federal lobbyist, contacted the staff members of Senator Boxer's Committee that drafted the legislation to discuss these concerns and were

#### Member Agencies

Buellton ■ Carpinteria ■ Goleta ■ Guadalupe ■ Lompoc ■ Santa Barbara ■ Santa Maria ■ Solvang ■ Santa Barbara County assured SBCAG would not be affected negatively by the new legislation. SBCAG staff and Walters & Associates are working to include clarifying language in the final version of the bill that will make clear that SBCAG's status as a federally recognized MPO is not compromised.

SBCAG board approval of the updated federal legislative agenda will authorize staff, board members and our lobbyist to continue efforts to protect SBCAG's interests in Washington including a trip to DC by a delegation of board members to lobby legislators, staff and administration officials on behalf of SBCAG's high priority projects.

Staff is seeking board authorization to send a letter to Senator Boxer, to follow-up on the issues of concern in MAP-21. Staff is also seeking board authorization for selected members of the board to make our 4<sup>th</sup> annual legislative advocacy trip to Washington DC to meet with members of Congress, committee staff and Department of Transportation staff. Potential dates for the DC trip include Feb 8<sup>th</sup>-9<sup>th</sup> or Feb 29<sup>th</sup>-March 1<sup>st</sup>.

#### **DISCUSSION:**

Historically, there have been two primary opportunities to obtain congressionally directed earmarks for transportation projects in Santa Barbara County, the annual federal transportation appropriations and the multi-year federal transportation reauthorization legislation. Last year, legislative leaders in both the House and Senate and President Obama again agreed there would be no earmarks in federal appropriations legislation. There has not been any change in this approach for next year as congressionally directed spending continues to be under intense public scrutiny. The current five year transportation funding authorization bill, SAFETEA-LU, expired on September 30, 2009, and has not yet been renewed. Transportation spending programs have been authorized through a series of short term continuing resolutions (the current CR is set to expire on March 31).

Congress has recently begun consideration of the Senate's version of the new federal transportation program, which is now called MAP-21, Moving Ahead for Progress in the 21st Century. The legislation would authorize the federal surface transportation programs for highways, highway safety, and transit for the next two years rather than the five years that has historically been the term of transportation reauthorization legislation. This bill also does not contain any earmarks. SBCAG staff and our federal lobbyist remain prepared to act quickly if an opportunity presents itself to include SBCAG's high priority transportation projects, as identified in the Board adopted Measure A Strategic Plan, in federal appropriations or reauthorization legislation.

Last month, Senator Boxer's Environment and Public Works Committee passed MAP-21 out of committee and the Senate Commerce Committee also approved four bills on December 14 which will eventually be folded into the larger reauthorization bill when it comes to the floor. The Senate Banking Committee is now considering legislation to fund federal transit programs but the Senate Finance Committee will not consider the necessary legislation to fund MAP-21 until early next year. Identifying a funding source for the two year reauthorization bill remains the primary political sticking point because gas tax revenues alone are not sufficient to continue funding at current levels of investment. The reason a two-year reauthorization bill is under discussion rather than the five-year legislation that has generally been the practice, because the funding gap is a smaller number over two years as opposed to five years. However, the fundamental problem remains the same, the federal gas tax no longer generates enough revenue to sustain solvency of the Highway Trust Fund. Republicans and Democrats are far apart in their approach to resolving their fundamental differences on this issue and it is very unlikely a federal gas tax increase will be approved in an election year.

Some of the smaller regional agencies in California have expressed concerns about some of the provisions in MAP-21 that recently passed out of Senator Boxer's Environment and Public Works Committee. The two issues that raised concerns for SBCAG staff were the provision that sets a new threshold for Metropolitan Planning Agencies at an urban area population of 200,000 rather than the current 50,000 population threshold and the inclusion of the Transportation Enhancements and Safe Routes to School Programs under the CMAQ program. SBCAG staff, with the assistance of our federal lobbyist, contacted the staff members of Senator Boxer's Committee that drafted the legislation to discuss these concerns and were assured SBCAG would not be affected negatively by the new legislation. The SBCAG lobbying delegation had previously met with these committee staff members during lobbying trips to Washington and this relationship proved useful as the committee staff explained SBCAG would not be subject to the new population threshold for MPO's as the intent of MAP 21 is that all existing MPO's are grandfathered under this legislation. SBCAG staff and Walters & Associates are working to include clarifying language in the final version of the bill that will make clear that SBCAG's status as a federally recognized MPO is not compromised. Congresswoman Capps recently wrote a letter to the Chairman of the House Transportation Committee urging that this issue be resolved in the House version of the federal transportation reauthorization legislation.

In addition, while the Transportation Enhancements and Safe Routes to School Programs are contained within the Congestion Mitigation Air Quality (CMAQ) Program, eligibility for these programs is not limited to regions that are eligible for CMAQ funding. It may also be necessary to include language that specifically makes MPOs that are not eligible for CMAQ funding, because they have reached federal air quality attainment status, remain eligible for Transportation Enhancements and Safe Routes to School program funds.

In addition to the annual appropriations process and MAP-21 another opportunity to seek federal funding for regional transportation projects is the Federal Department of Transportation's TIGER III discretionary grant program. The SBCAG Board in August approved submitting grant applications for three projects in Santa Barbara County: the U.S. 101 Carpinteria Creek Bridge (\$15 million), U.S. 101/Union Valley Parkway Interchange (\$10 million), and the Highway 246 Passing Lanes (\$5 million). DOT received a total of 848 applications from throughout the country requesting \$14.3 billion in funding. On December 15, 2011, the Federal DOT announced that forty-six projects in 33 states were selected for funding through the third cycle of the TIGER discretionary program, three of which are from California. Unfortunately, none of the three project applications submitted by SBCAG were selected for the \$511 million in funding available through the program. If the TIGER program continues under MAP-21, SBCAG will continue to submit grant applications for funding that best match the program criteria.

According to our federal lobbyist, the single most important aspect of SBCAG's federal legislative strategy is the fact that all the local agencies in Santa Barbara County remain united in support of the 101 HOV Widening Project as the region's highest transportation priority. Members of Congress and Senators receive numerous worthy project requests from their constituents. As they weigh these many requests for support, one of the major factors they will take into account is the extent and degree of support for the project from other entities in the region and the State. In 2010, the SBCAG Board requested that each local agency in Santa Barbara County express support for the 101 project in the form of letters or adopted resolutions from the cities and county. All of the local agencies either passed resolutions or sent letters in support of this effort. The SBCAG delegations that have gone to Washington used this unified support for the 101 HOV project as the focus of their lobbying effort in the capitol. For maximum impact, however, other local jurisdictions should also include the project as part of their 2011 federal legislative agendas and indicate specifically that it is their highest regional transportation priority. They should also discuss the project as part of their federal legislative agenda when they meet with members of our Congressional delegation. Identifying the 101 HOV Widening

Project as the highest regional priority does not preclude local agencies from seeking earmark funding for local priorities.

The legislative strategy prepared by our lobbyist also indicates the importance of SBCAG members continuing to meet with our congressional representatives, committee staff and Department of Transportation staff to communicate our priorities. SBCAG's federal lobbyist recommends these meetings again be scheduled in Washington, D.C. in February to provide timely input on both the appropriations process and the transportation reauthorization process. In previous years, a delegation of the SBCAG Boardmembers and the executive director have attended these meetings which will be arranged with the assistance of our lobbyist.

Staff is recommending that the board select members of the board to make the legislative advocacy trip to DC next month. Potential dates for meetings include February 8<sup>th</sup>-9<sup>th</sup> or February 29<sup>th</sup>-March 1<sup>st</sup>.

**ATTACHMENTS:**

Draft SBCAG 2012 Federal Legislative Platform  
SBCAG Legislative Update Report from Walters & Associates, Inc.  
Draft Letter to Senator Boxer regarding SBCAG's concerns with S 1813 (Map 21)

## Draft SBCAG 2012 Federal Legislative Platform

Issue	Goal	Strategy
<p>1. Federal funding for SBCAG's priority projects</p>	<p>Aggressively pursue funds through the annual Federal Appropriations process, the multi-year Federal Transportation Reauthorization process, or any other federal sources.</p> <p>Raise awareness of the Highway 101 Corridor and its importance as a transportation facility of state and national significance.</p>	<p>Work with the SBCAG's federal lobbyist, SBCAG member agencies, our federal congressional delegation and local community leaders and organizations to aggressively advocate at the federal level for funding to complete projects promised to Santa Barbara County voters in the Measure A Investment Plan.</p> <p>Educate our congressional delegation and funding partners about the Highway 101 Widening project, the funding plan, schedule and attributes that make it a highway of national significance. Work with the Central Coast Coalition and Caltrans to raise awareness of the importance of 101 and its need for improvements as one of only two north-south interregional corridors in the state.</p>
<p>2. Federal MAP-21 Reauthorization</p>	<p>Support California State Consensus Principals for federal transportation reauthorization.</p> <p>Protect SBCAG's MPO status and eligibility for TE and Safe Routes to School Funding.</p>	<p>The SBCAG Board previously endorsed the California State Consensus Principals for SAFTEA-LU renewal. Continue to work with our legislative delegations to ensure our local and state interests are addressed in the new federal transportation authorization legislation.</p> <p>Work with other regional agencies to ensure SBCAG is not subject to new MPO population thresholds and continues eligibility for TE and Safe Routes to School funding.</p>

<b>Issue</b>	<b>Goal</b>	<b>Strategy</b>
<p>3. Augment Transportation Funding Sources</p>	<p>Seek an increase in transportation revenues to address unmet funding needs for maintenance, repair, operation and improvement of the transportation system</p>	<p>Over the past 16 years, the purchasing power of the federal gasoline excise tax has been reduced by more than 50% because of inflation. National transportation infrastructure investment has dipped precipitously over this time to the point where federal gas tax revenue is not sufficient to fully fund the Highway Trust Fund. Support legislation to raise new user-fee based revenue sources to bring the Highway Trust Fund into balance. This could include adoption of an increase in the gasoline user fee to fund highway and local street and road repairs. The federal gasoline user fee should also be indexed to inflation to prevent the erosion of its purchasing power.</p>
<p>4. Passenger Rail</p>	<p>Provide passenger rail commuter service connecting Ventura and Santa Barbara counties.</p> <p>Maintain and increase funding for inter-city passenger rail in the LOSSAN North Corridor</p> <p>Seek appointment of California representative to the Amtrak Board</p>	<p>Work cooperatively with Federal Railroad Administration, Caltrans Division of Rail, Amtrak, LOSSAN and Union Pacific Railroad to provide passenger rail commuter service connecting Ventura and Santa Barbara counties.</p> <p>Work with Caltrans District 5 to develop LOSSAN North Corridor Improvements NEPA document to increase viability of federal grant applications for rail improvements. Support legislative efforts to stabilize and even increase funding for passenger rail capital improvements and operating costs.</p> <p>Work with our federal legislative delegation, LOSSAN, and other state partners to raise awareness of the importance of having a California representative on the Amtrak Board and seek qualified applicants to pursue a presidential appointment.</p>

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# REPORT

Thomas Walters & Associates, Inc.



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January 11, 2012

## Santa Barbara County Association of Governments Legislative Update

**To:** Jim Kemp  
**From:** Tom Walters  
Don Gilchrest

This memo provides an update on the legislative activity for the first session of the 112<sup>th</sup> Congress and an initial outlook for the new Congressional year.

### 2011 Activity

#### Surface Transportation Reauthorization

SAFETEA-LU expired at the end of FY 2009 and the difficulty in identifying resources for funding these programs has repeatedly delayed reauthorization legislation. The authority has been extended several times through stop-gap legislation, with the latest extension due to expire March 31, 2012.

Last fall, Chairwoman Boxer of the Environment and Public Works Committee took the lead in the Senate on drafting S. 1813, the *Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21)*, a bipartisan, two-year bill that would essentially maintain current base-line levels of funding for transportation programs. Further action on the Senate bill will be dependent on the Senate Finance Committee developing provisions to supplement an estimated \$13 billion Trust Fund shortfall with revenues from other sources. The Senate Commerce Committee has marked up the highway safety provisions of the reauthorization and the Senate Banking Committee is poised to mark up the transit portion early in 2012, which would allow floor consideration in February or March.

Earlier in 2011, House Transportation and Infrastructure Committee Chairman Mica (R-FL) released a bill overview that proposed \$230 billion over six years. This is the funding that can be justified by revenues currently going into the Highway Trust Fund, and would be a reduction of about one-third compared to current spending levels. Subsequently, House Republican Leaders agreed to pursue a plan that would avoid those drastic program cuts by supplementing Trust Fund revenues with royalties from increased oil and gas development and potentially other energy initiatives. Action on that legislation, however, was put off until early this year.

Chairman Mica has cited pressure from local governments and contractor groups in urging swift action on the issue in 2012.

### FY 2011 Budget

The first session of the 112<sup>th</sup> Congress was dominated by the fiscal crises facing the Federal government. The new Congress, with a Republican Majority in the House, was forced to complete work on the FY 2011 appropriations process left undone by the 111<sup>th</sup> Congress. The highly partisan debate was not resolved until six months into the new fiscal year with enactment of H.R. 1473, the Full-Year Continuing Appropriations Act of 2011, on April 15. Highway and transit programs were reduced by approximately 7 percent overall, with much of the savings coming from project rescissions. Notable cuts were a \$400 million reduction in the Mass Transit New Starts program and a \$2.5 billion reduction in the High Speed Rail program, which zeroed out that account.

### FY 2012 Appropriations

In April, House Republicans adopted an FY 2012 Budget Resolution that proposed to reduce highway and transit program spending by approximately one-third compared to the enacted FY 2011 level. This set up a conflict with the Senate and the Obama Administration, which were seeking higher levels of spending. The Transportation, Housing and Urban Development Appropriations bill played out against a backdrop of partisan conflict over spending levels, deficit reduction and the debt limit that impacted all appropriations legislation. When the new fiscal year started on October 1, none of the regular twelve annual appropriations bills had been enacted into law. Congressional leaders resorted to packaging the bills together to expedite the legislation and to limit the number of issues that would need to be resolved. The transportation funding bill was enacted on November 18 as part of three-bill “minibus” package and essentially funds highway and transit programs at levels comparable to last year.

### Debt Limit Extension and Deficit Reduction

Negotiations over an agreement to raise the Federal Debt Limit and simultaneously address deficit reduction took center stage and devolved into a divisive partisan political battle as a potential default of the U.S. government loomed at the beginning of August. The final compromise included the establishment of a Joint House/Senate Select Committee on Deficit Reduction to negotiate at least \$1.2 trillion in savings, and mandatory caps on the annual appropriations process. The subsequent failure of the Committee to negotiate an agreement raises the specter of a “sequestration” process to achieve the budget savings through government-wide automatic cuts in spending over nine years, beginning in January 2013.

### **2012 Surface Transportation Reauthorization**

Legislation to reauthorize SAFETEA-LU will be one of the first orders of business this year and this legislation will impact a broad scope of policies for highway, transit and highway safety programs, as well as the funding needed to implement

these efforts. If Committee action in the House and the Senate can be concluded by early spring, there is an excellent chance of enacting legislation this year. However, the later in the year that action drags on, the greater the chance that the bill will be entangled in election politics and the potential for impasse will grow.

Among the host of reauthorization issues are:

### *Funding*

The initial bill overview released by House Transportation and Infrastructure Committee Chairman Mica (R-FL) proposed a reduction in funding of about one-third compared to current spending levels. However, Chairman Mica and House Speaker Boehner (R-OH) announced in late 2011 that they would be drafting a five-year reauthorization bill that provides funding for highways and transit at higher levels, with the additional needed revenues to be obtained through Arctic National Wildlife Reserve oil exploration, expanded offshore oil and gas drilling, oil shale production, and potentially other energy initiatives. Each of these energy proposals will have significant opposition, complicating consideration of the surface transportation legislation by the House, as well as when it must be reconciled with the very different approach developed by the Senate.

### *Planning Provisions*

Under MAP-21, MPOs that are smaller than 200,000 in population would be eliminated unless the State were to direct otherwise. This would threaten SBCAG's planning funding if MPO size were tied to the size of individual urbanized areas, rather than metropolitan planning area. Throughout this year, we will work with EPW Committee Chairwoman Boxer and the other relevant committees in the House and the Senate to ensure that SBCAG is not harmed by the planning provisions in the bill.

### *TE/Safe Routes to Schools (CMAQ)*

MAP-21 would move the Transportation Enhancements and Safe Routes to Schools programs into the Congestion Mitigation and Air Quality (CMAQ) program. Bike paths, pedestrian walkways and landscaping would continue as eligible activities, but States would be able to use the money for other activities under the same program. The Transportation Enhancements program has been under siege in the past year as some members of Congress have sought to direct those funds to more traditional transportation projects such as bridges. This could be a point of contention as the House Transportation and Infrastructure Committee develops its bill this spring.

### *Program Consolidation*

Senator Boxer's MAP-21 would consolidate the number of Federal programs by two-thirds, from about 90 programs down to less than 30. As is currently the case, the majority of Federal-aid highway funds would go to the states through core

programs, but the number of core highway programs would be reduced from 7 to 5. Although details of the House version have not been released, Committee leadership has indicated their bill will include similar consolidation of programs.

### *Project Streamlining*

Both the House and the Senate will maximize the use of Federal funding through project approval streamlining. The reforms in MAP-21 include making permanent a pilot program that allows the State of California to implement both NEPA and CEQA processes for projects. The House bill will be more aggressive about environmental streamlining, and will attempt to eliminate the requirement for NEPA in States like California that already have stringent environmental review laws.

### *Length of the bill*

Surface Transportation Authorization legislation typically covers a span of six years to allow careful planning and promote stability in highway and transit programs. The two-year span of the Senate's MAP-21 proposal will protect these programs from funding reductions, but ensures that the crisis of uncertainty will return a mere 18 months after enactment. The key issue for the length of the bill is developing additional revenue sources to supplement the levels of spending that can be funded through the Highway Trust Fund. Although stakeholders like SBCAG would prefer a longer-term bill, the levels of funding and the sources of the revenues (whether they are from motor fuels tax increases or increased energy development) will significantly impact what you can support.

### *Projects of Regional and National Significance*

MAP-21 would authorize a \$1 billion per year Projects of National and Regional Significance program at DOT to support key surface transportation projects. This would be a competitive grant program and could be used to fund key SBCAG priorities such 101 Corridor improvements.

### *Public-Private Partnerships*

Preliminary information on the House bill indicates that it will stress the use of public-private partnerships. The intention is to stretch Federal resources by leveraging them with State, local and private-sector funding. Increased use of tolling and HOT lanes is likely. The existing Interstate Highway System would remain toll-free; however States would have the ability to toll expansion projects. States would also have the ability to toll non-Interstate highways.

### *TIFIA*

Both the House and Senate plan to increase loan programs such as the Transportation Infrastructure Finance and Innovation Program (TIFIA) program to leverage Federal dollars for projects. MAP-21 would increase the program

authorization from \$122 million a year to \$1 billion per year and the maximum Federal share would be increased from 33 percent to 49 percent.

### *Freight Infrastructure*

MAP-21 would authorize a \$2 billion per year National Freight Program to improve the National Freight Network. In addition, Senator Lautenberg (D-NJ) has proposed S. 371, the *Focusing Resources, Economic Investment, and Guidance to Help Transportation Act of 2011* (FREIGHT Act), to establish a national freight policy and authorize capital investment projects that improve the efficiency of the national transportation system to move freight. Although these programs are targeted at freight, SBCAG will want to closely monitor these developments for any opportunities to improve passenger rail service in Central Coast region.

### *Donor State Issues*

California has been a “donor” state to the Highway Trust Fund in that drivers in the State typically contribute more in motor fuels taxes to the Fund than the State receives in Federal transportation spending. In recent years, however, this phenomenon has been lessened by the fact that the Highway Trust Fund has required money from the general fund to remain solvent and to support existing levels of transportation spending. This has lessened the “donor” status of affected States and the issue will not be as major a point of debate in this year’s legislation.

### *Buy American*

House Transportation and Infrastructure Committee Ranking Member Rahall (D-WV) has proposed H.R. 3533, the *Invest in American Jobs Act of 2011*, to require that all materials and manufactured goods used in surface transportation projects be made in America. There already are substantial “Buy American” requirements, but H.R. 3533 would reduce the ability of the Administration to waive those requirements.

## **Other 2012 Issues**

### Project Funding (101 Corridor, et al)

This is expected to be the third year in a row that Congress extends its earmark moratorium for transportation and other types of projects. However, several discretionary grant programs have been continued, including an additional round of funding for the TIGER transportation infrastructure program at \$500 million in FY 2012.

The FY 2011 TIGER grants only funded three projects in California and the competition for FY 2012 funding is expected to again be very fierce. Taking into account feedback from DOT and the Federal Highways Administration, SBCAG’s 2012 project applications will be most effective if you continue to focus on a fairly short list of priority projects for these funding opportunities. Emphasizing the high Priority of the 101 Corridor Project to the region and increasing the spotlight on the

project through the Highway 101 Corridor initiative will help you to maximize your success.

### Debt Limit/Sequestration

The prospect of across-the-board budget cuts will loom over all Congressional activity this year. The highly publicized failure by the Joint Select Committee on Deficit Reduction leaves Congress with two options for addressing the deficit reduction mandates established by the Budget Control Act of 2011 last August. First, they could take legislative action to repeal or modify those mandates, although President Obama has already indicated that he would likely veto any such action at this point. Secondly, they can allow the process of “sequestration” laid out in the Budget Control Act to proceed. Under sequestration, the \$1.2 trillion deficit reduction will be attained by government-wide, automatic cuts in spending over nine years, with the first sequester in January 2013. After taking into account interest savings, the annual spending reduction is estimated to be \$109 billion. The reductions will be 50 percent from domestic programs and 50 percent from defense programs, and the Office of Management and Budget will be responsible for allocating the cuts.

### High Speed Rail

Congress appropriated \$10.5 billion for High Speed Rail between FY 2009 and FY 2010. This provided opportunities to support projects such as the Ortega and Seaciff Sidings. However, this account was zeroed out in appropriations bills for FY 2011 and FY 2012, making it dubious whether further funding will be available to support projects in California. The next indication of the prospects for the program will come in the President’s FY 2013 budget proposal to Congress.

### Tax Legislation

At the end of 2011, the \$230 per month transit commuter fringe benefit authorization expired, causing this benefit to drop back to the previously authorized level of \$125. In addition the alternative fuel tax credit expired. The best opportunity for extending these provisions would be to add them to a package of other pending tax issues that will be considered in February.

### Economic Stimulus/Jobs Creation

The lingering economic crisis and high unemployment rates will make job creation a high visibility and recurring theme this year. Legislation to renew jobless benefits and extend the payroll tax cut will expire at the end of February, which will trigger a renewed debate over the best way to create jobs. House Republicans will also continue to emphasize energy production, deregulation and environmental streamlining as keys to economic growth. Although partisan concerns and different economic philosophies will make progress very difficult to achieve, Transportation infrastructure spending in the context of SAFETEA-LU reauthorization could be a rare point of agreement.

### Lame Duck Session

The difficulty that Congress had passing appropriations bills in 2011 is a foretaste of the legislative impasse that is likely in 2012. An election year in which control of the White House and the Senate are perceived to be in play will create partisan conflict that increases as the calendar unfolds. Congressional leaders will seek to move legislation through the process early in the year because of the dim hopes of activity in the fall months. However, a Lame Duck Session is probable and could be productive, depending on the outcome of the election. Because of this compressed Congressional schedule, we recommend that SBCAG continue to build on its advocacy efforts by scheduling a Washington, D.C., lobbying trip for February.



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January 19, 2012

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The Honorable Barbara Boxer  
United States Senate  
Washington, DC 20510  
VIA FAX: (202) 228-2382

RE: MAP-21/Surface Transportation Reauthorization – Request for Modifications

Dear Senator Boxer:

The Santa Barbara County Association of Governments would like to thank you for your leadership in developing your federal surface transportation programs reauthorization legislation, “Moving Ahead for Progress in the 21<sup>st</sup> Century” (MAP-21). In order for local, regional and state governments to effectively address our nation’s transportation infrastructure needs it is essential to have a long term federal transportation plan in place rather than continuing to operate on the basis on continuing resolutions. However, we are very concerned with a few elements of the legislation that passed out of the Senate Environment and Public Works Committee, and request that you work with your colleagues to modify elements of the bill that could otherwise negatively impact smaller urban and rural areas, including Santa Barbara County.

**Maintain the current Metropolitan Planning Organization threshold of 50,000.** Please clarify provisions of MAP-21 that could phase out MPO’s with a single urbanized area population of less than 200,000. Members of your committee staff have indicated to SBCAG staff that the intent of the legislation is to maintain the status of all existing MPO’s with an urbanized area population under 200,000, but the language in S 1813 is ambiguous on this point and needs clarification. Santa Barbara County has three urbanized areas with a combined Metropolitan Planning Area population of more than 420,000, but our county’s largest urbanized area only has a staff estimated population of 197, 233. Elimination of SBCAG’s federal status as an MPO would eliminate federal planning (PL) funding and significantly compromise SBCAG’s important and unique regional role in creating accountable and transparent transportation infrastructure investments in Santa Barbara County.

**Retain the eligibility of federal air quality attainment areas for Transportation Enhancement (TE) and Safe Routes to School (SRTS) programs.** Members of your committee staff have indicated to SBCAG staff that regional agencies, like SBCAG, that are not eligible for CMAQ funds due to their designation as federal air quality attainment areas, will continue to be eligible for TE and Safe Routes to School programs under S 1813. It is vital that access to this funding be maintained for attainment areas in the final version of the bill in order to maintain the progress that has been made

**Member Agencies**

Buellton ■ Carpinteria ■ Goleta ■ Guadalupe ■ Lompoc ■ Santa Barbara ■ Santa Maria ■ Solvang ■ Santa Barbara County

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toward air quality improvement in Santa Barbara County. The Central Coast region has worked very hard on local projects that have resulted in an attainment area designation under the Clean Air Act. We are concerned that we would be denied access to funding for emissions reduction programs such as Transportation Enhancement and Safe Routes to School simply because we have had success in that area and do not qualify for CMAQ funds.

We greatly appreciate your leadership in developing the Environment and Public Works Committee's S 1813 (MAP-21) particularly the federal program consolidation and streamlining provisions of the legislation. Santa Barbara County voters, with nearly 80% support, approved a thirty year extension of our regional transportation sales tax measure to make the necessary investments in our transportation infrastructure to support the local and state economy. As a Self Help County, we are looking to the federal government to be an active partner in our efforts and appreciate your assistance in ensuring that all the provisions of MAP-21 support SBCAG's efforts to promote mobility in Santa Barbara County. If you or your staff would like additional clarification about SBCAG's concerns regarding S 1813, please do not hesitate to contact SBCAG's Executive Director, Jim Kemp at (805) 961-8900.

Sincerely,

SBCAG Chair

Cc: Senator Feinstein  
Congresswoman Lois Capps  
Congressman Elton Gallegly