

AGENDA  
REGULAR MEETINGS  
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, June 1, 2010

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

- a. Legislative Committee (4.16.10) \_\_\_\_\_ (Radke)

The Legislative Committee met at District headquarters on Friday, April 16, 2010.

Present: Directors: Ted Radke (Chair), Doug Siden, Ayn Wieskamp  
Staff: John Escobar, Erich Pfuehler, Ted Radosevich, Sharon Corkin  
Consultants: Doug Houston and Laura Cottrell, The Houston Group  
Public: Linda Sellers

I. STATE LEGISLATION/ISSUES UPDATE

A. NEW

a. Proposed Legislation

**AB 1805 (Calderon) – Streamlining California Environmental Quality Act (CEQA)**

Advocate Doug Houston reported this bill is sponsored by the Administration as part of the Governor's package to stimulate the economy. This bill would exempt or exclude 150 projects from judicial review under the CEQA process. Agencies would still be required to go through CEQA and file an Environmental Impact Report (EIR), but the EIR couldn't be challenged through the judicial process. Generally, the District benefits from mitigation decisions made in the judicial review and EIR processes.

Advocate Doug Houston added the bill needs a lot work, but is moving forward and scheduled for a hearing next Monday.

Legislative Manager Erich Pfuehler commented the bill allows the California business, Transportation and Housing Agency (BT&H) the authority to exempt projects – including five each from Alameda and Contra Costa Counties – each year, but doesn't specify any criteria. BT&H will essentially decide ahead of time which projects are exempt.

Director Radke commented it would give little incentive to provide meaningful mitigation for projects if the proponents know ahead of time there is no possibility of judicial review.

The Committee voted unanimously to OPPOSE.

**AB 1929 (Hall) – Immunity from Dreissenid Mussel Liability (2/17/10)**

This bill is substantially the same as AB 804 (Hall) of last year which was vetoed by the Governor. The Governor's veto message emphasized his belief that AB 804 shifted the liability to the state. The new bill specifically states the Department of Fish and Game or any other state agency is not liable. Advocate Doug Houston reported the District is seeking an amendment to clarify and reinforce the notion that immunity should be extended to all agencies.

AGM of Operations John Escobar stated immunity to all recreational providers, and not just Public Resources Code 5500 agencies, would probably bring in a lot more allies.

The Committee voted unanimously to WATCH and work to amend.

**SB 1124 (McLeod) – Historical Records of Conservation Easements (2/18/10)**

In June of 1988, voters approved Prop. 70 which provides bonds for wildlife, coastal and parkland conservation – The California Wildlife, Coastal and Park Land Conservation Act. This bill would require entities to record a conservation easement at the time property is acquired, developed, rehabilitated or restored with funds from the 1988 measure. For lands previously acquired, developed, rehabilitated or restored with funding from the 1988 measure, the bill requires a recording of an easement on or before April 1, 2011.

Advocate Houston noted this bill is specifically targeting the San Bernadino County area. Under Prop. 70, San Bernadino County was awarded \$20 million to acquire agricultural property. The County bought a number of properties and promised the State they would provide a conservation easement on those properties. Now, 20 years later, they still have not placed easements on the properties. The author is trying to get the county to do what was intended under Prop. 70 when they were awarded the money in 1990. The bill, unfortunately, includes all counties, so Advocate Houston suggested an amendment specific to San Bernadino County might be possible.

District Council Ted Radosevich expressed concern the District would have to spend a lot of time and energy to research and review 22 years of land acquisitions to find out which easements were or weren't recorded. With a 2011 deadline, it would be a big challenge.

The Committee voted to WATCH and recommended Advocate Houston work to amend the bill. Director Siden abstained from the vote and expressed his support for clarifying the recording of easements for land purchased with public Prop. 70 funding.

## B. ISSUES

### a. State Budget Update

Advocate Doug Houston said there has been a glimmer of hope and some good news. During the last two reporting periods, revenues have exceeded expectations. Advocate Doug Houston said the State will see some good receipts from capital gains and the stock market has been pretty healthy. In terms of addressing the \$20 billion deficit, it cannot be addressed with improved revenue generation alone. The legislature is in for a very difficult challenge. In March, the Legislature enacted a package of payment deferrals – largely impacting state, local government and school operations – to avoid cash shortfalls projected through June 2011.

There is discussion in the legislature about a two-year budget cycle, as recommended by California Forward and other groups looking for constitutional change.

Advocate Doug Houston mentioned General Manager Pat O'Brien's caution that the State could invoke Prop. 1A again next year. In addition, the State could find a way to take money from agencies with large surpluses.

### **The League of Cities initiative**

Board Member Doug Siden asked about the status of The League of Cities proposed ballot initiative. This initiative seeks to prevent the state from borrowing, raiding or otherwise redirecting local government funds. Advocate Doug Houston stated the League is very confident their initiative will be on the ballot. The League has gathered the required signatures and plans to continue gathering signatures as they still have three weeks before their deadline. Advocate Doug Houston mentioned this effort signals to the legislature that cities will not be cooperative in solving the state's budget challenges. It could have the unintended consequence of encouraging the state to borrow from locals again now if this is perceived as their last chance to do so.

Board Member Doug Siden brought up the effort by the Alameda County Board of Supervisors to place a \$10 license fee for traffic mitigation on the ballot. Legislative Manager Erich Pfuehler stated this was a result of a bill State Senator Loni Hancock was able to enact last year.

Legislative Manager Erich Pfuehler mentioned he and General Manager O'Brien discussed this ballot initiative with Alameda County Congestion Management Authority (CMA) Executive Director Dennis Fay, to try and determine, should this initiative move forward, if there would be potential funding for trails. Pfuehler said the District should continue to engage with the county CMA and discuss funding for District priorities. Questions were raised with regard to Alameda County's effort and the possible State Parks \$18 dollars vehicle fee. Would Alameda County residents want to pay \$28 more for their vehicle license? If not, which initiative would they prioritize?

## 2. FEDERAL LEGISLATION/ISSUES / ISSUES

### A. NEW

#### a. Proposed Legislation

#### **S. 554 (Brown) Motorcoach Enhanced Safety Act of 2009**

Pfuehler reported this bill would require operators of motorcoaches seating nine passengers or more to adopt more stringent safety policies. While the federal government cannot specifically dictate licensing and vehicle maintenance requirements, they can require each state to examine and strengthen their requirements. Pfuehler speculated California would likely tighten their standards and require drivers to have a commercial driver's license, require more inspections on tire pressure, provide sturdier coaches and require seatbelts. This bill is in response to tragic accidents involving buses – particularly an accident where several people from a university in Ohio died. The District operates eight motorcoaches which could seat nine passengers or more. This legislation could increase the cost for the District to operate and maintain this important part of its fleet. Pfuehler speculated that S. 544 might be included as part of the overall transportation bill. Pfuehler also added that District Operations and Maintenance staff expressed concerns about the bill.

AGM of Operations John Escobar stated California already requires possession of a commercial drivers license to operate a vehicle which seats over nine passengers. Drivers of these vehicles must also have a physical every two years. Escobar added all District vans have seatbelts and staff who drive these vehicles have commercial licenses. The legislation would, however, likely impose additional requirements and costs to upgrade District vans with different emergency exits, on-board recorders and special window glass.

District Counsel Ted Radosevich added the District has a very safety conscious commercial driver policy and training program. The District also has a solid track record with no issues. Radosevich stated implementation of this bill could add additional costs which could result in the District cutting back its fleet and providing less service.

District Counsel Ted Radosevich suggested the Committee support the bills more stringent requirements for vehicles which seat 16 passengers or more and oppose changes in requirements for vehicles seating 15 passengers or less. It was also suggested the District highlight its procedures as a national model for others to follow.

The Committee voted unanimously to SUPPORT if modified.

#### **H.R. 4722 Active Community Transportation Act of 2010**

Pfuehler reported this is the Blumenauer bill the Committee has discussed before and is supported by the Alameda County Active Transportation campaign. The District was successful in helping the author's staff specifically include Special

Districts as eligible grant recipients. This may be the first federal bill which includes the words, 'multi-county special district' as an eligible recipient.

District Counsel Ted Radosevich commended Pfuehler for his hard work for including the words 'multi-county special district' in this bill. Radosevich stated it has taken years for this language to be included in a federal bill and this is a significant achievement.

Pfuehler mentioned the bill authorizes \$500 million for a new program for active transportation projects. For the District, the paved-trail network would be eligible. Currently, there are four pilot projects in the U.S. including one in Marin County. This bill would expand the program to allow more communities to participate. Pfuehler added the cost of the program may make it prohibitive given Congress has yet to figure out how to pay for extending existing programs in the overall transportation bill. The District should, however, support the bill as its intent is consistent with the District's mission. ACTIA has asked local governments in Alameda County to adopt resolutions in favor of the bill and the District should do so.

The Committee voted unanimously to SUPPORT.

### **TIGER Grants**

Pfuehler reported AGM Bob Doyle is in Washington D.C. and had a meeting with senior staff at the U.S. Department of Transportation regarding the second round of TIGER grants. TIGER grants are discretionary and the Secretary of Transportation, Ray LaHood, can award them directly to a local government, including special districts, for a transportation related project. Typically, most federal programs are distributed locally through a Metropolitan Planning Organization (MTC) or the State (Caltrans). TIGER grants are directly authorized by the Secretary of Transportation. The direct nature of this program could put the District in a better position to secure federal funding for its paved trail network. The District will need its Congressional delegation to weigh in with the Secretary who was a former Member of Congress. If they do, there is a chance.

The District's Green Transportation Initiative is the exact kind of project that is compelling to this particular administration. However, there may only be one or no project in the entire state which will be awarded a grant. There is only \$600 million in funding available nationwide and the application process is highly competitive. Only about 1% of all applicants will get a grant.

From the Secretary of Transportation's standpoint, they would like to see TIGER become a permanently authorized program in the federal transportation bill. This is a portion of funding the Secretary can directly control. They want success stories now which will help them influence Congress to permanently authorize the program.

### **Great Outdoors Conference**

Pfuehler added that Land Division AGM Bob Doyle is in Washington, D.C. for the White House conference on the Great Outdoors. The District is one of a very small group of open space districts to have a representative in attendance. The District was fortunate to have the combination of help from Rep. George Miller's office, Rep. Barbara Lee's office and the National Park Service in order to be invited. Members of the Committee asked that Bob Doyle provide a report to the Committee.

3. PUBLIC COMMENTS – Linda Sellers mentioned the ABAG conference next Thursday on the sustainable communities strategies portion of SB 375.