

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

December 11, 2020

Agenda Item 4a

Proposed Final 2021 Joint Advocacy Program

- Subject:** Proposed Final 2021 Joint Advocacy Program for MTC and ABAG, expressing the agencies' state and federal legislative priorities.
- Overview:** Attachment A is the proposed Final 2021 Joint Advocacy Program, which incorporates some adjustments based on the Committee's feedback last month as well as feedback from partner agency staff and other stakeholders. Modifications incorporated as a result of the Committee's feedback include:
- Addition of references to support for additional state and federal funding for the San Francisco Estuary.
 - Modifications to Item 3B related to housing production to clarify the intent to authorize housing as a permitted use in *certain* commercial zones, including office parks and major commercial corridors (i.e. not all commercial areas) and further clarity that such uses would still be subject to local approval, but would not require zoning modifications, a costly and lengthy process. Finally, clarify support for accelerating *locally-proposed* zoning changes that accommodate increased housing production near jobs-rich, high-quality transit and high-resource areas.
- The draft advocacy program has been shared with ABAG's Regional Planning Committee via email and presented it to MTC's Policy Advisory Council for feedback. No comments have been received by RPC members. The Policy Advisory Council was generally supportive, though several members expressed concerns about including California Environmental Quality Act (CEQA) Streamlining in our priorities, a longstanding goal that seeks to accelerate the region's priorities while still safeguarding the environment.
- An additional meeting is planned with Bay Area legislative staff as well as a second meeting with staff from regional agencies across the state to share our respective advocacy programs and identify opportunities for collaboration. As such, further refinements to the final document may be presented at your meeting.
- We look forward to hearing further input and finalizing our Joint Advocacy Program for forwarding to the ABAG Executive Board and the Commission this month.
- Issues:** None identified.
- Recommendation:** Staff recommends the proposed MTC/ ABAG 2020 Advocacy Program be forwarded to the ABAG Executive Board and MTC Commission for approval.
- Attachments:** Attachment A: Proposed Final 2021 Joint Advocacy Program


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State Advocacy Goals and Objectives

Note: While the wording has been updated on most items from our 2020 Advocacy Program, the most substantive changes are shaded. Underlined or strikethrough sections represent proposed changes relative to the draft document presented in November.

1. Transportation Funding: Defend existing transportation revenue sources and secure new revenue to assist in the implementation of Plan Bay Area 2050 priorities. In the absence of sufficient federal support, secure new funding and increased flexibility to expend existing funds to aid the region’s public transit operators struggling with the loss of transit ridership and revenue due to COVID-19.

A. Transit operating funding	In partnership with the region’s transit operators and the California Transit Association, seek state assistance to provide emergency transit operating funding to prevent mass layoffs and major reductions in transit service if Congress fails to provide sufficient funding in a timely manner.
B. Regional transportation revenue ballot measure	Engage in any renewed efforts that emerge to authorize a regional transportation revenue measure, including exploring opportunities for such a measure to be placed on through voter initiative within the nine-counties. Advocate for provisions that are consistent with Plan Bay Area 2050 and recommendations emerging from the Blue Ribbon Transit Recovery Task Force, including advancing a more seamless regional transit system and a more resilient transportation system overall. Ensure the expenditure plan is developed in an inclusive manner that provides for meaningful input by a broad array of stakeholders and helps advance social equity across the Bay Area.
C. Reduce Caltrans Administrative Overhead Charges to MTC and the BATA	Expand to MTC and the Bay Area Toll Authority (BATA) cost-savings provisions that were incorporated into the FY 2020-21 State Budget with respect to local agencies in order to reduce BATA administrative costs and free up funding for key bridge maintenance and other priorities.

<p>D. Zero-emission bus mandate <u>and proposed ferry regulations</u></p>	<p>Building on Executive Order N-79-20, seek additional dedicated funding to help transit operators convert their bus fleets to zero-emission in order to meet the state’s Innovative Clean Transit rule and accelerate the decarbonization of the transportation system. <u>Monitor and engage in efforts to ensure proposed regulations to reduce emissions from high-speed passenger ferries are designed in a manner that is feasible and ensures no disruption in ferry operations.</u></p>
<p>E. Equitable access to transportation and supporting infrastructure</p>	<p>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), consistent with performance measure updates outlined in 2A. Support efforts to expand access to broadband for low-income households who might not otherwise have the option to work remotely. Ensure that legislation aimed at benefiting disadvantaged communities use a definition that includes low-income communities and 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.</p>
<p>F. Active Transportation: Regional trails and bicycle/pedestrian infrastructure improvements</p>	<p>Monitor and support opportunities for additional funding for active transportation, including enhanced active transportation access and safety improvements on existing roadways (i.e. “complete streets”) as well as funding for regional trails, such as the San Francisco Bay Trail, the Bay Area Ridge Trail, and the Great California Delta Trail.</p>
<p>2. Public Transit: Support policies aimed at ensuring public transit is an affordable, reliable and convenient transportation option.</p>	
<p>A. Transportation Development Act (TDA) performance standards update</p>	<p>Continue to participate in the TDA Reform Task Force convened by the California Transit Association to explore updates to the TDA’s (Transportation Development Act) eligibility requirements. In an era of emergent on-demand transportation options and dwindling transit ridership, alternative performance measures that are focused on incentivizing actions that improve transit service and increase ridership are appropriate and would be more consistent with state and regional climate and equity goals than efficiency-based measures. Ensure discount fares aimed at boosting ridership and improving social equity do not</p>

	result in reduced state funding. Pursue relief from TDA audits during the current economic downturn.
B. Blue Ribbon Transit Recovery Task Force Recommendations	Support legislation emerging from the recommendations of the Blue-Ribbon Transit Recovery Task Force. Seek to ensure the implementation of initiatives aimed at: 1) getting transit out of traffic; 2) making the transit rider experience more seamless and convenient; and 3) where appropriate, governance changes expected to improve transit service by eliminating the friction and/or redundancy caused by existing transit agency service area boundaries.
3. Housing: Improve access to opportunity 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.	
A. Increase funding available for affordable housing and other supportive infrastructure while also reducing the cost of housing production.	Monitor and support efforts to provide additional state resources for housing and housing-supportive infrastructure, planning and services to ensure housing investments can be made in conjunction with improvements to parks/open space, and other resources to improve Bay Area resident's quality of life. <u>Support proposals to drive down the cost of affordable housing production.</u>
B. Pursue a range of strategies to help local jurisdictions produce the accommodate additional housing units assigned as part of the Regional Housing Needs Allocation (RHNA) process	Continue to support legislation to boost housing density near jobs-rich, and high-quality transit, <u>and high-resource</u> areas with reasonable local flexibility provided. Support proposals to authorize housing <u>as a permitted use</u> to be developed in <u>certain</u> commercial zones, such as shopping malls, <u>office parks</u> and <u>major commercial corridors</u> , <u>subject to local approval</u> , but without requiring zoning changes. Continue to support legislation to accelerate the production of new housing and the implementation of locally-proposed zoning changes that are needed to accommodate RHNA allocations and that focus new housing near <u>jobs-rich, high-quality transit and high-resource areas.</u>
C. Bay Area Housing Finance Authority Pilot Project Funding	Seek one-time funding of \$5 million from the FY 2021-22 State Budget to support Bay Area Housing Finance Authority pilot projects as a match to contributions sought from philanthropic and private-sector sources.
D. Homelessness Prevention	Support policies and funding proposals aimed at reducing and preventing homelessness in the Bay Area.

<p>4. Project Delivery: Support strategies to speed up the delivery of transportation and housing projects with the goal of delivering improvements faster and at a lower cost.</p>	
<p>A. Flexibility in Contracting & Public-Private Partnerships</p>	<p>Increase flexibility in contracting and public private partnerships. Support reforms to expedite project delivery. Increase flexibility in the Caltrans design review process and provide broad authority for the use of design-build and public-private partnerships by Caltrans and regional transportation agencies. Support policies that would authorize public agencies to partner with the private sector on public right of way to accelerate deployment of technology, such as fiber optic cable, necessary for connected vehicle deployment.</p>
<p>B. California Environmental Quality Act (CEQA)</p>	<p>Building on the success of SB 288 (Wiener), monitor and engage on legislation related to CEQA with the goal of accelerating transportation and housing development projects that are consistent with local and regional plans without diminishing environmental safeguards.</p>
<p>5. Congestion Relief: Support policies aimed at reducing vehicle miles traveled and associated traffic congestion, including, but not limited to, pricing strategies and employer-based programs to help reduce the share of commuting by single-occupant vehicles. Keep equity impacts in mind when evaluating any such pricing strategies.</p>	
<p>6. System Effectiveness: Advocate for policies that improve the Bay Area’s transportation system’s effectiveness and service delivery, including improved enforcement, minimization of fraud and litigation, and protection of user’s privacy. Ensure agencies can 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.</p>	
<p>A. Improve toll collection & enforcement</p>	<p>Support legislation affirming toll agencies’ ability to share information about toll transactions necessary for the seamless collection of tolls and toll penalties. Ensure the legislation retains existing privacy protections for customers, clarifies current law with respect to handling of personally identifiable information by toll agencies and their subcontractors, and more clearly defines toll agencies obligations with respect to delivery of toll violation notices.</p>
<p>B. Improve HOV and Express Lanes Performance</p>	<p>Support efforts to improve the performance of high-occupancy vehicle (HOV) and express lanes through enhanced enforcement of vehicle passenger occupancy requirements. Oppose legislation authorizing expanded access to HOV lanes by non-HOVs or further reduced toll rates for clean air vehicles or other vehicles to access express lanes.</p>

7. Mobility on Demand: Engage in regulatory and legislative efforts to facilitate the deployment of new mobility technologies with the goal of accelerating their safety, accessibility, mobility, environmental, equity, economic and workforce benefits, including opportunities to increase access to transit and reduce the share of single-occupancy vehicle trips. Advocate for increased access to critical travel pattern data by local, regional and state agencies for transportation and land use planning and operational purposes while ensuring privacy is protected.

8. Climate Change, Energy Efficiency, Resilience & Estuary Health: 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 increased funding to improve the health of the San Francisco Estuary.

A. SB 375 implementation and reform

In partnership with other metropolitan planning organizations and other stakeholders, explore potential updates to SB 375 (Steinberg, 2008) with the goal of focusing less on emission models and more on near term, ambitious but achievable actions that will reduce GHGs in partnership, rather than in competition, with the state.

Explore an expansion in the scope of the Sustainable Communities Strategy (SCS) to incorporate climate adaptation, as well as other important regional and statewide objectives, such as affirmatively furthering fair housing, social equity, public health and economic development.

Support legislation to increase the availability of funding at the regional level to help *implement* the SCS, as well as policy tools, such as roadway pricing, to reduce single-occupancy vehicle travel in a manner that ensures equitable policy outcomes.

As part of SB 375 reform proposals, seek alignment of the timelines for the development of the SCS in the Bay Area-Sacramento-San Joaquin Valley megaregion to ensure coordination on forecasting assumptions, strategies, and investments to improve the movement of people and goods.

B. Electrifying the passenger vehicle fleet

Consistent with ~~the Plan Bay Area 2050 Blueprint~~ and the state’s transportation electrification goals, support proposals to accelerate the purchase of zero-emission passenger and light-duty vehicles. ~~enact a feebate program that establishes higher registration fees on higher emission vehicles to help fund rebates for cleaner vehicles.~~ Support provisions to mitigate the regressive impact of such fees on lower income households.

C. State Route 37 improvements	Support legislation in collaboration with Caltrans and the four north bay counties of Marin, Napa, Solano and Sonoma to authorize tolls on State Route 37 to help fund interim congestion relief and the long-term multi-modal reconstruction and resilience of the roadway.
D. Increase the Bay Area’s preparedness for a major earthquake	Monitor and support legislation aimed at improving the region’s seismic preparedness.
E. Wildfire mitigation	Monitor and support legislation aimed at protecting current and future Bay Area residents from wildfire risk.
F. Climate adaptation	<p>Seek state funding for regions and localities to invest in <u>planning</u>, projects and programs that will improve the Bay Area’s resilience to the impacts of climate change, including fire and sea level rise.</p> <p>Ensure that statewide climate adaptation legislation: 1) complements and builds upon existing local and regional agency capacity and local and regional planning processes and 2) uses the nine-county Bay Area as the geography for <i>regional</i> climate adaptation planning. As in Item 2C, advocate that any funding geared towards disadvantaged communities use a definition that includes low-income communities and households rather than relying exclusively on the state’s CalEnviroScreen method.</p>
9. Safety: Improve transportation system safety for all users	
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 non-motorists. In particular, support modifying the state’s 85 th percentile methodology for determining speed limits to provide greater flexibility to local agencies and continue to support authorization of automated speed enforcement technology to enforce speed limits.
B. Passenger rail safety	Support efforts to increase passenger rail safety through increased funding for positive train control and other strategies to reduce risk.

<p>10. Governance: Brown Act Reforms</p>	<p>Monitor and engage in legislation, in coordination with other local agency associations and regional agencies, related to updating the Ralph M. Brown Act (Brown Act) to incorporate some of the increased flexibility provided for during COVID-19 into the long-term provisions of the Brown Act, particularly in relation to remote participation in meetings.</p>
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<p>Federal Advocacy Goals and Objectives</p>	
<p>1.-2. Transportation and Housing Funding: Support robust federal investment in Bay Area transportation and housing infrastructure</p>	
<p>A. D. COVID-19 Emergency Aid and Economic Recovery</p>	<p>Continue partnering with local, state, and national partners to advocate for federal aid to support state and local responses to the COVID-19 public health emergency, including advocating for state and local government funding, resources to backfill for lost transportation revenues, and emergency assistance to keep renters and homeowners housed. Support an economic recovery package that invests in sustainable transportation infrastructure, and affordable housing, <u>and climate adaptation</u>.</p>
<p>B. A. Fiscal Year 2022 transportation and housing programmatic appropriations</p>	<p>Partner with local, regional and statewide transportation agencies as well as national stakeholders to ensure that Congress funds highway, transit and rail programs at no less than FAST Act-authorized levels. If Congress proposes to increase appropriations above FAST Act-authorized levels, seek to maximize Bay Area funding in revenue allocations. Additionally, work to defend federal affordable housing funds and programs, such as Section 8 housing vouchers, the HOME Investment Partnership Program and the Community Development Block Grant Program.</p>
<p>C. B. Advocate for discretionary transportation grant awards, including Capital Investment Grant funding for Resolution 3434/ Plan Bay Area Projects</p>	<p>Work with regional, state and national partners to advocate for implementation of the Capital Investment Grant (CIG) Program as authorized by the FAST Act. Support federal appropriations consistent with the full funding grant agreements approved for the Caltrain Peninsula Corridor Electrification and BART Transbay Core Capacity projects. Seek to advance through the CIG process the Bay Area’s next generation of transit expansion projects, namely: BART to Silicon Valley Phase 2 and San Francisco Transbay Transit Center (Phase 2)/Downtown Extension (DTX). Support additional Bay Area transportation agency and transit operator efforts to secure discretionary funding for projects consistent with <i>Plan Bay Area 2050</i>.</p>
<p>D. C. Housing production</p>	<p>Support efforts to expand federal housing production tools, including the Low-Income Housing Tax Credit Program, California’s largest source of federal funding for new affordable housing.</p>

2.-1. Surface Transportation Reauthorization: Engage in national deliberations prioritizing the funding and policy framework for the next surface transportation bill

Work with our regional and national partners to support a long-term, fully funded transportation authorization that supports states and regions in achieving national goals related to infrastructure condition, safety, mobility, and air quality. Ensure that the next authorization bill retains discretion for MTC to invest funds in ways that further our region’s goals to improve equity, respond to a changing climate, and increase access to affordable, transit- and jobs-oriented housing. Also seek new resources to support climate adaptation and the deployment of new transportation technology to address the Bay Area’s mobility challenges.

Working with our statewide and national partners, advocate for modifications to current law to facilitate congestion pricing, including cordon pricing and express lanes, on the federal aid highway system.

MTC’s federal transportation advocacy efforts center around building on the progress made in the Fixing America’s Surface Transportation (FAST) Act, as follows:

1. **Raise New Revenues & Grow Existing Programs:** Raise revenues to restore Highway Trust Fund solvency and increase federal transportation investment. Grow core FAST Act-authorized surface transportation programs, which have proven effective in delivering essential funds to California and the Bay Area.
2. **FAST Act Updates:** Within the FAST Act framework, grow federal support for transit and regional mobility solutions, update transit programs to reward Bay Area best practices, and expedite project delivery without harming the environment.
3. **21st Century Challenges and Opportunities:** Establish the federal government as a strong partner in state and regional efforts to make transportation networks responsive to the changing climate and transformative transportation technologies. The next transportation bill should include significant new resources for metropolitan areas to invest in solutions to the myriad mobility and related challenges facing the Bay Area and metros nationwide.

<p>3. Climate Protection, Adaptation, Environmental Justice: 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. <u>Advocate for passage of legislation to improve the health of the San Francisco Estuary.</u></p>	
A. Climate change mitigation	Advocate for the federal government to take bold action to reduce GHG emissions and limit the magnitude of the climate crisis. Join with our statewide partners to support restoring California’s authority to enforce an aggressive clean vehicle mandate and preserving the air quality and climate change laws and regulations—including California’s successful Cap and Trade program—needed to meet the state’s ambitious target of reducing GHG emissions to 40 percent below 1990 levels by 2030.
B. Disaster mitigation and resilience	Seek 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.
C. San Francisco Bay <u>Estuary</u>	Advocate for passage of legislation to reauthorize the <u>National Estuary Program</u> and <u>increased funding</u> aimed at improving the health and resilience of the San Francisco Bay <u>Estuary</u> .
<p>4. Transportation Innovation and Shared Mobility: Support policies that enable technological innovations to improve mobility, including mobility on demand, while protecting the public’s interest.</p>	
A. Automated and Connected Vehicles	In partnership with Bay Area cities and counties, the business community, and state and national transportation organizations, engage in regulatory and legislative efforts related to facilitating the deployment of transformative transportation technologies with the goal of accelerating safety, mobility, environmental, equity and economic benefits associated with new mobility technologies, including application in the transit sector. With respect to connected vehicles and autonomous vehicles (CV/AV), continue to support policies that facilitate joint CV/AV deployment, including preservation of capacity in the 5.9 GHz spectrum band. Additionally, ensure strong federal vehicle safety standards while also preserving the ability of state and local agencies to continue to set policies governing the operation of vehicles on highways and local roads, regardless of whether they are driven autonomously or manually.

B. Shared Mobility

Advocate for federal legislative and regulatory updates that support shared mobility options such as bike-share, shared rides, carpooling, and shared scooters. Support expanding pre-tax transportation fringe benefit eligibility to include shared mobility options. This change would support the now-permanent Bay Area Commuter Benefits program by expanding federal tax incentives utilize alternatives to single occupancy travel to commute to work.