

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

**January 10, 2020**

**Agenda Item 7a**

**Tom Bulger's Report**

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**Subject:** December 2019 Report from Washington, D.C. advocate.

**Recommendation:** Information

**Attachments:** Attachment A: Tom Bulger's Report – December 2019



Therese W. McMillan

## December 2019 Monthly Washington, D.C. Report



**To:** Therese W. McMillian, Executive Director

**From:** Tom Bulger, President GRI

**Date:** December 19, 2019

**RE:** Monthly Report for December 2019

- **Surface Transportation Block Grant Coalition**
- **Federal Legislative Update**
  - **Fiscal Year 2020 Appropriations Bill and Tax Extenders**
  - **Consumer Privacy Bills**
- **2020 MTC Washington, D.C. Trip**
- **Coming and Going**
- **Meetings**

## **Surface Transportation Block Grant Coalition**

On November 17, 2019, the Surface Transportation Block Grant (STBG) Coalition again met at the National Association of Counties offices. All the local government groups attended along with dozens of local and regional Washington, D.C. representatives, including me. The coalition agreed to an end-of-the-year deadline for drafting their strawman proposal to increase STBG funding in the upcoming surface transportation reauthorization.

## **Federal Legislative Update**

### **Fiscal Year 2020 Appropriations Bill and Tax Extenders**

With just one day to spare, Congress on December 19, 2019 passed a massive \$1.4 trillion spending package, averting a government shutdown and finalizing federal spending levels for the 2020 fiscal year. The omnibus package also included a host of tax measures, including a \$1 billion allocation of 9% Low Income Housing Tax Credits (LIHTC) to California to address disaster-related housing needs and, related to transportation, the repeal of a 2017 tax bill provision that penalized non-profits offering transit benefits by newly making commuter benefits and other employee fringe benefits taxable. The President is expected to sign the bills this week.

The Department of Transportation funding is set at \$86 billion, a \$325 million decrease from FY 2019. More than half of these resources are directed to highway and transit formula programs, which, for the third year in a row, received increases above FAST Act authorized levels. Highways received a \$2.2 billion increase and transit received \$510 million above authorized levels. The Bay Area can expect to see an increase of approximately \$15 million in highway and transit funding above what was budgeted based on the FAST Act. The Capital Investment Grant Program is funded at \$2 billion, with \$100 million reserved for Caltrain's Peninsula Corridor Electrification Project, consistent with Caltrain's full funding grant agreement (FFGA). The bill reserves \$100 million for BART Silicon Valley Phase 2, which anticipates an FFGA later in 2020 through the Expedited Project Delivery pilot program, and an additional \$100 million for an unnamed core capacity project. BART Transbay Core Capacity is one of two core capacity projects awaiting an FFGA. Additionally, the BUILD program—previously named "TIGER"—is funded at \$1 billion with a mandatory 50-50 urban-rural split.

The Department of Housing and Urban Development funding is set at \$56.5 billion, an increase of \$4.9 billion above FY 2019. The bill includes \$44.9 billion for rental assistance and public housing, \$3.4 billion for the Community Development Block Grant program, \$1.4 billion for the HOME Investment Partnership program and \$2.8 billion for homeless assistance programs.

## **Consumer Privacy Bills**

Late last month, two members of the Senate Commerce Committee, the committee with jurisdiction over consumer privacy issues, unveiled dueling online privacy proposals. Senator Cantwell's (D-WA) Consumer Online Privacy Act (S. 2969) would create a new right to data security that would require companies to regularly assess security vulnerabilities and take preventive and corrective actions to

protect consumer data, create new standards for collecting and sharing sensitive data such as biometric data and geolocation data, empower the Federal Communications Commission (FCC) with new enforcement powers, and create a private right of action for consumers. The bill would preempt California's consumer privacy laws only to the extent that the federal law offers a greater or equal level of consumer protection. In contrast, Senator Wicker's (R-MS) widely-circulated discussion draft of the United States Consumer Data Privacy Act of 2019 would preempt California's privacy law in totality and does not have a private right of action provision. These Senate proposals follow Congresswoman Eshoo's (D-CA) introduction in early November of H.R. 4978, the Online Privacy Act, which would require companies to disclose why they need to collect and process data, minimize employee and contractor access to user data, and prohibit companies from using private communications like email to target ads or "other invasive purposes," among other provisions.

### **2020 MTC Washington, D.C. Trip**

I have secured the House Transportation and Infrastructure Committee room for our annual Congressional Reception on March 31, 2020. Last year the Committee room was under renovation and we held the event in the Gold Room, a smaller space.

### **Coming and Going**

David Napoliello has left the House Transportation and Infrastructure Committee (Majority). He previously was a staff member of the Senate Environment and Public Works Committee.

### **Meetings**

- Numerous meetings with the Majority staff of the House Transportation and Infrastructure Committee and our three Transportation and Infrastructure Committee members concerning securing the Committee room for our annual Congressional Reception in March 2020.
- On December 19<sup>th</sup>, I participated in a U.S. Department of Transportation Talking Freight International Urban Freight Conference Presentation, assessing the Impacts of e-Commerce.