

Meeting Agenda

Joint MTC Legislation Committee and ABAG Legislation Committee

Friday, September 13, 2019

9:40 AM

Board Room - 1st Floor

This meeting shall consist of simultaneous teleconference call with respect to the ABAG Legislation Committee at the following location and will take place at 9:40 a.m. or immediately following the 9:35 a.m. Joint MTC Planning Committee with the ABAG Administrative Committee.

Call-In - Napa County Administration Building, 1195 Third Street, Suite 310, Napa, California, 94559

Webcast live on the following websites:

Association of Bay Area Government's Website: <https://abag.ca.gov/meetings>

Metropolitan Transportation Commission's Website: <http://mtc.ca.gov/whats-happening/meetings>

1. Roll Call / Confirm Quorum

Quorum: A quorum of the ABAG Legislation Committee shall be a majority of its regular voting members (5).

Quorum: A quorum of the MTC Legislation Committee shall be a majority of its regular voting members (4).

2. ABAG Legislation Committee Consent Calendar

- 2a. [19-0912](#) Approval of ABAG Legislation Committee Summary Minutes of the July 12, 2019 Meeting
- Action:** ABAG Legislation Committee Approval
- Attachments:** [2a LC 20190913 Item 02A Minutes 20190712.pdf](#)

3. MTC Legislation Committee Consent Calendar

- 3a. [19-0913](#) Approval of MTC Legislation Committee Minutes of the July 12, 2019 Meeting
- Action:** MTC Legislation Committee Approval
- Attachments:** [3a MTC LEGIS Minutes July 12 2019.pdf](#)
- 3b. [19-0946](#) SB 277 (Beall): Local Partnership Program
- Action:** Support / MTC Commission Approval
- Presenter:** Rebecca Long
- Attachments:** [3b SB 277.pdf](#)

- 3c. [19-0948](#) AB 1142 (Friedman): Transportation Planning and Transportation Network Companies
- Action:* Information
- Presenter:* Rebecca Long
- Attachments:* [3c_AB_1142.pdf](#)

4. State Legislation

- 4a. [19-0916](#) 2019 Legislative Update on Priority Bills
- Overview of the 2019 state legislative session, with a focus on bills for which MTC and ABAG have taken a position.
- Action:* Information
- Presenter:* Rebecca Long
- Attachments:* [4a_Legislative Update on Priority Bills.pdf](#)
[4a_HANDOUT—2019 Legislative Update on Priority Bills.pdf](#)

5. Federal Legislation

- 5a. [19-0947](#) Federal Surface Transportation Bill Update
- Status update regarding the reauthorization of the federal surface transportation law, including an overview of the five-year bill passed by the Senate Environment and Public Works Committee.
- Action:* Information
- Presenter:* Georgia Gann Dohrmann
- Attachments:* [5a_Federal Transportation Bill Update.pdf](#)
- 5b. [19-0917](#) Tom Bulger's Report
- Report from Washington, D.C. advocate.
- Action:* Information
- Presenter:* Randy Rentschler
- Attachments:* [5b_Tom Bulger's DC Report July and Aug 2019.pdf](#)

6. Public Comment / Other Business

7. Adjournment / Next Meeting

The next meeting of the MTC Legislation Committee will be Friday, October 11, 2019 9:40 a.m. the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.

Public Comment: The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee 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 Committee 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: Committee 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 Committee 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 Committee. Actions recommended by staff are subject to change by the Committee.

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 19-0912 **Version:** 1 **Name:**

Type: Minutes **Status:** Informational

File created: 7/31/2019 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee

On agenda: 9/13/2019 **Final action:**

Title: Approval of ABAG Legislation Committee Summary Minutes of the July 12, 2019 Meeting

Sponsors:

Indexes:

Code sections:

Attachments: [2a LC 20190913 Item 02A Minutes 20190712.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Approval of ABAG Legislation Committee Summary Minutes of the July 12, 2019 Meeting

Recommended Action:
ABAG Legislation Committee Approval

Attachments:



375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Minutes - Draft

ABAG Legislation Committee

Chair, Julie Pierce, Vice Mayor, City of Clayton
Vice Chair, Belia Ramos, Supervisor, County of Napa

Friday, July 12, 2019

9:40 AM

Board Room - 1st Floor

Association of Bay Area Governments Legislation Committee

Special Meeting

The ABAG Legislation Committee may act on any item on the agenda.
The ABAG Legislation Committee will meet jointly with the MTC Legislation Committee.

The meeting is scheduled to begin at 9:40 a.m.,
or immediately following the preceding committee meeting.
Agenda, roster, and webcast available at <https://abag.ca.gov>
For information, contact Clerk of the Board at (415) 820-7913.

Roster

Jesse Arreguin, David Cortese, Pat Eklund, Scott Haggerty, Dave Hudson, Karen Mitchoff,
Julie Pierce, David Rabbitt, Belia Ramos

1. Call to Order / Roll Call / Confirm Quorum

Chair Pierce called the meeting to order at about 11:00 a.m. Quorum was present.

Present: 7 - Arreguin, Cortese, Eklund, Hudson, Mitchoff, Pierce, and Ramos

Absent: 2 - Haggerty, and Rabbitt

2. ABAG Legislation Committee Consent Calendar

Upon the motion by Arreguin and second by Mitchoff, the ABAG Administrative Committee approved the Consent Calendar, including minutes of May 10, 2019 and May 16, 2019. The motion passed unanimously by the following vote:

Aye: 7 - Arreguin, Cortese, Eklund, Hudson, Mitchoff, Pierce, and Ramos

Absent: 2 - Haggerty, and Rabbitt

- 2.a. [19-0745](#) Approval of ABAG Legislation Committee Minutes of May 10, 2019 and May 16, 2019

3. MTC Legislation Committee Consent Calendar

The MTC Legislation Committee took action on this item.

- 3.a. [19-0717](#) Approval of MTC Legislation Committee Minutes of the June 14, 2019 Meeting
- 3.b. [19-0780](#) MTC Resolution No. 3931, Revised - Policy Advisory Council Appointment

4. Information

- 4.a. [19-0718](#) Legislative History

Detailed list of bills the Commission is tracking in Sacramento and Washington D.C., including those ABAG or MTC supports or opposes.
Randy Rentschler gave the report.
- 4.b. [19-0824](#) Summary of the FY 2019-20 State Budget Housing Trailer Bill (AB 101)

Governor Newsom signed the FY 2019-20 State Budget on June 27, the largest in state history at \$214.8 billion. The budget invests \$1.75 billion in the production and planning of new housing. Assembly Bill 101, the budget’s housing trailer bill, details many of the Governor’s plans for moving forward on housing in the state.
Randy Rentschler gave the report.
- 4.c. [19-0825](#) State Housing Legislative Update

Overview of the 2019 state housing landscape, including an update on MTC and ABAG priority housing protection, preservation, and production bills.
Randy Rentschler gave the report.

5. State Legislation

5.a. [19-0749](#) AB 1487 (Chiu): Bay Area Regional Housing Funding

This bill would authorize a regional housing funding measure for affordable housing production, preservation, and protection of tenants from displacement to be placed on the ballot in the Bay Area with funds administered by MTC and ABAG.

Randy Rentschler gave the report.

The following gave public comment: Geeta Rao, Enterprise Community Partners; J.R. Starrett, Nonprofit Housing Association of Northern California.

5.b. [19-0750](#) SB 330 (Skinner): Housing Crisis Act of 2019

SB 330 aims to accelerate new housing construction by speeding up project approvals; prohibiting downzoning in high-rent, low-vacancy areas; and providing project proponents with a higher degree of certainty as to the rules and standards that apply when submit a preliminary application for a housing development.

Randy Rentschler gave the report.

Mitchoff left the meeting.

Cortese left the meeting.

Eklund left the meeting.

The ABAG Legislation Committee did not take action on this item for lack of quorum.

The MTC Legislation Committee took action on this item.

5.c. [19-0752](#) AB 1486 (Ting): Surplus Lands Act Expansion and Revision

AB 1486 would revise the Surplus Lands Act (SLA) - the state law that requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of land no longer necessary for the agency's use.

Randy Rentschler gave the report.

The ABAG Legislation Committee did not take action on this item for lack of quorum.

The MTC Legislation Committee took action on this item.

6. Federal Legislation

Randy Rentschler gave the report.

6.a. [19-0833](#) Federal Fiscal Year 2020 Appropriations Update

Update on proposed federal transportation and housing funding levels for Fiscal Year (FY) 2020.

6.b. [19-0725](#) Tom Bulger's Report

Report from Washington, D.C. advocate.

7. Public Comment / Other Business

There was no public comment.

8. Adjournment / Next Meeting

Chair Pierce adjourned the meeting at about 12:33 p.m. The next special meeting of the ABAG Legislation Committee is on September 13, 2019.

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 19-0913 **Version:** 1 **Name:**

Type: Minutes **Status:** Consent

File created: 7/31/2019 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee

On agenda: 9/13/2019 **Final action:**

Title: Approval of MTC Legislation Committee Minutes of the July 12, 2019 Meeting

Sponsors:

Indexes:

Code sections:

Attachments: [3a MTC LEGIS Minutes July 12 2019.pdf](#)

Date	Ver.	Action By	Action	Result
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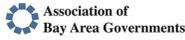
Subject:

Approval of MTC Legislation Committee Minutes of the July 12, 2019 Meeting

Recommended Action:

MTC Legislation Committee Approval

Attachments:



Meeting Minutes - Draft

Joint MTC Legislation Committee and ABAG Legislation Committee

Friday, July 12, 2019

9:40 AM

Board Room - 1st Floor

1. Roll Call / Confirm Quorum

Present: 8 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Commissioner Slocum, Commissioner Spring, Commission Vice Chair Pedroza and Commissioner Worth

Absent: 2 - Chair Mackenzie and Commissioner Rabbitt

Non-Voting Member Present: Commissioner Giacopini

Non-Voting Member Absent: Commissioner Stracner

Ex Officio Voting Members Present: Commission Vice Chair Pedroza

Ad Hoc Non-Voting Member Present: Commissioner Worth

ABAG Legislation Committee Members Present: Arreguin, Cortese, Eklund, Hudson, Mitchoff, Pierce, Rabbitt, and Ramos.

2. ABAG Legislation Committee Consent Calendar

2a. [19-0716](#) Approval of ABAG Legislation Committee Summary Minutes of the May 10, 2019 and May 16, 2019 Meetings

Action: ABAG Legislation Committee Approval

Attachments: [2ai_Legislation Minutes 20190510 Draft.pdf](#)

[2aii_Legislation Minutes 20190516 Draft.pdf](#)

3. MTC Legislation Committee Consent Calendar

Upon the motion by Commissioner Spering and second by Commissioner Halsted, the Consent Calendar was approved by the following vote:

Aye: 6 - Commissioner Connolly, Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Commissioner Slocum and Commissioner Spering

Absent: 2 - Chair Mackenzie and Commissioner Rabbitt

3a. [19-0717](#) Approval of MTC Legislation Committee Minutes of the June 14, 2019 Meeting

Action: MTC Legislation Committee Approval

Attachments: [3a MTC LEGIS Minutes June 14 2019.pdf](#)

This Minutes was approved.

3b. [19-0780](#) MTC Resolution No. 3931, Revised - Policy Advisory Council Appointment

Action: MTC Commission Approval

Presenter: Marti Paschal

Attachments: [6i Leg 3b Reso-3931 PolicyAdvisoryCouncil Appointment.pdf](#)

4. Information

4a. [19-0718](#) Legislative History

Detailed list of bills the Commission is tracking in Sacramento and Washington D.C., including those ABAG or MTC supports or opposes.

Action: Information

Presenter: Randy Rentschler

Attachments: [4a July LegisHistory State and Federal.pdf](#)

4b. [19-0824](#) Summary of the FY 2019-20 State Budget Housing Trailer Bill (AB 101)

Governor Newsom signed the FY 2019-20 State Budget on June 27, the largest in state history at \$214.8 billion. The budget invests \$1.75 billion in the production and planning of new housing. Assembly Bill 101, the budget's housing trailer bill, details many of the Governor's plans for moving forward on housing in the state.

Action: Information

Presenter: Randy Rentschler

Attachments: [4b_State Budget Housing Trailer Bill Summary.pdf](#)

4c. [19-0825](#) State Housing Legislative Update

Overview of the 2019 state housing landscape, including an update on MTC and ABAG priority housing protection, preservation, and production bills.

Action: Information

Presenter: Randy Rentschler

Attachments: [4c_State Housing Update.pdf](#)
[4c_Handout_State Housing Update_Attachment A_Housing Bill Matrix.pdf](#)

5. State Legislation

5a. [19-0721](#) AB 1487 (Chiu): Bay Area Regional Housing Funding

This bill would authorize a regional housing funding measure for affordable housing production, preservation, and protection of tenants from displacement to be placed on the ballot in the Bay Area with funds administered by MTC and ABAG.

Action: Information

Presenter: Randy Rentschler and Therese W. McMillan

Attachments: [8c HANDOUT AB 1487 Summary of Amends.pdf](#)

[8c HANDOUT Correspondence\(6\).pdf](#)

[8c AB 1487 \(Chiu\).pdf](#)

Geeta Rao of Enterprise Community Partners was called to speak.

J.R. Sterritt of Nonprofit Housing Association of Northern California was called to speak.

The Committee advanced AB 1487 (Chiu) to the Commission for consideration without a recommendation.

Commission Vice Chair Pedroza was deputized to act as ex-officio voting member of the Committee in the absence of a quorum as Commissioner Cortese & Commissioner Halsted departed during Agenda Item 5b.

5b. [19-0722](#) SB 330 (Skinner): Housing Crisis Act of 2019

SB 330 aims to accelerate new housing construction by speeding up project approvals; prohibiting downzoning in high-rent, low-vacancy areas; and providing project proponents with a higher degree of certainty as to the rules and standards that apply when submitting a preliminary application for a housing development.

Action: Support / MTC Commission Approval

Presenter: Georgia Gann Dohrmann

Attachments: [8a Leg 5b SB 330 \(Skinner\).pdf](#)

Upon the motion by Commissioner Spering and second by Commission Vice Chair Pedroza, a support position on SB 330 (Skinner) was adopted to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 5 - Commissioner Connolly, Vice Chair Liccardo, Commissioner Slocum, Commissioner Spering and Commission Vice Chair Pedroza

Absent: 4 - Commissioner Cortese, Commissioner Halsted, Chair Mackenzie and Commissioner Rabbitt

Commissioner Worth was deputized to act as ex-officio voting member of the Committee in the absence of a quorum as Committee Vice Chair Liccardo departed during Agenda Item 5c.

5c. [19-0724](#) AB 1486 (Ting): Surplus Lands Act Expansion and Revision

AB 1486 would revise the Surplus Lands Act (SLA) - the state law that requires local agencies to prioritize affordable housing, as well as parks and open space, when disposing of land no longer necessary for the agency's use.

Action: Support / MTC Commission Approval

Presenter: Georgia Gann Dohrmann

Attachments: [8b_Leg_5c_AB 1486 \(Ting\).pdf](#)

Upon the motion by Commissioner Sperring and second by Commissioner Connolly, a support position on AB 1486 (Ting) was adopted to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 5 - Commissioner Connolly, Commissioner Slocum, Commissioner Sperring, Commission Vice Chair Pedroza and Commissioner Worth

Absent: 5 - Commissioner Cortese, Commissioner Halsted, Vice Chair Liccardo, Chair Mackenzie and Commissioner Rabbitt

6. Federal Legislation

6a. [19-0833](#) Federal Fiscal Year 2020 Appropriations Update

Update on proposed federal transportation and housing funding levels for Fiscal Year (FY) 2020.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [6a_Federal FY 2020 Appropriations Update.pdf](#)

6b. [19-0725](#) Tom Bulger's Report

Report from Washington, D.C. advocate.

Action: Information

Presenter: Randy Rentschler

Attachments: [6b_Tom Bulger's DC Report_June_2019.pdf](#)

7. Public Comment / Other Business

8. Adjournment / Next Meeting

The next meeting of the MTC Legislation Committee will be Friday, September 13, 2019 at 9:40 a.m. the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 19-0946 **Version:** 1 **Name:**

Type: Senate Bill **Status:** Consent

File created: 8/15/2019 **In control:** Joint MTC Legislation Committee and ABAG
Legislation Committee

On agenda: 9/13/2019 **Final action:**

Title: SB 277 (Beall): Local Partnership Program

Sponsors:

Indexes:

Code sections:

Attachments: [3b SB 277.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
SB 277 (Beall): Local Partnership Program

Presenter:
Rebecca Long

Recommended Action:
Support / MTC Commission Approval

Attachments:

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

September 13, 2019

Agenda Item 3b

SB 277 (Beall): Local Partnership Program

Subject: SB 277 would modify the state Local Partnership Program (LPP) by increasing the portion of funds distributed via formula to 85 percent from the current 50 percent. The bill would reserve the remaining funds for a statewide competitive program limited to counties with a population below 750,000.

Background: The LPP is a \$200 million/year program established by Senate Bill 1 (Beall, 2017) with the purpose of rewarding self-help counties and other agencies with voter-approved funds dedicated to transportation purposes with additional state transportation funding. The program was modeled on a similar program established in Proposition 1B (2006). Under Prop 1B, 95 percent of the funds were distributed via a formula that incorporated both revenue and population factors. Most proponents of including the LPP in SB 1, including MTC, assumed that LPP would be similarly administered. However, in the absence of a formula spelled out in SB 1, the California Transportation Commission (CTC) chose to distribute 50 percent of the funds via a competitive grant program and 50 percent via a formula that is also based partly on revenue (to determine a North/South split) and then by population (to determine distribution within the northern and southern counties), similar to the one used by Proposition 1B. Given the numerous competitive programs established by SB 1, the vast majority of self-help counties and others eligible for LPP support expanding the share of the LPP distributed by *formula* so as to increase the amount of predictable funding they can rely upon as matching funds.

As of September 6, when this memo was finalized, SB 277 had passed the Assembly and was awaiting passage in the Senate.

Discussion: Senator Beall and Assemblymember Frazier, chairmen of the Senate and Assembly Transportation Committees, respectively, and the authors of SB 1, authored SB 277 as a compromise; it would reserve 15 percent for a statewide competitive program for smaller self-help counties (less than 750,000 in population), but increase the formula share to require the CTC to 85 percent. Although the Bay Area did quite well in the inaugural competitive grant cycle, SB 277 would increase the Bay Area's guaranteed formula funding by approximately \$19 million per year, or 80 percent, including \$3 million in additional funds to MTC (through BATA), \$13 million more to the region's self-help counties, and \$3 million in additional funds to BART, AC Transit and SMART.

At the request of Senator Beall, MTC communicated a position of support to the Assembly Appropriations Committee in mid-August, using the Commission's urgency procedures. We are now requesting the MTC Legislation Committee's support for that position, which will be forwarded to the Commission for final approval.

September 13, 2019

Page 2 of 2

Recommendation: MTC Support

Bill Positions: Support

Contra Costa Transportation Authority
Greater Riverside Chambers of Commerce
Napa Valley Transportation Authority
Orange County Transportation Authority
Riverside County Transportation Commission
San Bernardino Associated Governments
San Bernardino County Transportation Authority
San Francisco County Transportation Authority
Santa Clara Valley Transportation Authority
Self-Help Counties Coalition
Sonoma County Transportation Authority
Transportation Agency for Monterey County
Transportation Authority for Marin

Oppose Unless Amended

San Luis Obispo Council of Governments
Santa Barbara County Association of Governments
Stanislaus Council of Governments

Attachments: None


Alix A. Bockelman

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 19-0948 **Version:** 1 **Name:**

Type: Assembly Bill **Status:** Consent

File created: 8/15/2019 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee

On agenda: 9/13/2019 **Final action:**

Title: AB 1142 (Friedman): Transportation Planning and Transportation Network Companies

Sponsors:

Indexes:

Code sections:

Attachments: [3c AB 1142.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
AB 1142 (Friedman): Transportation Planning and Transportation Network Companies

Presenter:
Rebecca Long

Recommended Action:
Information

Attachments:

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

September 13, 2019

Agenda Item 3c

AB 1142 (Friedman): Transportation Planning and Transportation Network Companies

Subject: AB 1142 would require that the California Public Utilities Commission (CPUC) share with local, regional and state partners anonymized transportation network company (TNC) data to inform transportation planning and investment decisions.

Background: Because AB 1142 was consistent with our 2019 Advocacy Program and would support our core planning efforts, on August 16, staff sought and received approval from the MTC Chair and MTC Legislation Committee Chair to communicate an MTC support position on the bill, using the Commission's urgency procedures. The purpose of this memo is to provide you an update on the bill, which unfortunately is no longer active, as it was held in the Senate Appropriations committee. The bill would have supported MTC and transportation planners throughout the state in our ongoing efforts get access to anonymized Uber and Lyft data so that we can effectively plan for the impacts of transportation network companies (TNCs) on our transportation system. Importantly, AB 1142 protects TNC user privacy while also providing the data we need to understand the when, the where, and the extent of TNC trips in the Bay Area to help inform our travel model and long-range plan.

Discussion: TNCs like Uber and Lyft are at the forefront of technology fueled innovations that are changing the way people travel. Given this, understanding the impact of TNCs on our transportation system is important to inform transportation planning, policies and investment strategies. Questions we need to be able to answer include:

- To what extent are TNCs adding to commute traffic in congested areas?
- How do TNCs affect transit ridership?
- What is the effect of TNCs on the Bay Area's state-mandated greenhouse gas emissions reduction targets and federal air quality standards?

MTC's 2019 Advocacy Program supports increased access to data that is detailed enough to be able to help answer these questions while also protecting TNC user privacy. AB 1142 would have helped achieve this by requiring the CPUC, as part of an ongoing proceeding, to share with transportation planners when and where trips are occurring and how many people are taking TNC trips while – as a privacy protection measure included by the Legislature's privacy committees – requiring that the information planners receive would be pooled to avoid tying trip information to a particular passenger.

This compromise approach reflected technical assistance provided by MTC (at the author's request) and was consistent with the February 2019 comments MTC submitted to the CPUC after becoming a party to the CPUC's ongoing TNC proceeding. Staff will continue to engage on this important topic through the CPUC regulatory process and monitor future legislative efforts.

September 13, 2019

Page 2 of 2

Bill Positions:

Support

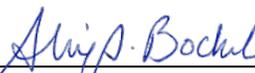
Amalgamated Transit Union
American Society of Civil Engineers – Region 9
California Bicycle Coalition
California Teamsters
Local Government Coalition
Sierra Club California

Opposition

CalChamber
Internet Association
Lyft
TechNet
Uber

Attachments:

None



Alix A. Bockelman

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 19-0916 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 7/31/2019 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee
On agenda: 9/13/2019 **Final action:**
Title: 2019 Legislative Update on Priority Bills

Overview of the 2019 state legislative session, with a focus on bills for which MTC and ABAG have taken a position.

Sponsors:

Indexes:

Code sections:

Attachments: [4a Legislative Update on Priority Bills.pdf](#)
[4a HANDOUT—2019 Legislative Update on Priority Bills.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

2019 Legislative Update on Priority Bills

Overview of the 2019 state legislative session, with a focus on bills for which MTC and ABAG have taken a position.

Presenter:

Rebecca Long

Recommended Action:

Information

Attachments:

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

September 13, 2019

Agenda Item 4a

2019 Legislative Update on Priority Bills

Subject: Overview of the 2019 state legislative session, with a focus on bills for which MTC and ABAG have taken a position.

Overview: The California State Legislature is in the final sprint to deliver bills to Governor Newsom before the 2019 legislative session comes to an end on September 13. As of the writing of this memo, two MTC and ABAG priority bills related to transportation project delivery and updating California's use tax laws to account for today's e-commerce economy have been signed into law. With one week left before adjournment, 17 of our priority bills are pending before the Assembly or Senate. The Governor must either sign or veto bills passed by the Legislature in 2019 by October 13.

Housing

Housing affordability has been a focus of California lawmakers throughout 2019. Earlier this year, MTC and ABAG identified a package of more than a dozen housing protection, preservation and production bills that together could make progress on addressing the Bay Area's housing affordability challenges. Although two of the most high-profile measures – SB 50 (Wiener), which would have mandated upzoning areas close to jobs and transit, and AB 11 (Chiu), which would have revived a reformed version of redevelopment – are on hold until next January, having been designated “two year bills,” a number of other housing bills supported by MTC and ABAG's are still active, including AB 1487 (Chiu), authorizing ABAG and MTC to place on the ballot regional housing measures, which incorporated our requested amendments. Other ABAG and MTC-supported bills that are still active include: AB 1482 (Chiu), the anti-rent gouging measure; AB 1485 (Wicks), aimed at accelerating housing for the “missing middle;” AB 1486 (Ting) related to surplus land; AB 68 (Ting) related to accessory dwelling units; and SB 6 (Beall) related to an inventory of land suitable for residential development. Finally, SB 330 (Skinner), supported only by MTC, passed the Assembly Floor and awaits a concurrence vote on the Senate floor. That bill provides a five-year prohibition on downzoning in high-rent, low-vacancy areas unless there is “no net loss” and a five-year period of greater certainty for developers with respect to project approval requirements.

Transportation

As expected, transportation largely took a back seat to housing and other issues on the Legislature's agenda this session. Nonetheless, a number of MTC-supported transportation bills are still active, including SB 277 (Beall) related to increasing the share of Local Partnership Program funds that are distributed by formula (and would increase the region's level of annual formula funding by \$19 million/year), and SB 664 (Allen), which aims to clarify provisions related to the use of personally identifiable information by toll agencies.

A number of priority transportation bills failed to move forward this year, including the MTC and ABAG-supported SB 152 (Beall), related to the Active

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Transportation Program, and the MTC-supported AB 1142 (Friedman) which aimed to provide transportation planners data related to transportation network companies (TNCs) to help inform transportation planning, policies and investment strategies.

Earthquake Safety

ABAG supported two seismic preparedness bills this year, both authored by Assemblymember Nazarian. AB 393 would have required the California Building Standards Commission to assemble a working group, including a representative of ABAG, to consider the merit of developing a “functional recovery” standard. That bill was held in the Senate Appropriations Committee. AB 429, on the other hand, is still active and awaits passage on the Senate floor. It would require the Alfred E. Alquist Seismic Safety Commission to identify funding and develop a process for hiring a third-party contractor to create an inventory of potentially vulnerable buildings in counties with seismic risk, including all Bay Area counties and for such inventory to be completed by July 1, 2022, with periodic reports due to the Legislature on findings and recommendations to reduce the number of vulnerable buildings statewide.

Attachment A details the status of each MTC and ABAG priority bill, as of September 6. Staff will report on any updates at your September 13 Joint MTC Legislation Committee and ABAG Legislation Committee meeting.

Attachments: Attachment A: MTC and ABAG Priority Bill Update


Alix A. Bockelman



MTC and ABAG Priority Bills
Status Update: 9/6/2019 (8:30 AM)



Bill Number	Current Text	Status	Summary	MTC Position	ABAG Position
AB 11 Chiu	Amended 4/11/2019	Assembly 2 year	Community Redevelopment Law of 2019. Current law dissolved redevelopment agencies as of February 1, 2012 and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Community Redevelopment Law of 2019, would authorize a city or county, or two or more cities acting jointly, to propose the formation of an affordable housing and infrastructure agency by adoption of a resolution of intention that meets specified requirements, including that the resolution of intention include a passthrough provision and an override passthrough provision, as defined.	Support and Seek Amendments	Support and Seek Amendments
AB 68 Ting	Amended 7/5/2019	Senate Third Reading	Land use: accessory dwelling units. The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, lot coverage. This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.	Support	Support
AB 69 Ting	Amended 6/20/2019	Senate Inactive File	Land use: accessory dwelling units. Current law requires the Department of Housing and Community Development to propose building standards to the California Building Standards Commission, and to adopt, amend, or repeal rules and regulations governing, among other things, apartment houses and dwellings, as specified. This bill would require the department to propose small home building standards governing accessory dwelling units smaller than 800 square feet, junior accessory dwelling units, and detached dwelling units smaller than 800 square feet, as specified, and to submit the small home building standards to the California Building Standards Commission for adoption on or before January 1, 2021.	Support	Support
AB 147 Burke	Chaptered 4/25/2019	Assembly Chaptered	Use taxes: collection: retailer engaged in business in this state: marketplace facilitators. Would specify that, on and after April 1, 2019, a retailer engaged in business in this state includes any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property for delivery in this state by the retailer and all persons related to the retailer that exceed \$500,000. The bill would allow the California Department of Tax and Fee Administration to grant relief to certain retailers engaged in business in this state for specified interest or penalties imposed on use tax liabilities due and payable for tax reporting periods beginning April 1, 2019 and ending December 31, 2022.	Support	Support

AB 252 Daly	Chaptered 7/31/2019	Assembly Chaptered	Department of Transportation: environmental review process: federal program. Current federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states may assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Current law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program. This bill would extend the operation of these provisions indefinitely.	Support	Support
AB 393 Nazarian	Amended 5/29/2019	Senate 2 year	Building codes: earthquake safety: functional recovery standard. Would require the California Building Standards Commission, by June 30, 2020, to assemble a functional recovery working group comprised of certain state entities and members of the construction and insurance industries, as specified. The bill would require the working group, by June 30, 2021, to consider whether a “functional recovery” standard is warranted for all or some building occupancy classifications, using specified criteria, and to investigate the practical means of implementing that standard, as specified. The bill would require the working group to advise the appropriate state agencies to propose the building standards.		Support
AB 429 Nazarian	Amended 8/30/2019	Senate Third Reading	Seismically vulnerable buildings: inventory. Current law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. Current law requires the Alfred E. Alquist Seismic Safety Commission to report annually to the Legislature on the filing of mitigation programs relating to building construction standards from local jurisdictions. This bill would require the commission, by specified deadlines, to identify funding and develop a bidding process for hiring a third-party contractor to create an inventory of potentially vulnerable buildings, as defined.		Support
AB 784 Mullin	Amended 8/30/2019	Assembly Concurrence	Sales and use taxes: exemption: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses. Current state sales and use tax laws impose taxes on retailers. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would, until January 1, 2024, provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, specified zero-emission technology transit buses sold to specified public agencies. The bill would provide that this exemption does not apply to specified state sales and use taxes from which the proceeds are deposited into the Local Revenue Fund, the Local Revenue Fund 2011, or the Local Public Safety Fund.	Support	

AB 970 Salas	Enrollment 9/5/2019	Assembly Enrollment	California Department of Aging: grants: transportation. Current law establishes certain wellness, injury prevention, and other programs within the California Department of Aging to serve both older individuals and persons with a disability, as defined. This bill would make grant awards available under the State Air Resources Board's Clean Mobility Options program for disadvantaged communities and low-income communities to eligible applicants, including, but not limited to, area agencies on aging and public transit operators. The grant awards would be used to fund transportation to and from nonemergency medical services for older individuals and persons with a disability, for the purpose of reducing greenhouse gas emissions.	Support if Amended	
AB 1142 Friedman	Amended 8/12/2019	Senate 2 year	Regional transportation plans: transportation network companies. Current law requires a regional transportation plan to include a policy element, an action element, a financial element, and, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. Under current law, the policy element describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, as well as pragmatic objective and policy statements. Current law authorizes the policy element of transportation planning agencies with populations that exceed 200,000 persons to quantify a set of specified indicators. This bill would authorize the inclusion of an additional indicator regarding measures of policies to increase use of existing transit.	Support	
AB 1481 Grayson	Amended 5/20/2019	Assembly 2 year	Tenancy termination: just cause. Would, with certain exceptions, prohibit a lessor of residential property from terminating the lease without just cause, as defined, stated in the written notice to terminate.	Support	Support
AB 1482 Chiu	Amended 9/5/2019	Senate Rules	Tenant Protection Act of 2019: tenancy: rent caps. Would, with certain exceptions, prohibit an owner, as defined, of residential real property from terminating a tenancy without just cause, as defined, which the bill would require to be stated in the written notice to terminate tenancy when the tenant has continuously and lawfully occupied the residential real property for 12 months, except as provided. The bill would require, for certain just cause terminations that are curable, that the owner give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination. The bill, if the violation is not cured within the time period set forth in the notice, would authorize a 3-day notice to quit without an opportunity to cure to be served to terminate the tenancy. The bill would require, for no-fault just cause terminations, as specified, that the owner, at the owner's option, either assist certain tenants to relocate, regardless of the tenant's income, by providing a direct payment of one month's rent to the tenant, as specified, or waive in writing the payment of rent for the final month of the tenancy, prior to the rent becoming due. This bill contains other related provisions and other existing laws.	Support	Support

AB 1483 Grayson	Amended 9/4/2019	Senate Third Reading	<p>Housing data: collection and reporting. Would require a city or county to maintain a current schedule of fees, exactions, and affordability requirements imposed by the city or county, and any dependent special district of the city or county, applicable to a proposed housing development project on its internet website. The bill would also require a city or county to make all zoning ordinances and development standards available on its internet website. By requiring a city or county to include this information on its internet website, the bill would impose a state-mandated local program. This bill contains other related provisions.</p>	Support and Seek Amendments	Support and Seek Amendments
AB 1485 Wicks	Amended 8/13/2019	Senate Third Reading	<p>Housing development: streamlining. The Planning and Zoning Law requires that a development be subject to a requirement mandating a minimum percentage of below market rate housing based on one of 3 specified conditions. Current law requires, among those conditions, a development to dedicate a minimum of 10% of the total number of units to housing affordable to households making below 80% of the area median income, if the project contains more than 10 units of housing and the locality did not timely submit its latest production report to the Department of Housing and Community Development, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. This bill would modify that condition to authorize a development to instead dedicate 20% of the total number of units to housing affordable to households making below 120% of the area median income with the average income of the units at or below 100% of the area median income, except as provided.</p>	Support	Support
AB 1486 Ting	Amended 8/30/2019	Senate Third Reading	<p>Surplus land. Current law prescribes requirements for the disposal of surplus land by a local agency. This bill would expand the definition of “local agency” to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the disposal of surplus land. The bill would specify that the term “district” includes all districts within the state, and that this change is declaratory of existing law.</p>	Support	Support
AB 1487 Chiu	Amended 8/28/2019	Senate Governance & Finance	<p>San Francisco Bay area: housing development: financing. Current law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive. This bill, the San Francisco Bay Area Regional Housing Finance Act, would establish the Bay Area Housing Finance Authority (hereafter the authority) and would state that the authority’s purpose is to raise, administer, and allocate funding for affordable housing in the San Francisco Bay area, as defined, and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production.</p>	Support if Amended	Support if Amended

ACA 1 Aguiar-Curry	Amended 3/18/2019	Assembly Third Reading	<p>Local government financing: affordable housing and public infrastructure: voter approval. The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.</p>	Support	Support
SB 5 Beall	Amended 9/5/2019	Assembly Third Reading	<p>Affordable Housing and Community Development Investment Program. Would establish the Affordable Housing and Community Development Investment Program. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria. The bill would also authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program.</p>	Support	Support
SB 6 Beall	Amended 4/23/2019	Assembly Third Reading	<p>Residential development: available land. Would require the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. The bill would require the Department of General Services to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.</p>	Support	Support
SB 13 Wieckowski	Amended 9/3/2019	Assembly Third Reading	<p>Accessory dwelling units. Would authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The bill would also revise the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area.</p>	Support if Amended	Support if Amended

SB 137 Dodd	Amended 9/3/2019	Assembly Third Reading	<p>Federal transportation funds: state exchange programs. Current law requires that all moneys in the State Highway Account in the State Transportation Fund derived from federal sources or from appropriations to other state agencies, or deposited in the account by local agencies or by others, to be continuously appropriated to, and available for expenditure by, the Department of Transportation for the purposes for which the money was made available, including, among other purposes, transportation improvements. This bill would authorize the Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for nonfederal State Highway Account funds appropriated to the department on a dollar-for-dollar basis for federal local assistance funds received by a city, county, or city and county, as specified. The bill would require, among other things, the total amount of federal funds exchanged to not exceed \$100,000,000 during each federal fiscal year.</p>	Support	Support
SB 152 Beall	Amended 4/25/2019	Senate 2 year	<p>Active Transportation Program. Current law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Existing law requires specified funds for the program to be appropriated to the department in the annual Budget Act and allocated to eligible projects by the California Transportation Commission. This bill would require that 60% of available funds be awarded to projects selected by metropolitan planning organizations (MPO) in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population, 15% to fund projects in small urban and rural regions, and 25% to projects competitively awarded by the commission on a statewide basis.</p>	Support (Sponsor)	Support
SB 277 Beall	Amended 9/3/2019	Assembly Third Reading	<p>Road Maintenance and Rehabilitation Program: Local Partnership Program. Current law continuously appropriates \$200,000,000 annually from the Road Maintenance and Rehabilitation Account for allocation by the California Transportation Commission for a program commonly known as the Local Partnership Program to local or regional transportation agencies that have sought and received voter approval of taxes or that have imposed certain fees, which taxes or fees are dedicated solely for road maintenance and rehabilitation and other transportation improvement projects. Current law requires the commission, in cooperation with the Department of Transportation, transportation planning agencies, county transportation commissions, and other local agencies, to develop guidelines for the allocation of those moneys. This bill would require the commission to annually deposit 85% of these funds into the Local Partnership Formula Subaccount, which the bill would create, and 15% of these funds into the Small Counties and Uniform Developer Fees Competitive Subaccount, which the bill would create.</p>	Support	

<p>SB 330 Skinner</p>	<p>Amended 8/12/2019</p>	<p>Senate Concurrence</p>	<p>Housing Crisis Act of 2019. The Housing Accountability Act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete. This bill would, until January 1, 2025, specify that an application is deemed complete for these purposes if a preliminary application was submitted, as specified.</p>	<p>Support</p>	
<p>SB 664 Allen</p>	<p>Amended 8/13/2019</p>	<p>Assembly Rules</p>	<p>Electronic toll and transit fare collection systems. Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system, in compliance with specified objectives, including that a vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. This bill would expand the above-described objective so that a user of a toll facility shall also not be required to purchase or install more than one device to use on all toll facilities.</p>	<p>Support</p>	

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

September 13, 2019

Agenda Item 4a

HANDOUT—2019 Legislative Update on Priority Bills

Subject: Bill status updates from the final week of the 2019 state legislative session, with a focus on bills for which MTC and ABAG have taken a position.

Overview: As usual, the last week of session included a flurry of activity, some positive, some disappointing on MTC and ABAG priority bills.

Bills on Governor’s Desk

As of this morning, the following bills supported by MTC and/or ABAG have reached the Governor’s desk.

AB 784 (Mullin) – Sales Tax Exemption for Zero-Emission Buses
 AB 970 (Salas) – Non-Emergency Medical Transportation Grants
 AB 1482 (Chiu) – Anti-rent gouging and Just Cause Evictions
 AB 1483 (Grayson) – Housing Data: Collection & Reporting
 AB 1486 (Ting) – Surplus Lands
 AB 1487 (Chiu) – Bay Area Housing Finance Act
 SB 5 (Beall) – Affordable Housing and Community Dev. Investment Program
 SB 6 (Beall) – Database of Local Land for Residential Development
 SB 137 (Dodd) – Federal Transportation Funds: State Exchange Program
 SB 277 (Beall) – State/Local Partnership Program (SB 1 Update)
 SB 330 (Skinner) – Housing Crisis Act of 2019

Two-Year Bills

Several other bills that were active last week that MTC and/or ABAG supported this year are now two-year bills. Regrettably, this includes SB 664 (Allen), the bill that aimed to achieve a key priority of our 2019 Advocacy Program, namely to clarify current law with respect to handling of personally identifiable information by toll agencies.

There are currently seven cases pending across the state, including two against BATA, that have already cost approximately \$10 million in legal expenses statewide. It is this litigation, which we and the other toll agencies in California strongly believe is based on a misreading of current law, that was the reason for pursuing a bill to clarify any ambiguity in the statutes in the first place.

This will be a major effort that we plan to take up next year and will follow up with details later this fall on the path forward.

Another disappointment was the placement of AB 429 (Nazarian) on the inactive file, essentially making it a two-year bill. This was the bill that would have required the creation of a statewide inventory of potentially vulnerable buildings in counties with seismic risk. According to the author’s office, the Newsom

Administration had some technical concerns with the bill which will hopefully be resolved so that it can be amended and advance next year.

Attached is an update of the final status of bills on which ABAG and MTC took a position this year.

Next Steps

Staff will present a final “legislative scorecard” to the committee in October comparing this year’s track record to our 2019 Advocacy Program. Looking ahead, we plan to bring a draft 2020 Advocacy Program for your consideration in November. We welcome your input on next year’s priorities.


Alix A. Bockelman



LEGISLATIVE HISTORY
MTC and ABAG Positions
9/13/2019



Bill Number	Current Text	Status	Summary	MTC Position	ABAG Position
AB 11 Chiu	Amended 4/11/2019	Assembly 2 year	Community Redevelopment Law of 2019. Current law dissolved redevelopment agencies as of February 1, 2012, and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Community Redevelopment Law of 2019, would authorize a city or county, or two or more cities acting jointly, to propose the formation of an affordable housing and infrastructure agency by adoption of a resolution of intention that meets specified requirements, including that the resolution of intention include a passthrough provision and an override passthrough provision, as defined.	Support and Seek Amendments	Support and Seek Amendments
AB 68 Ting	Amended 9/9/2019	Senate Third Reading	Land use: accessory dwelling units. The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires such an ordinance to impose standards on accessory dwelling units, including, among others, lot coverage. Current law also requires such an ordinance to require that the accessory dwelling units to be either attached to, or located within, the living area of the proposed or existing primary dwelling, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.	Support	Support
AB 69 Ting	Amended 6/20/2019	Senate Inactive File	Land use: accessory dwelling units. Current law requires the Department of Housing and Community Development to propose building standards to the California Building Standards Commission, and to adopt, amend, or repeal rules and regulations governing, among other things, apartment houses and dwellings, as specified. This bill would require the department to propose small home building standards governing accessory dwelling units smaller than 800 square feet, junior accessory dwelling units, and detached dwelling units smaller than 800 square feet, as specified, and to submit the small home building standards to the California Building Standards Commission for adoption on or before January 1, 2021.	Support	Support

<p>AB 147 Burke</p>	<p>Chaptered 4/25/2019</p>	<p>Assembly Chaptered</p>	<p>Use taxes: collection: retailer engaged in business in this state: marketplace facilitators. Would specify that, on and after April 1, 2019, a retailer engaged in business in this state includes any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property for delivery in this state by the retailer and all persons related to the retailer that exceed \$500,000. The bill would allow the California Department of Tax and Fee Administration to grant relief to certain retailers engaged in business in this state for specified interest or penalties imposed on use tax liabilities due and payable for tax reporting periods beginning April 1, 2019 and ending December 31, 2022.</p>	<p>Support</p>	<p>Support</p>
<p>AB 252 Daly</p>	<p>Chaptered 7/31/2019</p>	<p>Assembly Chaptered</p>	<p>Department of Transportation: environmental review process: federal program. Current federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states may assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Current law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program. This bill would extend the operation of these provisions indefinitely.</p>	<p>Support</p>	<p>Support</p>
<p>AB 393 Nazarian</p>	<p>Amended 5/29/2019</p>	<p>Senate 2 year</p>	<p>Building codes: earthquake safety: functional recovery standard. Would require the California Building Standards Commission, by June 30, 2020, to assemble a functional recovery working group comprised of certain state entities and members of the construction and insurance industries, as specified. The bill would require the working group, by June 30, 2021, to consider whether a “functional recovery” standard is warranted for all or some building occupancy classifications, using specified criteria, and to investigate the practical means of implementing that standard, as specified. The bill would require the working group to advise the appropriate state agencies to propose the building standards, as specified.</p>		<p>Support</p>

<p>AB 429 Nazarian</p>	<p>Amended 8/30/2019</p>	<p>Senate Inactive File</p>	<p>Seismically vulnerable buildings: inventory. Current law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. Current law requires the Alfred E. Alquist Seismic Safety Commission to report annually to the Legislature on the filing of mitigation programs relating to building construction standards from local jurisdictions. This bill would require the commission, by specified deadlines, to identify funding and develop a bidding process for hiring a third-party contractor to create an inventory of potentially vulnerable buildings, as defined.</p>		<p>Support</p>
<p>AB 784 Mullin</p>	<p>Amended 8/30/2019</p>	<p>Assembly Enrollment</p>	<p>Sales and use taxes: exemption: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses. Current state sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would, until January 1, 2024, provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, specified zero-emission technology transit buses sold to specified public agencies. The bill would provide that this exemption does not apply to specified state sales and use taxes from which the proceeds are deposited into the Local Revenue Fund, the Local Revenue Fund 2011, or the Local Public Safety Fund.</p>	<p>Support</p>	
<p>AB 970 Salas</p>	<p>Enrollment 9/11/2019</p>	<p>Assembly Enrolled</p>	<p>California Department of Aging: grants: transportation. Current law establishes certain wellness, injury prevention, and other programs within the California Department Of Aging to serve both older individuals and persons with a disability, as defined. This bill would make grant awards available under the State Air Resources Board's Clean Mobility Options program for disadvantaged communities and low-income communities to eligible applicants, including, but not limited to, area agencies on aging and public transit operators. The grant awards would be used to fund transportation to and from nonemergency medical services for older individuals and persons with a disabilities, for the purpose of reducing greenhouse gas emissions.</p>	<p>Support if Amended</p>	

AB 1142 Friedman	Amended 8/12/2019	Senate 2 year	Regional transportation plans: transportation network companies. Current law requires a regional transportation plan to include a policy element, an action element, a financial element, and, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. Under current law, the policy element describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, as well as pragmatic objective and policy statements. Current law authorizes the policy element of transportation planning agencies with populations that exceed 200,000 persons to quantify a set of specified indicators. This bill would authorize the inclusion of an additional indicator regarding measures of policies to increase use of existing transit.	Support	
AB 1481 Grayson	Amended 5/20/2019	Assembly 2 year	Tenancy termination: just cause. Would, with certain exceptions, prohibit a lessor of residential property from terminating the lease without just cause, as defined, stated in the written notice to terminate.	Support	Support
AB 1482 Chiu	Enrollment 9/11/2019	Assembly Enrollment	Tenant Protection Act of 2019: tenancy: rent caps. Would, with certain exceptions, prohibit an owner, as defined, of residential real property from terminating a tenancy without just cause, as defined, which the bill would require to be stated in the written notice to terminate tenancy when the tenant has continuously and lawfully occupied the residential real property for 12 months, except as provided. The bill would require, for certain just cause terminations that are curable, that the owner give a notice of violation and an opportunity to cure the violation prior to issuing the notice of termination. The bill, if the violation is not cured within the time period set forth in the notice, would authorize a 3-day notice to quit without an opportunity to cure to be served to terminate the tenancy. The bill would require, for no-fault just cause terminations, as specified, that the owner, at the owner's option, either assist certain tenants to relocate, regardless of the tenant's income, by providing a direct payment of one month's rent to the tenant, as specified, or waive in writing the payment of rent for the final month of the tenancy, prior to the rent becoming due. This bill contains other related provisions and other existing laws.	Support	Support

<p>AB 1483 Grayson</p>	<p>Enrollment 9/12/2019</p>	<p>Assembly Enrollment</p>	<p>Housing data: collection and reporting. This bill would require a city, county, or special district to maintain on its internet website, as applicable, a current schedule of fees, exactions, and affordability requirements imposed by the city, county, or special district, including any dependent special district, applicable to a proposed housing development project, all zoning ordinances and development standards, and annual fee reports or annual financial reports, as specified. The bill would require a city, county, or special district to provide on its internet website an archive of impact fee nexus studies, cost of service studies, or equivalent, as specified. By requiring a city or county to include this information on its internet website, the bill would impose a state-mandated local program.</p>	<p>Support and Seek Amendments</p>	<p>Support and Seek Amendments</p>
<p>AB 1485 Wicks</p>	<p>Amended 9/6/2019</p>	<p>Assembly Desk</p>	<p>Housing development: streamlining. The Planning and Zoning Law requires that a development be subject to a requirement mandating a minimum percentage of below market rate housing based on one of 3 specified conditions. This bill would modify that condition to authorize a development that is located within the San Francisco Bay area, as defined, to instead dedicate 20% of the total number of units to housing affordable to households making at or below 120% of the area median income with the average income of the units at or below 100% of the area median income, except as provided.</p>	<p>Support</p>	<p>Support</p>
<p>AB 1486 Ting</p>	<p>Enrollment 9/12/2019</p>	<p>Assembly Enrollment</p>	<p>Surplus land. Current law prescribes requirements for the disposal of surplus land by a local agency. Current law defines "local agency" for these purposes as every city, county, city and county, and district, including school districts of any kind or class, empowered to acquire and hold real property. This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the disposal of surplus land. The bill would specify that the term "district" includes all districts within the state, and that this change is declaratory of existing law.</p>	<p>Support</p>	<p>Support</p>

<p>AB 1487 Chiu</p>	<p>Enrollment 9/12/2019</p>	<p>Assembly Enrollment</p>	<p>San Francisco Bay area: housing development: financing. Current law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive. This bill, the San Francisco Bay Area Regional Housing Finance Act, would establish the Bay Area Housing Finance Authority (hereafter the authority) and would state that the authority's purpose is to raise, administer, and allocate funding for affordable housing in the San Francisco Bay area, as defined, and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production.</p>	<p>Support if Amended</p>	<p>Support if Amended</p>
<p>ACA 1 Aguiar-Curry</p>	<p>Amended 3/18/2019</p>	<p>Assembly Third Reading</p>	<p>Local government financing: affordable housing and public infrastructure: voter approval. The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.</p>	<p>Support</p>	<p>Support</p>
<p>SB 5 Beall</p>	<p>Enrollment 9/11/2019</p>	<p>Senate Enrollment</p>	<p>Affordable Housing and Community Development Investment Program. Would establish in state government the Affordable Housing and Community Development Investment Program, which would be administered by the Affordable Housing and Community Development Investment Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria. The bill would also authorize certain local agencies to establish an affordable housing and community development investment agency and authorize an agency to apply for funding under the program and issue bonds, as provided, to carry out a project under the program. This bill contains other related provisions and other existing laws.</p>	<p>Support</p>	<p>Support</p>

<p>SB 6 Beall</p>	<p>Enrollment 9/11/2019</p>	<p>Senate Enrollment</p>	<p>Residential development: available land. Would require the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. The bill would require the Department of General Services to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.</p>	<p>Support</p>	<p>Support</p>
<p>SB 13 Wieckowski</p>	<p>Amended 9/6/2019</p>	<p>Assembly Third Reading</p>	<p>Accessory dwelling units. Would authorize the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The bill would also revise the requirements for an accessory dwelling unit by providing that the accessory dwelling unit may be attached to, or located within, an attached garage, storage area, or other structure, and that it does not exceed a specified amount of total floor area.</p>	<p>Support if Amended</p>	<p>Support if Amended</p>
<p>SB 137 Dodd</p>	<p>Enrolled 9/12/2019</p>	<p>Senate Enrollment</p>	<p>Federal transportation funds: state exchange programs. Current law requires that all moneys in the State Highway Account in the State Transportation Fund derived from federal sources or from appropriations to other state agencies, or deposited in the account by local agencies or by others, to be continuously appropriated to, and available for expenditure by, the Department of Transportation for the purposes for which the money was made available, including, among other purposes, transportation improvements. This bill would authorize the Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for nonfederal State Highway Account funds appropriated to the department on a dollar-for-dollar basis for federal local assistance funds received by a city, county, or city and county, as specified. The bill would require, among other things, the total amount of federal funds exchanged to not exceed \$100,000,000 during each federal fiscal year.</p>	<p>Support</p>	<p>Support</p>

<p>SB 152 Beall</p>	<p>Amended 4/25/2019</p>	<p>Senate 2 year</p>	<p>Active Transportation Program. Current law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking. Existing law requires specified funds for the program to be appropriated to the department in the annual Budget Act and allocated to eligible projects by the California Transportation Commission. This bill would require that 60% of available funds be awarded to projects selected by metropolitan planning organizations (MPO) in urban areas with populations greater than 200,000, with the available funds distributed to each MPO based on its relative share of the population, 15% to fund projects in small urban and rural regions, and 25% to projects competitively awarded by the commission on a statewide basis.</p>	<p>Support (Sponsor)</p>	<p>Support</p>
<p>SB 277 Beall</p>	<p>Enrollment 9/11/2019</p>	<p>Senate Enrollment</p>	<p>Road Maintenance and Rehabilitation Program: Local Partnership Program. Current law continuously appropriates \$200,000,000 annually from the Road Maintenance and Rehabilitation Account for allocation by the California Transportation Commission for a program commonly known as the Local Partnership Program to local or regional transportation agencies that have sought and received voter approval of taxes or that have imposed certain fees, which taxes or fees are dedicated solely for road maintenance and rehabilitation and other transportation improvement projects. Current law requires the commission, in cooperation with the Department of Transportation, transportation planning agencies, county transportation commissions, and other local agencies, to develop guidelines for the allocation of those moneys. This bill would require the commission to annually deposit 85% of these funds into the Local Partnership Formula Subaccount, which the bill would create, and 15% of these funds into the Small Counties and Uniform Developer Fees Competitive Subaccount, which the bill would create.</p>	<p>Support</p>	
<p>SB 330 Skinner</p>	<p>Enrolled 9/11/2019</p>	<p>Senate Enrollment</p>	<p>Housing Crisis Act of 2019. The The Housing Accountability Act requires a local agency that proposes to disapprove a housing development project that complies with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete, or to approve it on the condition that it be developed at a lower density, to base its decision upon written findings supported by substantial evidence on the record that specified conditions exist, and places the burden of proof on the local agency to that effect. The act requires a court to impose a fine on a local agency under certain circumstances and requires that the fine be at least \$10,000 per housing unit in the housing development project on the date the application was deemed complete. This bill would, until January 1, 2025, specify that an application is deemed complete for these purposes if a preliminary application was submitted, as specified.</p>	<p>Support</p>	

<p>SB 664</p> <p>Allen</p>	<p>Amended 9/10/2019</p>	<p>Assembly P. & C.P.</p>	<p>Electronic toll and transit fare collection systems. Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system, in compliance with specified objectives, including that a vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Current law authorizes operators of toll facilities on federal-aid highways engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility. This bill would expand the above-described objective so that a user of a toll facility shall also not be required to purchase or install more than one device to use on all toll facilities.</p>	<p>Support</p>	
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Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 19-0947 **Version:** 1 **Name:**
Type: Senate Bill **Status:** Informational
File created: 8/15/2019 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee
On agenda: 9/13/2019 **Final action:**
Title: Federal Surface Transportation Bill Update

Status update regarding the reauthorization of the federal surface transportation law, including an overview of the five-year bill passed by the Senate Environment and Public Works Committee.

Sponsors:

Indexes:

Code sections:

Attachments: [5a_Federal Transportation Bill Update.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

Federal Surface Transportation Bill Update

Status update regarding the reauthorization of the federal surface transportation law, including an overview of the five-year bill passed by the Senate Environment and Public Works Committee.

Presenter:

Georgia Gann Dohrmann

Recommended Action:

Information

Attachments:

Federal Surface Transportation Bill Update

Subject: Status update regarding the reauthorization of the federal surface transportation law, including an overview of the five-year bill passed by the Senate Environment and Public Works Committee.

Overview: The Fixing America’s Surface Transportation (FAST) Act – the law that guides federal transportation policy and spending priorities – is set to expire on September 30, 2020. Earlier this summer, Congress jumpstarted FAST Act reauthorization discussions with the release of the Senate’s highway proposal, which is described below. As is standard practice, the Senate’s transit policy, rail policy and revenue measures – which are still under development – will be merged later with the highway proposal into one Senate bill and the House will develop their own comprehensive surface transportation package. The two chambers will then resolve any differences through a conference committee.

Though lawmakers will aim to have a long-term reauthorization (i.e. a five- or six-year bill) approved in advance of the September 2020 FAST Act expiration, that timeline is highly ambitious. Congress will need to identify approximately \$100 billion in new revenue just to cover the cost of maintaining *baseline* federal transportation program spending for five years. This is because of the gap between transportation spending and the Highway Trust Fund (HTF) revenues generated by the federal gas tax and other user fees. Expanding the transportation program to meaningfully address pressing subjects like climate change, for instance, would require significantly more resources. Given the challenges inherent in identifying new revenues—it took five short-term extensions and more than a year to identify just the \$70 billion needed to close the FAST Act revenue gap—we may well find ourselves in a “hurry up and wait” situation come 2020.

MTC Surface Transportation Bill Priorities

MTC has been a strong supporter of the FAST Act, which provided five years of funding certainty; increased federal investment to support states and regions in achieving national goals related to infrastructure condition, safety, mobility, and air quality; and preserved flexibility for the Bay Area to address our region’s unique mobility challenges. Since the law was enacted in December 2015, MTC’s federal transportation advocacy efforts – guided by our annual legislative advocacy program – have centered around building on the progress made in the 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 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 transformative technologies and the changing climate. 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 throughout the nation, be they environmental, societal, financial or technical in nature.

Staff has been engaged in reauthorization discussions at a high level on an ongoing basis with state and national partners. Now that the debate is gearing up, we will ramp up our local engagement. Over the next couple of months, staff will confer with our partners, including the MTC Partnership Legislative Committee and Policy Advisory Council, and bring back a more detailed recommendation for your consideration as part of your 2020 State and Federal Advocacy Program.

Senate Highway Reauthorization Proposal Introduced

On July 30, 2019, the Senate Environment and Public Works (EPW) Committee passed the America's Transportation Infrastructure Act of 2019 (ATIA), a five-year, \$287 billion highway transportation reauthorization proposal. We are encouraged that the bill includes many of the recommendations described above. Importantly, ATIA retains the existing FAST Act program structure, allocating nearly 90 percent of the funding through the five core highway programs. As advocated by MTC, the bill includes a new focus on climate change, explicitly making resiliency activities eligible within core highway programs and creating a new program for reducing congestion in major metropolitan areas.

ATIA also takes steps to support regional funding, planning and decision-making, including through directing a modest amount of new funding to large metros and incentivizing regional safety and resiliency planning with increased funding flexibility. The bill retains the performance-based planning approach begun in 2012 and, for the first time, links performance to funding by rewarding regions and states that make progress toward federal safety and climate goals with access to \$200 million in performance-based grants. See Attachment A for a more detailed ATIA summary.

Though we believe ATIA is a great starting point overall, we do have recommendations to enhance its climate and technology provisions and to add provisions to accelerate project delivery in a way that improves environmental outcomes. We look forward to an engaging discussion with the Commission and our partners as the reauthorization process unfolds.

Attachments: MTC Staff Summary of the America's Transportation Infrastructure Act of 2019


Alix A. Bockelman

America's Transportation Infrastructure Act of 2019 **MTC Staff Summary: September 6, 2019**

On July 30, 2019, the Senate Environment and Public Works (EPW) Committee passed the America's Transportation Infrastructure Act of 2019 (ATIA), a five-year, \$287 billion highway transportation reauthorization proposal. Importantly, the bill retains the existing Fixing America's Surface Transportation (FAST) Act-authorized program structure, allocating nearly 90 percent of the funding through the five core highway programs. As advocated by MTC, the bill includes a new focus on climate change, explicitly making resiliency activities eligible within core highway programs and creating several new small programs focused on improving resiliency, reducing congestion in major metropolitan areas and upgrading infrastructure along designated alternative fuel corridors to support clean vehicle technologies. It also creates additional new programs focused on bridges and safety for vulnerable road users. The bill takes steps to support regional funding, planning and decision-making, including through directing a modest amount of new funding to large metros, and incentivizing regional safety and resiliency planning with increased funding flexibility. The bill retains the performance-based planning approach authorized in 2012 and, for the first time, links performance to funding by rewarding regions and states that make progress toward federal safety and climate goals with access to \$200 million in performance-based grants.

Of note, the other Congressional committees responsible for crafting a surface transportation reauthorization policy (including the transit title) are proceeding at a slower pace and none have begun to identify a way to pay for a major infrastructure bill. So there is a long way to go before a FAST Act reauthorization is enacted.

Below is a topline summary of ATIA.

Key Features of ATIA

- Funds highway programs at \$287 billion over five years – a 27 percent overall increase over existing funding levels, starting with a 17 percent increase over fiscal year (FY) 2020. Of this total amount, 90 percent is allocated via formula, with the vast majority directed to existing FAST Act programs. The FAST Act rescission is repealed. Congress must identify \$84 billion on top of anticipated Highway Trust Fund (HTF) revenues to fund just this highway title increase. The total price tag for a five-year, 27 percent growth bill is approximately \$387 billion. (Note that funding numbers reflect HTF contract authority; ATIA authorizes an additional \$6.7 billion over five years, subject to annual appropriations).
- FAST Act core highway programs increase 10 percent in ATIA's first year (FY 2021); the National Highway Performance Program (NHPP) receives a 12 percent bump and the other core programs, including Surface Transportation Block Grant (STP) and Congestion Mitigation and Air Quality Improvement (CMAQ), grow by 8 percent. The bill authorizes nearly \$3 billion annually in discretionary programs related to goods movement (INFRA), bridge repair, and climate change mitigation and adaptation.
- In FY 2021, California would receive nearly \$4.7 billion, a \$600 million increase from FY 2020 funding levels. The Bay Area's share of flexible highway formula dollars would be \$211 million in FY 2021, a 16 percent increase over FY 2020. Most of these funds would be allocated to the existing STP and CMAQ programs, but \$13 million would be suballocated to MTC through new safety and carbon reduction formula programs. See Attachment A for a funding chart.
- ATIA creates a number of new small programs, including a \$1.2 billion bridge competitive program, new safety programs for vulnerable road users (formula and discretionary components) and a climate change subtitle funded at approximately \$2 billion annually. Climate-focused programs include a \$1

America's Transportation Infrastructure Act of 2019
MTC Staff Summary: September 6, 2019

billion resiliency program (formula and discretionary), a \$600 million carbon reduction formula program (65 percent population-based suballocation) and a new flexible congestion relief discretionary program for urbanized areas with populations over 1 million (\$40 million annually; \$10 million minimum grant size). The bill also explicitly makes resiliency improvement eligible under several core highway programs.

Highway Program Summaries

Metropolitan Planning

Metropolitan Planning funding would increase 8 percent in FY 2021 to \$386 million and flexibility is retained for metropolitan planning organizations (MPOs), such as MTC, to continue to experiment with planning for uncertainties without adding any new, prescriptive planning requirements. Additionally:

- The MPO coordination rule is back in a muted form; the bill changes the requirement that MPOs coordinate plans and transportation improvement programs (TIPs) when they share overlapping “urbanized areas” (as opposed to metropolitan areas) and requires that MPOs with overlapping urbanized areas “ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand.” There is no requirement to jointly develop the long-range plan or the TIP, as had been proposed in a prior rule initiated by the Obama Administration. The bill also provides that more than one MPO may be designated within one urbanized area (instead of an “existing planning area”) only if the Governor and existing MPO determine that multiple designations are appropriate.
- “Outer years” of a long-range plan are redefined as beyond the first four years (as opposed to beyond the first 10 years).
- The bill would establish two new planning-related pilot programs:
 1. Accessibility Data Pilot Program: Requires US Department of Transportation (USDOT) to provide data sets to states and MPOs to measure “accessibility,” including access to jobs, health care, or other destinations. The pilot would be funded through Office of the Secretary’s administrative expenses.
 2. Prioritization Process Pilot Program: \$10 million annually to pilot project-specific performance evaluation.
- States and MPOs would be newly required to use 2.5 percent of planning funds for Complete Streets-related activities. Activities that would meet this criterion include the development of plans and policies that improve active transportation, increase transit ridership, address travel demand through alternatives to new highway capacity, and/or support transit-oriented development.
- States and MPOs with low population densities may opt out of federal performance management requirements related to one or more of the following categories: 1) performance of the Interstate; 2) performance of the National Highway System; 3) traffic congestion; and 4) national freight movement.

Surface Transportation Block Grant Program (STP)

Though topline STP funding increases by 8 percent in year one, consistent with the other non-NHPP core formula programs, more than one-third of the STP increase is allocated to the Transportation Alternatives Program set-aside (TAP), which constitutes 7 percent of the current program. As a result, the base STP program only grows by \$671 million in FY 2021, 6 percent above FY 2020 funding levels, while TAP grows by \$350 million or 41 percent. Suballocation of STP funds to regions based on their relative share of the state’s population (increasing the share of which has been a longstanding MTC

America's Transportation Infrastructure Act of 2019
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priority) would remain constant at 55 percent, except for TAP which would be suballocated at 57.5 percent. The bill also increases flexibility to explicitly allow STP funds to be used for resiliency improvements, privately-owned ferries, wildlife crossings, low water crossings and rural water infrastructure projects.

Transportation Alternatives Program (TAP)

As noted above, the TAP set-aside grows substantially, jumping 41 percent to \$1.2 billion in year one of the bill and the regional share of suballocated TAP funds would increase from 50 percent to 57.5 percent. States also would have the option to pass through 100 percent of the suballocated TAP funds directly to counties. The proposal also explicitly authorizes up to 100 percent federal share for TAP projects, subject to certain conditions. ATIA newly allows highway safety improvement (HSIP) funds to count towards local match for bike/ped projects and recodifies the allowance for the federal share for an individual TAP project to be 100 percent so long as statewide, the federal share for all TAP projects is not more than 80 percent. Additionally, the scope of the Safe Routes to School Program is expanded to include high schools.

Congestion Mitigation and Air Quality Improvement Program (CMAQ)

CMAQ funding grows to \$2.7 billion in FY 2021, an 8 percent increase from FY 2020 levels. As is the case under the FAST Act, California would continue to receive approximately 20 percent of the nation's CMAQ funding. The bill expands program eligibility to include certain water freight projects and removes the operating assistance time limitation for transit systems in urbanized areas with a population of 200,000 or fewer.

National Highway Performance Program (NHPP)

NHPP grows 12 percent in year one to \$27 billion. Up to 15 percent of NHPP funds may be used on resiliency improvements (i.e. "protective features") to mitigate the risk of recurring damage or the cost of future repair from extreme weather events, flooding or other natural disasters. Examples range from raising bridges, upgrading culverts and relocating roadways to deepening channels, maintaining tide gates and the use of natural infrastructure to mitigate the risk of recurring damage or the cost of future repair from extreme weather events, flooding or other natural disasters. Protective features are eligible for 100 percent federal share.

Bridge Investment Program

ATIA funds a new discretionary bridge program to address the backlog of bridges in poor condition. Eligible projects include protecting, rehabilitating, preserving or replacing one or more bridges on the National Bridge Inventory (includes bridges on and off Federal-aid highways). The program is funded at \$1.2 billion in FY 2021 and grows to \$1.4 billion by FY 2025, though half of this funding is subject to annual appropriations. Not less than 50 percent of the program is reserved to fund bridge improvements with a total project cost greater than \$100 million.

Safety (Highway Safety Improvement Program (HSIP) and New Safety Programs)

The bill increases HSIP funding to \$2.6 billion in FY 2021, 8 percent above FY 2020, and restores flexibility to spend up to 25 percent of HSIP on non-infrastructure safety projects, such as educational campaigns. ATIA provides \$500 million annually to a new safety formula program targeted at improving safety for vulnerable road users and a \$100 million discretionary fatality reduction program.

- Formula: Each state receives shares of the \$500 million safety incentive funds in proportion to that state's share of national highway formula funds (base apportionments). In California's case, the state would receive approximately 9 percent of the national program. Of that, 65 percent would be suballocated to the Bay Area and other regions based on population. We estimate the Bay Area would receive approximately \$6 million from this program in FY 2021.

America's Transportation Infrastructure Act of 2019 **MTC Staff Summary: September 6, 2019**

Program funding is flexible. In general, states and MPOs may use funding for any highway safety improvement project or program. However, states and regions with high rates of nonmotorized user injuries and fatalities are required to target 50 percent of program funds toward bike/ped safety improvements. On the flip side, states and regions that integrate a detailed vulnerable road user safety assessment into a long-range plan would be rewarded with additional flexibility to spend the safety program money on any STP-eligible project.

- **Discretionary:** A new merit-based safety performance program provides flexible grants to states and local governments that are either meeting their federal safety performance targets or are demonstrating that safety is improving (serious injuries and fatalities are declining). Grant awards range from \$5 million to \$30 million and may be used for any Title 23-eligible project or for highway maintenance at 100 percent federal share.

Additionally, ATIA maintains current funding levels at \$245 million per year for the formula Railway-Highway Crossings Program (Section 130), a set-aside within HSIP. The bill removes the requirement for a state to spend at least 50 percent of program funding on protective devices, broadens eligibility to include any project that reduces pedestrian fatalities and injuries from trespassing at grade crossings, and increases the federal share from 90 percent to 100 percent.

Freight (National Highway Freight Program and INFRA)

National highway freight program funding increases 8 percent in FY 2021 to \$1.6 billion and the INFRA discretionary program grows to \$1.05 billion, a \$50 million increase from FY 2020. The bill increases support for multimodal/intermodal projects by expanding program eligibility to include certain water freight projects and increasing the cap on non-highway projects that could be funded from both the freight formula program and INFRA to 30 percent. The bill creates within INFRA a \$150 million “incentive” pilot that would prioritize projects with high local matches and adds grant administration transparency requirements. The bill adds to INFRA a consideration for freight resiliency and requires a new sustainability/resiliency focus in state freight plans.

Climate Change and Resiliency

In addition to the programmatic changes detailed above, ATIA provides approximately \$2 billion annually in new formula and discretionary funding for climate change and resiliency improvements allocated through several new programs, as described below:

- **PROTECT Grant Program:** Nearly \$1 billion annually for resilience investments; \$786 million formula and \$200 million in discretionary planning and implementation grants.

Formula: States receive formula funding in proportion to the state's share of the national highway program base apportionments. Project eligibility is broad and includes any surface transportation project (highway, bridge, transit, intercity rail and ports) that hardens infrastructure or improves disaster response; additional project elements functionally connected to a transportation improvement (e.g.: improving marsh health or installing tide gates) would be eligible.

- Discretionary: MPOs, locals, transit agencies and states may apply for the \$200 million discretionary PROTECT Grant program. \$20 million is reserved for planning grants to prepare vulnerability assessments, build technical capacity, prepare evacuation plans, and support MPOs and states in developing “resilience improvement plans,” which are detailed in the bill. Development and incorporation of such plans into long-range plans results in up to a 10 percent reduction in local match requirements.

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Implementation grants may fund one or more construction activities to harden surface transportation infrastructure and will be awarded in three buckets: 1) resilience improvement grants; 2) community resilience and evacuation route grants (including installation of communications and ITS infrastructure); and 3) at-risk coastal infrastructure (highway and non-rail infrastructure). Priority will be given to cost-efficient resiliency projects addressing high-risk asset vulnerabilities that are included in a resilience improvement plan.

- **Carbon reduction programs:** \$700 million; \$600 million formula and \$100 million discretionary.
 - Formula: Each state receives shares of the \$600 million carbon reduction incentive funds in proportion to that state's share of national highway formula base apportionments. Of this, 65 percent would be suballocated based on population. We estimate the Bay Area would receive approximately \$7 million from this program in FY 2021.

Program eligibility is broad, including projects or programs that improve traffic management, traffic flow, shift travel demand to nonpeak hours or increase vehicle occupancy rates, diesel retrofits, clean vehicle charging infrastructure, transit and bike/ped projects, advanced transportation and congestion management technologies. The program includes a planning incentive similar to the incentive in the new safety formula program: States and regions that adopt a detailed carbon reduction strategy would be rewarded with additional flexibility to spend the program money on any STP-eligible project. The region's strategy would need to be incorporated into the long-range transportation plan.
 - Discretionary: Similar to the merit-based safety performance program, this new program makes available grants for high-performing states and locals. In this case, merit-based grants are reserved for states and local governments in states and regions that demonstrate progress toward reductions in transportation emissions (per capita allowance). Unlike the merit-based safety program, there is no direct link to federal performance targets, since the climate-related performance measure mandated by the Obama Administration was repealed in 2018. Grant awards would range from \$5 million to \$30 million and could be used for any Title 23-eligible project at 100 percent federal share.
- **Congestion relief program:** \$40 million discretionary program for urbanized areas with populations larger than 1 million to fund integrated congestion management, pricing strategies (including high-occupancy toll lanes and congestion pricing in up to 10 urbanized areas), operation of mobility services (commuter buses, on-demand microtransit, etc.), incentive programs to carpool or shift travel to non-peak periods and other congestion relief projects. The minimum grant award would be \$10 million. Nationwide, there are 45 urbanized areas larger than 1 million in population that would be eligible to compete for this limited funding congestion relief program, including two in the Bay Area: San Francisco-Oakland and San Jose.
- **Charging and fueling infrastructure grants:** Discretionary grant program to fund deployment of alternative fuel charging infrastructure along designated alternative fuel corridors. Funding would begin at \$100 million in FY 2021 and increase to \$300 million in FY 2025, and could be used for charging station installation (including signage) and operations (five-year limit). The federal cost share for grant-funded charging or fueling infrastructure projects is 80 percent and,

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somewhat unusually, the bill requires that private entities contracting with a grantee be required to fund the local match.

- **Clean ports:** Discretionary grant program to fund projects that reduce emissions at port facilities, including port electrification projects. Funding would begin at \$60 million in FY 2021 and increase to \$90 million in FY 2025.

ATIA also augments the Federal Highway Administration (FHWA) Emergency Relief (ER) program's definition of a natural disaster to include wildfire and sea level rise, and allows the use of ER program funds on "protective features" to improve resiliency (see NHPP summary).

Streamlining

ATIA codifies core elements of President Trump's One Federal Decision permit streamlining Executive Order, including consolidating all permitting decisions for major infrastructure projects into one single environmental document with a schedule set by the federal "lead" agency, setting a two-year goal for completion of environmental reviews, and establishing a 90-day timeline for related project authorizations. In addition, the bill provides project sponsors with the flexibility to apply the core elements of the One Federal Decision policy to highway projects that require an environmental assessment.

ATIA provides flexibility to USDOT during the environmental review process, allowing the agency to set a schedule for projects, and limiting extension requests by other cooperating federal agencies to only one year. In addition, the proposal requires the Secretary to provide to regulatory agencies a list of categorical exclusions applicable to highway projects and directs those agencies to publish a notice of proposed rulemaking to adopt relevant categorical exclusions within one year. Lastly, the bill requires USDOT to develop a simplified template for federal-state stewardship agreements and to remove approval requirements that aren't mandated by federal law from such agreements.

Other Items

- **Tolling:** The bill requires that new interstate tolling projects include discounts for high-occupancy vehicles, transit, and paratransit; ATIA also authorizes a new toll credit exchange pilot to evaluate the demand for a toll credit marketplace.
- **Cybersecurity:** The bill requires FHWA to 1) develop a tool to assist transportation authorities in identifying, detecting, protecting against, responding to, and recovering from cyber incidents; and 2) designate an office as a "cyber coordinator" for monitoring, alerting, and advising transportation authorities of cyber incidents.
- **Ferries:** ATIA Authorizes \$440 million over five years for the FHWA ferry boat program, an increase of \$60 million over FAST Act levels. The bill clarifies that the construction of ferry boats and terminals also includes the construction of maintenance facilities, and permits the use of program funds to procure non-ferry transit vehicles if the vehicles are used exclusively as part of an intermodal ferry trip.
- **TIFIA:** The bill retains TIFIA at FAST Act levels (\$300 million annually) and updates the program, streamlining the application process and expanding program eligibility to include airport projects and additional transit-oriented development projects (economic and residential developments physically or functionally related to rail transit stations).

America's Transportation Infrastructure Act (ATIA) vs. FAST Act Funding				
\$ in Millions				
(authorization of Highway Trust Fund revenues, unless otherwise specified.)				
	FAST Act (FY 2020)	ATIA (FY 2021)	ATIA Total (5 years)	California/Bay Area FY 2021 Impact
<i>Federal Highway Formula Programs</i>				
National Highway Performance Program	24,236	27,157	141,529	California would receive \$2.3 billion. New flexibility to spend funding on resiliency improvements.
Surface Transportation Block Grant Program (STP)	11,287	11,958	62,319	California would receive \$1 billion; the Bay Area's suballocated share would increase to \$111 million from \$105 million in FY 2020.
Transportation Alternatives Program (STP set-aside)	850	1,200	6,244	California's funding increases to \$104 million; the share reserved for Bay Area projects would increase to \$12 million from \$7 million in FY 2020.
Highway Safety Improvement Program	2,407	2,608	13,376	California would receive \$229 million.
Congestion Mitigation and Air Quality Improvement Program (CMAQ)	2,499	2,688	13,676	California retains 20 percent of the federal program share, or \$537 million in FY 2021. Of this, the Bay Area would receive \$75 million.
National Freight Program	1,487	1,611	8,428	California's funding increases to \$150 million.
Metropolitan Planning	359	386	2,011	California's funding increases to \$58 million from \$54 million in FY 2020.
Railway-Highway Grade Crossings	245	245	1,225	New emphasis on reducing pedestrian fatalities and increases federal share to 100 percent.
FHWA Ferry Program	80	86	440	California received \$3.2 million in FY 2018 when the program was funded at \$80 million. WETA and GGBHTD received nearly half of the statewide allocation.
<i>New Formula Programs</i>				
Formula Safety Incentive Program	-	500	2,500	California's program share would be \$47 million in FY 2021; Of this, the Bay Area would receive an estimated \$6 million in suballocated funds.
Carbon Reduction Incentive Program	-	600	3,000	California's program share would be \$56 million in FY 2021; Of this, the Bay Area would receive an estimated \$7 million in suballocated funds.
PROTECT (formula)	-	786	3,930	California would receive \$74 million in FY 2021.

America's Transportation Infrastructure Investment Act vs. FAST Act Funding, cont.			
\$ in Millions			
(authorization of Highway Trust Fund revenues, unless otherwise specified)			
	FAST Act (FY 2020)	ATIA (FY 2021)	ATIA Total (5 years)
<i>Freight, Bridge and Climate Change Discretionary Programs</i>			
INFRA	1,000	1,050	5,500
Bridge Investment Program (50 percent HTF-funded)	-	1,200	6,530
Safety Performance Program	-	100	500
Carbon Reduction Performance Program	-	100	500
Congestion Relief Program	-	40	200
Charging and fueling infrastructure grants	-	100	500
PROTECT (competitive)	-	200	1,000
Clean Ports	-	60	370
<i>Other Programs</i>			
TIFIA	300	300	1,500
Technology and Innovation Deployment	68	135	675
Intelligent Transportation Systems	100	110	550
Community Connectivity Planning and Implementation	-	34	120
Planning Prioritization Pilot	-	10	50
Disaster Relief Mobilization Pilot	-	1	5
Data Integration Pilot Program (GF)	-	3	13
Emerging Technologies Research Pilot Program (GF)	-	5	25
FAST Act Rescission	7,569	-	-
Repeal of FAST Act 2020 Rescission	(7,569)	-	-
Other	2,287	3,213	17,284
TOTAL FHWA Contract Authority			
	47,104	55,128	287,267
TOTAL FHWA General Fund Authorizations			
	100	1,358	6,733
TOTAL AUTHORIZATIONS			
	47,204	56,485	293,999

Source: MTC staff analysis of July 29, 2019, Eno Center for Transportation ATIA funding authorization estimates

Note: Totals may not sum due to rounding.

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 19-0917 **Version:** 1 **Name:**
Type: Report **Status:** Informational
File created: 7/31/2019 **In control:** Joint MTC Legislation Committee and ABAG
Legislation Committee
On agenda: 9/13/2019 **Final action:**
Title: Tom Bulger's Report
Report from Washington, D.C. advocate.
Sponsors:
Indexes:
Code sections:
Attachments: [5b_Tom Bulger's DC Report July and Aug 2019.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Tom Bulger's Report

Report from Washington, D.C. advocate.

Presenter:
Randy Rentschler

Recommended Action:
Information

Attachments:

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

September 13, 2019

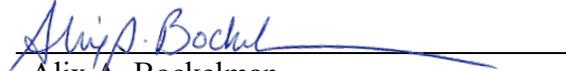
Agenda Item 6b

Tom Bulger's Report

Subject: July and August 2019 Report from Washington, D.C. advocate.

Recommendation: Information

Attachments: Attachment A: Tom Bulger's Report – July and August 2019


Alix A. Bockelman

July and August 2019 Monthly Washington, D.C. Report



To: Therese W. McMillian, Executive Director

From: Tom Bulger, President GRI

Date: August 27, 2019

RE: Monthly Report for July and August 2019

- Bay Bridge Study Congressional Briefing
- Bipartisan Budget Deal Agreement
- House Hearing on the Transit New Start Program
- United States Senate Committee on Environment and Public Works (EP&W) Committee Approves a Five-Year Highway Bill

Bay Bridge Study Congressional Briefing

On August 19, 2019, we arranged a Bay Bridge Congressional staff briefing via a conference call. Specifically, with Senator Feinstein and Congressman DeSaulnier's Washington, D.C. staff and the MTC legislative and planning staff. The briefing covered the planning process and the evaluations of proposed crossings as well as preliminary findings. The briefing concluded with a lengthy discussion and next steps.

Bipartisan Budget Deal Agreement

Congress and the President agreed to a two-year Appropriations and Debt Limit deal at the end of July. The arrangement would suspend the limit on the nation's debt ceiling for two more years and increase appropriations by \$320 billion over two years by increasing the budget caps for defense and non-defense spending.

House Hearing on the New Start Program

In July, I attended the House Subcommittee on Highways and Transit hearing about the Federal Transit Administration Capital Investment Grant (CIG) program. The hearing focused on the following:

- Delays in signing grant agreements.
- Delays in allocating appropriated funding.
- Delays in issuing Letters of No Prejudice.
- Delays for moving projects from Project Development to Engineering.
- Decreases in federal costs.
- Defining the non-federal share by excluding Transportation Infrastructure Finance and Innovation Act loans.
- Transparency through a Program Pipeline Dashboard.

United States Senate Committee on Environment and Public Works (EPW) Committee Approves a Five-Year Highway Bill

At the very end of July, the Senate EPW Committee completed a five-year highway markup. The bill is called America's Transportation Infrastructure Act S.2302.

Overall, the measure authorizes \$287 billion over five years from the Highway Trust Fund. All of the current federal highway core programs are increased and therefore retained. The bill includes a new climate change subtitle with funding for resiliency, carbon reduction, congestion relief and alternative charging infrastructure.

The MTC staff has done a wonderful write up of the bill that I'm sure will be provided to the Committee.