



Metropolitan Transportation Commission

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Agenda

Metropolitan Transportation Commission

Alfredo Pedroza, Chair Nick Josefowitz, Vice Chair

Wednesday, December 21, 2022

9:35 AM

HYBRID (In-Person Option Available)

Joint Meeting with the Bay Area Housing Finance Authority (BAHFA)

The Metropolitan Transportation Commission is scheduled to meet jointly with BAHFA on Wednesday, December 21, 2022 at 9:35 a.m., in the Bay Area Metro Center (HYBRID with In-person option available). In light of Governor Newsom's State of Emergency declaration regarding COVID-19 and in accordance with Assembly Bill 361's (Rivas) provisions allowing remote meetings, this meeting will be accessible via webcast, teleconference, and Zoom for all participants. A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

Meeting attendees may opt to attend in person for public comment and observation at 375 Beale Street, Board Room (1st Floor). In-person attendees must adhere to posted public health protocols while in the building. The meeting webcast will be available at <https://mtc.ca.gov/whats-happening/meetings/live-webcasts>. Members of the public are encouraged to participate remotely via Zoom at the following link or phone number.

Attendee Link: <https://bayareametro.zoom.us/j/84120080104>

Or iPhone one-tap: US: +13462487799,,84120080104# or +14086380968,,84120080104#
Or Join by Telephone: (for higher quality, dial a number based on your current location) US:
+1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or
+1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592 or
877 853 5247 (Toll Free) or 888 788 0099 (Toll Free)

Webinar ID: 841 2008 0104

International numbers available: <https://bayareametro.zoom.us/j/84120080104>

Detailed instructions on participating via Zoom are available at: <https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>. Committee members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial "*9". In order to get the full Zoom experience, please make sure your application is up to date.

Members of the public may participate by phone or Zoom or may submit comments by email at info@bayareametro.gov by 5:00 p.m. the day before the scheduled meeting date. Please include the committee or board meeting name in the subject line. Due to the current circumstances there may be limited opportunity to address comments during the meeting. All comments received will be submitted into the record.

Commission / BAHFA Roster:

Alfredo Pedroza (Chair), Nick Josefowitz (Vice Chair), Margaret Abe-Koga, Eddie Ahn, David Canepa, Cindy Chavez, Vacant, Carol Dutra-Vernaci, Dina El-Tawansy*, Victoria Fleming, Dorene M. Giacopini*, Federal D. Glover, Sam Liccardo, Nate Miley, Gina Papan, David Rabbitt, Hillary Ronen, Libby Schaaf, James P. Spering, Amy R. Worth

***Non-Voting Members**

1. Call to Order / Roll Call / Confirm Quorum

A quorum of this Commission and BAHFA shall be a majority of its voting members (10).

2. Pledge of Allegiance/ Acknowledgement of the Flag

3. Compensation Announcement

4. Joint MTC and BAHFA Consent Calendar

- 4a.** [22-1791](#) Minutes of the November 16, 2022 Joint MTC w/ BAHFA meeting and December 14, 2022 Joint Commission with BAHFA, BATA, and BAIFA

Action: Commission / Authority Approval

Attachments: [4a 22-1791 11-16-2022 Draft Commission w-BAHFA Minutes.pdf](#)
[4a 22-1791 12-14-2022 Draft Special Joint MTC BAHFA BATA BAIFA Mi](#)

- 4b.** [23-0098](#) MTC Resolution No. 4551, and BAHFA Resolution No. 25 - Providing for Remote Meetings Pursuant to Assembly Bill 361

Action: Commission Approval; and Authority Approval

Attachments: [4b 22-1840 MTC Resolution 4551 AB 361.pdf](#)
[4b 22-1840 BAHFA Resolution 25 AB 361.pdf](#)

- 4c.** [22-1793](#) BAHFA Resolution No. 23. Rejection, Allowance, Compromise or Settlement of Claims and Actions and Delegated Authority for Contracting for Legal Services to General Counsel

Action: Authority Approval

Attachments: [4c 22-1793 BAHFA Resolution 23 Delegation of Authority.pdf](#)

5. Public Comment / Other Business

6. Adjourn Bay Area Housing Finance Authority and Continue with MTC Agenda

7. Chair's Report (Pedroza)

7a. [22-1841](#) MTC Resolution No. 4552 - Resolution of Appreciation for Commissioner Damon Connolly on the occasion of his departure from MTC.

Action: Commission Approval

7b. [22-1842](#) MTC Resolution No. 4553 - Resolution of Appreciation for Commissioner Sam Liccardo on the occasion of his departure from MTC.

Action: Commission Approval

7c. [22-1843](#) MTC Resolution No. 4554 - Resolution of Appreciation for Commissioner Libby Schaaf on the occasion of her departure from MTC.

Action: Commission Approval

7d. [23-0001](#) Executive Director and General Counsel Performance Evaluations and Contract Approvals

1. Approval of employment contract amendment with Executive Director Therese McMillan through February 1, 2023 (\$428,604.80 annual salary);
2. Approval of employment contract with General Counsel Kathleen Kane through December 31, 2026 (\$348,132.20 annual salary); and
3. Approval of changes to salary schedule to reflect increases to Executive Director and General Counsel salaries (MTC Resolution No. 4369 and MTC Resolution No. 4369: Attachment A).

Action: Commission Approval

Attachments: [7d 23-0001 ED and GC Performance Evaluations and Contract Approvals](#)

8. Policy Advisory Council Report (Randi Kinman)

9. Executive Director's Report (McMillan)

10. Commissioner Comments

11. Consent Calendar:

Operations Committee

- 11a. [22-1801](#) Resilient State Route 37 Memorandum of Understanding Amendment
- Resilient State Route 37 Memorandum of Understanding (MOU) Amendment to integrate Sonoma-Marín Area Rail Transit District (SMART) and update the organizational structure for delivery from Bay Area Toll Authority (BATA) to Metropolitan Transportation Commission (MTC)/ Bay Area Infrastructure Financing Authority (BAIFA).
- Action:** Commission Approval
- Attachments:** [11a 22-1801 Resilient State Route 37 Memorandum of Understanding Am](#)

Programming and Allocations Committee

- 11b. [22-1609](#) MTC Resolution Nos. 4523, Revised and 4524, Revised. Allocation of \$19 million in FY 2022-23 Transportation Development Act (TDA) and State Transit Assistance (STA) funds to Santa Clara Valley Transportation Authority (VTA) and Solano Transportation Authority (Solano TA) to support transit operations and planning in the region.
- Action:** Commission Approval
- Attachments:** [11b 22-1609 MTC Resolutions 4523 and 4524 VTA and STA Allocations.](#)
- 11c. [22-1750](#) MTC Resolution No. 4545, Revised. 2023 Transportation Improvement Program (TIP) Amendment 2023-02
- Action:** Commission Approval
- Attachments:** [11c 22-1750 MTC Resolution 4545 TIP Amendment 2023-02.pdf](#)

Committee Reports

12. Legislation Committee (Vice Chair Liccardo)

- 12a. [22-1610](#) Proposed Final 2023 Joint Advocacy Program
- Final 2023 Joint Advocacy Program for MTC and ABAG outlining the agencies' state and federal legislative priorities.
- Action:** ABAG Executive Board Approval
MTC Commission Approval
- Attachments:** [12ai 22-1610 Summary Sheet Final 2023 MTC and ABAG Joint Advocacy](#)
[12aii 22-1610 Attachment A Updated Final 2023 MTC and ABAG Joint A](#)

13. Public Comment / Other Business

14. Adjournment / Next Meetings:

The next meeting of the Metropolitan Transportation Commission is scheduled to be held at 9:35 a.m. on Wednesday, January 25, 2023. Any changes to the schedule will be duly noticed to the public.

Public Comment: The public is encouraged to comment on agenda items at Commission meetings by completing a request-to-speak card (available from staff) and passing it to the Commission secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Commission may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Commission meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Título VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Commission members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Commission. Actions recommended by staff are subject to change by the Commission.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1791 **Version:** 1 **Name:**

Type: Minutes **Status:** Commission Consent

File created: 11/4/2022 **In control:** Metropolitan Transportation Commission

On agenda: 12/21/2022 **Final action:**

Title: Minutes of the November 16, 2022 Joint MTC w/ BAHFA meeting and December 14, 2022 Joint Commission with BAHFA, BATA, and BAIFA

Sponsors:

Indexes:

Code sections:

Attachments: [4a 22-1791 11-16-2022 Draft Commission w-BAHFA Minutes.pdf](#)
[4a 22-1791 12-14-2022 Draft Special Joint MTC BAHFA BATA BAIFA Minutes.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Minutes of the November 16, 2022 Joint MTC w/ BAHFA meeting and December 14, 2022 Joint Commission with BAHFA, BATA, and BAIFA

Recommended Action:
Commission / Authority Approval



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes

Metropolitan Transportation Commission

Alfredo Pedroza, Chair Nick Josefowitz, Vice Chair

Wednesday, November 16, 2022

9:35 AM

HYBRID (In-Person Option Available)

In the absence of Chair Pedroza, Vice Chair Josefowitz called the meeting to order at 10:02 a.m.

1. Roll Call / Confirm Quorum

Present: 12 - Vice Chair Josefowitz, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Fleming, Commissioner Liccardo, Commissioner Miley, Commissioner Papan, Commissioner Rabbitt, Commissioner Ronen, and Commissioner Worth

Absent: 6 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Connolly, Commissioner Glover, Commissioner Schaaf, and Commissioner Spering

Non-Voting Member Present: Commissioner Giacopini

Non-Voting Member Absent: Commissioner El-Tawansy

Commissioner Fleming left after the Roll Call was taken.

2. Pledge of Allegiance/ Acknowledgement of the Flag

3. Compensation Announcement

4. Joint MTC and BAHFA Consent Calendar

Upon the motion by Commissioner Dutra-Vernaci and seconded by Commissioner Worth, the Commission and the Authority unanimously approved the Consent Calendar by the following vote:

Aye: 11 - Vice Chair Josefowitz, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Liccardo, Commissioner Miley, Commissioner Papan, Commissioner Rabbitt, Commissioner Ronen and Commissioner Worth

Absent: 7 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Connolly, Commissioner Fleming, Commissioner Glover, Commissioner Schaaf and Commissioner Spering

4a. [22-1624](#) Minutes of the October 26, 2022 Joint MTC with BAHFA meeting

Action: Commission Approval; and Authority Approval

- 4b. [22-1623](#) MTC Resolution No. 4543, and BAHFA Resolution No. 22 - Providing for Remote Meetings Pursuant to Assembly Bill 361

Action: Commission Approval; and Authority Approval

5. BAHFA Oversight Committee Report (Schaaf)

- 5a. [22-1618](#) BAHFA Resolution No. 20. Appointment of members to the Bay Area Housing Finance Authority's Advisory Committee

Appoint nine members to serve on BAHFA's Advisory Committee, pursuant to the requirements of California Government Code Title 6.8, Section 64500 et seq.

Action: Authority Approval

Presenter: Daniel Saver

Upon the motion by Vice Chair Josefowitz and seconded by Commissioner Worth, the Authority unanimously adopted BAHFA Resolution No. 20. The motion carried by the following vote:

Aye: 11 - Vice Chair Josefowitz, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Liccardo, Commissioner Miley, Commissioner Papan, Commissioner Rabbitt, Commissioner Ronen and Commissioner Worth

Absent: 7 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Connolly, Commissioner Fleming, Commissioner Glover, Commissioner Schaaf and Commissioner Sperring

6. Public Comment / Other Business

7. Adjourn Bay Area Housing Finance Authority and Continue with MTC Agenda

8. Chair's Report (Pedroza)

Vice Chair Josefowitz reported that there will be special meetings of the Commission and Authorities on December 14, 2022 to adopt AB 361 Resolutions and requested that the 2023 Standing Committee/Commission Meeting Schedule distributed by the Commission Secretary be redistributed.

9. Policy Advisory Council Report (Council Chair/Vice Chair)

Randi Kinman was not in attendance to give the report.

Written public comment was received from Randi Kinman, Chair of Policy Advisory Council.

- [22-1835](#) Correspondence from Policy Advisory Council Chair

10. Executive Director’s Report (McMillan)

[22-1625](#) Executive Director's Report

11. Commissioner Comments

12. Consent Calendar:

Jane Kramer was called to speak.

Upon the motion by Commissioner Chavez and seconded by Commissioner Ronen, the Commission unanimously approved the Consent Calendar by the following vote:

Aye: 11 - Vice Chair Josefowitz, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Liccardo, Commissioner Miley, Commissioner Papan, Commissioner Rabbitt, Commissioner Ronen and Commissioner Worth

Absent: 7 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Connolly, Commissioner Fleming, Commissioner Glover, Commissioner Schaaf and Commissioner Spering

Joint MTC Planning Committee with the ABAG Administrative Committee

12a. [22-1472](#) MTC Resolution No. 4550 - Guidelines for Countywide Transportation Plans

Action: MTC Commission Approval

Presenter: Adam Noelting

Programming and Allocations Committee

12b. [22-1616](#) MTC Resolution Nos. 4202, Revised, and 4505, Revised. Revisions to the One Bay Area Grant programs (OBAG 2 and 3), including programming of \$6 million to MTC’s Bay Skyway project and revisions to the OBAG 2 Solano County program.

Action: Commission Approval

Presenter: Thomas Arndt

12c. [22-1504](#) MTC Resolution No. 4412, Revised. Regional Measure 3 (RM3) Letter of No Prejudice to the Santa Clara Valley Transportation Authority (VTA) for the San Jose Diridon Station Project.

Action: Commission Approval

Presenter: Anne Spevack

- 12d. [22-1608](#) MTC Resolution Nos. 4522, Revised, 4523, Revised, 4524, Revised, and 4525, Revised. Allocation of \$183 million in FY 2022-23 Transportation Development Act (TDA), State Transit Assistance (STA), Regional Measure 2 (RM2), and AB 1107 funds to three operators to support transit operations and capital projects in the region.

Action: Commission Approval

Presenter: Cheryl Chi

- 12e. [22-1605](#) MTC Resolution No. 4542, FY2022-23 STA State of Good Repair Allocations

Action: Commission Approval

Presenter: Terence Lee

Committee Reports

13. Programming and Allocations Committee (Rabbitt)

- 13a. [22-1465](#) MTC Resolution No. 4411, Revised. Regional Measure 3: Goods Movement and Mitigation Program Amendment

Regional Measure 3 (RM3) project programming amendment within the Goods Movement and Mitigation programmatic category.

Action: Commission Approval

Presenter: Kenneth Kao

Upon the motion by Commissioner Rabbitt and seconded by Commissioner Papan, the Commission unanimously adopted MTC Resolution No. 4411, Revised. The motion carried by the following vote:

Aye: 11 - Vice Chair Josefowitz, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Liccardo, Commissioner Miley, Commissioner Papan, Commissioner Rabbitt, Commissioner Ronen and Commissioner Worth

Absent: 7 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Connolly, Commissioner Fleming, Commissioner Glover, Commissioner Schaaf and Commissioner Spering

13b. [22-1622](#) MTC Resolution No. 4548. Regional Early Action Planning Grant (REAP 2) Program Full Allocation Request.

Adoption of Resolution No. 4548, authorizing MTC to submit an allocation request to California Department of Housing and Community Development (HCD) for \$102.8 million in REAP 2 formula funds.

Action: Commission Approval

Presenter: Mallory Atkinson

Upon the motion by Commissioner Rabbitt and seconded by Commissioner Canepa, the Commission unanimously adopted MTC Resolution No. 4548. The motion carried by the following vote:

Aye: 11 - Vice Chair Josefowitz, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Liccardo, Commissioner Miley, Commissioner Papan, Commissioner Rabbitt, Commissioner Ronen and Commissioner Worth

Absent: 7 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Connolly, Commissioner Fleming, Commissioner Glover, Commissioner Schaaf and Commissioner Spering

14. Public Comment / Other Business

Written public comments were received from: Sally Wilkinson (Mayor, City of Belvedere), Eric Lucan (Mayor, City of Novato), and Stephanie Hellman (Mayor, Town of Fairfax).

[22-1836](#) Public Comments

15. Adjournment / Next Meetings:

The next meeting of the Metropolitan Transportation Commission is scheduled to be held at 9:35 a.m. on Wednesday, December 21, 2022. Any changes to the schedule will be duly noticed to the public.



Meeting Minutes

Metropolitan Transportation Commission

Alfredo Pedroza, Chair Nick Josefowitz, Vice Chair

Wednesday, December 14, 2022

9:25 AM

REMOTE

Special Meeting

Call to order the Special Joint meeting of MTC, BAHFA, BATA, and BAIFA

1. Roll Call / Confirm Quorum

Present: 14 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Ahn, Commissioner Canepa, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Fleming, Commissioner Glover, Commissioner Liccardo, Commissioner Miley, Commissioner Papan, Commissioner Rabbitt, Commissioner Ronen, and Commissioner Spering

Absent: 3 - Vice Chair Josefowitz, Commissioner Schaaf, and Commissioner Worth

Commissioner Ahn and Commissioner Miley were absent during the roll call and arrived during agenda item 2.

Commissioner Giacopini was absent during the roll call and arrived during agenda item 3.

Non-Voting Member Present: Commissioner Giacopini

Non-Voting Member Absent: Commissioner El-Tawansy

2. Consent Calendar

Upon the motion by Commissioner Dutra-Vernaci and seconded by Commissioner Spering, the Consent Calendar was approved by the following vote:

Aye: 12 - Chair Pedroza, Commissioner Abe-Koga, Commissioner Ahn, Commissioner Chavez, Commissioner Dutra-Vernaci, Commissioner Fleming, Commissioner Glover, Commissioner Liccardo, Commissioner Papan, Commissioner Rabbitt, Commissioner Ronen and Commissioner Spering

Absent: 4 - Vice Chair Josefowitz, Commissioner Canepa, Commissioner Schaaf and Commissioner Worth

Abstain: 1 - Commissioner Miley

2a. [23-0033](#) MTC Resolution No. 4549 - Providing for Remote Meetings Pursuant to Assembly Bill 361

Action: Commission Approval

- 2b. [23-0034](#) BAHFA Resolution No. 24 - Providing for Remote Meetings Pursuant to Assembly Bill 361
Action: Authority Approval

- 2c. [23-0035](#) BATA Resolution No. 164 Providing for Remote Meetings Pursuant to Assembly Bill 361
Action: Authority Approval

- 2d. [23-0036](#) BAIFA Resolution No. 42 Providing for Remote Meetings Pursuant to Assembly Bill 361
Action: Authority Approval

3. Public Comment / Other Business

4. Adjournment / Next Meetings:

The next meeting of the Metropolitan Transportation Commission, BAHFA, BATA, and BAIFA is scheduled to be held on Wednesday, December 21, 2022. Any changes to the schedule will be duly noticed to the public.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0098 **Version:** 1 **Name:**

Type: Resolution **Status:** Commission Consent

File created: 12/13/2022 **In control:** Metropolitan Transportation Commission

On agenda: 12/21/2022 **Final action:**

Title: MTC Resolution No. 4551, and BAHFA Resolution No. 25 - Providing for Remote Meetings Pursuant to Assembly Bill 361

Sponsors:

Indexes:

Code sections:

Attachments: [4b 22-1840 MTC Resolution 4551 AB 361.pdf](#)
[4b 22-1840 BAHFA Resolution 25 AB 361.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
MTC Resolution No. 4551, and BAHFA Resolution No. 25 - Providing for Remote Meetings Pursuant to Assembly Bill 361

Recommended Action:
Commission Approval; and Authority Approval

Metropolitan Transportation Commission

December 21, 2022

Agenda Item 4b - 22-1840

MTC Resolution No. 4551 Providing for Remote Meetings Pursuant to AB 361

Subject:

Approval of MTC Resolution No. 4551 Regarding Remote Meetings Pursuant to AB 361

Background:

AB 361, provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter. Attached for your review and approval is a resolution invoking AB 361 and providing for remote meetings prospectively for 30 days following the Commission's action.

Issues:

Findings in support of MTC Resolution No. 4551 are found in the attached resolution. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under AB 361 is supportable.

Recommended Action:

The Commission is requested to adopt MTC Resolution No. 4551, authorizing its committees and related entities, to meet remotely pursuant to the provisions of AB 361.

Attachments:

- Attachment A: MTC Resolution No. 4551



Therese W. McMillan

Date: December 21, 2022
Referred By: Commission

ABSTRACT

Resolution No. 4551

This resolution makes findings pursuant to AB 361 to continue virtual public meetings for the Metropolitan Transportation Commission (MTC), its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the Metropolitan Transportation Commission Summary Sheet dated December 21, 2022.

Date: December 21, 2022
Referred By: Commission

RE: Findings Pursuant to AB 361 to Continue Virtual Public Meetings for the Metropolitan Transportation Commission (MTC), With its Related Entities and Committees, During the COVID-19 State of Emergency

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4551

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the Metropolitan Transportation Commission (MTC) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a

result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants to have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;

NOW, THEREFORE, BE IT RESOLVED, that the Metropolitan Transportation Commission hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with AB 361, based on the findings and determinations herein, meetings of MTC, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days in accordance with AB 361.

METROPOLITAN TRANSPORTATION COMMISSION

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on December 21, 2022.

Bay Area Housing Finance Authority
BAHFA

December 21, 2022

Agenda Item 4b - 22-1840

BAHFA Resolution No. 25 Providing for Remote Meetings Pursuant to AB 361

Subject:

Approval of BAHFA Resolution No. 25 Regarding Remote Meetings Pursuant to AB 361

Background:

AB 361 provides for continuing availability of remote meetings during the pandemic-related state of emergency in California. In order to invoke this option, governing boards of Brown Act bodies, or their authorized designated committees must make certain findings in support of remote meetings within 30 days of the first meeting occurring after October 1, 2021, and every 30 days thereafter. Attached for your review and approval is a resolution invoking AB 361 and providing for remote meetings prospectively for 30 days following the Bay Area Housing Finance Authority's action.

Issues:

Findings in support of Resolution No. 25 are found in the attached resolution. Given the continuing state of public health emergency and the improved public access afforded by holding public meetings of regional bodies in a virtual setting, the resolution under AB 361 is supportable.

Recommended Action:

The Bay Area Housing Finance Authority is requested to adopt Resolution No. 25, authorizing its committees and related entities, to meet remotely pursuant to the provisions of AB 361.

Attachments:

- BAHFA Resolution No. 25



Therese W. McMillan

Date: December 21, 2022
Referred By: BAHFA

ABSTRACT

Resolution No. 0025

This resolution makes findings pursuant to AB 361 to continue virtual public meetings for the Bay Area Housing Finance Authority (BAHFA), its related entities and committees during the COVID-19 State of Emergency.

Further discussion of this subject is contained in the BAHFA Summary Sheet dated December 21, 2022.

Date: December 21, 2022
Referred By: BAHFA

RE: Findings Pursuant to AB 361 to Continue Virtual Public Meetings for the Bay Area Housing Finance Authority (BAHFA), With its Related Entities and Committees, During the COVID-19 State of Emergency

BAY AREA HOUSING FINANCE AUTHORITY
RESOLUTION NO. 0025

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency, as defined under the California Emergency Services Act, due to the COVID-19 pandemic; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, beginning in March 2020, the Governor's Executive Order N-29-20 suspended Brown Act requirements related to teleconferencing during the COVID-19 pandemic provided that notice, accessibility, and other requirements were met, and the public was allowed to observe and address the legislative body at the meeting; and

WHEREAS, Executive Order N-08-21 extended the previous order until September 30, 2021; and

WHEREAS, the Bay Area Housing Finance Authority (BAHFA) and its related entities and committees have conducted their meetings virtually, as authorized by the Executive Order, since March 17, 2020; and

WHEREAS, on September 16, 2021, the Governor signed into law AB 361, an urgency measure effective upon adoption, that provides flexibility to government bodies, allowing them to meet virtually without conforming to the Brown Act teleconferencing rules if: (i) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (ii) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (iii) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a

result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the San Francisco Public Health Department continues to recommend and/or require measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, recently, multiple COVID-19 variants have surged in the United States and are believed by medical experts to be more contagious than previous variants, and data has shown these variants to have increased transmissibility even among some vaccinated people; and

WHEREAS, due to uncertainty and concerns about recent COVID-19 variants and current conditions, many workplaces that had announced a return to regular in-person operations have pushed back the full return date; and

WHEREAS, virtual meetings have not diminished the public's ability to observe and participate and have expanded opportunities to do so for some communities; and

WHEREAS, given the heightened risks of the predominant variant of COVID-19 in the community, holding meetings with all members of the legislative body, staff, and the public in attendance in person in a shared indoor meeting space would pose an unnecessary and immediate risk to the attendees;

NOW, THEREFORE, BE IT RESOLVED, that the Bay Area Housing Finance Authority hereby determines that, as a result of the emergency, meeting in person presents imminent risks to the health or safety of attendees; and be it further

RESOLVED, that in accordance with AB 361, based on the findings and determinations herein, meetings of BATA, its related entities and its committees will be held virtually, with Brown Act teleconferencing rules suspended; and be it further

RESOLVED, that this resolution shall be effective upon adoption and remain in effect for 30 days in accordance with AB 361.

BAY AREA HOUSING FINANCE AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Housing Finance Authority at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on December 21, 2022.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1793 **Version:** 1 **Name:**

Type: Resolution **Status:** Authority Approval

File created: 11/4/2022 **In control:** Metropolitan Transportation Commission

On agenda: 12/21/2022 **Final action:**

Title: BAHFA Resolution No. 23. Rejection, Allowance, Compromise or Settlement of Claims and Actions and Delegated Authority for Contracting for Legal Services to General Counsel

Sponsors:

Indexes:

Code sections:

Attachments: [4c 22-1793 BAHFA Resolution 23 Delegation of Authority.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
BAHFA Resolution No. 23. Rejection, Allowance, Compromise or Settlement of Claims and Actions and Delegated Authority for Contracting for Legal Services to General Counsel

Presenter:
Andrea Visveshwara

Recommended Action:
Authority Approval

Bay Area Housing Finance Authority Oversight Committee

December 8, 2022

Agenda Item 6.b.

Bay Area Housing Finance Authority (BAHFA) Resolution No. 23. Delegation of Authority Regarding Settlement of Claims and Lawsuits and Contracts for Legal Services

Subject:

A request that the Committee approve the referral of BAHFA Resolution No. 23 to the BAHFA Board for approval authorizing: 1) General Counsel or designee to allow, compromise, or settle claims and actions against the local public entity and execute any resulting agreement, provided the amount to be paid pursuant to the agreement to accept, compromise or settle does not exceed fifty thousand dollars (\$50,000); 2) the Chief Financial Officer or designee to make payment on said allowance, compromise or settlement, upon request by General Counsel or designee; 3) the General Counsel or designee to negotiate and execute agreements for legal services in an amount not to exceed the General Counsel's delegated authority as set forth in Metropolitan Transportation Commission Resolution No. 3619, adopted by BAHFA Resolution No. 11; and 4) directs General Counsel to report to the BAHFA Oversight Committee any action taken under the authority of the proposed resolution.

Background:

Government Code section 935.4 authorizes a public entity to authorize an employee to allow, compromise, or settle a claim against the local public entity if the amount to be paid pursuant to the acceptance, compromise or settlement does not exceed fifty thousand dollars (\$50,000). Government Code section 949 allows a public entity to delegate the authority to settle a legal action. Upon written order from the authorized employee, the fiscal officer is to pay the amount as required by the allowance, compromise or settlement of the claim or action. Claims or actions above fifty thousand dollars (\$50,000) require action by the Commission to allow, settle, or compromise the claim. The best practice is to have a separate resolution governing settlement and payment of claims and actions. Since the Office of General Counsel oversees and manages claims and actions, staff recommends delegating such authority to the General Counsel. The Chief Financial Officer should be authorized to make payment on any settlement agreement that does not exceed fifty thousand dollars (\$50,000) upon request by the General Counsel. Finally, staff recommends authorizing the General Counsel to execute legal service agreements in an amount not to exceed the Executive Director's authority for executing contracts, which is currently two hundred thousand dollars (\$200,000) as set forth in Metropolitan Transportation Commission Resolution No. 3619, adopted by BAHFA Resolution No. 11. Outside legal counsel serves as an extension of the Office of General Counsel, and to ensure no inadvertent waiver of the attorney work product doctrine, the General Counsel should retain outside legal services. General Counsel will report to the BAHFA Oversight Committee on a quarterly basis any action taken under the proposed resolution. For any contracts or amendments that would exceed the delegated authority, the General Counsel will seek authority from the BAHFA Oversight Committee prior to executing the contract or amendment.

Issues:

None.

Recommendations:

Staff recommends that the Committee approve the referral of BAHFA Resolution No. 23 to the BAHFA Board for approval authorizing: 1) General Counsel or designee to allow, compromise, or settle claims and actions against the local public entity and execute any resulting agreement, provided the amount to be paid pursuant to the agreement to accept, compromise or settle does not exceed fifty thousand dollars (\$50,000); 2) the Chief Financial Officer or designee to make payment on said allowance, compromise or settlement, and 3) the General Counsel or designee to negotiate and execute agreements for legal services in an amount to exceed the Executive Director's delegated authority as set forth in Metropolitan Transportation Commission Resolution No. 3619, adopted by BAHFA Resolution 11; and 4) directs the General Counsel to report any action taken under the authority of the proposed resolution to the Administrative Committee.

Attachments:

BAHFA Resolution No. 23

Reviewed:



Therese W. McMillan

Date: December 21, 2022
W.I.: 9190
Referred By: BAHFA

ABSTRACT

Resolution No. 23

This resolution authorizes General Counsel or designee to reject, allow, compromise, or settle claims and actions against the Bay Area Housing Finance Authority (BAHFA) and execute any resulting agreement, provided the amount to be paid pursuant to the agreement to allow, compromise or settle does not exceed fifty thousand dollars (\$50,000); authorizes the Chief Financial Officer or designee to make payment on said allowance, compromise or settlement, upon request by General Counsel or designee and authorizing the General Counsel or designee and authorizes the General Counsel to negotiate and execute agreements for legal services in an amount not to exceed the General Counsel's authority as set forth in Metropolitan Transportation Commission Resolution No. 4546. Any actions taken by the General Counsel under the authority of this Resolution shall be reported to the BAHFA Oversight Committee on a quarterly basis.

Further discussion of this subject is contained in the BAHFA Oversight Committee Summary Sheet dated December 8, 2022.

Date: December 21, 2022
Referred By: BAHFA

RE: Rejection, Allowance, Compromise or Settlement of Claims and Actions And Delegated Authority For Contracting for Legal Services

BAY AREA HOUSING FINANCE AUTHORITY
RESOLUTION NO. 23

WHEREAS, the Bay Area Housing Finance Authority (BAHFA) adopted BAHFA Resolution No. 11 on May 25, 2022 to apply Metropolitan Transportation Commission (MTC) Resolution No. 3619 and other MTC rules for administration, employee relations, contracting and other business operations to BAHFA; and

WHEREAS, the MTC adopted MTC Resolution No. 4546 on October 26, 2022 to authorize the General Counsel or designee to reject, allow, compromise, or settle claims and actions against MTC and execute any resulting agreement, provided the amount to be paid pursuant to the agreement to allow, compromise or settle does not exceed fifty thousand dollars (\$50,000); authorize the Chief Financial Officer or designee to make payment on said allowance, compromise or settlement, upon request by the General Counsel or designee and authorize the General Counsel or designee and authorizes the General Counsel to negotiate and execute agreements for legal services in an amount not to exceed the Executive Director's authority as set forth in MTC Resolution No. 3619; and

WHEREAS, pursuant to Government Code section 935.4, MTC may authorize an employee to allow, compromise, or settle a claim against the local public entity if the amount to be paid pursuant to the acceptance, compromise or settlement does not exceed fifty thousand dollars (\$50,000); and

WHEREAS, pursuant to Government Code section 935.4, the Chief Financial Officer may make payment in the amount for which a claim has been allowed, compromised, or settled upon request by the authorized employee; and

WHEREAS, pursuant to Government Code section 949, MTC may delegate authority to the General Counsel to settle pending actions; and

WHEREAS, to ensure no inadvertent waiver of confidential materials protected by the attorney work product doctrine, MTC desires the General Counsel to retain outside legal counsel services; and

WHEREAS, MTC desires to increase efficiency in the management and disposition of claims and litigation; and

NOW, THEREFORE, BE IT RESOLVED, that BAHFA authorizes the General Counsel or designee to reject, allow, compromise, or settle claims and actions against the local public entity and to negotiate and execute any resulting agreement, provided the amount to be paid pursuant to the agreement to allow, compromise or settle does not exceed fifty thousand dollars (\$50,000); and be it further

RESOLVED, that the Chief Financial Officer or designee is authorized to make payment on said allowance, compromise or settlement, upon request by the General Counsel or designee; and be it further

RESOLVED, that the General Counsel or designee is authorized to negotiate and execute agreements for legal services and related purchase orders, in an amount not to exceed the General Counsel's authority as set forth in MTC Resolution No. 4546 as it exists or may be amended or revised, that the General Counsel shall seek authority from BAHFA prior to executing any agreements or amendments for legal services that exceed the authority granted by this Resolution, and that this Resolution shall supersede any resolutions or other policies and procedures that conflict with this authority; and

RESOLVED, that any action taken by the General Counsel or designee shall be reported to BAHFA on a quarterly basis.

BAY AREA HOUSING FINANCE AUTHORITY

Alfredo Pedroza, Chair

The above resolution was entered into by the Bay Area Housing Finance Authority at a duly called and noticed meeting held in San Francisco, California and at other remote locations, on December 21, 2022.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1841 **Version:** 1 **Name:**

Type: Resolution **Status:** Commission Approval

File created: 11/18/2022 **In control:** Metropolitan Transportation Commission

On agenda: 12/21/2022 **Final action:**

Title: MTC Resolution No. 4552 - Resolution of Appreciation for Commissioner Damon Connolly on the occasion of his departure from MTC.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:

MTC Resolution No. 4552 - Resolution of Appreciation for Commissioner Damon Connolly on the occasion of his departure from MTC.

Recommended Action:

Commission Approval



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1842 **Version:** 1 **Name:**
Type: Resolution **Status:** Commission Approval
File created: 11/18/2022 **In control:** Metropolitan Transportation Commission
On agenda: 12/21/2022 **Final action:**
Title: MTC Resolution No. 4553 - Resolution of Appreciation for Commissioner Sam Liccardo on the occasion of his departure from MTC.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:

MTC Resolution No. 4553 - Resolution of Appreciation for Commissioner Sam Liccardo on the occasion of his departure from MTC.

Recommended Action:

Commission Approval



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1843 **Version:** 1 **Name:**

Type: Resolution **Status:** Commission Approval

File created: 11/18/2022 **In control:** Metropolitan Transportation Commission

On agenda: 12/21/2022 **Final action:**

Title: MTC Resolution No. 4554 - Resolution of Appreciation for Commissioner Libby Schaaf on the occasion of her departure from MTC.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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Subject:

MTC Resolution No. 4554 - Resolution of Appreciation for Commissioner Libby Schaaf on the occasion of her departure from MTC.

Recommended Action:

Commission Approval



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 23-0001 **Version:** 1 **Name:**

Type: Resolution **Status:** Commission Approval

File created: 11/21/2022 **In control:** Metropolitan Transportation Commission

On agenda: 12/21/2022 **Final action:**

Title: Executive Director and General Counsel Performance Evaluations and Contract Approvals

1. Approval of employment contract amendment with Executive Director Therese McMillan through February 1, 2023 (\$428,604.80 annual salary);
2. Approval of employment contract with General Counsel Kathleen Kane through December 31, 2026 (\$348,132.20 annual salary); and
3. Approval of changes to salary schedule to reflect increases to Executive Director and General Counsel salaries (MTC Resolution No. 4369 and MTC Resolution No. 4369: Attachment A).

Sponsors:

Indexes:

Code sections:

Attachments: [7d_23-0001_ED_and_GC_Performance_Evaluations_and_Contract_Approvals.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

Executive Director and General Counsel Performance Evaluations and Contract Approvals

1. Approval of employment contract amendment with Executive Director Therese McMillan through February 1, 2023 (\$428,604.80 annual salary);
2. Approval of employment contract with General Counsel Kathleen Kane through December 31, 2026 (\$348,132.20 annual salary); and
3. Approval of changes to salary schedule to reflect increases to Executive Director and General Counsel salaries (MTC Resolution No. 4369 and MTC Resolution No. 4369: Attachment A).

Recommended Action:

Commission Approval

Metropolitan Transportation Commission

December 21, 2022

Agenda Item 7d - 23-0001

Performance Evaluations for Executive Director and General Counsel

Subject:

Approval of the Performance Evaluations for Executive Director and General Counsel, a contract extension for the Executive Director and a new 4-year contract for the General Counsel, and related adjustments to their salaries.

Background:

The Commission is asked to consider approval of employment contracts for the Executive Director and General Counsel as well as related amendments to the salary schedule. Executive Director Therese McMillan's employment contract expires on December 31, 2022. However, Ms. McMillan has agreed to continue her employment until February 1, 2023, prior to her previously announced retirement. General Counsel Kathleen Kane's employment agreement similarly terminates on December 31, 2022.

Following successful performance evaluations, MTC leadership recommends extending Ms. McMillan's employment agreement through February 1, 2023 and Ms. Kane's employment with the agency for a four year term. An amendment to Ms. McMillan's employment agreement is attached to this item, as is a new employment agreement based on the previously negotiated form for Ms. Kane.

On July 1, 2022, MTC staff other than the Executive Director and General Counsel received a 4.2% salary increase as approved by the Commission. In accordance with prior practice, it is recommended that the Commission approve the same percentage increase for Ms. McMillan and Ms. Kane, effective January 1, 2023 (RES 4369). An amended salary schedule reflecting the change is attached (RES 4369:Attachment A). With the increase, Ms. McMillan's annualized salary would be (\$428,604.80) and Ms. Kane's annualized salary would be (\$348,132.20).

Issues:

None identified.

**Metropolitan Transportation Commission
December 21, 2022
Page 2 of 2**

Agenda Item 7d - 23-0001

Recommendations:

Approve the following items:

- a. The employment contract amendment with Executive Director Therese McMillan through February 1, 2023 (\$428,604.80)
- b. The employment contract with General Counsel Kathleen Kane through December 31, 2025 (\$348,132.20).
- c. The changes to salary schedule to reflect increases to Executive Director and General Counsel salaries (RES-4369 and RES-4369:Attachment A).

Attachments:

- Attachment A: Employment Agreement with Therese McMillan dated March 1, 2019
- Attachment B: Proposed Amendment to Employment Agreement with Therese McMillan
- Attachment C: Proposed Employment Agreement with Kathleen Kane
- Attachment D: Resolution 4369 (as amended)
- Attachment E: Resolution 4369 Attachment A (as amended)

DocuSigned by:

Nalungo Conley

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Nalungo Conley,
Chief of Staff/Director of Administration and
Human Services Department
(on behalf of Chair Alfredo Pedroza)

**EMPLOYMENT AGREEMENT
BETWEEN THE
METROPOLITAN TRANSPORTATION COMMISSION AND
THERESE W. MCMILLAN**

This Agreement is made and entered into as of the 1st day of March 2019, by and between the Metropolitan Transportation Commission, a regional transportation planning agency established pursuant to California Government Code Sections 66500 *et seq.*, hereinafter referred to as “MTC” and Therese W. McMillan, hereinafter referred to as “Employee”, and hereinafter collectively referred to as the “Parties”.

WITNESSETH

WHEREAS, MTC’s current Executive Director has announced his intention to retire, effective February 28, 2019; and

WHEREAS, after the completion of a lengthy and thorough recruitment process, MTC, on January 23, 2019, appointed Therese W. McMillan to be MTC’s new Executive Director, effective March 1, 2019; and

WHEREAS, MTC and Employee desire to enter an agreement memorializing the terms of her employment as an Employee of MTC in the capacity of MTC’s Executive Director;

NOW, THEREFORE, in consideration of the mutual covenants set forth below, the parties mutually agree as follows:

1. Duties of Employee

For the term of this Agreement, Employee shall serve on a full-time basis as Executive Director of MTC with such powers and duties as set forth under California Government Code Section 66505, and as may be assigned to her by MTC.

2. Compensation of Employee



- (a) Employee's salary in effect on March 1, 2019 shall be \$385,000.00 annually.
- (b) Subject to (1) the full and faithful performance by Employee of her duties, (2) the completion of an annual performance evaluation of Employee satisfactory to MTC (which shall occur in the month of November or December of each year of this Agreement, commencing November or December of 2019), and (3) the satisfactory completion of such other evaluations of Employee as MTC deems appropriate, Employee's salary shall be subsequently adjusted as follows:

Effective January 1 of each calendar year during the term of this Agreement, commencing January 1, 2020, the salary in effect in the immediately preceding December shall be increased by Bureau of Labor Statistics Consumer Price Index for the San Francisco Bay Area, immediately preceding October report, but not to exceed 2.8%, subject to the executive committee's approval as part of the annual performance evaluation. Except as provided in (c), Employee's non-salary employee benefits, effective on March 1, 2019, and for the term of this Agreement, shall be the same benefits provided to MTC executive employees, as set forth in MTC Resolution No. 4342 or as that resolution may be revised or superseded.

- (c) Employee shall commence employment on March 1, 2019 with vacation accrual of 120 hours (15 days). Such vacation accrual shall be available to Employee for immediate use with no waiting period. In accordance with MTC Resolution No. 4342, the maximum vacation accrual available to Employee commencing on March 1, 2019 is 200 hours annually (25 days).
- (d) Employee shall receive up to \$10,000 in reimbursable relocation expenses, as defined by the Internal Revenue Service, proper receipts and MTC expense reports to be provided by Employee to MTC.
- (e) Employee's salary and employee benefits shall be subject to such deductions and withholdings as may be required by law or authorized by Employee.

3. Term of Agreement

- (a) Except as provided for in Section 3(b) below, the term of this Agreement shall begin on March 1, 2019 and shall be completed on December 31, 2022. The term of this Agreement may be extended by mutual written agreement.
- (b) Notwithstanding Section 3(a) above, or any other provision of this Agreement, either MTC or Employee may terminate Employee's employment as Executive Director of MTC at any time prior to the expiration of the term of this Agreement, for any reason, upon one hundred eighty days' written notice. Neither MTC nor Employee need to show any cause to terminate Employee's employment with MTC. MTC's obligation in the event it terminates Employee's employment before the expiration of the term of this Agreement shall be determined solely under Section 4 below. In the event Employee chooses to terminate her employment before the end of the term of this Agreement, or chooses not to continue her employment with MTC after being offered an extension of this Agreement under comparable terms, Employee shall be entitled to only those termination benefits that are available to all MTC executive employees.

4. Severance

- (a) Other than by mutual agreement or because of Employee's death, disability incurred outside of carrying out the Employee's duties as Executive Director, or grave misconduct (as defined in Section 4(b) below), in the event MTC terminates Employee's employment before the expiration of the term of this Agreement, or in the event MTC chooses not to extend this Agreement beyond December 31, 2022 under comparable terms, MTC shall pay Employee a severance payment equal to six months salary, calculated by the annual salary in effect on the effective date of termination, plus a payment equal to six months medical group health payments, calculated by the actual monthly premium amount paid by MTC for Employee on the effective date of termination. Employee shall be responsible for all deductions and withholdings on the severance salary payment required by law or authorized by Employee. Employee shall be entitled also to such other termination



benefits that may be available to all MTC executive employees. Employee agrees that in the event of early termination of this Agreement by MTC, or if MTC chooses not to extend this Agreement beyond December 31, 2022 under comparable terms, the payments pursuant to this Section shall constitute full and complete payment by MTC to Employee and that MTC shall thereafter have no further obligation to continue Employee's MTC employment.

(b) As used herein, "grave misconduct" means (1) fraud, theft, embezzlement, bribery or other similar serious acts in connection with Employee's position or duties; (2) conviction of any felony; or (3) the willful refusal to carry out the lawful directives, policies or procedures of MTC.

(c) Any dispute or controversy arising in connection with Section 4 of this Agreement, which cannot be resolved between the parties, shall be settled by final and binding arbitration. Unless otherwise agreed to by the parties, such arbitration shall be held in accordance with the rules of the American Arbitration Association then in effect. MTC shall be responsible for the costs of the arbitration. MTC and Employee shall each be responsible for its/her own attorneys' fees and costs. The judgment of the arbitrator shall be final and binding, and non-appealable as to the parties, their representatives, successors, and assigns, and shall be enforceable in all courts having jurisdiction.

5. Entire Agreement

Except for MTC Resolution No. 4342, its amendments, and succeeding resolutions as provided for in Section 2(b) above, this written Agreement constitutes the sole understanding of the parties hereto regarding Employee's employment with MTC. This Agreement may not be changed orally and may be amended or supplemented only by written agreement between the parties.

6. Choice of Law



All questions pertaining to the validity and interpretation of this Agreement shall be determined in accordance with the laws of California applicable to agreements made and to be performed within the State.

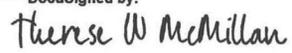
IN WITNESS WHEREOF, this Agreement is approved by the parties as of the date and year first written above.

METROPOLITAN TRANSPORTATION
COMMISSION

EXECUTIVE DIRECTOR



Jake Mackenzie, ~~Chair~~ Chair


DocuSigned by:


Therese W. McMillan, Executive Director

1/21/2019

**AMENDMENT 1 TO THE
EMPLOYMENT AGREEMENT
BETWEEN THE
METROPOLITAN TRANSPORTATION COMMISSION AND
THERESE MCMILLAN**

An agreement was first made and entered into as of the 1st day of March 2019, by and between the Metropolitan Transportation Commission, a regional transportation planning agency established pursuant to California Government Code Sections 66500 *et seq.*, [“MTC”] and Therese McMillan [“McMillan”], collectively referred to as the “Parties”, for employment of McMillan as MTC’s Executive Director [“Agreement”]. That Agreement terminates on December 31, 2022. This Amendment 1 provides for an extension to the employment term, through February 1, 2023, and an increase in compensation commensurate with the increase received by other MTC staff on July 1, 2022. This Amendment 1 is executed on December _____, 2022. This agreement may be executed in counterparts and using electronic signatures.

WITNESSETH

WHEREAS, McMillan has served as MTC’s Executive Director since March 1, 2019;
and

WHEREAS, McMillan has received positive evaluations during her tenure at MTC; and

WHEREAS, in August 2022, McMillan announced her intent to retire as Executive Director; and

WHEREAS, the prior employment agreement terminates on December 31, 2022 and both McMillan and MTC wish to extend McMillan’s service as Executive Director until February 1, 2023, prior to her retirement;

NOW, THEREFORE, in consideration of the mutual covenants set forth in the Agreement and below, the parties mutually agree to amend the Agreement as follows:

1. Paragraph 2 – Compensation of Employee is amended:

Subparagraph (f) is added as follows:

(f) Employee’s salary effective January 1, 2023 shall be \$428,604.80 annually.

2. Paragraph 3 – Term of Agreement is amended:

Subparagraph (c) is added as follows:

(c) The term of this Agreement is extended to February 1, 2023.

All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, this Agreement is approved by the parties as of the date and year first written above.

METROPOLITAN TRANSPORTATION
COMMISSION

EXECUTIVE DIRECTOR

Alfredo Pedroza, Chair

Therese McMillan, Executive Director

**EMPLOYMENT AGREEMENT
BETWEEN THE
METROPOLITAN TRANSPORTATION COMMISSION AND
KATHLEEN KANE**

An agreement was first made and entered into as of the 30th day of November 2020, by and between the Metropolitan Transportation Commission, a regional transportation planning agency established pursuant to California Government Code Sections 66500 *et seq.*, [“MTC”] and Kathleen Kane [“Kane”], collectively referred to as the “Parties”, for employment of Kane as MTC’s General Counsel. That Agreement terminates at 11:59 pm on December 31, 2022. This Agreement provides for a new employment term, commencing on January 1, 2023, and is executed on December ____, 2022. This agreement may be executed in counterparts and using electronic signatures.

WITNESSETH

WHEREAS, Kane has served as MTC’s General Counsel since November 30, 2020; and

WHEREAS, Kane has received positive evaluations during her tenure at MTC; and

WHEREAS, the prior employment agreement terminates on December 31, 2022 and both Kane and MTC wish to extend Kane’s service as General Counsel under the terms of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants set forth below, the parties mutually agree as follows:

1. Duties of Employee

For the term of this Agreement, Kane shall serve on a full-time basis as General Counsel of MTC with such powers and duties as may be assigned to her by MTC.

2. Compensation of Employee

(a) Commencing on January 1, 2023, Kane’s salary shall be \$348,132.20 annually. This amount represents application of the 4.2% cost of living increase provided to other agency staff on July 1, 2022, to Kane’s 2022 annual salary.

(b) Contingent on (1) the full and faithful performance by Kane of her duties, and (2) the completion of an annual performance evaluation of Kane satisfactory to MTC, Kane’s salary shall be subsequently adjusted as follows:

On January 1 of each calendar year during the term of this Agreement, commencing January 1, 2024, the salary in effect in the immediately preceding December shall be increased by the percentage (or amount) provided to the management staff of MTC per the Memorandum of Understanding then in effect. MTC may consider additional market or merit adjustments to Kane's compensation during the term of this Agreement. Any increase in compensation must be approved by MTC. Kane's non-salary employee benefits shall be the same as those provided to MTC executive employees, as set forth in an applicable MOU and MTC Resolution No. 4342 or as that resolution may be revised or superseded. Kane's existing benefits, accrual rates and leave balances under the prior employment agreement shall carry forward into the term of this Agreement.

- (c) Kane's salary and employee benefits shall be subject to such deductions and withholdings as may be required by law or authorized by Employee.

3. Term of Agreement

- (a) Except as provided for in Section 3(b) below, the term of this Agreement shall begin on January 1, 2023, and shall be completed on December 31, 2026.
- (b) Notwithstanding Section 3(a) above, or any other provision of this Agreement, MTC may terminate Kane's employment as General Counsel at any time prior to the expiration of the term of this Agreement, for any reason, upon ninety days' written notice. Kane may also terminate her employment upon written notice to MTC and shall endeavor to provide ninety days' notice or as much as is practicable under the circumstances. Neither MTC nor Kane need to show any cause to terminate Kane's employment with MTC. MTC's obligation in the event it terminates Kane's employment before the expiration of the term of this Agreement shall be determined under Section 4 below. In the event Kane chooses to terminate her employment before the end of the term of this Agreement or chooses not to continue her employment with MTC after being offered an extension of this Agreement under comparable terms, Kane shall be entitled to only those termination benefits that are available to all MTC executive employees.

4. Severance

- (a) Other than by mutual agreement or because of Kane's death, disability incurred outside of carrying out the duties as General Counsel, or grave misconduct (as defined in Section 4(b) below), in the event MTC terminates Kane's employment before the expiration of the term of this Agreement, or in the event MTC chooses not to extend this Agreement beyond December 31, 2026 under comparable terms, MTC shall pay Kane a severance payment equal to three months' salary, calculated by the annual salary in effect on the effective date of termination, plus a payment equal to three months medical group health payments, calculated by the actual monthly

premium amount paid by MTC for Kane on the effective date of termination. Kane shall be entitled to such other termination benefits that may be available to all MTC executive employees. Kane agrees that in the event of early termination of this Agreement by MTC, or if MTC chooses not to extend this Agreement beyond December 31, 2026 under comparable terms, the payments pursuant to this Section shall constitute full and complete payment by MTC to Kane and that MTC shall thereafter have no further obligation to continue Kane's MTC employment. This paragraph does not constitute a waiver by Kane of any claims under applicable laws relating to employment discrimination or whistleblower protections.

(b) As used herein, "grave misconduct" means (1) fraud, theft, embezzlement, bribery or other similar serious acts in connection with Kane's position or duties; (2) conviction of any felony; or (3) the willful refusal to carry out the lawful directives, policies or procedures of MTC. If MTC determines to terminate Kane's employment for alleged grave misconduct, MTC must provide a description of the grounds in writing to Kane and Kane is entitled to request a public hearing on the matter before the Commission, at which witness testimony and other evidence shall be considered by the Commission.

5. Entire Agreement

Except for MTC Resolution No. 4342, its amendments and succeeding resolutions as provided for in Section 2(b) above, this written Agreement constitutes the sole understanding of the parties regarding Kane's employment with MTC. This Agreement may not be changed orally and may be amended or supplemented only by written agreement between the parties.

6. Choice of Law

All questions pertaining to the validity and interpretation of this Agreement shall be determined in accordance with the laws of California applicable to agreements made and to be performed within the State.

IN WITNESS WHEREOF, this Agreement is approved by the parties as of the date and year first written above.

METROPOLITAN TRANSPORTATION
COMMISSION

GENERAL COUNSEL

Alfredo Pedroza, Chair

Kathleen Kane, General Counsel

Attachment D

Date: March 27, 2019
W.I.: 1153
Referred by: Administration
Revised: 2/23/2022-C
Revised: 12/21/2022-C

ABSTRACT

MTC Resolution No. 4369, Revised

This resolution sets forth the MTC agency pay schedules for the MTC Executive Director and General Counsel from March 1, 2019, through and including December 31, 2019.

This resolution was revised February 23, 2022, to update the pay schedules for the MTC Executive Director and General Counsel from January 1, 2022, through and including December 31, 2022.

This resolution was revised December 21, 2022, to update the pay schedules for the MTC Executive Director and General Counsel from January 1, 2023, through and including December 31, 2023.

Date: March 27, 2019
W.I.: 1153
Referred by: Administration Committee

Re: MTC Executive Director Pay Schedule from March 1, 2019 through December 31, 2019

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4369

WHEREAS, the Metropolitan Transportation Commission (MTC) is the Regional Transportation Planning Authority for the San Francisco Bay Area pursuant to Government Code §§ 66500 *et seq.*; and

WHEREAS, the MTC has approved employment agreements from March 1, 2019 through and including February 1, 2023 for the Executive Director, and from November 30, 2020 through and including December 31, 2026 for the General Counsel; and

WHEREAS, the MTC contracts with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for its employees; and

WHEREAS, CalPERS uses the MTC's pay schedules to calculate retirement benefits earned by the MTC's employees; and

WHEREAS, the MTC as a contracting public employer is adhering to the California Code of Regulations, Title 2, Section 570.5, which sets forth reporting regulations for CalPERS member agencies to have a duly approved and adopted publicly available pay schedule; now therefore be it

RESOLVED, that the pay schedule for MTC's Executive Director and General Counsel effective January 1, 2023 through and including December 31, 2023 shall be set forth in Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length; and be it further

RESOLVED, that the attached pay schedule will be posted at MTC's offices or immediately accessible for public review during normal business hours or posted on MTC's internet site.

METROPOLITAN TRANSPORTATION COMMISSION


Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California on March 27, 2019.

Attachment E

Date: March 27, 2019

W.I.: 1153

Referred by: Administration Committee

Revised: 2/23/2022-C

Revised: 12/21/2022-C

Attachment A

MTC Resolution No. 4369

Page 1 of 1

**Pay Schedule for MTC Executive Director & General Counsel
Calendar Year 2023, Effective January 1, 2023**

CLASS/POSITION	GRADE	RATE	PAY TYPE
EXECUTIVE DIRECTOR	X/1	\$206.06	HOURLY BASE RATE
		\$16,484.80	BI-WEEKLY
		\$35,717.07	MONTHLY
		\$428,604.80	ANNUAL
Executive Director			
GENERAL COUNSEL	X/2	\$167.37	HOURLY BASE RATE
		\$13,389.70	BI-WEEKLY
		\$29,011.02	MONTHLY
		\$348,132.20	ANNUAL
General Counsel			



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1801 **Version:** 1 **Name:**

Type: Report **Status:** Commission Approval

File created: 11/7/2022 **In control:** Operations Committee

On agenda: 12/9/2022 **Final action:**

Title: Resilient State Route 37 Memorandum of Understanding Amendment

Resilient State Route 37 Memorandum of Understanding (MOU) Amendment to integrate Sonoma-Marine Area Rail Transit District (SMART) and update the organizational structure for delivery from Bay Area Toll Authority (BATA) to Metropolitan Transportation Commission (MTC)/ Bay Area Infrastructure Financing Authority (BAIFA).

Sponsors:

Indexes:

Code sections:

Attachments: [11a 22-1801 Resilient State Route 37 Memorandum of Understanding Amendment.docx.pdf](#)
[4d 22-1801 Resilient State Route 37 Memorandum of Understanding Amendment.docx.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

Resilient State Route 37 Memorandum of Understanding Amendment

Resilient State Route 37 Memorandum of Understanding (MOU) Amendment to integrate Sonoma-Marine Area Rail Transit District (SMART) and update the organizational structure for delivery from Bay Area Toll Authority (BATA) to Metropolitan Transportation Commission (MTC)/ Bay Area Infrastructure Financing Authority (BAIFA).

Presenter:

Jeanette Weisman

Recommended Action:

Commission Approval

Attachments:

**Metropolitan Transportation Commission
Operations Committee**

December 9, 2022

Agenda Item 4d

Resilient State Route 37 Memorandum of Understanding Amendment

Subject:

Resilient State Route 37 Memorandum of Understanding (MOU) Amendment to integrate Sonoma-Marín Area Rail Transit District (SMART) and update the organizational structure for delivery from Bay Area Toll Authority (BATA) to Metropolitan Transportation Commission (MTC)/ Bay Area Infrastructure Financing Authority (BAIFA).

Background:

State Route 37 (SR 37) extends from US Highway 101 (US 101) in Novato, Marin County to I-80 in Vallejo, Solano County. It is an important regional connection linking the north, east, and west San Francisco Bay sub-regions. The corridor is faced with a number of challenges, including traffic congestion, seasonal flooding, environmentally-sensitive ecology, and sea level rise.

In February 2019, the BATA Oversight Committee approved authorization to enter into an MOU with Caltrans and the four North Bay Transportation Authorities in Solano, Sonoma, Napa, and Marin to deliver the Resilient SR 37 Program to address sea level rise and transportation challenges. This MOU will be amended to include SMART, which owns the railroad corridor that is adjacent to portions of SR 37. To date, SMART has participated in project and program meetings as a public participant or stakeholder. The integration of SMART into the Resilient SR 37 Program as a partner will facilitate better coordination and result in more comprehensive multi-modal corridor planning. This will allow the agencies to align sea level resiliency planning and project delivery in a way that will expedite the delivery of safe and reliable transportation along SR 37 and optimize ecological restoration of the historic San Pablo Baylands.

The MOU will also update the organizational structure and proposed tolling authority from BATA to MTC/BAIFA. BATA is no longer envisioned to be the authority that will manage tolling, which is proposed along the SR 37 corridor. As such, it is no longer applicable to the Resilient SR 37 Program.

Issues:

None identified.

Recommendations:

Staff recommends that the Operations Committee authorize the Chair to negotiate and enter into the Resilient State Route 37 Memorandum of Understanding Amendment in substantially the form as Attachment A to integrate Sonoma-Marín Area Rail Transit District and update the organizational structure for delivery from BATA to MTC/BAIFA.

Attachments:

- Attachment A: Proposed Resilient State Route 37 Memorandum of Understanding Amendment



Therese W. McMillan

AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING
for
THE RESILIENT STATE ROUTE 37 PROGRAM
between
METROPOLITAN TRANSPORTATION COMMISSION
BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
CALIFORNIA DEPARTMENT OF TRANSPORTATION
SOLANO TRANSPORTATION AUTHORITY
SONOMA COUNTY TRANSPORTATION AUTHORITY
TRANSPORTATION AUTHORITY OF MARIN
NAPA VALLEY TRANSPORTATION AUTHORITY
SONOMA-MARIN AREA RAIL TRANSIT DISTRICT

This Memorandum of Understanding (MOU) is entered into and effective as of the last date written below between the Metropolitan Transportation Commission (“MTC”), the Bay Area Infrastructure Financing Authority (“BAIFA”), the California Department of Transportation District 4 (“Caltrans”), the Solano Transportation Authority (“STA”), the Sonoma County Transportation Authority (“SCTA”), Transportation Authority of Marin (“TAM”) and Napa Valley Transportation Authority (“NVTA”) and Sonoma-Marín Area Transit District referred to herein collectively as the “Parties” or individually as a “Party”), to cooperatively determine their mutual responsibilities in delivering the Resilient State Route 37 Program (“Program”).

Recitals

1. The Resilient SR 37 Program aims to address resiliency of transportation infrastructure to sea level rise and flooding, traffic congestion, and opportunities for ecological enhancements, transit, multimodal use and public access along the SR 37 corridor from I-80 to US 101. The Program includes near- and longer-term improvements for a majority of the 20-mile corridor, including the long-term sea level rise vulnerability of a number of low-lying areas throughout the corridor.
2. The SR 37 Policy Committee, Executive Steering Committee (“ESC”) and the Project Leadership Team (“PLT”) currently have varying roles and responsibilities in the development and delivery of the Program. The SR 37 Policy Committee, composed of Executive Directors and Board Members representing MTC/BAIFA, Caltrans, STA, SCTA, TAM, and NVTA, provides policy oversight and dispute resolution to the respective staffs. The Executive Directors of MTC/BAIFA, Caltrans, STA, SCTA, TAM, and NVTA serve on the ESC to provide strategic direction to the Policy Committee and PLT. The Directors and their staffs of MTC/BAIFA, Caltrans, STA, SCTA, TAM, and NVTA participate in the PLT to vet technical, policy, and other related project issues and elevate them as appropriate to the ESC.

3. The MTC, Caltrans, STA, SCTA, TAM and NVTA completed a SR 37 Transportation and Sea Level Rise Corridor Improvement Plan that identified Segment B between and including Sears Point to the Mare Island Bridge (referred to herein as the “Segment B”) as the highest priority. On November 2, 2017, the SR 37 Policy Committee confirmed that Segment B is the priority segment. Subsequently, MTC, STA, SCTA, TAM and NVTA prepared a Project Initiation Document (PID) for Segment B improvements and submitted it to Caltrans for review and approval. Caltrans approved this PID on December 28, 2018.
4. On November 8, 2018 the SR 37 Policy Committee unanimously approved a funding plan and authorized the applicable sponsor(s) to submit Initial Project Reports to the Metropolitan Transportation Commission for funding consideration under Regional Measure 3, as follows: \$15 million to STA for Segment C-Fairgrounds Interchange, \$20 million to SCTA for Interim Segment B Environmental and Design Phases, \$4 million to SCTA for Environmental Phase for SR 37/121 improvements, \$3 million to TAM for Segment A levee study, and \$58 million to SCTA and TAM for Ultimate Segment A and Segment B improvements.
5. The Parties wish to organize the delivery of the SR 37 Program wherein:
 - a. MTC, Caltrans, SMART, SCTA and TAM are assigned to and have purview over Segment A (US 101 to SR121);
 - b. MTC, BAIFA, Caltrans, SCTA, SMART, STA and NVTA are assigned to and have purview over Segment B (Sears Point to Mare Island Bridge); and
 - c. MTC, Caltrans, SMART and STA are assigned to and have purview over Segment C (Mare Island Bridge to I-80).

The SR 37 Policy Committee, ESC and PLT continue to perform the same roles and responsibilities except for the technical work, discussions, actions and decisions of the individual Party would be targeted and applicable to the project segment for which that Party is assigned.

6. The Parties commit to continue to make progress on the delivery of the priority Segment B interim and ultimate projects, while also performing feasibility studies, environmental studies, PIDs, and related studies with the goal of coordinating the longer-term delivery of the SR 37 Program.
7. BAIFA intends to seek tolling authority between Sears Point and Mare Island.
8. The Parties acknowledge the likely need for funding above and beyond tolling and as such, intend to develop a financing and funding plan consisting of other traditional and untraditional funding sources to deliver the Program.

9. The Parties wish to work cooperatively to deliver the Program by exploring alternative project delivery methods (including, but not limited to, Design Build contracts), early environmental enhancements, and traditional and non-traditional funding and partnerships.
10. This MOU is amended and restated to update the organizational structure and the agency identified to be responsible for tolling from the Bay Area Toll Authority to BAIFA in the MOU. BAIFA is the authority that will, subject to authorization, be responsible for tolling, which is proposed along the SR 37 corridor.
11. This MOU is also amended and restated to add SMART to the MOU. SMART is the owner of the railroad corridor that is adjacent to portions of SR37, including running parallel in Segment A and in the proximity of Segments B and C. The addition of SMART to the Resilient State Route 37 Program is a commitment to the multi-modal nature of the Program beyond bus transit and carpooling.

I. Term

The term of this MOU shall commence when fully executed, and unless amended earlier, shall terminate at a date agreed upon by the Parties.

II. SR 37 Program Delivery Organization

A. Executive Steering Committee (ESC)

1. Role

The ESC shall guide the identification, development, funding plan and implementation of projects to improve State Route 37. The ESC will select a Chairperson. The Chairperson will rotate between the members every two years. The Chairperson shall preside over the meetings of the ESC and shall perform all other duties incident to the position or as assigned to her or him by the ESC.

2. Members

- a. Executive Director, MTC/BAIFA (or designee)
- b. District 4 Director, Caltrans (or designee)
- c. Executive Director, STA (or designee)
- d. Executive Director, SCTA (or designee)
- e. Executive Director, TAM (or designee)
- f. Executive Director, NVTA (or designee)
- g. General Manager, SMART (or designee)

3. Assignment

- a. Segment A: MTC, Caltrans, SMART, SCTA, TAM
- b. Segment B: MTC, BAIFA, Caltrans, SMART, SCTA, STA, NVTA
- c. Segment C: MTC, Caltrans, SMART, STA

4. Responsibilities

- a. Approve implementation and funding plan(s), which may include one or more projects.
- b. Define agency roles and responsibilities for individual projects, including project managers.
- c. Approve the scope, schedule, budget and funding plan for individual projects within funding levels approved by the MTC, BAIFA or other funding agencies, as applicable.
- d. Oversee overall project progress and reporting of project status, risk assessments, costs and schedule.
- e. Advise the MTC on contract matters.
- f. Review and approve project staffing plans.

5. Decision-making

The ESC will endeavor to make decisions on a consensus basis. To ensure public accountability, transparency and public disclosure, the decisions will be documented.

6. Meetings

Regular meetings of the ESC shall be held quarterly as otherwise determined by the ESC. Notice shall include an agenda of items on which the ESC will take action. Each member of the ESC has the right to place a matter on the ESC's agenda for consideration. Meetings to be rotated between MTC, Caltrans, STA, SCTA, NVTA, TAM offices or at a location determined by the ESC.

B. Corridor Director of the ESC

- 1. The Corridor Director serves as staff to the ESC, represents all ESC members and works directly with member agency Executive Directors and their staffs.
 - a. MTC will select, with the ESC, and employ the Corridor Director.
 - b. MTC reserves the right to make decisions regarding hiring, promotion, termination, compensation, and removal of the Corridor Director, in consultation with the ESC.
 - c. The Corridor Director may serve the SR37 Corridor Policy Committee in a similar capacity.

2. Responsibilities

The Corridor Director shall work with the Project Leadership Team, collaborate and provide direction to the project managers, as appropriate, to

- a. Develop an implementation plan(s) and funding plan(s), including delivery methods
- b. Develop the scope, schedule, budget and funding plan for individual projects.
- c. Report regularly to the ESC on project status, risks assessments, change, costs and schedule.
- d. Develop project staffing plans.
- e. Prepare agendas for ESC meetings.
- f. Deliver progress reports to and consult with the SR 37 Corridor Policy Committee.
- g. Deliver progress reports to ESC and Policy Committee.
- h. Provide oversight and direction to project managers.

The Corridor Director will also advise the SR37 Corridor Policy Committee on the SR 37 program.

C. Project Leadership Team

1. Role

The ESC hereby establishes a Project Leadership Team (PLT) that shall assist the ESC in the performance of its duties. The members of the PLT shall advise the Corridor Director on matters that are to be brought before the ESC.

2. Members

- a. Deputy Executive Director, Operations, MTC (or designee)
- b. Chief Deputy Director, Caltrans District 4 (or designee)
- c. Director of Projects, STA (or designee)
- d. Deputy Executive Director, SCTA (or designee)
- e. Principal Project Delivery Manager, TAM (or designee)
- f. Director of Programs, Projects and Planning, NVTA (or designee)
- g. Chief Engineer, SMART (or designee)

3. Assignment

- a. Segment A: MTC, Caltrans, SMART, SCTA, TAM
- b. Segment B: MTC, BAIFA, Caltrans, SMART, SCTA, STA, NVTA
- c. Segment C: MTC, Caltrans, SMART, STA

4. Responsibilities

The PLT shall assist the Corridor Director and ESC in the performance of their duties for their assigned segments by

- a. Developing an implementation plan(s) and funding plan(s)
- b. Developing the scope, schedule, budget and funding plan for individual projects.
- c. Reviewing cost estimates, risk assessments, and cash flow requirements.
- d. Reviewing project status, scope and budgets, expenditures, staffing and contractor services to anticipate, identify, evaluate, and report to the Corridor Director concerning any project issues.
- e. Developing project staffing plans and structures.
- f. Preparing other project related reports for ESC review.
- g. Performing such other assignments as appropriate.

5. Meetings

The PLT will meet on an as-needed basis as determined necessary by the members or by the Corridor Director.

III. GENERAL

A. Integration Clause

This MOU constitutes the complete and entire understanding among the Committee Members.

B. Amendments

This MOU may be amended in writing from time to time upon MOU of the Committee Members.

C. Counter Parts

This MOU may be executed in counterparts, each one of which will be an original or the equivalent thereof.

D. Miscellaneous

This MOU is intended solely as a guide to the obligations, intentions and policies of the Committee Members. It does not constitute an authorization for funding a project nor does it constitute a legally binding MOU amongst the Agencies.

IN WITNESS WHEREOF, the Parties hereto have agreed to this MOU on the date opposite their respective names.

_____/_____
Alfredo Pedroza Date
Chair
Metropolitan Transportation Commission/Bay Area Infrastructure Financing Authority

_____/_____
Dina El-Tawansy Date
District 4 Director
Caltrans

_____/_____
Robert McConnell Date
Chair
Solano Transportation Authority

_____/_____
Chris Rogers Date
Chair
Sonoma County Transportation Authority

_____/_____
Stephanie Moulton-Peters Date
Chair
Transportation Authority of Marin

_____/_____
Liz Alessio Date
Chair
Napa Valley Transportation Authority

_____/_____
Date
David Rabbitt
Chair
Sonoma-Marín Area Rail Transit District



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1609 **Version:** 1 **Name:**

Type: Resolution **Status:** Commission Approval

File created: 10/3/2022 **In control:** Programming and Allocations Committee

On agenda: 12/14/2022 **Final action:**

Title: MTC Resolution Nos. 4523, Revised and 4524, Revised. Allocation of \$19 million in FY 2022-23 Transportation Development Act (TDA) and State Transit Assistance (STA) funds to Santa Clara Valley Transportation Authority (VTA) and Solano Transportation Authority (Solano TA) to support transit operations and planning in the region.

Sponsors:

Indexes:

Code sections:

Attachments: [11b 22-1609 MTC Resolutions 4523 and 4524 VTA and STA Allocations.pdf](#)
[2b 22-1609 MTC Resolutions 4523 and 4524 VTA and STA Allocations.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

MTC Resolution Nos. 4523, Revised and 4524, Revised. Allocation of \$19 million in FY 2022-23 Transportation Development Act (TDA) and State Transit Assistance (STA) funds to Santa Clara Valley Transportation Authority (VTA) and Solano Transportation Authority (Solano TA) to support transit operations and planning in the region.

Presenter:

Cheryl Chi

Recommended Action:

Commission Approval

**Metropolitan Transportation Commission
Programming and Allocations Committee**

December 14, 2022 Agenda Item 2b - 22-1609

MTC Resolution Nos. 4523, Revised, and 4524, Revised

Subject:

Allocation of \$19 million in FY 2022-23 Transportation Development Act (TDA) and State Transit Assistance (STA) funds to Santa Clara Valley Transportation Authority (VTA) and Solano Transportation Authority (Solano TA) to support transit operations and planning in the region.

Background:

This month’s proposed actions continue the annual allocation process of the funds identified above for FY 2022-23. VTA and Solano TA are requesting TDA or STA allocations this month that exceed the \$1 million delegated authority limit. Allocation requests that are less than \$1 million are approved separately through the Executive Director’s Delegated Authority (DA) process and are reported on quarterly to this Committee.

The proposed allocation amounts are based on the programming levels identified in the FY 2022-23 Fund Estimate (MTC Resolution No. 4504, Revised) and are as follows:

Allocation Amounts by Entity¹ (amounts in millions)

Entity	TDA (Res. 4523)	STA (Res. 4524)	Grand Total
VTA	\$4.0	\$12.9	\$16.9
Solano Transportation Authority	-	\$2.1	\$2.1
Grand Total	\$4.0	\$15.0	\$19.0

Santa Clara Valley Transportation Authority (VTA) had its original allocation of funds in June. They are requesting additional allocations of approximately \$17 million as a result of increased revenue available for allocation as shown in the updated Fiscal Year 2022-23 Fund Estimate.

¹ Includes all allocations to be approved in the resolutions listed above, the details of which are provided in Attachment A of the respective resolution, including allocations for transit capital or planning and administration. These amounts do not include allocations approved by Executive Director’s Delegated Authority as allowed by MTC Resolution No. 3620, Revised.

Solano TA is requesting STA County Block grant funding to support projects including those related to its function as a Consolidated Transportation Services Agency and planning and coordination for Solano Express service. Solano TA will receive additional funding through DA to support projects including the intercity taxi script program, transit planning and coordination, and the West Texas Solano Express Bus Stop and Pedestrian Connection project. The last project also received \$2.55M in Transit Intercity Rail Capital Program funds.

Issues:

None identified.

Recommendations:

Refer MTC Resolution Nos. 4523, Revised, and 4524, Revised to the Commission for approval.

Attachments:

- MTC Resolution No. 4523, Revised
- MTC Resolution No. 4524, Revised



Therese W. McMillan

Date: June 22, 2022
W.I.: 1514
Referred by: PAC
Revised: 07/27/22-C 09/28/22-C
10/26/22-C 11/16/22-C
12/21/22-C

ABSTRACT

Resolution No. 4523, Revised

This resolution approves the allocation of fiscal year 2022-2023 Transportation Development Act Article 4, Article 4.5 and Article 8 funds to claimants in the MTC region.

This resolution allocates funds to Alameda-Contra Costa Transit District (AC Transit), Livermore Amador Valley Transit Authority (LAVTA), Napa Valley Transportation Authority (NVTA) and Santa Clara Valley Transportation Authority (VTA).

Attachment A of this resolution was revised on July 27, 2022 to allocate funds to Central Contra Costa Transit Authority (CCCTA) and Sonoma County Transit.

On September 28, 2022, Attachment A was revised to allocate funds to the Golden Gate Bridge Highway and Transit District (GGBHTD), San Mateo County Transit District (SamTrans), Eastern Contra Costa Transit Authority (ECCTA or Tri Delta Transit), Marin County Transit District, and Solano County Transit (SolTrans).

On October 26, 2022, Attachment A was revised to allocate funds to Fairfield, Santa Rosa, Vacaville, and Western Contra Costa Transit Authority (WestCAT).

On November 23, 2022, Attachment A was revised to allocate funds to San Francisco Municipal Transportation Agency (SFMTA), Fairfield and Suisun Transit (FAST), and Solano County Transit (SolTrans).

On December 21, 2022, Attachment A was revised to allocate funds to allocate funds to VTA.

Discussion of the allocations made under this resolution is contained in the MTC Programming and Allocations Committee Summary Sheets dated June 8, 2022, July 13, 2022, September 14, 2022, October 12, 2022, November 9, 2022, and December 14, 2022.

Date: June 22, 2022
W.I.: 1514
Referred by: PAC

Re: Allocation of Fiscal Year 2022-23 Transportation Development Act Article 4, Article 4.5 and Article 8 Funds to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4523

WHEREAS, pursuant to Government Code Section 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, the Mills-Alquist-Deddeh Act (“Transportation Development Act” or “TDA”), Public Utilities Code Section 99200 et seq., makes certain retail sales tax revenues available to eligible claimants for public transportation projects and purposes; and

WHEREAS, MTC is responsible for the allocation of TDA funds to eligible claimants within the MTC region; and

WHEREAS, claimants in the MTC region have submitted claims for the allocation of fiscal year 2021-22 TDA funds; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2022-23 allocations requested by claimants, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required findings MTC must make, as the case may be, pertaining to the various claimants to which funds are allocated; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code

Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves the findings set forth in Attachment B to this resolution; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2022-23 TDA funds to the claimants, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A to this resolution; and, be it further

RESOLVED, that pursuant to 21 California Code of Regulations Sections 6621 and 6659, a certified copy of this resolution, along with written allocation instructions for the disbursement of TDA funds as allocated herein, shall be forwarded to the county auditor of the county in which each claimant is located; and, be it further

RESOLVED, that all TDA allocations are subject to continued compliance with MTC Resolution No. 3866, Revised, the Transit Coordination Implementation Plan.

METROPOLITAN TRANSPORTATION COMMISSION

A handwritten signature in black ink, appearing to read 'AP', with a long horizontal line extending to the right.

Alfredo Pedroza, Chair

The above resolution was approved by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, and at other remote locations, on June 22, 2022.

Date: June 22, 2022

Referred by: PAC

Revised: 07/27/22-C 09/28/22-C
10/26/22-C 11/16/22-C
12/21/22-C

Attachment A
ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT ARTICLE 4, 4.5 and 8 FUNDS
DURING FISCAL YEAR 2022-23

All TDA allocations are subject to continued compliance with MTC Resolution 3866,
the Transit Coordination Implementation Plan.

Claimant	Project Description	Allocation Amount	Alloc. Code	Approval Date	Apportionment Area
<i>5801 - PUC 99233.7, 99275 Community Transit Service - Operations</i>					
VTA	Paratransit Operations	6,880,509	01	06/22/22	Santa Clara County
AC Transit	Paratransit Operations	5,109,152	02	06/22/22	AC Transit - Alameda
CCCTA	Paratransit Operations	1,332,243	13	07/27/22	CCCTA
SamTrans	Paratransit Operations	2,790,948	19	09/28/22	San Mateo County
VTA	Paratransit Operations	200,436	01	12/21/22	Santa Clara County
<i>Subtotal</i>		16,313,288			
<i>5802 - PUC 99260A Transit - Operations</i>					
VTA	Transit Operations	130,729,623	03	06/22/22	VTA
NVTA	Transit Operations	5,075,466	04	06/22/22	NVTA
AC Transit	Transit Operations	67,976,124	05	06/22/22	AC Transit - Alameda D1
AC Transit	Transit Operations	18,280,448	06	06/22/22	AC Transit - Alameda D2
					AC Transit - Contra Costa
AC Transit	Transit Operations	10,774,214	07	06/22/22	D1
LAVTA	Transit Operations	10,610,799	08	06/22/22	LAVTA
Sonoma County	Transit Operations	5,905,289	14	07/27/22	Sonoma County
CCCTA	Transit Operations	19,694,537	15	07/27/22	CCCTA
ECCTA	Transit Operations	16,147,136	20	09/28/22	ECCTA
GGBHTD	Transit Operations	8,867,685	21	09/28/22	GGBHTD - Marin
SamTrans	Transit Operations	53,028,002	22	09/28/22	SamTrans
Marin Transit	Transit Operations	11,411,858	23	09/28/22	Marin Transit
GGBHTD	Transit Operations	8,356,950	24	09/28/22	GGBHTD - Sonoma
SolTrans	Transit Operations	5,175,600	25	09/28/22	Vallejo/Benicia

5802 - PUC 99260A Transit - Operations (continued)

WestCAT	Transit Operations	3,097,852	28	10/26/22	WCCTA
WestCAT	Transit Operations	1,246,913	29	10/26/22	WCCTA
Santa Rosa	Transit Operations	4,692,700	30	10/26/22	Santa Rosa
Vacaville	Transit Operations	2,027,370	31	10/26/22	Vacaville
SolTrans	Transit Operations	1,072,759	25	11/16/22	Vallejo/Benicia
Fairfield	Transit Operations	3,420,336	33	11/16/22	Fairfield
SFMTA	Transit Operations	42,265,150	34	11/16/22	SFMTA
SFMTA	Transit Operations	2,224,196	35	11/16/22	San Francisco County
VTA	Transit Operations	3,808,296	03	12/21/22	Santa Clara County

Subtotal 435,889,303

5803 - PUC 99260A Transit - Capital

LAVTA	Transit Capital	5,988,747	09	06/22/22	LAVTA
NVTA	Transit Capital	1,000,000	10	06/22/22	NVTA
Sonoma County					
Transit	Transit Capital	4,890,666	16	07/27/22	Sonoma County
CCCTA	Transit Capital	9,968,877	17	07/27/22	CCCTA
ECCTA	Transit Capital	1,200,000	26	09/28/22	ECCTA
SolTrans	Transit Capital	3,862,652	27	09/28/22	Vallejo/Benicia
Vacaville	Transit Capital	7,485,000	32	10/26/22	Vacaville
SolTrans	Transit Capital	1,282,603	27	11/16/22	Vallejo/Benicia

Subtotal 35,678,545

5807 - PUC 99400C Transit - Operations

NVTA	Transit Operations	1,219,490	11	06/22/22	NVTA
Sonoma County					
Transit	Transit Operations	2,583,792	18	07/27/22	Sonoma County
Fairfield	Transit Operations	1,255,836	36	11/16/22	Fairfield

Subtotal 5,059,118

5812 - PUC 99400D Planning and Administration - Operations

NVTA	Planning & Administration	3,362,200	12	06/22/22	NVTA
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Subtotal 3,362,200

Total 496,302,454

Date: June 22, 2022
Referred by: PAC
Revised: 11/16/22-C

Attachment B
Resolution No. 4523
Page 1 of 3

ALLOCATION OF FISCAL YEAR 2022-23
TRANSPORTATION DEVELOPMENT ACT
ARTICLE 4, ARTICLE 4.5 AND ARTICLE 8
FUNDS TO CLAIMANTS IN THE MTC REGION

FINDINGS

The following findings pertain, as the case may be, to claimants to which Transportation Development Act funds are allocated under this resolution.

Transportation Development Act Article 4 Funds

Public Utilities Code § 99268 et seq.

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations; and
3. That the claimant is in compliance with the 50% expenditure limitation of Public Utilities Code § 99268, or is exempt from compliance with the applicable fare or fares-plus-local-support recovery ratio requirement (Public Utilities Code §§ 99268.2, 99268.3, 99268.4, 99268.12, or 99270.5) as provided by PUC § 99268.9; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to

receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6633.1, or § 6634; and

5. That pursuant to Public Utilities Code § 99233.7 certain funds identified in Attachment A and available for purposes stated in TDA Article 4.5 can be used to better advantage by a claimant for purposes stated in Article 4 in the development of a balanced transportation system.

Transportation Development Act Article 4.5 Funds

Public Utilities Code § 99275

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and
3. That in accordance with Public Utilities Code § 99275.5(c), MTC finds that the projects and purposes for which each claimant has submitted an application for TDA Article 4.5 funds to MTC, responds to a transportation need not otherwise met in the community of the claimant; that the services of the claimant are integrated with existing transit services, as warranted; that the claimant has prepared and submitted to MTC an estimate of revenues, operating costs and patronage for the fiscal year in which TDA Article 4.5 funds are allocated; and that the claimant is exempt from applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in Public Utilities Code § 99268.5 or MTC Resolution No. 1209, Revised) as provided by PUC § 99268.9; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to

receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6634; and

5. That each claimant is in compliance with Public Utilities Code §§ 99155 and 99155.5, regarding user identification cards.
6. That in San Francisco County, the Article 4.5 funds can be used to better advantage for Article 4 purposes.

Transportation Development Act Article 8 Transit Funds

Public Utilities Code §§ 99400(c), 99400(d) and 99400(e)

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with Public Utilities Code §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for TDA Article 8 funds to MTC are in conformance with MTC's Regional Transportation Plan (21 California Code of Regulations § 6651), and with the applicable state regulations (21 California Code of Regulations § 6600 et seq.), and with the applicable MTC rules and regulations, including MTC Resolution No. 1209, Revised; and
3. That the claimant is exempt from applicable fare or fares-plus-local-match recovery ratio requirement (as set forth, respectively, in Public Utilities Code §§ 99268.5, 99268.12, or MTC Resolution No. 1209, Revised) as provided by PUC § 99268.9; and
4. That the sum of each claimant's total allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount that the claimant is eligible to receive, in accordance with the calculations prescribed by 21 California Code of Regulations § 6634.

Date: June 22, 2022
W.I.: 1514
Referred by: PAC
Revised: 09/28/22-C
10/26/22-C
11/16/22-C
12/21/22-C

ABSTRACT

Resolution No. 4524, Revised

This resolution approves the allocation of State Transit Assistance (STA) funds for fiscal year 2022-23.

This resolution allocates funds to AC Transit, Livermore Amador Valley Transit Authority (LAVTA), MTC, and Santa Clara Valley Transportation Authority (VTA).

On September 28, 2022, Attachment A was revised to allocate funds to the Eastern Contra Costa Transit Authority (ECCTA or Tri Delta Transit), Golden Gate Bridge Highway and Transit District (GGBHTD), San Mateo County Transit District (SamTrans), Marin County Transit District, and MTC.

On October 26, 2022 to allocate funds to Central Contra Costa Transit Authority (CCCTA), Marin Transit, Santa Rosa Sonoma County Transit, and Western Contra Costa Transit Authority (WestCAT).

On November 16, 2022 to allocate funds to San Francisco Municipal Transportation Agency (SFMTA).

Discussion of the allocations made under this resolution is contained in the MTC Programming and Allocations Committee Summary Sheets dated June 8, 2022, September 14, 2022, October 12, 2022, November 9, 2022, and December 14, 2022.

Date: June 22, 2022
W.I.: 1514
Referred by: PAC

Re: Allocation of Fiscal Year 2022-23 State Transit Assistance to Claimants in the MTC Region

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4524

WHEREAS, pursuant to Government Code § 66500 et seq., the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area; and

WHEREAS, the Mills-Alquist-Deddeh Act (“Transportation Development Act” or “TDA”), Public Utilities Code Section 99200 et seq., provides that the State Controller shall, pursuant to Public Utilities Code Section 99310, allocate funds in the Public Transportation Account (“PTA”) to the MTC region to be subsequently allocated by MTC to eligible claimants in the region; and

WHEREAS, pursuant to Public Utilities Code Section 99313.6, MTC has created a State Transit Assistance (“STA”) fund which resides with the Alameda County Auditor for the deposit of PTA funds allocated to the MTC region; and

WHEREAS, pursuant to Public Utilities Code Section 99313.6(d), MTC may allocate funds to itself for projects to achieve regional transit coordination objectives; and

WHEREAS, pursuant to Public Utilities Code Sections 99314.5(a) and 99314.5(b), claimants eligible for Transportation Development Act Article 4 and Article 8 funds are eligible claimants for State Transit Assistance funds; and

WHEREAS, eligible claimants have submitted applications to MTC for the allocation of fiscal year 2022-23 STA funds; and

WHEREAS, Attachment A to this resolution, attached hereto and incorporated herein as though set forth at length, lists the amounts of and purposes for the fiscal year 2022-23 allocations requested by claimants, and is from time-to-time revised; and

WHEREAS, this resolution, including the revisions to Attachment A and the sum of all allocations made under this resolution, are recorded and maintained electronically by MTC; and

WHEREAS, pursuant to 21 California Code of Regulations Section 6754, MTC Resolution Nos. 4321 and 4433, and Attachment B to this resolution, attached hereto and incorporated herein as though set forth at length, lists the required findings MTC must make, as the case may be, pertaining to the various claimants to which funds are allocated; and

WHEREAS, the claimants to which funds are allocated under this resolution have certified that the projects and purposes listed and recorded in Attachment A are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.); now, therefore, be it

RESOLVED, that MTC approves the findings set forth in Attachment B to this resolution; and, be it further

RESOLVED, that MTC approves the allocation of fiscal year 2022-23 STA funds to the claimants, in the amounts, for the purposes, and subject to the conditions, as listed and recorded on Attachment A to this resolution;

RESOLVED, that, pursuant to 21 Cal. Code of Regs. §§ 6621 and 6753, a certified copy of this resolution, along with written allocation instructions for the disbursement of STA funds as allocated herein, shall be forwarded to the Alameda County Auditor; and, be it further

RESOLVED, that all STA allocations are subject to continued compliance with MTC Resolution 3866, the Transit Coordination Implementation Plan; and, be it further

RESOLVED, this resolution incorporates any revisions to the TDA, either by statute or regulation, made hereafter.

METROPOLITAN TRANSPORTATION COMMISSION



Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a duly called and noticed meeting held in San Francisco, California and at other remote locations on June 22, 2022.

Date: June 22, 2022

Referred by: PAC

Revised: 09/28/22-C 10/26/22-C
11/16/22-C 12/21/22-C

Attachment A
ALLOCATION OF STATE TRANSIT ASSISTANCE FUNDS
DURING FISCAL YEAR 2022-23

All STA allocations are subject to continued compliance with MTC Resolution 3866, Revised,
the Transit Coordination Implementation Plan.

Claimant	Project Description	Allocation Amount	Alloc. Code	Approval Date	Apportionment Area
5820 - CCR 6730A Operations - Population-based County Block Grant					
LAVTA	Transit Operations	1,377,503	01	06/22/22	LAVTA
ECCTA	Transit Operations	3,172,715	07	09/28/22	Tri-Delta Transit
Sonoma County					
Transit	Transit Operations	4,024,590	14	10/26/22	Sonoma County Transit
CCCTA	Transit Operations	4,706,026	15	10/26/22	County Connection
Marin Transit	Transit Operations	1,452,985	16	10/26/22	Marin Transit
Santa Rosa	Transit Operations	2,679,663	17	10/26/22	Santa Rosa CityBus
Solano TA	Planning & Administration	2,139,859	24	12/21/22	Solano County
		Subtotal	19,553,341		
5820 - CCR 6730A Operations - Population-based MTC Coordination					
Means-Based Transit Fare					
MTC	Clipper START Administration	3,000,000	02	06/22/22	Program
MTC	Clipper Operations	9,000,000	03	06/22/22	MTC
MTC	Clipper	256,000	03	09/28/22	MTC
SamTrans	Transit Operations	8,000,000	08	09/28/22	MTC
		Subtotal	20,256,000		
5820 - CCR 6730A Operations - Population-based TAP					
BART	Clipper BayPass	1,089,451	18	10/26/22	TAP
		Subtotal	1,089,451		

5820 - CCR 6730A Operations - Revenue-based

VTA	Transit Operations	28,362,250	04	06/22/22	VTA
AC Transit	Transit Operations	29,636,318	05	06/22/22	AC Transit
ECCTA	Transit Operations	1,404,496	09	09/28/22	BART
SamTrans	Transit Operations	9,095,193	10	09/28/22	SamTrans
Marin Transit	Transit Operations	1,500,000	11	09/28/22	Marin Transit
GGBHTD	Transit Operations	4,559,143	12	09/28/22	GGBHTD
SamTrans	Transit Operations	11,288,161	19	10/26/22	Caltrain
WestCAT	Transit Operations	1,246,913	20	10/26/22	BART
SFMTA	Transit Operations	79,226,981	23	11/16/22	SFMTA
VTA	Transit Operations	10,313,757	04	12/21/22	VTA

Subtotal 176,633,212

5821 - CCR 6730B Capital - Population-based TAP

MTC	Clipper Paratransit Integration	1,100,000	21	10/26/22	TAP
		Subtotal			
		1,100,000			

5821 - CCR 6730B Capital - Revenue-based

SamTrans	Transit Capital	1,541,284	13	09/28/22	SamTrans
SamTrans	Transit Capital	1,741,878	22	10/26/22	Caltrain
		Subtotal			
		3,283,162			

5822 - CCR 6731C Paratransit - Operations - Population-based County Block Grant

VTA	Paratransit Operations	1,870,260	06	06/22/22	Santa Clara County
VTA	Paratransit Operations	2,551,049	06	12/21/22	Santa Clara County

Subtotal 4,421,309

Total 226,336,475

Date: June 22, 2022
Referred by: PAC

Attachment B
Resolution No. 4524
Page 1 of 2

ALLOCATION OF FISCAL YEAR 2022-23 STATE TRANSIT ASSISTANCE FUNDS
TO CLAIMANTS IN THE MTC REGION

FINDINGS

The following findings pertain, as the case may be, to claimants to which State Transit Assistance (STA) funds are allocated under this resolution.

1. That each claimant has submitted, or shall have submitted prior to the disbursement of funds, copies, to MTC and to appropriate agencies, of all required State Controller's reports and fiscal audit reports prepared in accordance with PUC §§ 99243 and 99245; and
2. That the projects and purposes for which each claimant has submitted an application for STA funds to MTC are in conformance with MTC's Regional Transportation Plan (21 Cal. Code of Regs. § 6651), and with the applicable state regulations (21 Cal. Code of Regs. § 6600 et seq.), and with the applicable MTC rules and regulations; and
4. That each claimant is making full use of federal funds available under the Fixing America's Surface Transportation (FAST) Act, as amended; and
5. That the sum of each claimant's allocation of Transportation Development Act and State Transit Assistance funds does not exceed the amount the claimant is eligible to receive, in accordance with the calculations prescribed by 21 Cal. Code of Regs. § 6633.1 or § 6634; and
6. That MTC has given priority consideration to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, countywide, or area wide public transportation needs; and
7. That each claimant has submitted to MTC a copy of a certification from the California Highway Patrol verifying that the claimant is in compliance with Section 1808.1 of the Vehicle Code ("Pull Notice Program"), as required by PUC § 99251; and

8. That each claimant is in compliance with MTC's Transit Coordination Implementation Plan, pursuant to Government Code §§ 66516 and 66516.5, PUC §§ 99314.5(c) and §99314.7, and MTC Resolution No. 3866, Revised.

Notes:

The following requirements are suspended for FY 2022-23:

- a. Productivity Improvement Program requirement (PUC § 99244)
- b. Efficiency standards under PUC § 99314.6
- c. MTC State Transit Assistance standard (PUC § 99314.7)



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1750 **Version:** 1 **Name:**

Type: Resolution **Status:** Commission Approval

File created: 11/3/2022 **In control:** Programming and Allocations Committee

On agenda: 12/14/2022 **Final action:**

Title: MTC Resolution No. 4545, Revised. 2023 Transportation Improvement Program (TIP) Amendment 2023-02

Sponsors:

Indexes:

Code sections:

Attachments: [11c 22-1750 MTC Resolution 4545 TIP Amendment 2023-02.pdf](#)
[2c 22-1750 MTC Resolution 4545 TIP Amendment 2023-02.pdf](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:
MTC Resolution No. 4545, Revised. 2023 Transportation Improvement Program (TIP) Amendment 2023-02

Presenter:
Adam Crenshaw

Recommended Action:
Commission Approval

**Metropolitan Transportation Commission
Programming and Allocations Committee**

December 14, 2022

Agenda Item 2c - 22-1750

MTC Resolution No. 4545, Revised

Subject:

2023 Transportation Improvement Program (TIP) Amendment 2023-02.

Background:

The federally required TIP is a comprehensive listing of Bay Area surface transportation projects that receive federal funds, are subject to a federally required action or are regionally significant. As required by state statutes, MTC, as the federally designated Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area Region, must prepare and adopt the TIP every two years. The 2023 TIP, covering the four-year period from FY 2022-23 through 2025-26, was adopted by the Commission on September 28, 2022, and is expected to be approved by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) on December 16, 2022. The 2023 TIP is valid for four years under federal regulations. The TIP may be revised to make necessary changes prior to the next update. The TIP is posted on MTC's website at: <https://mtc.ca.gov/funding/transportation-improvement-program-tip>.

Amendment 2023-02 makes revisions to 35 projects with a net funding increase of approximately \$86 million. Among other changes this revision will:

- Amend three new Surface Transportation Block Grant Program/Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funded projects into the TIP, carry forward one existing STP funded project from the 2021 TIP, and update the funding plans of 21 STP/CMAQ funded projects to reflect recent obligations and programming decisions;
- Amend one new project into the TIP and update the funding plan of one existing project to reflect changes in the Transit Capital Priorities Program; and
- Add three new projects to reflect awards of Community Project Funding grants, repurposed earmark funds, and other federal program funds.

The 2023 TIP is designed such that, once implemented, it makes progress toward achieving the performance targets established per federal regulations.

The revisions made pursuant to this amendment will not change the air quality conformity finding; therefore, a conformity determination is not required.

The TIP Revision Summary for this amendment is attached (Attachment 1) and is also posted at: <https://mtc.ca.gov/funding/transportation-improvement-program-tip>.

The TIP public participation process also serves to satisfy the public involvement requirements of the FTA annual Program of Projects for applicable funds.

This amendment will be transmitted to Caltrans after Commission approval; Caltrans will then forward the amendment to FTA and FHWA for final federal agency review and approval.

Issues:

Changes included in this amendment are dependent on FTA and FHWA approval of the 2023 TIP on December 16, 2022.

Recommendations:

Refer MTC Resolution No. 4545, Revised to the Commission for approval.

Attachments:

- Attachment 1: Summary Report of Amended Projects for TIP Amendment 2023-02
- MTC Resolution No. 4545, Revised



Therese W. McMillan

**TIP Revision Summary
2023-02**

Attachment 1

TIP ID	Sponsor	Project Name	Description of Change	Funding Change (\$)	Funding Change (%)
System: Local Road					
ALA110033	Alameda County Transportation Commission (ACTC)	Alameda County Safe Routes to School	Update the funding plan to add \$10.2M in STP and \$1.3M in Local funds	\$11,466,000	42.4%
ALA130001	Fremont	Kato Rd Complete Sts - Warren Ave to Milmont Dr	Delete this project as it will not move forward as a federal project at this time. Project will be added back to the TIP if federal funding is identified.	-\$14,382,300	-100.0%
ALA170043	Oakland	Oakland - 14th Street Safe Routes in the City	Update the funding plan to reprogram CON from FY23 to FY22 to reflect obligation	\$0	0.0%
ALA210031	Metropolitan Transportation Commission (MTC)	Regional Planning Activities and PPM - Alameda	Update the funding plan to add \$600K in FY23 STP and \$2.6M in FY24 STP and reprogram \$4.9M in STP from FY24 to FY22 to reflect obligation	\$3,200,000	50.3%
CC-170035	Antioch	Antioch - L Street Pathway to Transit	Update the project description to reflect a change in the scope of the project	\$0	0.0%
SCL210029	Metropolitan Transportation Commission (MTC)	Regional Planning Activities and PPM - Santa Clara	Update funding plan to add \$600K in FY23 STP and \$4.7M in FY24 STP and reprogram \$5.3M in STP from FY24 to FY22 to reflect obligation	\$5,293,000	74.0%
SCL230202	Santa Clara (City)	De La Cruz/Lick Mill/Scott Blvds Bicycle Lanes	Amend a new exempt project into the TIP with \$2.7M in Community Project Funding and \$351K in Local funds	\$3,051,000	~%
SF-210004	Metropolitan Transportation Commission (MTC)	Regional Planning Activities and PPM - SF County	Update funding plan to add \$370K in FY23 STP and \$2.2M in FY24 STP and reprogram \$3.6M in STP from FY24 to FY22 to reflect obligation	\$2,570,000	57.0%
SM-210002	Redwood City	Roosevelt Ave Quick-build Traffic Calming	Update the funding plan to reprogram \$755K in STP from FY23 to FY22 to reflect obligation	\$0	0.0%
SM-210005	San Mateo County	Broadmoor Safe Routes to School Ped Impvts	Update the funding plan to reprogram \$1.4M in STP from FY23 to FY22 to reflect obligation	\$0	0.0%
SM-210013	Metropolitan Transportation Commission (MTC)	Regional Planning Activities and PPM - San Mateo	Updated funding plan to add \$645K in FY23 STP and \$2M in FY24 STP and reprogram \$3.45M in STP from FY24 to FY22 to reflect obligation	\$2,645,000	56.2%
SOL170011	Benicia	Benicia - Park Road Improvements	Update the funding plan to reprogram CON from FY23 to FY22 to reflect obligation	\$0	0.0%
SOL210008	Metropolitan Transportation Commission (MTC)	Regional Planning Activities and PPM - Solano	Update funding plan to add \$190K in FY23 STP and \$4M in FY24 STP and reprogram \$3.45M in STP from FY24 to FY22 to reflect obligation	\$4,234,000	103.6%
SON170023	Santa Rosa	Santa Rosa Pavement Rehab of Various Streets	Update the funding plan to reprogram CON from FY23 to FY22 to reflect obligation	\$0	0.0%
SON210003	Healdsburg	Healdsburg Electric Bike Share	Update the funding plan to reprogram \$250K in STP and \$40K in Local funds from FY23 to FY22 to reflect obligation	\$0	0.0%
SON210004	Rohnert Park	Rohnert Park Pedestrian Safety Improvements	Update the funding plan to reprogram CON from FY23 to FY22 to reflect obligation	\$0	0.0%

**TIP Revision Summary
2023-02**

Attachment 1

TIP ID	Sponsor	Project Name	Description of Change	Funding Change (\$)	Funding Change (%)
SON210005	Sebastopol	SR 116 and Bodega Ave Pedestrian Improvements	Update the description of the project and update the funding plan to remove \$252K in FY23 CON Local and reprogram CON from FY23 to FY22 to reflect obligation	-\$252,230	-28.1%
SON210007	Metropolitan Transportation Commission (MTC)	Regional Planning Activities and PPM - Sonoma	Updated funding plan to add \$245K in FY23 STP and \$2.2M in FY24 STP and reprogram \$3.45M in STP from FY24 to FY22 to reflect obligation	\$2,474,000	59.4%
System: Public Land Trail					
ALA230007	Alameda County Transportation Commission (ACTC)	East Bay Greenway Multimodal (Phase 1)	Update the funding plan to add \$11K in FY26 CON Repurposed Earmark funds	\$10,921	0.0%
REG210201	Metropolitan Transportation Commission (MTC)	Priority Conservation Area Grant Implementation	Carry project forward from the 2021 TIP	\$0	0.0%
REG230201	Metropolitan Transportation Commission (MTC)	Bay Trail Planning and Technical Assistance	Amend new exempt project into the TIP with \$1.75M in STP. Toll credits will be used in lieu of match	\$1,750,000	~%
System: Region					
REG230202	Metropolitan Transportation Commission (MTC)	Regional Mapping and Wayfinding	Amend a new exempt project into the TIP with \$3.6M in CMAQ. Toll credits will be used in lieu of match.	\$3,600,000	~%
REG230203	Metropolitan Transportation Commission (MTC)	Regional ITS Architecture	Amend a new exempt project into the TIP with \$2M in STP. Toll credits will be used in lieu of match.	\$2,000,000	~%
System: State Highway					
SCL230201	Santa Clara Valley Transportation Authority (VTA)	US 101/SR 25/Santa Teresa Boulevard Extension	Amend a new non-exempt, not regionally significant project into the TIP with \$2M in Repurposed Earmark funds and \$30M in Sales Tax	\$32,182,816	~%
SM-110003	South San Francisco	US 101/Produce Avenue Interchange Improvements	Update the project description to better reflect the scope of the project	\$0	0.0%
SM-170016	South San Francisco	SSF Grand Boulevard Complete Streets (Phase III)	Update the funding plan to reprogram CON from FY23 to FY22 to reflect obligation and change the source for \$2.1M in CON from STP to CMAQ	\$0	0.0%
System: Transit					
ALA170048	Altamont Commuter Express (ACE)	ACE Fixed Guideway (Capitalized Maintenance)	Update the funding plan to add \$1.9M in FY23 5337 and \$474K in FY23 Local funds	\$2,371,075	23.6%
ALA210030	Bay Area Rapid Transit District (BART)	Macarthur Station Mobility Hub Improvements	Update the funding plan to reprogram \$750K in CMAQ and \$97K in Local from FY23 to FY22 to reflect obligation	\$0	0.0%
ALA230201	Alameda Contra Costa Transit District (AC Transit)	AC Transit Hydrogen Fueling Infrastructure	Amend a new exempt project into the TIP with \$5.6M in 5307 and \$1.4M in Local funds	\$6,947,243	~%

**TIP Revision Summary
2023-02**

Attachment 1

TIP ID	Sponsor	Project Name	Description of Change	Funding Change (\$)	Funding Change (%)
ALA230202	Livermore Amador Valley Transit (LAVTA)	LAVTA and CCCTA Hydrogen Fueling Stations	Amend a new exempt project into the TIP with \$13M in Other Federal (HIP) funds and \$1.7M in Local funds	\$14,890,433	~%
CC-210012	Contra Costa Transportation Authority (CCTA)	East Bay Integrated Transit Plan	Update the funding plan to add \$1M in FY23 TIRCP and \$1M in FY23 Sales Tax	\$2,000,000	400.0%
SM-210008	South San Francisco	South San Francisco East of 101 Transit Expansion	Update the funding plan to reprogram CON from FY23 to FY22 to reflect obligation	\$0	0.0%
SOL030002	Fairfield	Fairfield/Vacaville Hannigan Station Improvements	Update the funding plan to reprogram \$1.9M in STP from FY23 to FY22 to reflect obligation	\$0	0.0%
SOL210006	Solano Transportation Authority (STA)	Solano Connected Mobility Implementation Plan	Update the funding plan to reprogram \$500K in STP and \$100K in STA from FY23 to FY22 to reflect obligation	\$0	0.0%
VAR210006	Metropolitan Transportation Commission (MTC)	Technical Assistance Mobility Hub Pilot Program	Update the funding plan to reprogram \$150K in STP from FY23 to FY22 to reflect obligation	\$0	0.0%
Total Funding Change:				\$86,050,958	

TIP Revision Summary

	Federal	State	Regional	Local	Total	2023 TIP Only
Current:	\$94,780,229	\$23,421,623	\$41,700,126	\$355,253,787	\$515,155,765	\$74,538,139
Proposed:	\$158,127,069	\$24,421,623	\$41,700,126	\$376,957,905	\$601,206,723	\$91,120,488
Delta:	\$63,346,840	\$1,000,000	\$0	\$21,704,118	\$86,050,958	\$16,582,349

Date: September 28, 2022
W.I.: 1512
Referred by: PAC
Revised: 12/21/22-C

ABSTRACT

Resolution No. 4545, Revised

This resolution adopts the 2023 Transportation Improvement Program (TIP) for the San Francisco Bay Area. Supporting documents as listed in Attachment A.

Subsequent revisions are listed below and described further in Attachment B to this resolution.

Further discussion of the 2023 TIP adoption and subsequent revisions is contained in the Programming & Allocations Committee summary sheets dated September 14, 2022 and December, 14, 2022.

2023 TIP Revisions

Revision #	Revision Type	# of Projects	Net Funding Change (\$)	MTC Approval Date	Final Approval Date
2023-01	Admin. Mod.	Pending	Pending	Pending	Pending
2023-02	Amendment	35	\$86,051,248	12/21/2022	Pending
Net Funding Change		35	\$86,051,248		
Absolute Funding Change			\$86,051,248		

Date: September 28, 2022
W.I.: 1512
Referred by: PAC

Re: Adoption of the 2023 Transportation Improvement Program (TIP)

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 4545

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code Section 66500 et seq.; and

WHEREAS, MTC is the federally designated Metropolitan Planning Organization (MPO), pursuant to Section 134(d) of Title 23 of the United States Code (USC) for the nine-county San Francisco Bay Area region (the region); and

WHEREAS, Title 23 Code of Federal Regulations Part 450 (23 CFR §450) requires the region to carry out a continuing, cooperative and comprehensive transportation planning process as a condition to the receipt of federal assistance to develop and update at least every four years, a Transportation Improvement Program (TIP) consisting of a comprehensive listing of transportation projects that receive federal funds or that are subject to a federally required action, or that are regionally significant; and

WHEREAS, Section 65074 of the California Government Code requires all state MPOs to update their TIPs concurrently every even year; and

WHEREAS, the TIP must be consistent with the Regional Transportation Plan (RTP) adopted pursuant to Government Code Section 66508, the State Implementation Plan (SIP) as required by the federal Clean Air Act (42 U.S.C. Section 7401 et seq.); and the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757, Revised), which establish the Air Quality Conformity Procedures for MTC's TIP and RTP; and

WHEREAS, federal regulations (23 CFR §450.326(k)) require that the TIP be financially constrained, by year, to reasonable estimates of available federal and state transportation funds; and

WHEREAS, federal regulations (23 CFR §450.326) require that the TIP be designed such that once implemented, it makes progress toward achieving the performance targets established under §450.306(d) and that the TIP shall include, to the maximum extent practicable, a description of the anticipated effect of the TIP toward achieving the performance targets identified in the metropolitan transportation plan, linking investment priorities to those performance targets; and

WHEREAS, federal regulations (23 CFR §450.316) require that the MPO develop and use a documented public participation plan that defines a process for providing citizens, affected public agencies and interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process; and

WHEREAS, federal regulations (23 CFR §450.332(a)) allow MTC to move projects between years in the first four years of the TIP without a TIP amendment, if Expedited Project Selection Procedures (EPSP) are adopted to ensure such shifts are consistent with the required year by year financial constraints; and

WHEREAS, MTC, the State, and public transportation operators within the region have developed and implemented EPSP for the federal TIP as required by Federal Regulations (23 CFR 450.332(a)) and Section 134 of Title 23 United States Code (USC §134), as outlined in Attachment A to this Resolution, and MTC Resolution 3606, Revised; and

WHEREAS, MTC has found in MTC Resolution No. 4544 that the 2023 TIP, as set forth in this resolution, conforms to the applicable provisions of the SIP for the San Francisco Bay Area; and

WHEREAS, the San Francisco Bay Area air basin was designated by U.S. Environmental Protection Agency as nonattainment for the fine particulate matter (PM_{2.5}) standard in December 2009, and MTC must demonstrate conformance to this standard through an interim emissions test until a PM_{2.5} SIP is approved by the federal Environmental Protection Agency (U.S. EPA); now, therefore be it

RESOLVED, that MTC adopts the 2023 TIP, attached hereto as Attachment A and incorporated herein as though set forth at length; and be it further

RESOLVED, that MTC has developed the 2023 TIP in cooperation with the Bay Area County Transportation Agencies, transit operators, the Bay Area Air Quality Management District (BAAQMD), the California Department of Transportation (Caltrans), and other partner agencies and interested stakeholders, and in consultation with the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and U.S. EPA; and, be it further

RESOLVED, that the 2023 TIP was developed in accordance with the region's Public Participation Plan and consultation process (MTC Resolution No. 4174, Revised) as required by Federal Regulations (23 CFR §450.316); and, be it further

RESOLVED, that the projects and programs included in the 2023 TIP, attached hereto as Attachment A to this resolution, and incorporated herein as though set forth at length, are consistent with the RTP; and, be it further

RESOLVED, that the 2023 TIP is financially constrained, by year, to reasonable estimates of available federal, state, and local transportation funds; and, be it further

RESOLVED, that the 2023 TIP makes progress toward achieving the performance targets established under §450.306(d); and, be it further

RESOLVED, that MTC approves the EPSP developed by MTC, the State, and public transportation operators within the region for the federal TIP as required by federal regulations (23 CFR 450.332(a)) and Section 134 of Title 23 United States Code (USC §134), as outlined in Attachment A to this Resolution, and MTC Resolution 3606, Revised; and, be it further

RESOLVED, that MTC will support, where appropriate, efforts by project sponsors to obtain letters of no prejudice or full funding agreements from FTA for projects contained in the transit element of the TIP; and, be it further

RESOLVED, that the public participation process conducted for the 2023 TIP satisfies the public involvement requirements of the FTA annual Program of Projects; and, be it further

RESOLVED, that the adoption of the TIP shall not constitute MTC's review or approval of those projects included in the TIP pursuant to Government Code Sections 66518 and 66520, or provisions in federal regulations (49 CFR Part 17) regarding Intergovernmental Review of Federal Programs; and, be it further

RESOLVED, that MTC's review of projects contained in the TIP was accomplished in accordance with procedures and guidelines set forth in the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757, Revised); and, be it further

RESOLVED, that MTC finds that the 2023 TIP conforms to the applicable provisions of the State Implementation Plan (SIP) and the applicable transportation conformity budgets in the SIP approved for the national 8-hour ozone standard and to the emissions test for the national fine particulate matter standard (MTC Resolution No. 4544); and, be it further

RESOLVED, that the projects and programs included in the 2023 TIP do not interfere with the timely implementation of the traffic control measures (TCMs) contained in the SIP; and, be it further

RESOLVED, that MTC finds all regionally significant capacity-increasing projects included in the 2023 TIP are consistent with Plan Bay Area 2050 (the Regional Transportation Plan including the Sustainable Communities Strategy for the San Francisco Bay Area) and, be it further

RESOLVED, that revisions to the 2023 TIP as set forth in Attachment B to this resolution and incorporated herein as though set forth at length, shall be made in accordance with rules and procedures established in the public participation plan and in MTC Resolution No. 4545, and that MTC's review of projects revised in the TIP shall be accomplished in accordance with procedures and guidelines set forth in the San Francisco Bay Area Transportation Air Quality Conformity Protocol (MTC Resolution 3757, Revised) and as otherwise adopted by MTC; and, be it further

RESOLVED, that staff have the authority to make technical corrections, and the Executive Director and Deputy Executive Directors have signature authority to approve administrative modifications for the TIP and Federal Statewide Transportation Improvement Program (FSTIP) under delegated authority by Caltrans, and to forward all required TIP amendments once approved by MTC to the appropriate state and federal agencies for review and approval; and, be it further

RESOLVED, that a copy of this resolution shall be made available upon request to FHWA, the FTA, U.S. EPA, Caltrans, the Association of Bay Area Governments (ABAG), and to such other agencies and local officials as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line extending to the right.

Alfredo Pedroza, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, on September 28, 2022.

Date: September 28, 2022
W.I.: 1512
Referred by: PAC

Attachment A
Resolution No. 4545
Page 1 of 1

2023 Transportation Improvement Program

The 2023 Transportation Improvement Program (TIP) for the San Francisco Bay Area, adopted September 28, 2022, is comprised of the following, incorporated herein as though set forth at length:

- A Guide to the 2023 TIP for the San Francisco Bay Area
- TIP Overview
- Expedited Project Selection Process
- TIP Revision Procedures
- Financial Capacity Assessments
- County Summaries
- Project Listings
- Appendices
- 2023 TIP Investment Analysis
- 2023 TIP Federal Performance Report

Date: September 28, 2022
W.I.: 1512
Referred by: PAC
Revised: 12/21/22-C

Attachment B
Resolution No. 4545
Page 1 of 1

Revisions to the 2023 Transportation Improvement Program

Revisions to the 2023 Transportation Improvement Program (TIP) will be included as they are approved.

Revision 2023-01 is a pending administrative modification.

Revision 2023-02 is an amendment that revises 35 projects with a net funding increase of approximately \$86 million. The revision was referred by the Programming and Allocations Committee on December 14, 2022, and approved by the MTC Commission on December 21, 2022. Caltrans approval is expected in January, and final federal approval is expected in February. Among other changes, this revision:

- Amends three new Surface Transportation Block Grant Program/Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funded projects into the TIP, carry's forward one existing STP funded project from the 2021 TIP, and updates the funding plans of 21 STP/CMAQ funded projects to reflect recent obligations and programming decisions;
- Amends one new project into the TIP and updates the funding plan of one existing project to reflect changes in the Transit Capital Priorities Program; and
- Adds three new projects to reflect awards of Community Project Funding grants, repurposed earmark funds, and other federal programs.

Changes made with this revision do not affect the air quality conformity finding or conflict with the financial constraint requirements.

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 22-1610 **Version:** 1 **Name:**
Type: Report **Status:** Commission Approval
File created: 10/3/2022 **In control:** Joint MTC ABAG Legislation Committee
On agenda: 12/9/2022 **Final action:**
Title: Proposed Final 2023 Joint Advocacy Program

Final 2023 Joint Advocacy Program for MTC and ABAG outlining the agencies' state and federal legislative priorities.

Sponsors:

Indexes:

Code sections:

Attachments: [12ai 22-1610 Summary Sheet Final 2023 MTC and ABAG Joint Advocacy Program.pdf](#)
[12aii 22-1610 Attachment A Updated Final 2023 MTC and ABAG Joint Advocacy Program.pdf](#)
[4ai 22-1610 Summary Sheet Final 2023 MTC and ABAG Joint Advocacy Program.pdf](#)
[4aii 22-1610 Attachment A Final 2023 MTC and ABAG Joint Advocacy Program.pdf](#)

Date	Ver.	Action By	Action	Result
12/9/2022	1	Joint MTC ABAG Legislation Committee		

Subject:

Proposed Final 2023 Joint Advocacy Program

Final 2023 Joint Advocacy Program for MTC and ABAG outlining the agencies' state and federal legislative priorities.

Presenter:

Georgia Gann Dohrmann

Recommended Action:

ABAG Executive Board Approval
MTC Commission Approval

Attachments:

**Metropolitan Transportation Commission and Association of Bay Area Governments
Joint MTC ABAG Legislation Committee**

December 9, 2022

Agenda Item 4a

Proposed Final 2023 Joint Advocacy Program

Subject:

Final 2023 Joint Advocacy Program for MTC and ABAG outlining the agencies' state and federal legislative priorities.

Overview

Attachment A is the proposed Final 2023 Joint Advocacy Program, which incorporates adjustments based on the Committee's feedback last month as well as feedback from partner agency staff and other stakeholders. Text changes are shown in italics and strikeout. Changes include:

- Addition of transit operations advocacy to the federal program to complement advocacy efforts in Sacramento. (See Federal Item 1B, p. 9)
- New federal advocacy item related to ensuring the Bay Area Toll Authority (BATA) and other Build America Bond issuers continue to receive federal subsidy payments, which are at risk of being eliminated beginning in 2023. (See Federal Item 1C, p. 10)
- Revise state advocacy item related to regional transportation revenue measure preparation to indicate the intention to "develop" such legislation with target for enactment in 2024 versus "explore."
- Expansion of the description of the Bay Area Housing Finance Authority (BAHFA) clean-up bill, including specifying that the bill should authorize BAHFA to purchase land and/or buildings where it will advance established objectives to produce and preserve affordable housing. (See State Item 3A, p. 4)
- Addition of a provision recommending support for legislation to enable the State Department of Housing and Community Development the option to provide an extension to the deadline for certifying a local jurisdiction's housing element if it determines the extension is justified. (See State Item 5B, p. 7)

- Clarification in the item description that enhancing customer communication is a key aim of state advocacy item 6B related to toll agency operations. (See State Item 6B, p.8)
- Clarification that supporting local governments in meeting state housing goals is an overarching objective within the Joint Advocacy Program’s state housing advocacy priorities. (See State Items 3A, p. 4 and 5A, p. 6)
- Revise state advocacy item related to supporting a range of strategies to help localities meet housing goals to “support” (vs. “explore”) legislation that would reduce the upfront subsidy local governments or other funding partners must invest in affordable housing projects. (See State Item 5B, p. 7)

Outreach to Date

In addition to seeking feedback from the Joint Legislation Committee last month, the draft advocacy program was presented to MTC’s Policy Advisory Council, MTC’s Partnership Legislative Committee comprised of staff in Bay Area transportation agencies and other advocacy organizations involved in transportation policy, housing partners from around the region and legislative staff from the Bay Area’s delegation in Sacramento for feedback. Additionally, in developing advocacy priorities staff conferred with Bay Area regional agency partners, regional transportation planning agencies from across the state, and state and national transportation and housing groups.

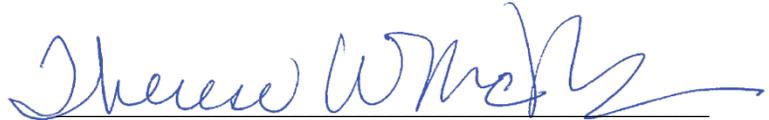
A wide range of stakeholders, including members of the Policy Advisory Council, conveyed that transit operating assistance should be a top priority this year, which is reflected in the final advocacy program. Housing partners voiced BAHFA clean up legislation, statewide ballot measure advocacy, and federal Low Income Housing Tax Credit (LIHTC) reform as top state and federal priorities. A revision was made to the Brown Act reform recommendations to clarify that the item aims to expand flexibility for participation from advisory board members (in addition to MTC/ABAG board members), based on comments from the Policy Advisory Council (State Item 10, page 10).

Recommendation:

Staff recommends this committee refer the final 2023 MTC ABAG Joint Advocacy Program to the ABAG Executive Board and the Commission for approval.

Attachments:

- Attachment A: Final 2023 Joint Advocacy Program



Therese W. McMillan



2023 ~~FINAL DRAFT~~ ADVOCACY PROGRAM

Note: This is an updated version of the 2023 Draft Advocacy program presented at the November Joint Legislation Committee. Text additions are displayed in *italics* and text removals are indicated with ~~strikethroughs~~.

State Advocacy Objectives and Goals

1. **Transportation Funding:** Advocate for resources to support the implementation of Plan Bay Area 2050, including funding for operating and maintaining the transportation network, transit modernization and expansion, equitable mobility improvements, decarbonizing the transportation system, and improving the resilience of our transportation network.

Transportation Funding Items	Goals
A. Transit Operations and Ridership Recovery	Pursue a unified statewide advocacy strategy for new ongoing (multi-year) state funding to address transit operators’ fiscal cliffs as well as other improvements needed to attract riders back to transit, including investments to improve the customer experience and address workforce shortages. Partner with the region’s transit operators, the California Transit Association, and other state and regional partners to develop and implement the strategy. Explore a range of revenue sources, including the General Fund and Greenhouse Gas Reduction Fund (funded by Cap and Trade). Support legislative proposals to extend Cap and Trade beyond 2030. Consistent with 2A, advocate for inclusion of funding to support timely implementation of the Transit Transformation Action Plan adopted by the Blue Ribbon Transit Recovery Task Force and MTC.
B. Transit, Rail and Port Investments Committed in 2022 Transportation Package	Advocate for General Fund investments at levels consistent with commitments in the \$10.8 billion multi-year, multimodal transportation package that was approved in the fiscal year (FY) 2022-23 state budget and pursue provisions that ensure the Bay Area’s priorities are addressed in FY 2023-24 budget bill.

Transportation Funding Items, cont.	Goals
C. Zero-emission Transit Fleets	Building on <u>Executive Order N-79-20</u> , support additional funding to help transit operators transition bus, ferry and rail fleets to zero emission vehicles, accelerating the decarbonization of the transportation system and supporting the implementation of the Innovative Clean Transit rule and zero-emission ferry and rail regulations. Specifically, seek up to \$1.25 billion for zero-emission vehicle investments in the FY 2023-24 budget, consistent with the level identified in AB 211 (2022), part of the multiyear climate commitment in the 2022-23 budget. Ensure zero-emission transit vehicles and infrastructure are eligible uses of the public transit funds referenced in 1B.
D. Regional Transportation Revenue Measure Preparation	Convene key Bay Area stakeholders and engage with the Bay Area delegation to <i>develop</i> explore state authorizing legislation for a future regional <i>transportation</i> revenue measure, with a target of legislative approval in 2024. Central to the discussion will be developing consensus around the purpose/goals of the measure, expenditure plan priorities and potential sources of new revenue. A key consideration will be the interplay between a request for state “bridge” funding to address the impending transit operations’ fiscal cliffs and a future regional measure. Engage with the public to inform <i>contents of enabling legislation</i> for a future regional <i>transportation</i> revenue measure discussions .
E. Tolling Authorization Clarification	Support legislation to clarify the California Transportation Commission’s (CTC) authority to authorize conversion of existing roadways to toll roads and toll discounts for low-income motorists. Specifically, work with partners to advocate for modest near-term clarifications and monitor statewide Road Usage Charge Technical Advisory Committee recommendations; advocate to hold off pursuing broader roadway pricing policy changes until after the completion of MTC’s <u>Next Generation Bay Area Freeways</u> study.
F. Equitable Access to Opportunity/ Equity Priority Communities	Support broadening eligibility requirements in existing and/or new transportation funding streams to enable their use as a subsidy for low-income transportation system users (e.g., discounted fares for public transportation or shared mobility services). Ensure that legislation aimed at incorporating equity considerations into funding distribution does not rely exclusively on communities defined by the state’s CalEnviroScreen method, which disproportionately excludes the Bay Area low-income communities relative to other parts of the state.

2. **Public Transit:** Support policies aimed at ensuring public transit is an affordable, reliable, safe and convenient transportation option that is provided equitably and accessibly.

Public Transit Items	Goals
A. Transit Transformation Action Plan Implementation	Support policies and funding that will help advance the goals of the Transit Transformation Action Plan adopted by the Blue Ribbon Recovery Task Force and MTC and explore opportunities for legislative or administrative changes to remove barriers to transit priority implementation.
B. Commuter Benefits	In partnership with the Bay Area Air Quality Management District, explore opportunities to secure updates to the state parking cash out program to further incentivize transit commuting in the Bay Area. Building on AB 2206 (Lee, 2022), which closed a compliance loophole and thus expanded the reach of the parking cash out program, consider updates that would provide employers subject to the state program the option to either offer a cash out at the full value of the parking spot or a transit subsidy (i.e., a transit pass or transit benefit subsidy) at an amount lower than the cash out value.
C. Transportation Development Act (TDA) Performance Standards Update and State Transit Assistance (STA) Revenue Calculations	<p>Continue to engage in California Transit Association-led efforts to explore a new approach to Transportation Development Act (TDA) performance measures. Support focus on incentivizing transit agencies to pursue actions aimed at increasing ridership versus measures focused on efficiency.</p> <p>As a stop gap measure, support efforts to extend through FY 2024-25 statutory relief for TDA farebox requirements and explore continuation of a “hold harmless” provision for calculation and allocation of State Transit Assistance (STA) revenue-based funds.</p>

3. **Bay Area Housing Finance Authority (BAHFA):** Advocate for policies that *enable* ~~empower~~ BAFHA to efficiently and effectively support Bay Area cities and counties *in investing in solutions to addressing* the Bay Area’s chronic housing affordability challenges. Maximize the affordable housing production, preservation and protection resources BAHFA can deliver to Bay Area jurisdictions.

BAHFA Items	Goals
<p>A. Update BAHFA Authorizing Legislation (AB 1487, Chiu, 2019)</p>	<p>Sponsor BAHFA “clean up” legislation to address unintended statutory limitations on BAHFA’s ability to effectively finance affordable housing and support preservation and protection in the Bay Area. Since standing up the new authority and beginning work on the BAHFA Business Plan, staff have identified the following statutory changes as needed in advance of a 2024 regional revenue measure to maximize BAHFA’s financing potential, <i>including</i>:</p> <ul style="list-style-type: none"> • Clarify that BAHFA’s lending authority includes the ability to issue bonds and other indebtedness backed by rent payments. • Conform BAHFA’s powers and duties to the California Constitution. This will enable BAHFA to fund tenant protection programs with bond proceeds if voters approve an amendment to the state’s constitution, as contemplated by a potential statewide ballot measure in 2024. • Ensure that implementation of any commercial linkage fee allows for coverage of administrative expenses. • <i>Authorize the purchase of real property and use it to advance the agency’s established objectives.</i> • Other minor technical changes.
<p>B. Support BAHFA Pilots</p>	<p>Monitor legislation impacting BAHFA pilot programs and, if opportunities arise, support policies that enhance ongoing pilots, both operationally and financially. If legislation is introduced related to a statewide rental application portal, ensure it complements BAHFA’s Doorway program.</p>

BAHFA Items, cont.	Goals
C. Regional Housing Revenue Measure Preparations	Coordinate with key Bay Area stakeholders regarding placement of a regional housing measure on the November 2024 ballot, in accordance with BAHFA/ABAG board direction.
D. Lower the Vote Threshold for Regional and Local Affordable Housing Bonds	Engage in regional and statewide efforts to pursue a statewide ballot measure in November 2024 to amend California’s State Constitution to enable local and regional affordable housing bonds to be approved by a simple majority. This modification would greatly increase the likelihood of passage for a 2024 regional housing bond pursuant to AB 1487 (Chiu, 2019), as well as local affordable housing bonds. Collaborate with partners to explore the merits of pursuing ballot placement via legislative authorization versus solely via the initiative process.

4. **Sustainable and Equitable Mobility:** Consistent with SB 375 (Steinberg, 2008) and California’s Climate Action Plan for Transportation Infrastructure (CAPTI), support policies aimed at reducing vehicle miles traveled and associated greenhouse gas emissions (GHGs) and traffic congestion. Advocate for policies and funding tools that support regions in implementing state mandated sustainable communities strategies (e.g., Plan Bay Area 2050).

Sustainable and Equitable Mobility Items	Goals
A. SB 375 Implementation	Advocate for policies and funding tools that support regions in implementing state-mandated sustainable communities strategies (SCS), including, but not limited to, support for travel demand management tools, support for enforcement tools including automated speed enforcement (see 6A), and aligning state programs to support high-impact GHG-reduction projects.
B. SB 375 Reform	While continuing to support ambitious regional GHG reduction targets, continue to engage in legislative activity related to revisions to the now 14-year-old law, SB 375 (Steinberg, 2008). Pursue changes to incentivize near-term, real-world progress on GHG emission reduction over the current approach, which places too great an emphasis on long-term modeling, and seek changes to provide greater alignment, rather than competition, between regional and state GHG reduction strategies.

5. **Housing Production, Preservation and Protection (“3 Ps”)**: Improve access to opportunity *and support local governments in meeting housing goals* by supporting policies aimed at increasing production of housing and increasing funding to produce and preserve affordable housing and associated infrastructure to help build complete communities. Protect tenants and low-income communities from unjust evictions and displacement.

3Ps Housing Items	Goals
<p>A. Housing, Homelessness and Community Development Funding</p>	<p>In partnership with regional and statewide organizations, seek state funding for <i>local</i> affordable housing production, preservation, and prevention and other supportive infrastructure. Support FY 2023-24 state budget investments at levels that meet or exceed the multi-year commitments in the FY 2022-23 budget for affordable housing production – including investments in the state Low Income Housing Tax Credit (LIHTC) program and the Housing Accelerator and Multifamily Housing Programs to advance state-supported housing projects into production and to tee up the next round of affordable housing developments – as well as in infill infrastructure and <i>local</i> homelessness assistance programs. Additionally, support the following new investments:</p> <ul style="list-style-type: none"> a) Creating the Community Anti-Displacement and Preservation Program (CAPP), for which BAHFA would be eligible. b) Support legislation modeled after ACA 14 (Wicks, 2022) which would have dedicated five percent of general fund revenues to housing and homelessness programs for 10 years. The bill would have explicitly protected existing constitutional commitments, including funding for schools and the Rainy Day Fund.

3Ps Housing Items, Cont.	Goals
<p>B. Bay Area Regional Housing Needs Allocation</p>	<p>Support a range of strategies to help <i>localities</i> meet the Bay Area’s Regional Housing Need Allocation (RHNA) goals, including proposals <i>to support ongoing housing element planning efforts and</i> to drive down the cost of affordable housing development and accelerate housing production. Specific goals include:</p> <ul style="list-style-type: none"> • <i>Support efforts to provide local jurisdictions with greater flexibility on housing element deadlines to avoid application of the so-called “Builder’s Remedy,” whether by providing for a “grace period,” providing the State Department of Housing and Community Development the option to extend deadlines if it determines that the extension is justified, or other means.</i> • <i>With regional and statewide partners, support explore legislation to provide upfront savings on affordable housing projects by revising the welfare tax exemption from a rebate to an upfront savings. This could reduce the amount of upfront subsidy local governments and other funding partners must provide for affordable housing projects. to affordable housing developers as it relates to applications for welfare tax exemptions. Currently, affordable housing developers must pay first and then receive a rebate wait approximately one to two years before receiving a rebate.</i>
<p>C. Low Income Housing Tax Credits</p>	<p>Explore options to support California’s low-income housing tax credits (LIHTC) program in reflecting the intersecting (and sometimes competing) state goals related to climate and equity, including ensuring that the program supports housing production near high-quality transit and affordable housing production and preservation across income categories.</p>

6. **Transportation System Safety and Effectiveness:** Advocate for policies that improve transportation system safety for all road users and the effectiveness and service delivery of the Bay Area’s transportation system, including improved compliance with traffic laws while protecting users’ privacy. Expand the ability of transportation agencies to communicate with their customers to provide relevant transportation-related information and quality service while following industry best practices with regard to enabling customers to opt-in to receive non-essential communications.

Transportation System Safety and Effectiveness Items	Goals
A. Zero traffic fatalities goal (Vision Zero)	Building on the recommendations of the Zero Traffic Fatalities Task Force, support legislation aimed at achieving the Vision Zero goals of no roadway-related deaths or serious injuries by improving safety for all road users, including through continuing to support authorization of automated speed enforcement technology to enforce speed limits.
B. <i>Toll Agency Operations and Customer Communication</i> Toll Bridge and Toll Road Operations	Monitor legislation related to toll operations to protect the independence of toll agency operations. <u>Develop and sponsor legislation (for introduction and enactment in 2024) Seek opportunities to that would</u> expand the ability of toll agencies to communicate with their customers about mobility options in the corridor, including public transit (e.g., allow communication about Clipper START in FasTrak® communications as strategy to encourage mode shift to transit) and generally improve customer communications.
C. High-Occupancy Vehicle Lanes (HOV) and Express Lanes Performance	Oppose legislation that could impede the operation and/or performance of HOV or express lanes. Support legislation that could authorize the piloting of technology to enforce vehicle passenger occupancy requirements and other strategies to improve performance of the lanes.

7. **Climate, Resilience and Environment:** Support funding and policy strategies to help achieve and better coordinate state and regional climate goals, advance energy efficiency and improve the Bay Area’s resilience to natural hazards and the impacts of climate change, including earthquakes, sea level rise and fire. Support proposals for funding to improve the health of the San Francisco Estuary.

Climate, Resilience and Environment Items	Goals
A. Climate Adaptation Planning and Implementation Funding	<p>Pursue funding for regional and local climate adaptation funding in the FY 2023-24 state budget, including at least \$75 million for regional planning and implementation through the Integrated Climate Adaptation and Resiliency grant program, \$150 million for the State Coastal Conservancy (SCC) for protection and restoration, including for San Francisco Bay restoration and the SCC Climate Ready program, and another \$97 million for the Climate Ready program. These funding amounts are consistent with the FY 2023-24 funding level specified in SB 155 (2021), the 2021 multi-year climate adaptation trailer bill, and AB 211 (2022), a component of the 2022 multi-year climate commitment.</p> <p>Additionally support ongoing investment in the new state and local Transportation Infrastructure Climate Adaptation Programs established in SB 198 (2022).</p>
B. Seismic Safety	<p>Support policies and funding to enhance seismic safety and earthquake preparedness in the Bay Area, including through advocating for \$250 million in the FY 2023-24 budget for soft story retrofits of multifamily homes, consistent with the 2022-23 budget agreement.</p>

8. **Transportation Project Delivery:** Monitor legislation related to transportation project delivery and support strategies to speed up the delivery of transportation projects and at a lower cost, including expanding flexibility in contracting and public private partnerships.
9. **Transportation Innovation and Shared Mobility:** Engage in regulatory and legislative efforts to facilitate the deployment of new mobility technologies to accelerate their safety, accessibility, mobility, environmental, equity and economic benefits, including opportunities to increase access to transit and reduce the share of single-occupancy vehicle (SOV) trips.

10. **Brown Act Reforms:** Monitor and support legislation to provide long-term flexibility for regional and multijurisdictional agencies to conduct their business remotely outside of emergency conditions as a means of increasing board member, *advisory council* and public participation while also reducing the time and expenses associated with travel, vehicle miles traveled and the greenhouse gas and other tailpipe emissions from driving.

Federal Advocacy Objectives and Goals

1. **Transportation and Housing Funding:** Support robust federal investment in Bay Area transportation and housing infrastructure.

Transportation and Housing Funding Items	Goals
<p>A. MTC’s Bay Area Infrastructure Grants Strategy: Maximize Bay Area Funds from Bipartisan Infrastructure Law (BIL) Discretionary Transportation Grants</p>	<p>Consistent with MTC’s Bay Area Infrastructure Grant Strategy and the Major Project Advancement Policy, engage with the U.S. Department of Transportation and the Bay Area Congressional Delegation during Bipartisan Infrastructure Law (BIL) grant development to advocate for program policies and funding eligibilities that enhance Bay Area competitiveness. Coordinate with regional, state and federal partners to unify support for “regional target” grants behind regional BIL priority projects and advocate for grant awards for projects consistent with the regional grants strategy.</p> <p>Regarding Capital Investment Grants (CIG), continue to pursue sufficient annual appropriations to meet the funding needs of Bay Area projects with existing full funding grant agreements (FFGA) and to secure FFGAs for the Bay Area’s next generation of transit projects.</p> <p>Additionally, update the Bay Area Infrastructure Grants Strategy as needed, including to reflect the priorities outlined in the upcoming Bay Area Regional Zero Emission Bus Transition Strategy.</p>
<p>B. <i>Explore Federal Support for Transit Operations and Ridership Recovery</i></p>	<p><i>In coordination with transit leaders across the country, explore a federal transit recovery assistance program to complement the state transit assistance advocacy described in 1A. Recovery assistance funds should be distributed based on demonstrated need and with the expectation that they will be matched with commensurate new state or local revenues. Like the Bay Area, transit operators in big cities across the state are discussing new revenue streams with their state and local leaders, but given the projected financial challenges, a federal backstop may become necessary.</i></p>

Transportation and Housing Funding Items, cont.	Goals
C. BATA and Build America Bonds	<p><i>Advocate for Congress to maintain Build America Bonds (BABs) subsidy payments to BATA and other bond issuers, which are at risk of being eliminated. BABs – created in 2009 under the American Reinvestment and Recovery Act – are similar to other government issued municipal bonds, but instead of the interest being tax exempt, the bond issuer receives a credit payment from the U.S. Department of Treasury. BATA and thousands of state and local agencies around the country issued BABs and depend on the annual credit payment to balance budgets. However, mandatory spending cuts triggered by federal “pay as you go” rules could reduce BABs payments to zero, beginning in 2023. With partners around the country, support Congressional action to exempt from mandatory spending cuts BABs credit payments to issuers, including BATA.</i></p>
D. Low Income Housing Tax Credits	<p>Support efforts to modify and expand the federal Low Income Housing Tax Credit (LIHTC) Program, California’s largest source of federal funding for affordable housing construction and rehabilitation. Prioritize policy changes to increase California’s LIHTC financing capacity, including lowering the LIHTC bond financing threshold to 25 percent from 50 percent. Under current law, California’s LIHTC allocations are effectively capped by the federal rule requiring 50 percent of construction costs be funded from a state’s limited allocation of private activity bonds (PABs). Demand for PABs in California significantly exceeds supply. Lowering the required “state match” for bond-financed LIHTCs could unlock tens of thousands of new affordable units in California that are ready to go but awaiting federal tax credits.</p>
E. Transportation Appropriations (FY 2023 and FY 2024)	<p>Partner with local, regional and statewide transportation agencies as well as national stakeholders to ensure that Congress funds highway and transit formula programs consistent with levels authorized by the surface transportation law. Support robust CIG funding, consistent with 1A, and prioritize BIL grant augmentations for programs that support Plan Bay Area 2050 implementation - including investments in transit, rail, complete streets, state of good repair and innovative mobility options.</p>

Transportation and Housing Funding Items, cont.	Goals
F. Housing and Community Development Appropriations (FY 2023 and FY 2024)	Support regional, state and national partners in advocating for increased federal investment in affordable housing and homelessness programs, including Section 8 Housing Choice vouchers, HOME Investment Partnership Program (HOME), Community Development Block Grant Program (CDBG) and McKinney-Vento Homelessness Assistance programs. Pursue new policies and resources within the Department of Housing and Urban Development (HUD) that support regional approaches to housing, consistent with <i>IH 4F</i> .
G. Transit Transformation Action Plan Implementation	Seek opportunities to accelerate the Transit Transformation Action Plan early action items—namely transit fare integration, mapping and wayfinding, real time data and transit priority – by advocating that those activities are eligible for existing and new funding programs.
H. Bay Area Housing Finance Authority (BAHFA)	Lead efforts to enable BAHFA to compete for HUD discretionary grant funding to expand resources available to BAHFA for affordable housing and/or homelessness prevention projects. Seek to include regional planning agencies as eligible recipients of new HUD discretionary grants proposed in the reconciliation bill and, in the case that the bill is enacted, work with HUD on grant development.
I. PEPRAs: Preserve Bay Area Transit Operator Access to Federal Transit Grants	Support efforts spearheaded by the California Transit Association to monitor ongoing issue that Bay Area federal transit grants may be withheld because of a 2021 U.S. Department of Labor interpretation that state pension law known as “PEPRA” may impede federally guaranteed transit union collective bargaining rights. If necessary, seek a legislative solution.

2. **Surface Transportation Authorization Implementation:** Continue to work with the U.S. Department of Transportation to ensure the new surface transportation law – enacted as part of the 2021 Bipartisan Infrastructure Law – is implemented consistent with our reauthorization and Plan Bay Area 2050 priorities.

3. **Climate, Resilience and Environment:** Advocate for a strong federal partner in the Bay Area’s efforts to improve air quality, reduce greenhouse gas (GHG) emissions, and make our communities and transportation networks resilient to a changing climate, especially in communities of concern that are most vulnerable to the impacts of climate change.

Climate, Resilience and Environment Items	Goals
A. Climate Change Mitigation	Seek opportunities to support the federal government in taking bold action to reduce greenhouse gas emissions and limit the magnitude of the climate crisis. Consistent with 1B and 1C, support investments in transit, rail, complete streets, smart growth and other sustainable infrastructure investments in federal spending bills. Additionally, defend investments in the 2022 Inflation Reduction Act and 2021 BIL that accelerate the deployment of zero-emission infrastructure and technologies.
B. Disaster Mitigation and Resilience	Seek opportunities to secure resources for the Bay Area to invest in disaster mitigation and resilience, including investing in strategically placed green and grey infrastructure to protect our communities and residents that are most vulnerable to the adverse effects of climate change. Support a strong regional role in disaster mitigation and resilience planning. Support policies to break down federal silos and encourage coordination of federal resources to support communities and regions in comprehensively addressing a climate threat.
C. San Francisco Estuary	Monitor National Estuary Partnership program funding and defend investments in the 2021 BIL that increase resources for the health and resilience of the San Francisco Estuary.

4. **Transportation Innovation and Shared Mobility:** Support policies that enable technological innovations to improve mobility, including connected and automated vehicle (CV/AV) deployment, shared mobility and mobility on demand, while protecting the public’s interest.