

South Bay Cities Council of Governments

October 24, 2019

TO: SBCCOG Board of Directors

FROM: Steve Lantz, SBCCOG Transportation Director

RE: SBCCOG Transportation Update Covering September 2019

Adherence to Strategic Plan:

Goal A: Environment, Transportation and Economic Development. Facilitate, implement and/or educate members and others about environmental, transportation and economic development programs that benefit the South Bay.

California Air Is So Bad, EPA Wants to Withhold Federal Highway Funding

Hard on the heels of adopting federal vehicle emission standards which are more lenient than California standards, and attempting to impose them on California, the federal EPA has said the state and regional air quality implementation plans won't meet the new federal air quality standards in the Federal Clean Air Act and must be re-written within the next year. The agency is threatening to withhold federal transportation funding until the new plans comply with the federal air quality rules.

States, including California, are claiming adopting conforming plans would be too difficult and take too long to conform to the federal standards since the state and regional plans rely heavily on the stricter state vehicle emissions targets. California regulators surprised the White House in July by secretly negotiating a deal with four major automakers to voluntarily abide by California's emissions rules and increase fuel efficiency.

The EPA responded by revoking a decades-old rule that empowers California to set tougher car emissions standards than those required by the federal government. California Atty. Gen. Xavier Becerra then sued the administration the next day, arguing that the state's stricter pollution rules were lawful and needed to improve air quality.

The EPA is relying on Section 179 of The Federal Clean Air Act which discusses sanctions and consequences for not complying with the law and includes a list strategies other than stricter emissions standards. The list includes congestion pricing (street tolls), parking surcharges in congested areas, bus and high-occupancy vehicle lanes, entire roads dedicated to transit, vehicle restricted zones, registration fees tied to vehicle emissions, and requirements that employers reduce work-related trip emissions.

The act's 18-month timeline for sanctions, however, means that even if the EPA rejected one of California's pollution-reduction plans tomorrow, penalties would not take effect until well into 2021.

Bill Would Tie Federal Transit Funding to Housing Production

Each year, the Federal Transit Administration doles out more than \$2 billion to help build new rail, streetcar and bus rapid transit systems through its Capital Investment Grants Program. Much of that money is distributed as part of the “New Starts” program, which gives grants for projects that cost more than \$300 million in total, or which are seeking at least \$100 million in federal money. The grants can be used to pay for new light or commuter rail systems, creation of bus rapid transit systems, or extensions to existing systems. The program does not currently include grant approval criteria that ties major federal transit investments with station-adjacent housing production.

The Build More Housing Near Transit Act (HR 4307), introduced on September 12th, would amend the rules for Federal Transit Administration New Starts grants by requiring applicants to include in their grant application a housing feasibility assessment and a commitment of local land use policies to accommodate affordable and market-rate housing development associated with the project. Such a requirement could apply to the South Bay Green Line extension if Metro chose to seek federal New Starts funding for the project.

The housing feasibility assessment for parcels in the project station walkshed would be required to show opportunities for more housing production in the area around the project. The bill would require applicants to use standard real estate financial models that consider, among other possible factors, density, development certainty, market interest, exemption of minimum parking requirements, by-right development, agency ownership of land, and regional growth goals.

The bill sponsors do not expect the bill to be approved as a stand-alone measure. However, they are hopeful the provisions will be incorporated into a larger transit bill during the 2020 session.

Transportation Bill Would Dramatically Cut Federal Small Project Transit Grants

S2520, a transportation, housing, and urban development 2020 funding bill approved by the Senate Appropriations Committee on September 19th, slashes the amount of money allotted for small public transit projects from \$526 million approved in FY 2019 to \$78 million per year in FY 2020. The House version of the bill includes \$430 million for Small Starts projects. The differences in the amounts will have to be reconciled by a conference committee that has yet to be scheduled.

Because the Senate was unable to complete their work on all the appropriations bills for FY2020 before October 1st, the House and Senate approved a continuing resolution that extends funding through November 21, 2019.

NACTO Updates Micromobility Guidance

The National Association of City Transportation Officials (NACTO) has released an updated set of guidelines for managing micromobility fleets. The report is available at:

https://nacto.org/wp-content/uploads/2019/09/NACTO_Shared_Micromobility_Guidelines_Web.pdf

To more nimbly regulate the industry and meet transportation goals, the guide recommends flexible permitting structures, including incentive-based performance clauses around issues like shifting trips or increasing options for underserved communities. The guide also says city

streets should be redesigned "to fully realize the potential of shared micromobility" and give users a safe space to ride. That includes a recommendation that cities direct permit fees to infrastructure projects.

A key section of the guide has to do with infrastructure. With the vehicle often too fast to go on sidewalks, but too slow to share space with cars, NACTO recommends prioritizing the development of "safe and comfortable" bikeways and discuss potential street design changes. The guide also explores parking options that can limit clutter, highlighting how Seattle, Orlando and Washington, DC have created designated parking areas.

Micromobility fleets offer a raft of data about where people are going and what type of trips they prefer, and NACTO builds on a previous guidance on best practices for the data. Cities, the guide says, should require trip data that will allow them to evaluate system performance, determine permit compliance and answer planning questions, while also requiring companies to comply with strict privacy standards.

STATE

Governor Orders Transportation Aligned with Climate, Fills Two CTC Board Slots

Governor Gavin Newsom signed an executive order on September 20th requiring the California State Transportation Agency to direct state construction, operations and maintenance investment in ways that decrease fuel consumption, reduce greenhouse gas emissions, and encourage alternatives to driving to achieve the objectives of the state's Climate Change Scoping Plan..

He also filled two empty slots on the California Transportation Commission with two members from L. A. County who represent communities that have largely been left out of the state transportation funding process. Tamika Butler is a former Executive Director of the Los Angeles Bicycle Coalition and is currently Director of Equity and Inclusion at Toole Design Group. Hilary Norton, who runs FAST (Fixing Angelenos Stuck in Traffic) in Los Angeles. has worked with various stakeholders, including many business groups, to rally support for a broad range of transportation choices for Southern Californians.

Governor Signs Two Bills Aimed at Reducing Heavy Duty Vehicle Emissions

As a part of Climate Week, Governor Newsom on September 20th signed S.B. 210 that requires a "smog check" for heavy-duty diesel trucks. While these trucks make up only a small portion – four percent – of the total number of vehicles on California's roads, they account for twenty percent of the greenhouse gas emissions from the transportation sector. Previously there was no smog check requirement for these vehicles.

S.B. 44 calls for the ARB to "create a comprehensive plan for reducing greenhouse gas emissions from medium and heavy-duty vehicles."

AB 5 Turns Independent Contractors Into Employees; Impacts UBER / LYFT Drivers

On September 18th, Governor Gavin Newsom signed AB 5 which reclassified an estimated 2 million workers as employees instead of independent contractors. Nearly 200,000 of them are Uber or Lyft drivers that use the technology platforms of technology network companies (TNCs) and must adhere to their policies and procedures to get connected with their customers.

Depending on whether you are talking to the TNCs companies or with organized labor, the TNCs will (or will not) have to fundamentally change the rideshare industry's hiring practices.

Uber and Lyft claim they will take on fewer drivers and assign rigid shifts much as a restaurant or retailer might schedule workers. Drivers will likely be prevented from driving more than 40 hours a week to avoid overtime, or even 30 hours a week to avoid healthcare benefits. The companies likely would block drivers from working for other platforms or from signing on when the number of drivers outstrips demand.

Uber and Lyft also warn that riders could see higher costs and longer wait times. Riders in transit deserts, they warn, could lose service entirely. There would be less incentive for Uber and Lyft to offer surge or dynamic pricing, which is now used as a financial incentive to get drivers where demand is high.

The California Labor Federation has called these scenarios a "corporate scare tactic" and said nothing prevents companies from maintaining flexibility. However, in shifting to employee status, companies would have to offer basic worker protections such as guaranteed minimum wage, overtime pay, contributions to Social Security and Medicare, unemployment and disability insurance as well as workers' compensation, sick leave and family leave. Drivers would also be paid whether or not there's a passenger in the vehicle which doesn't happen now.

It's unclear if drivers would unionize. Right now there's a conflict between the state's Dynamex decision, which presumably would shift drivers from freelancer to employee, and the federal government's treatment of gig workers as contractors, which makes them ineligible for the right to form a union. In a confusing twist, Governor Newsom has opined that, "Only when the National Labor Relations Act does not cover workers may states act to provide the right to organize a union...".

EV Sales Surge In California, Not So Much Elsewhere

Sales of new electric vehicles in California shot up nearly 63.7% in the first half of the year, to 51,750 units, largely on the strength of the Tesla Model 3. But pure electric cars still total only 5.5% of California car sales and California EVs account for about half of the EVs sold throughout the country.

Statewide sales of new hybrid cars, which run mainly on gasoline with an electric battery boost and don't need to be plugged in, rose 22.1% in the first half, to 48,861 vehicles. Plug-in hybrids, which can run on battery power for a few dozen miles before having to switch to internal combustion, plummeted 28.5%, to 35,500 vehicles — in part because consumers rejected the latest design of the plug-in hybrid leader, the Toyota Prius Prime.

Without Tesla, pure EV sales would be limp. About 33,000 Model 3s were sold in California in the first half of the year. The next-highest seller was Chevrolet's Bolt EV, at 4,482 cars, followed by the Tesla Model X (3,690) and the Tesla Model S (3,390.) The Nissan Leaf sold 2,034 units. At these sales rates, the EVs are unprofitable so government subsidies on electric car purchases have proved necessary to keep consumers interested.

Car companies talk about cutting air pollution and relieving global warming. But unless governments ban sales of new internal combustion engine-propelled cars, consumer

acceptance could be gradual, principally due to the initial increased cost of EVs due to the cost of the batteries, range anxiety and a shortage of public charging options.

REGION

Metro Releases Report On How Women Travel

Metro recently released a 169-page report on challenges faced by its women riders, *Understanding How Women Travel*, that is intended to inform Metro's upcoming Gender Action Plan to improve women riders' experience.

Metro found that more than half of its bus riders (54%) are women, and more than half (51%) of Metro rail riders are women. Their trip purposes and trip lengths are different from traditional home-to-work patterns, they don't use discounted fare media as frequently as the average rider, and women experience more exposure to travel burdens such as costs, stress, and safety risks. They are particularly concerned about personal security for themselves and their small children, and the safety aspects of vehicle and station design are not well suited to the strollers and other equipment they need to travel with their children.

Women who ride Metro live in poverty at greater rates than male riders. Median household income for female Metro bus riders is \$16,623; for males it is \$19,549. Low-income women reported that although they knew a monthly or weekly pass would save money, up-front cost of a daily, weekly or monthly pass is too high. In addition, TAP cards are difficult to obtain and reload and are attached to only one individual, cannot be used to pay for children that may be accompanying an adult rider.

The top three complaints filed by female Metro bus riders are all related to travel time reliability. The report outlines the consequences of reliability issues which become even more difficult when traveling with children or trip-chaining, or for women with jobs or household responsibilities that require travel during mid-day, late night, or early morning periods, or on the weekends.

Metro gathered data from existing studies and data (including the National Household Travel Survey and Metro surveys), field observations, participatory workshops, focus groups, and pop-up events.

Congestion Pricing On L. A. Streets Could Soon Happen

The Metro Board of Directors awarded two consultant contracts on September 26th for a \$5 million, 18-24-month feasibility study of ways to reduce the county's traffic congestion including the possibility of charging motorists to drive on select roads or through select zones. One consultant team will provide technical assistance and the other will provide stakeholder outreach assistance.

Congestion pricing charges drivers a variable fee that changes based on the congestion on the freeway or road they are travelling. Metro's ExpressLanes are a local example. Metro has published "Visionary Outcomes" for the project to accomplish by 2028. They include a 10-minute walk or roll to high quality mobility options; a 15-minute maximum wait, any time of day; 30% faster bus speeds; and, options to bike/walk options to bypass congestion. The Metro study will also explore partnering with local jurisdictions to impose the congestion fees that would fund capital projects and reduce transit fares, perhaps to as low as zero.

South Bay Bicycle Traffic School Educates, Clears Traffic Record

A few years ago, while watching someone ride away from a bike shop on a new purchase, Jim Hannon had a surprising thought. Hannon, a retired engineer and member of the board of directors of the South Bay Bicycle Coalition, wondered why a bicyclist didn't need the same testing and licensing as a motorist to use the same road. The thought eventually led to a program of the bike coalition to create a "traffic school" diversion program for bicyclists who receive moving violations modelled after the driver's school diversion programs.

Instead of paying the full price of a ticket, cyclists can take a bike safety class, and pay a reduced price or avoid fines entirely. About 200 South Bay residents have graduated from the bicycle diversion program, a three-hour class on safe, legal bicycle riding. The focus is on violations cyclists commonly commit, such as failing to stop at stop signs. The coalition sees the diversion program less as a way to help bicyclists dodge tickets than as a way to encourage safer behavior on the road.

National data indicate that more than 80 percent of fatal cycling accidents occur as a result of riding against traffic or riding on the sidewalk and rolling through stop signs.

Although a law passed in 2016 (AB 902) allowed diversion programs for bicyclists, it did not mandate that cities create such a program. As a result, nonprofit organizations such as the South Bay Bicycle Coalition and Bike East Bay have designed curriculums, and lobbied elected officials to approve diversion programs.

After the law went into effect, coalition members sat down with elected officials and police chiefs from the 14 South Bay cities and offered to help set up the program. The coalition found an eager audience in Commissioner Brad Fox, who handles traffic cases at the Torrance branch of the Los Angeles County Superior Court. Today, anyone who receives a bike-based moving violation and is assigned to the Torrance courthouse has the option to pursue the bike diversion program.

The South Bay's pilot program in Torrance has been emulated throughout the state.

TRENDS

Nearly Half of Southern California Workers Do Not Want To Work At The Office

Here's a hint why local coffee shops are jammed each workday: Almost half of office workers in Los Angeles and Orange counties say they do their best work when ... they're not in the office, especially in the morning!

The Accountemps employment agency surveyed 2,800 office workers in 28 U.S. metropolitan areas about productivity. Of those L.A.-O.C. workers surveyed, 45% of respondents said they were most productive working from home or at another offsite location (e.g., coffee shop or library) vs. being in an open office space or working in a private office with the door closed.

LA-OC represented the highest share of out-of-the-office fans among the 28 regions surveyed and was sharply above the 26% nationwide who preferred working offsite. Why You can guess the many reasons Southern Californians like offsite workspaces. It can help prune commuting pain. And thanks to our global business ties, we're working with all sorts of time zones making for all kinds of crazy hours. The region's great weather makes being outside enjoyable. And, well, we're a little odd.

Why? Aside from the obvious commute hell that is Southern California, nearly half, or 48%, said they dislike office annoyances — from chatty coworkers to office noise such phone calls, typing, music, and noise from the kitchen area.

Lyft's App Now Shows Bike Lanes

Lyft has introduced bike lanes to its apps. Any protected lanes appear as solid green, while those that are 'just' bike-friendly will be dotted green. Lyft is hoping its bike route mapping will make riders feel safer when riding a bike or scooter attracting their customers to use those options instead of hailing a car or walking.

LA Workers Are Nation's Top Commute Quitters

A new survey conducted by Scoop, a carpool sharing app, has found that 24% of L. A. workers quit their job because of how long it takes to get there. And 60% are not applying for jobs because of the commute. Results of a study of 16 metropolitan areas across the U. S. found L. A. to have the highest percentage of any metropolitan area. L. A. commute quitters were 7% higher than the national average of 17 percent. The survey found LA Commuters take 29 minutes to travel an average of 14 miles and 75% don't have free parking when they get to work... seems overly optimistic to this reporter.