

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

**September 9, 2022**

**Agenda Item 3a**

**MTC/ABAG Priority Bill Update**

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**Subject:**

Status update of 2022 state legislation on which MTC and/or ABAG adopted a position.

**Overview:**

The 2022 state legislative session is drawing to a close, with the California legislature adjourning on August 31 and a September 31 deadline for Governor Newsom to sign or veto bills. Though the state budget was a particularly large focus area in Sacramento this year, MTC and ABAG took positions on a range of transportation, housing, climate and local government bills which are categorized by topic below. Staff will provide a verbal update on any important changes at your September committee meeting and a full report out on your 2022 MTC/ABAG Joint Advocacy Program in October.

***Bay Area Transit and Tolling Bills***

MTC was heavily engaged this session on two Bay Area-specific transportation bills: SB 917 (Becker), which would have implemented several Blue Ribbon Transit Recovery Task Force recommendations related to coordinating and integrating the Bay Area's multi-agency transit network, and SB 1050 (Dodd), which would have established tolls on the North Bay's State Route 37 to help pay for both near-term and long-term mobility, resiliency, and ecological enhancements along the corridor. Unfortunately, both bills were held in the Assembly Appropriations Committee under suspense.

MTC also devoted considerable energy this year to negotiating the final language included in Assemblymember Ting's toll penalty reform bill, AB 2594. MTC endorsed the final version, and the bill awaits the Governor's signature. The bill is aligned with and builds upon the Bay Area Toll Authority's (BATA) efforts to reduce the financial burden of toll penalties and provide low-income motorists with a payment plan option. Assemblymember Ting worked closely with MTC/BATA and statewide partners throughout the legislative process to help ensure the bill balanced the need for BATA and other toll operators to be responsible stewards of toll facilities and toll funded projects while centering equity into what happens when tolls aren't paid.

Encouragingly, the MTC-supported SB 942 (Newman) has reached the Governor's desk. SB 942 would strengthen the long-term viability of free or reduced fare transit ridership programs by permitting such programs to use Low Carbon Transportation Operations Program (LCTOP) revenues on a regular basis. This has the potential to support ClipperSTART and, depending on the bill's implementation, the Bay Area's ongoing "fare integration" efforts.

***Federal Bipartisan Infrastructure Law Implementation***

MTC this year sponsored SB 1049 (Dodd), which would have created a new state transportation climate adaptation program. The new 2021 federal Bipartisan Infrastructure Law (BIL) for the first time allowed federal funds to be spent on transportation resilience and SB 1049 sought to ensure some of these new federal resources were dedicated to high-priority resilience projects. While SB 1049 did not advance as the Legislature chose to address BIL implementation through the state budget, many of its provisions were incorporated into the transportation budget trailer bill, AB 198. The bill established new local and state transportation climate adaptation programs and provided them with an initial \$400 million. In line with SB 1049's proposed approach, the programs may fund both planning and projects to protect high-priority vulnerable transportation assets.

MTC also supported AB 2120 (Ward), which would have ensured a fair local-state split of California's new BIL-authorized bridge formula funding. Importantly, it also kept the option open for BATA-operated state-owned toll bridges to receive a share of the state's bridge funding. These topics were ultimately negotiated favorably through an Administration-led working group so the bill did not advance.

***Sustainable Communities Strategies and Transportation Safety***

This year Assembly Transportation Committee Chair Friedman introduced several bills aimed at reforming SB 375 (Steinberg, 2008) including AB 2237, which, as introduced, would have created a new framework for metropolitan planning organizations (MPOs) to prioritize transportation investments and empowered California Air Resources Board (ARB) with project-level veto authority over MPO-funded transportation projects. MTC took an "oppose unless amended" position on the bill and worked closely with the committee and other stakeholders to identify impactful and feasible statutory changes that would support our shared aim of

supporting regions in meeting the greenhouse gas reduction goals in our Sustainable Communities Strategies (SCS, or Plan Bay Area 2050 in the Bay Area). The bill was held in the Senate Transportation Committee to provide more time for the Legislature and stakeholders to develop a path forward in this policy area; We expect SB 375 reform conversations to continue this fall.

MTC supported AB 2236, jointly authorized by Chair Friedman and Assemblymember Ting, which would have authorized speed safety camera pilot projects in several cities in the Bay Area and throughout the state and was aligned with Plan Bay Area 2050's goal to advance a Regional Vision Zero policy. Unfortunately, the bill was held in the Assembly Appropriations Committee, the third time in three legislative sessions that a speed safety bill has been defeated in Sacramento.

### ***Transportation Project Delivery***

MTC also supported two transportation project delivery bills awaiting the Governor's signature: SB 922 (Wiener) and AB 2805 (Bauer-Kahan). SB 922 would extend to 2030 the current statutory sunset date for legislation passed several years ago—SB 288 (Wiener, 2020), also supported by MTC—that exempts certain transit, bicycle and pedestrian projects from California Environmental Quality Act (CEQA), helping to expedite sustainable transportation investments that advance the state's climate, safety and health goals. AB 2805 would strengthen an important conservation and project delivery tool, the regional conservation investment strategy (RCIS) program.

### ***Affordable Housing***

MTC and ABAG both adopted a "support if amended" position on AB 2011 (Wicks), which would streamline certain affordable housing developments in underutilized commercial zones. As of the writing of this memo, the bill is awaiting the Governor's signature. AB 2011 was amended in June to reflect ABAG and MTC's recommendation to integrate into the bill the planning work local governments have already undertaken to accommodate infill residential development along commercial corridors; Local governments would continue to have the option to determine *where* within the commercial corridors residential development should be allowed. Unfortunately, our two remaining amendment requests were not incorporated into the bill. They

included requests to: 1) tailor project streamlining to jurisdictions where housing acceleration is most needed and 2) ensure local governments receive housing element “credit” for planned residential development in commercial areas. Of note, another bill aiming to support housing production in underutilized zones, SB 6 (Caballero), is also awaiting the Governor’s signature. AB 2094 (Rivas), which ABAG supports, awaits the Governor’s signature. The bill would address the lack of statewide information about housing production that’s affordable to extremely low-income (ELI) households by requiring jurisdictions to report ELI housing production in their annual housing element progress reports. Better data would help inform state policy for allocating resources aimed at improving housing securing for ELI households.

***Regional Climate Planning***

MTC and ABAG supported AB 1640 (Ward), which would have created a legislative framework for regional climate adaptation planning, establishing regional climate networks and authorizing such networks to develop regional climate adaptation and resilience plans. The bill was held in the Senate Appropriations Committee. Accordingly, key decisions on this subject currently reside with the Governor’s Office of Planning and Research which oversees the Regional Resilience Planning & Implementation Grant Program originally established in the FY 2021-22 State Budget and has received \$150 million to date.

***Brown Act Reform***

ABAG and MTC supported AB 1944 (Lee), which would have addressed major barriers to teleconferencing in the Brown Act and sought an amendment to require local agencies to renew their findings regarding the necessity of remote meetings at “the next regularly scheduled meeting,” instead of the current “every 30-day” requirement, which has required an inordinate number of meetings simply to “renew” the option to meet remotely. However, AB 1944 was held in committee. AB 2449 (Rubio), which awaits the Governor’s signature, makes very minor adjustments to the Brown Act which will enable remote participation without disclosure of the meeting location but only if at least a quorum of the agency’s membership is attending in person.

**Recommendation:**

Information

**Issues:**

None identified.

**Attachments:**

None

A handwritten signature in blue ink, reading "Therese W. McMillan", written over a horizontal line. The signature is cursive and includes a long horizontal flourish extending to the right.

Therese W. McMillan