

Meeting Agenda

Joint MTC ABAG Legislation Committee

Jesse Arreguin, Chair Sam Liccardo, Vice Chair

Members

*Eddie Ahn, David Canepa, Damon Connolly,
Carol Dutra-Vernaci, Pat Eklund, Victoria Fleming,
Barbara Halliday, Dave Hudson, Gordon Mar,
Karen Mitchoff, Alfredo Pedroza, David Rabbitt,
Belia Ramos, Libby Schaaf, and Jim Spering*

Non-Voting Members

Dorene M. Giacomini and Vacant

Friday, September 10, 2021

9:40 AM

Board Room - 1st Floor (REMOTE)

In light of Governor Newsom's State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-29-20 issued by Governor Newsom on March 17, 2020 and the Guidance for Gatherings issued by the California Department of Public Health, the meeting will be conducted via webcast, teleconference, and Zoom for Committee members who will participate in the meeting from individual remote locations.

A Zoom panelist link for meeting participants will be sent separately to Committee members.

The meeting webcast will be available at <http://mtc.ca.gov/whats-happening/meetings>. Members of the public are encouraged to participate remotely via Zoom at the following link or phone number. Committee Members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial *9. When called upon, unmute yourself or dial *6. In order to get the full Zoom experience, please make sure your application is up to date.

Attendee Link: <https://bayareametro.zoom.us/j/86899765276>

iPhone One-Tap: US: +14086380968,,86899765276# or +16699006833,,86899765276#

Join by Telephone US: 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 868 9976 5276

International numbers available: <https://bayareametro.zoom.us/j/kGU3kJSCD>

Detailed instructions on participating via Zoom are available at:

<https://mtc.ca.gov/how-provide-public-comment-board-meeting-zoom>

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

1. Call to Order / Roll Call / Confirm Quorum

Quorum: A quorum of this body shall be a majority of its regular voting members (9).

2. Consent Calendar

- 2a. [21-1055](#) Approval of Joint MTC ABAG Legislation Committee Minutes of the July 9, 2021 Meeting

Action: Committee Approval

Attachments: [2a_Joint LEGIS_Minutes_July 9 2021.pdf](#)

- 2b. [21-1056](#) Legislative History

Detailed list of bills the ABAG and MTC are tracking in Sacramento, including those ABAG or MTC supports or opposes.

Action: Information

Presenter: Rebecca Long

Attachments: [2b_LEGIS HIST_Sept.pdf](#)

3. State Legislation

- 3a. [21-1137](#) Assembly Bill 361 (Rivas) Open Meetings/Teleconference

Authorizes teleconferencing for local agency meetings during periods of a proclaimed state of emergency.

Action: Support / ABAG Executive Board Approval
Support / MTC Commission Approval

Presenter: Rebecca Long

Attachments: [3a_AB 361_Rivas.pdf](#)

- 3b. [21-1078](#) Priority Bills Update

Update on bills for which MTC and/or ABAG took a position and other important tracked bills.

Action: Information

Presenter: Rebecca Long

Attachments: [3b_Legislative Update.pdf](#)

3c. [21-1077](#) Fiscal Year (FY) 2021-22 State Budget Update

Update on the FY 2021-22 State Budget related to transportation funding, housing and homelessness funding, and climate resilience.

Action: Information

Presenter: Rebecca Long

Attachments: [3c State Budget Update.pdf](#)
 [3c Handout-State Budget Update.pdf](#)

4. Federal Legislation**4a. [21-1127](#) Infrastructure Bill Update**

Status update regarding the Infrastructure Investment and Jobs Act.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [4a Infrastructure Bill Update Clean.pdf](#)

4b. [21-1057](#) Washington D.C. Legislative Update

Report on key legislative, funding and political developments over the past month from Washington, D.C. prepared by the Summit Strategies team.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [4b Handout-MTC Report July and Aug Summit.pdf](#)

5. Public Comment / Other Business

*Committee Members and members of the public participating by Zoom wishing to speak should use the “raise hand” feature or dial *9. When called upon, unmute yourself or dial *6.*

6. Adjournment / Next Meeting

The next meeting of the Joint MTC ABAG Legislation Committee will be Friday, October 8, 2021 at 9:45 a.m. remotely and by webcast as appropriate depending on the status of any shelter in place orders. Any changes to the schedule will be duly noticed to the public.

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 Titulo 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.

Meeting Minutes - Draft

Joint MTC ABAG Legislation Committee

Jesse Arreguin, Chair Sam Liccardo, Vice Chair

Members

*Eddie Ahn, David Canepa, Damon Connolly,
Carol Dutra-Vernaci, Pat Eklund, Victoria Fleming,
Barbara Halliday, Dave Hudson, Gordon Mar,
Karen Mitchoff, Alfredo Pedroza, David Rabbitt,
Belia Ramos, Libby Schaaf, and Jim Spering*

Non-Voting Members

Dorene M. Giacomini and Vacant

Friday, July 9, 2021

9:45 AM

Board Room - 1st Floor (REMOTE)

1. Roll Call / Confirm Quorum

Present: 12 - Vice Chair Liccardo, Committee Member Hudson, Chair Arreguin, Committee Member Halliday, Committee Member Eklund, Committee Member Connolly, Committee Member Spering, Committee Member Ahn, Committee Member Mitchoff, Committee Member Canepa, Committee Member Dutra-Vernaci and Committee Member Rabbitt

Absent: 5 - Committee Member Pedroza, Committee Member Ramos, Committee Member Mar, Committee Member Schaaf and Committee Member Fleming

Non-Voting Member Present: Commissioner Giacomini

Ad Hoc Non-Voting Member Present: Commissioner Rabbitt and Commissioner Worth

2. Consent Calendar

Upon the motion by Committee Member Hudson and second by Committee Member Mitchoff, the Consent Calendar was unanimously approved. The motion carried by the following vote:

Aye: 12 - Vice Chair Liccardo, Committee Member Hudson, Chair Arreguin, Committee Member Halliday, Committee Member Eklund, Committee Member Connolly, Committee Member Spering, Committee Member Ahn, Committee Member Mitchoff, Committee Member Canepa, Committee Member Dutra-Vernaci and Committee Member Rabbitt

Absent: 5 - Committee Member Pedroza, Committee Member Ramos, Committee Member Mar, Committee Member Schaaf and Committee Member Fleming

- 2a. [21-0874](#) Approval of Joint MTC ABAG Legislation Committee Minutes of the June 11, 2021 Meeting

Action: Committee Approval

Attachments: [2a_Joint LEGIS_Minutes_June 11 2021.pdf](#)

- 2b. [21-0875](#) Legislative History

Detailed list of bills the ABAG and MTC are tracking in Sacramento, including those ABAG or MTC supports or opposes.

Action: Information

Presenter: Rebecca Long

Attachments: [2b_LEGIS HIST_July.pdf](#)

3. Information

- 3a. [21-0927](#) Fiscal Year (FY) 2021-2022 State Budget Update

Update on the FY 2021-2022 State Budget with a focus on transportation, housing and climate adaptation funding.

Action: Information

Presenter: Rebecca Long

Attachments: [3a_State Budget Update.pdf](#)

Roland Lebrun spoke on this item.

4. Federal Legislation

4a. [21-0928](#) Update on Surface Transportation Reauthorization

Status update regarding the reauthorization of the federal surface transportation law, including an update on the interplay between reauthorization and an infrastructure package.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [4a Update on Surface Transportation Reauthorization.pdf](#)

4b. [21-0878](#) Washington D.C. Legislative Update

Report on key legislative, funding and political developments over the past month from Washington, D.C. prepared by the Summit Strategies team.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [4b MTC Report June Summit.pdf](#)

5. Public Comment / Other Business

Roland Lebrun was called to speak.

6. Adjournment / Next Meeting

The next meeting of the Joint MTC ABAG Legislation Committee will be Friday, September 10, 2021 at 9:45 a.m. remotely and by webcast as appropriate depending on the status of any shelter in place orders. Any changes to the schedule will be duly noticed to the public.



METROPOLITAN
TRANSPORTATION
COMMISSION

LEGISLATIVE HISTORY
Thursday, September 09, 2021



Bill Number	Current Text	Status	Summary	MTC Position	ABAG Position
AB 43 Friedman	Amended 9/1/2021	Assembly Concurrence	Traffic safety. Current law establishes various default speed limits for vehicles upon highways, as specified. Current law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions. Current law authorizes local authorities to consider additional factors, including pedestrian and bicyclist safety. This bill would authorize local authorities to consider the safety of vulnerable pedestrian groups, as specified.	Support	Support
AB 68 Quirk-Silva	Amended 8/26/2021	Assembly Concurrence	Department of Housing and Community Development: California Statewide Housing Plan: annual reports. Current law establishes the California Statewide Housing Plan, which serves as a state housing plan for all relevant purposes, that incorporates a statement of housing goals, policies, and objectives, as well as specified segments. Current law requires the Department of Housing and Community Development to update and provide a revision of the plan to the Legislature every 4 years, as provided. This bill would revise and recast those provisions related to the California Statewide Housing Plan. The bill would, starting with any update or revision to the plan on or after January 1, 2023, require the plan to include specified information, including, among other things, the number of affordable units needed to meet the state's affordable housing needs and recommendations for modernizing statutory and regulatory terminology. The bill would require the department to publish and make the plan available to the public on the department's internet website.		

AB 113 Boerner Horvath	Amended 4/7/2021	Assembly Housing and Community Development	Income taxes: credits: electric vehicles. The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2021, and before January 1, 2026, in an amount equal to 40% of the amount paid or incurred in qualified costs by a qualified taxpayer during the taxable year for the installation of specified electric vehicle supply equipment in a covered multifamily dwelling or covered nonresidential building, subject to specified maximum credit amounts. The bill would define various terms for these purposes. The bill would repeal these provisions as of December 1, 2026.		
AB 118 Kamlager	Enrollment 9/8/2021	Assembly Enrollment	Department of Social Services: C.R.I.S.E.S. Grant Pilot Program. Would enact the Community Response Initiative to Strengthen Emergency Systems Act, or the C.R.I.S.E.S. Act, for purposes of creating, implementing, and evaluating the C.R.I.S.E.S. Grant Pilot Program, which the act would establish. The bill would require the department to administer the program if appropriate funding is made available to the department. The bill would require the department to award grants to qualified grantees, which include city, county, and tribal departments of social services, disability services, health services, public health, or behavioral health, based on grant eligibility criteria developed in partnership with a stakeholder workgroup.		
AB 122 Boerner Horvath	Enrollment 9/8/2021	Assembly Enrolled	Vehicles: required stops: bicycles. Would, until January 1, 2028, require a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to yield the right-of-way to any vehicles that have either stopped at or entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to pedestrians, as specified, and continue to yield the right-of-way to those vehicles and pedestrians until reasonably safe to proceed. The bill would require other vehicles to yield the right-of-way to a bicycle that, having yielded as prescribed, has entered the intersection. The bill would state that these provisions do not affect the liability of a driver of a motor vehicle as a result of the driver's negligent or wrongful act or omission in the operation of a motor vehicle.		

AB 162 Committee on Budget	Amended 9/4/2021	Senate Third Reading	Community Economic Resilience Fund Program. Would establish, within the Workforce Services Branch of the Employment Development Department (EDD), the Community Economic Resilience Fund Program (program). The bill would require the branch to administer the program. The bill would require the Inter-Agency Leadership Team (team), comprised of the Labor and Workforce Development Agency, the Office of Planning and Research, and the Governor's Office of Business and Economic Development, to administer the program. The bill would make the team jointly responsible for planning, oversight, and decision-making, as specified. The bill would set forth the specifics of the team's composition and duties.		
AB 215 Chiu	Amended 8/30/2021	Senate Third Reading	Planning and Zoning Law: housing element: violations. The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires a planning agency, before adopting its housing element or amendment to its housing element, to submit a draft element or draft amendment to the Department of Housing and Community Development. This bill would require a local government to make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting it to the department. The bill would require a local government to post any subsequent draft revision on its internet website and to email a link to the draft revision to individuals and organizations that have requested notices relating to the local government's housing element, as specified.		
AB 339 Lee	Amended 9/3/2021	Senate Third Reading	Local government: open and public meetings. The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.		

AB 345 Quirk-Silva	Enrolled 9/7/2021	Assembly Enrollment	Accessory dwelling units: separate conveyance. 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 a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence. Current law, notwithstanding the prohibition described above, authorizes a local agency to, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. This bill would require each local agency to allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if the above-described conditions are met.		
AB 361 Rivas, Robert	Amended 9/3/2021	Senate Judiciary	Open meetings: state and local agencies: teleconferences. Would, until January 1, 2024, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.		
AB 411 Irwin	Amended 3/1/2021	Assembly Appropriations Suspense File	Veterans Housing and Homeless Prevention Bond Act of 2022. Would enact the Veterans Housing and Homeless Prevention Bond Act of 2022 to authorize the issuance of bonds in an amount not to exceed \$600,000,000 to provide additional funding for the VHHPA. The bill would provide for the handling and disposition of the funds in the same manner as the 2014 bond act.		

AB 418 Valladares	Enrolled 9/8/2021	Assembly Enrollment	Emergency services: grant program. Would establish the Community Power Resiliency Program (program), to be administered by the Office of Emergency Services, to support local governments' efforts to improve resiliency in response to power outage events, as provided. The bill would require the office to allocate funds, pursuant to an appropriation by the Legislature, to local governments, special districts, and tribes for various purposes relating to power resiliency, and would require certain entities, in order to be eligible for funding, to either describe the portion of their emergency plan that includes power outages or confirm that power outages will be included when the entity revises any portion of their emergency plan.		
AB 428 Mayes	Enrollment 9/8/2021	Assembly Enrolled	Local government: board of supervisors. Current law requires each county to have a board of supervisors and provides for the organization and powers of the board of supervisors. Current law allows the board of supervisors of any general law or charter county to adopt or the residents of the county to propose, by initiative, limit or repeal a limit on the number of terms a member of the board of supervisors may serve on the board of supervisors. Current law also requires the board of supervisors to prescribe the compensation for all county officers. This bill would require that, when term limits are imposed, the limit must be no fewer than 2 terms. This bill would specify that the board of supervisors is included in the definition of county officers for whom the board of supervisors is required to prescribe compensation. The bill would specify that it would not affect any term limits that were legally in effect prior to January 1, 2022, in any county.		
AB 476 Mullin	Amended 9/7/2021	Assembly Transportation	Department of Transportation: state highways: part-time transit lane pilot program. Would require the Department of Transportation to establish a pilot program to authorize a transit operator or operators, in partnership with an eligible transportation agency, to operate part-time transit lanes, defined as designated highway shoulders that support the operation of transit vehicles during specified times. The bill would require the department by January 1, 2024, to develop guidelines for the safe operation of part-time transit lanes, as provided, a training program for transit operators to operate transit buses on the shoulders of highways within the state, and a program to identify transit buses authorized to be used or operated in part-time transit lanes within the state. The bill would require the eligible transportation agency to be responsible for all costs attributable to the project.	Support	

AB 491 Ward	Enrollment 9/8/2021	Assembly Enrolled	Housing: affordable and market rate units. Would require that a mixed-income multifamily structure provide the same access to the common entrances, common areas, and amenities of the structure to occupants of the affordable housing units in the structure as is provided to occupants of the market-rate housing units. The bill would also prohibit a mixed-income multifamily structure from isolating the affordable housing units within the structure to a specific floor or an area on a specific floor. The bill would define various terms for these purposes.		
AB 500 Ward	Amended 8/31/2021	Senate Gov. & F.	Local planning: coastal development: streamlined permitting. The Coastal Act generally requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. This bill would require a local government lying, in whole or in part, within the coastal zone that has a certified land use plan or a fully certified local coastal program to adopt, by January 1, 2024, an amendment to that plan or program, as applicable, specifying streamlined permitting procedures in nonhazardous zones for the approval of (1) accessory dwelling units or junior accessory dwelling units, consistent with specified requirements relating to the rental of those units (2) projects in which a specified percentage of the units will be affordable to lower income households or designated for supportive housing, as those terms are defined, and (3) Low Barrier Navigation Centers, as defined. The bill would require that the amendment be submitted to, and processed and approved by, the commission consistent with the above-described requirements for the amendment of a local coastal program.		
AB 525 Chiu	Amended 9/3/2021	Senate Third Reading	Energy: offshore wind generation. Current law requires the Public Utilities Commission and the Energy Commission to undertake various actions in furtherance of meeting the state's clean energy and pollution reduction objectives. This bill would require the Energy Commission, on or before June 1, 2022, to evaluate and quantify the maximum feasible capacity of offshore wind to achieve reliability, ratepayer, employment, and decarbonization benefits and to establish offshore wind planning goals for 2030 and 2045, as specified.		

AB 571 Mayes	Enrollment 9/8/2021	Assembly Enrollment	Planning and zoning: density bonuses: affordable housing. The Density Bonus Law requires a city or county to provide a developer that proposes a housing development in the city or county with a density bonus and other incentives or concessions for the production of lower income housing units, or for the donation of land within the development, if the developer agrees to, among other things, construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents, including lower income students. Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would prohibit affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, from being imposed on a housing development's affordable units.		
AB 580 Rodriguez	Amended 9/3/2021	Senate Third Reading	Emergency services: vulnerable populations. Current law requires OES to establish a standardized emergency management system for use by all emergency response agencies. Current law requires the director to appoint representatives of the disabled community to serve on pertinent committees related to that system, and to ensure that the needs of the disabled community are met within that system by ensuring certain committee recommendations include the needs of people with disabilities. This bill instead would require the director to appoint representatives of the access and functional needs population, provided a majority of appointees are from specified groups, to serve on those committees and to ensure the needs of that population are met within that system.		
AB 602 Grayson	Enrollment 9/8/2021	Assembly Enrollment	Development fees: impact fee nexus study. Current law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions. This bill, among other things, would require, on and after January 1, 2022, a local agency that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees.		

AB 604 Daly	Enrolled 9/8/2021	Assembly Enrollment	Road Maintenance and Rehabilitation Account: apportionment of funds: accrued interest. Would continuously appropriate interest earnings derived from revenues deposited in the Road Maintenance and Rehabilitation Account to the Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program.		
AB 634 Carrillo	Amended 8/31/2021	Assembly Concurrence	Density Bonus Law: affordability restrictions. The Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct specified percentages of units for lower income, very low income, or senior citizen housing, among other things, and meets other requirements. Current law prescribes an application process for a city or county to follow in this regard. Current law specifies that, if permitted by local ordinance, that law is not to be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in these provisions for a development that meets specified requirements or from granting a proportionately lower density bonus than what is required for developments that do not meet these requirements. This bill would also provide that, if permitted by local ordinance, the Density Bonus Law is not to be construed to prohibit a city, county, or city and county from requiring an affordability period that is longer than 55 years for any units that qualified the applicant for the award for the density bonus developed in compliance with a local ordinance that requires, as a condition of development of residential units, that a development include a certain percentage of units that are affordable to, and occupied by low-income, lower income, very low income, or extremely low income households and that will be financed without low-income housing tax credits.		
AB 642 Friedman	Amended 9/3/2021	Assembly Concurrence	Wildfires. Current law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones, as provided. Current law requires a local agency, within 30 days of receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review. This bill would require the director to identify areas in the state as moderate and high fire hazard severity zones. The bill would modify the factors the director is required to use to classify areas into fire hazard severity zones, as provided. The bill would require a local agency, within 30 days of receiving a transmittal from the director that identifies fire hazard severity zones, to make the information available for public comment.		

AB 648 Fong	Introduced 2/12/2021	Assembly Natural Resources	<p>Greenhouse Gas Reduction Fund: healthy forest and fire prevention: appropriation. Would continuously appropriate, beginning in the 2021–22 fiscal year and ending in the 2028–29 fiscal year, \$200,000,000 of the annual proceeds from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for (1) healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires and (2) prescribed fire and other fuel reduction projects through proven forestry practices consistent with the recommendations of the California Forest Carbon Plan, including the operation of year-round prescribed fire crews and implementation of a research and monitoring program for climate change adaptation.</p>		
AB 680 Burke	Amended 9/3/2021	Senate Third Reading	<p>Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021. Would enact the California Jobs Plan Act of 2021, which would require the State Air Resources Board to work with the labor agency to update, by July 1, 2025, Greenhouse Gas Reduction Fund funding guidelines for administering agencies to ensure that all applicants to grant programs funded by the Greenhouse Gas Reduction Fund meet specified standards, including fair and responsible employer standards and inclusive procurement policies, as provided. The bill would require the state board to work with administering agencies to leverage existing programs and funding to assist applicants in meeting these standards. The bill would require, among other things, administering agencies, on and after the adoption of the update to the funding guidelines, to give preference to applicants that demonstrate a partnership with an educational institution or training program targeting residents of under-resourced, tribal, and low-income communities, as defined, in the same region as the proposed project and to applicants that demonstrate the creation of high-quality jobs, as defined, by the proposed project.</p>		

AB 758 Nazarian	Enrollment 9/8/2021	Assembly Enrolled	Marks-Roos Local Bond Pooling Act of 1985: electric utilities: rate reduction bonds. The Marks-Roos Local Bond Pooling Act of 1985 authorizes certain joint powers authorities, upon application by a local agency that owns and operates a publicly owned utility, defined to mean certain utilities furnishing water or wastewater service to not less than 25,000 retail customers, to issue rate reduction bonds to finance utility projects, as defined, subject to certain requirements. Under the act, these rate reduction bonds are secured by a pledge of utility project property, and the joint powers authority issuing the bonds may impose on, and collect from, customers of the publicly owned utility a utility project charge to finance the bonds, as provided. This bill would expand the definition of a publicly owned utility for these purposes to include a local publicly owned electric utility, as defined. The bill would authorize an authority to issue rate reduction bonds to finance or refinance utility projects for the provision of generation, transmission, or distribution of electrical service.		
AB 773 Nazarian	Enrollment 9/2/2021	Assembly Enrolled	Street closures and designations. Would authorize a local authority to adopt a rule or regulation by ordinance to implement a slow street program, which may include closures to vehicular traffic or through vehicular traffic of neighborhood local streets with connections to citywide bicycle networks, destinations that are within walking distance, or green space. The bill would require the local authority to meet specified conditions to implement a slow street, including a determination that closure or traffic restriction is necessary for the safety and protection of persons using the closed or restricted portion of the street, conducting an outreach and engagement process, and clearly designating the closure or traffic restriction with specific signage.		
AB 784 Quirk	Enrollment 9/1/2021	Assembly Enrolled	Alameda-Contra Costa Transit District. The Transit District Law authorizes any city together with unincorporated territory, or 2 or more cities, with or without unincorporated territory, in either the Counties of Alameda or Contra Costa or both, to organize and incorporate as a transit district divided into 5 wards with specified powers and duties relative to providing public transit service. This bill would repeal the authority to form a transit district under these provisions and would recognize the Alameda-Contra Costa Transit District as the district formed pursuant to this authority.		

AB 838 Friedman	Enrolled 9/7/2021	Assembly Enrollment	<p>State Housing Law: enforcement response to complaints. Would, beginning July 1, 2022, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as specified, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, except as specified, to inspect the building, portion of the building intended for human occupancy, or premises of the building, document the lead hazard violations that would be discovered based upon a reasonably competent and diligent visual inspection of the property and identify any building, portion of a building intended for human occupancy, or premises on which such a building is located that is determined to be substandard, as applicable. The bill would require the city or county, as applicable, to advise the owner or operator of each violation and of each action that is required to be taken to remedy the violation and to schedule a reinspection to verify correction of the violations.</p>		
AB 844 Grayson	Enrollment 9/8/2021	Assembly Enrollment	<p>Green Empowerment Zone for the Northern Waterfront area of the County of Contra Costa. Would, until January 1, 2028, authorize establishment of a Green Empowerment Zone for the Northern Waterfront area of the County of Contra Costa. The bill would authorize the Green Empowerment Zone to be composed of specified cities, upon adoption of a resolution by the city or county, and would provide for the Green Empowerment Zone to be governed by a board of directors. The bill would task the Green Empowerment Zone with various duties, including, among other things, identification of projects and programs that will best utilize public dollars and improve the economic vitality of the Northern Waterfront area of the of Contra Costa in a coordinated effort to support the development of the clean energy economy.</p>		

AB 917 Bloom	Enrollment 9/8/2021	Assembly Enrollment	Vehicles: video imaging of parking violations. Current law requires a designated employee, who is qualified by San Francisco, or a contracted law enforcement agency for the Alameda-Contra Costa Transit District, who is qualified by the city and county or the district to issue parking citations, to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane and to issue a notice of violation to the registered owner of a vehicle within 15 calendar days, as specified. Current law makes these video image records confidential, and provides that these records are available only to public agencies to enforce parking violations. Current law provides that if the Alameda-Contra Costa Transit District implements an automated enforcement system as described above, the district is required to submit a report to specified committees of the Legislature by no later than January 1, 2021. This bill would extend the authorization described above to any public transit operator in the state until January 1, 2027, and to the City and County of San Francisco indefinitely, if the examiner or issuing agency, as specified, of a violation allows for the reduction or waiver of parking penalties for indigent individuals, as defined.	Support	
AB 965 Levine	Amended 6/29/2021	Senate Third Reading	Building standards: electric vehicle charging infrastructure. Would require the Department of Housing and Community Development to, when considering proposed building standards for future electric vehicle charging infrastructure in existing multifamily dwellings, consider whether electric vehicle charging standards shall only apply to multifamily dwellings or during the time of construction activity requiring a building or electrical permit in order to minimize the cost of installing infrastructure, and whether to require up to 20% of parking spaces in existing multifamily dwellings to support future installation of electric vehicle charging infrastructure. The bill would require the commission, by July 1, 2024, or the publication of the next interim California Building Code, whichever comes first, to research, develop, and propose building standards regarding the installation of future electric vehicle charging infrastructure for parking spaces for existing nonresidential development, as specified.		
AB 970 McCarty	Enrollment 9/7/2021	Assembly Enrollment	Planning and zoning: electric vehicle charging stations: permit application: approval. Current law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review. This bill would clarify that these provisions apply to all cities, including charter cities.		

AB 978 Quirk-Silva	Chaptered 7/23/2021	Assembly Chaptered	<p>Mobilehome parks: rent caps. The Mobilehome Residency Law prescribes various terms and conditions of tenancies in mobilehome parks. Current law defines “tenancy” for these purposes as the right of a homeowner to use a site within a mobilehome park on which to locate, maintain, and occupy a mobilehome for human habitation, including the use of the services and facilities of the park. The Tenant Protection Act of 2019 prohibits, with certain exceptions, an owner of residential real property from increasing the gross rental rate for a dwelling or unit more than 5% plus the percentage change in the cost of living, as defined, or 10%, whichever is lower, of the lowest gross rental rate charged for the immediately preceding 12 months, subject to specified conditions. Current law excludes an owner or operator of a mobilehome park and an owner of a mobilehome or their agent from these provisions. This bill would extend these provisions to any person having the right to offer residential real property for rent, including an owner or operator of any dwelling or unit in a mobilehome park.</p>		
AB 984 Rivas, Luz	Amended 9/3/2021	Senate Third Reading	<p>Vehicle identification and registration: alternative devices. Current law requires a vehicle to display a license plate, issued by the Department of Motor Vehicles, with tabs that indicate the month and year the vehicle registration expires. Current law authorizes the department to conduct a pilot program, until January 1, 2023, if certain conditions are met, to evaluate the use of alternatives to stickers, tabs, license plates, and registration cards. Under existing law, a person who alters, forges, counterfeits, or falsifies, among other things, a device issued pursuant to the pilot program, is guilty of a felony. This bill would require the department to establish a program authorizing an entity to issue alternatives to stickers, tabs, license plates, and registration cards under specified conditions that include, among others, approval of the alternative devices by the Department of the California Highway Patrol.</p>		

AB 989 Gabriel	Amended 8/18/2021	Senate Third Reading	Housing Accountability Act: appeals: Office of Housing Appeals. The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects, including projects for very low, low-, or moderate-income households and projects for emergency shelters that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete, unless the local agency makes specified written findings based on a preponderance of the evidence in the record. This bill would, until January 1, 2029, establish an Office of Housing Appeals (office) within the department, administered by the director of the department, to review housing development projects that are alleged to have been denied or subject to conditions in violation of the Housing Accountability Act. The bill would establish housing appeals panels, consisting of administrative law judges with specified qualifications, within the office.		
AB 1029 Mullin	Enrolled 9/7/2021	Assembly Enrollment	Housing elements: prohousing local policies. Would add the preservation of affordable housing units through the extension of existing project-based rental assistance covenants to avoid the displacement of affected tenants and a reduction in available affordable housing units to the list of specified prohousing local policies.		
AB 1035 Salas	Enrollment 9/8/2021	Assembly Enrollment	Department of Transportation and local agencies: streets and highways: recycled materials. Would require the Department of Transportation and a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method. The bill would require, beginning January 1, 2023, a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to apply standard specifications that allow for the use of recycled materials in streets and highways, as specified. By increasing the duties of local agencies, this bill would impose a state-mandated local program.		

AB 1049 Davies	Introduced 2/18/2021	Assembly Transportation	<p>Public Transportation Account: loan repayment. Current law requires the transfer of a specified portion of the sales tax on diesel fuel to the Public Transportation Account, a trust fund in the State Transportation Fund. Current law requires funds in the account to be allocated to various public transportation and transportation planning purposes, with specified revenues in the account to be allocated by the Controller to specified local transportation agencies for public transportation purposes, pursuant to the State Transit Assistance (STA) Program. Current law provides for each STA-eligible operator within the jurisdiction of the allocating local transportation agency to receive a proportional share of the revenue-based program funds based on the qualifying revenues of that operator, as defined. The Budget Act of 2013 and the Budget Act of 2014 require the Controller, upon the order of the Director of Finance, to transfer specified amounts totaling up to \$55,515,000 as loans from the Public Transportation Account to the High-Speed Passenger Train Bond Fund. This bill would require \$54,000,000 from these loans to be repaid to the Public Transportation Account and would provide that these repaid funds are available, upon appropriation by the Legislature, to help offset the loss of revenues incurred by transit operators during the COVID-19 pandemic.</p>		
AB 1110 Rivas, Robert	Amended 8/26/2021	Assembly Concurrence	<p>Zero-emission vehicles: Clean Vehicles Ombudsperson: Climate Catalyst Revolving Loan Fund Program. Would establish the Clean Vehicles Ombudsperson, to be appointed by and report directly to the Director of GO-Biz, and would require the ombudsperson to consult with appropriate entities in identifying available programs and incentives offered by the state that can help to reduce costs and increase participation in a statewide contract or leveraged procurement agreement, as specified. The bill would also require the ombudsperson to convene 2 or more workshops of an advisory committee to aid the ombudsperson in identifying and publishing best practices in adopting zero-emission fleet vehicles for public agencies and identifying appropriate candidate vehicles for bulk purchase, leveraged procurement, or other means of widespread adoption by public entities, as specified. The bill would also require the ombudsperson to develop, and recommend that DGS adopt, criteria for evaluating vehicle purchase options or other means of widespread and streamline adoption options, as provided.</p>		

AB 1143 Berman	Chaptered 8/31/2021	Assembly Chaptered	Civil procedure: restraining orders. Current law permits a person who has suffered harassment, as defined, to file a petition for a temporary restraining order and a restraining order after hearing prohibiting the harassment. Current law requires the petitioner to personally serve the respondent with the petition for the temporary restraining order and restraining order, as applicable, and notice of the hearing. This bill would provide that if the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is reason to believe that the respondent is evading service or cannot be located, then the court may specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made.		
AB 1147 Friedman	Enrolled 9/7/2021	Assembly Enrollment	Regional transportation plan: Active Transportation Program. Current law requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs. This bill would require the council to convene key state agencies, metropolitan planning agencies, regional transportation agencies, and local governments to assist the council in completing the report.		
AB 1157 Lee	Enrollment 9/7/2021	Assembly Enrolled	Controller: transportation funds: distribution and reporting requirements. Current law, for purposes of the State Transit Assistance Program, requires local transportation agencies to report to the Controller by June 15 of each year the public transportation operators within its jurisdiction that are eligible to claim specified local transportation funds. This bill would instead require local transportation agencies to report this information within 7 months after the end of each fiscal year.		

AB 1174 Grayson	Enrolled 9/7/2021	Assembly Enrollment	Planning and zoning: housing: development application modifications, approvals, and subsequent permits. The Planning and Zoning Law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards, including, that the development and the site on which it is located satisfy specified location, urbanization, and zoning requirements. Current law provides that a development approved pursuant to the streamlined, ministerial approval process is valid indefinitely if specified requirements are met, and otherwise is valid, except as provided, for 3 years from the date of the final action establishing that approval and remains valid thereafter for a project so long as vertical construction of the development has begun and is in progress. Current law authorizes a development proponent to request a modification to a development that has been approved under the streamlined, ministerial approval process if the request is submitted before the issuance of the final building permit required for construction of the development. Current law defines "affordable rent" for purposes of this streamlined, ministerial approval process. This bill would clarify the requirements that must be met for an approved development to be valid indefinitely.		
AB 1220 Rivas, Luz	Amended 9/3/2021	Senate Third Reading	Homelessness: California Interagency Council on Homelessness. Would rename the Homeless Coordinating and Financing Council to the California Interagency Council on Homelessness and would remove authorization for the Secretary of the Business, Consumer Services and Housing's designee to serve as chair of the council. The bill would instead require the Secretary of the Business, Consumer Services and Housing Agency and the Secretary of the California Health and Human Services Agency to serve as cochairs of the council. The bill would make other changes to the council's membership, including adding 5 new members, as specified.		
AB 1226 McCarty	Introduced 2/19/2021	Assembly Transportation	Capitol Corridor rail line: capital improvements: appropriation. Would appropriate an unspecified amount from the General Fund without regard to fiscal years to the Capitol Corridor Joint Powers Authority to invest in capital improvements for the Capitol Corridor.		
AB 1238 Ting	Amended 7/6/2021	Assembly Concurrence	Pedestrian access. Current law prohibits a pedestrian from entering the roadway if the pedestrian is facing a steady circular yellow or yellow arrow warning signal unless otherwise directed by a pedestrian control signal, as specified. This bill would eliminate that prohibition until January 1, 2029.		

AB 1297 Holden	Enrolled 9/7/2021	Assembly Enrollment	California Infrastructure and Economic Development Bank: public and economic development facilities: housing. The Bergeson-Peace Infrastructure and Economic Development Bank Act defines “public development facilities” for these purposes to mean real and personal property, structures, conveyances, equipment, thoroughfares, buildings, and supporting components thereof, excluding any housing, that are directly related to providing, among other things, housing-related infrastructure, as specified. The act defines “economic development facilities” for these purposes to mean real and personal property, structures, buildings, equipment, and supporting components thereof that are used to provide industrial, recreational, research, commercial, utility, goods movement, or service enterprise facilities, community, educational, cultural, or social welfare facilities and any parts or combinations thereof, and all necessary facilities or infrastructure, excluding any housing. This bill would authorize economic development facilities and public development facilities to include housing if the housing meets certain financing requirements and limits, as specified.		
AB 1304 Santiago	Amended 9/3/2021	Senate Third Reading	Affirmatively further fair housing: housing element: inventory of land. Current law requires a public agency, as defined, to administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and to not take any action that is materially inconsistent with this obligation. This bill would clarify that a local agency has a mandatory duty to comply with the obligation described above. The bill would specify that this provision is a clarification of current law and not to be deemed a change in previous law.		
AB 1322 Rivas, Robert	Amended 9/2/2021	Senate Environmental Quality	California Global Warming Solutions Act of 2006: scoping plan: sustainable aviation fuels. Would require the State Air Resources Board, as part of the next scoping plan update, to develop a plan, consistent with federal law, to use sustainable aviation fuels to reduce greenhouse gas emissions from aircrafts in the state by 40% below 1990 levels by 2030 and to achieve net-zero greenhouse gas emissions by 2045. The bill would require, no later than January 1, 2023, the state board to undertake certain actions in developing the plan, including, among others, consulting with designated state agencies and, if feasible, commercial airports, commercial and business airlines that operate in the state, aircraft manufacturers, sustainable aviation fuels producers and developers, and infrastructure providers to develop the plan.		

<u>AB 1337</u> <u>Lee</u>	Amended 9/3/2021	Assembly Concurrence	Transportation: San Francisco Bay Area Rapid Transit District: policing responsibilities. Under current law, a person who enters or remains upon any land, facilities, or vehicles owned, leased, or possessed by specified transit entities that are used to provide public transportation by rail or passenger bus, or are directly related to that use, without permission, or whose entry, presence, or conduct upon the property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor. This bill would specify that a person who enters or remains upon any property, facilities, or vehicles upon which BART owes policing responsibilities to a local government pursuant to an operations and maintenance agreement or similar interagency agreement without permission, or whose entry, presence, or conduct upon that property interferes with, interrupts, or hinders the safe and efficient operation of the transit-related facility, is guilty of a misdemeanor.		
<u>AB 1365</u> <u>Bonta</u>	Amended 3/25/2021	Assembly Natural Resources	Public contracts: clean concrete. The State Contract Act governs the bidding and award of public works contracts by specific state departments and requires an awarding department, before entering into any contract for a project, to prepare full, complete, and accurate plans and specifications and estimates of cost. This bill would require the Department of General Services, on or before January 1, 2024, to establish and publish a maximum acceptable global warming potential for concrete, as specified. The bill would, beginning January 1, 2022, require an awarding authority to require a winning bidder for an eligible project to submit an Environmental Product Declaration developed in accordance with specified standards prior to installation of any concrete products..		
<u>AB 1384</u> <u>Gabriel</u>	Amended 8/26/2021	Senate Third Reading	Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022. Current law requires the Natural Resources Agency to release a draft of the state's climate adaptation strategy, known as the Safeguarding California Plan, by January 1, 2017, and every 3 years thereafter, to update the plan by July 1, 2017, and every 3 years thereafter, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Existing law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives. This bill would instead require the agency to release the draft plan by January 1, 2024, and every 3 years thereafter, and to update the plan by July 1, 2024, and every 3 years thereafter.		

AB 1395 Muratsuchi	Amended 9/3/2021	Senate Third Reading	The California Climate Crisis Act. The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill, the California Climate Crisis Act, would declare the policy of the state both to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 90% below the 1990 levels.		
AB 1398 Bloom	Amended 9/3/2021	Assembly Concurrence	Planning and zoning: housing element: rezoning of sites: prohousing local policies. The Planning and Zoning Law, requires a county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other things, a housing element. Current law requires that the housing element include, among other things, an inventory of land suitable and available for residential development. If the inventory of sites does not identify adequate sites to accommodate the need for groups of all household income levels, as provided, current law requires that the local government rezone sites within specified time periods. If the local government fails to adopt a housing element within 120 days of the applicable statutory deadline, existing law requires that the local government (A) complete this rezoning no later than 3 years and 120 days from the statutory deadline for the adoption of the housing element and (B) revise its housing element every 4 years until the local government has adopted at least 2 consecutive revisions by the statutory deadline. This bill would require a local government that fails to adopt a housing element that the Department of Housing and Community Development has found to be in substantial compliance with state law within 120 days of the statutory deadline to complete this rezoning no later than one year from the statutory deadline for the adoption of the housing element.		
AB 1409 Levine	Enrollment 9/7/2021	Assembly Enrolled	Planning and zoning: general plan: safety element. Current law, upon the next revision of a local hazard mitigation plan on or after January 1, 2022, or beginning on or before January 1, 2022, if a local jurisdiction has not adopted a local hazard mitigation plan, requires the safety element to be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. This bill would also require the safety element to be reviewed and updated to identify evacuation locations. By increasing the duties of local planning officials with respect to the update of general plans, this bill would impose a state-mandated local program.		

AB 1442 Ting	Introduced 2/19/2021	Assembly Print	Accessory dwelling units. Current law provides for the creation by local ordinance, or by ministerial approval if a local agency has not adopted an ordinance, of accessory dwelling units to allow single-family or multifamily dwelling residential use in accordance with specified standards and conditions. Current law, with certain exceptions, prohibits a local agency from using or imposing any additional standards, including, until January 1, 2025, owner-occupant requirements. This bill would make nonsubstantive changes to the latter provisions.		
AB 1499 Daly	Enrollment 9/7/2021	Assembly Enrolled	Transportation: design-build: highways. Current law authorizes regional transportation agencies, as defined, to utilize design-build procurement for projects on or adjacent to the state highway system. Current law also authorizes those regional transportation agencies to utilize design-build procurement for projects on expressways that are not on the state highway system, as specified. Current law repeals these provisions on January 1, 2024, or one year from the date that the Department of Transportation posts on its internet website that the provisions described below related to construction inspection services for these projects have been held by a court to be invalid. This bill would extend the operation of these provisions until January 1, 2034. The bill would require the department to submit a report to specified committees of the Legislature on or before January 1, 2033, on its experience with design-build procurement.		
AB 1500 Garcia, Eduardo	Amended 5/11/2021	Assembly Rules	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,080,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Support and Seek Amendments	Support and Seek Amendment

<u>ACA 1</u> <u>Aguiar-Curry</u>	Introduced 12/7/2020	Assembly Local Government	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.		
<u>ACA 7</u> <u>Muratsuchi</u>	Introduced 3/16/2021	Assembly Print	Local government: police power: municipal affairs: land use and zoning. Would provide that a county or city ordinance or regulation enacted under the police power that regulates the zoning or use of land within the boundaries of the county or city would prevail over conflicting general laws, with specified exceptions. The measure, in the event of the conflict with a state statute, would also specify that a city charter provision, or an ordinance or regulation adopted pursuant to a city charter, that regulates the zoning or use of land within the boundaries of the city is deemed to address a municipal affair and prevails over a conflicting state statute, except that the measure would provide that a court may determine that a city charter provision, ordinance, or regulation addresses either a matter of statewide concern or a municipal affair if it conflicts with specified state statutes. The measure would make findings in this regard and provide that its provisions are severable.		
<u>ACR 33</u> <u>Friedman</u>	Chaptered 9/7/2021	Assembly Chaptered	Wildfire mitigation. Would state the Legislature's commitment to improving wildfire outcomes in the State of California by investing in science-based wildfire mitigation strategies that will benefit the health of California forests and communities. The measure would also state that the Legislature calls upon public and private stakeholders to work jointly to identify, discuss, and refine, as necessary, procedures concerning treatment of forested lands for the purpose of, among other things, wildfire risk mitigation.		

<u>SB 1</u> <u>Atkins</u>	Enrolled 9/7/2021	Senate Enrollment	Coastal resources: sea level rise. The California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as provided. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures.		
<u>SB 5</u> <u>Atkins</u>	Amended 3/10/2021	Senate Housing	Affordable Housing Bond Act of 2022. Would enact the Affordable Housing Bond Act of 2022, which, if adopted, would authorize the issuance of bonds in the amount of \$6,500,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to fund affordable rental housing and homeownership programs. The bill would state the intent of the Legislature to determine the allocation of those funds to specific programs. This bill would provide for submission of the bond act to the voters at the November 8, 2022, statewide general election in accordance with specified law.		
<u>SB 7</u> <u>Atkins</u>	Chaptered 5/20/2021	Senate Chaptered	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021. Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects, as defined, meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases, as provided. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.	Support	Support

SB 9 Atkins	Enrollment 9/3/2021	Senate Enrolled	Housing development: approvals. The Planning and Zoning Law provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified standards and conditions. This bill, among other things, would require a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements, including, but not limited to, that the proposed housing development would not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income, that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided, and that the development is not located within a historic district, is not included on the State Historic Resources Inventory, or is not within a site that is legally designated or listed as a city or county landmark or historic property or district.		
SB 10 Wiener	Enrollment 9/3/2021	Senate Enrolled	Planning and zoning: housing development: density. Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.	Support	Support
SB 36 Skinner	Introduced 12/7/2020	Senate Rules	Energy efficiency. Current law authorizes the State Energy Resources Conservation and Development Commission to prescribe, by regulation, energy efficiency standards, including appliance efficiency standards. This bill would make nonsubstantive revisions to these provisions.		

SB 51 Durazo	Chaptered 7/23/2021	Senate Chaptered	<p>Surplus residential property. Current law prescribes requirements for the disposal of surplus land by a local agency, as defined. This bill, except in the case of specified property, would additionally provide that the surplus land disposal procedures as they existed on December 31, 2019, apply if a local agency, as of September 30, 2019, has issued a competitive request for proposals that seeks development proposals seeking development proposals for the property that includes a residential component of at least 100 residential units and 25% of the total units developed comply with specified affordability criteria, provided that a disposition and development agreement, as defined, is entered into not later than December 31, 2024. If the property is not disposed of pursuant to a qualifying disposition and development agreement before March 31, 2026, or if no disposition and development agreement is entered into before December 31, 2024, the bill would require that future negotiations for and disposition of the property comply with the surplus land disposal procedures then in effect.</p>		
SB 69 McGuire	Amended 9/2/2021	Senate Concurrence	<p>North Coast Railroad Authority: Great Redwood Trail Agency: rail rights-of-way: Sonoma-Marin Area Rail Transit District. Under current law, the North Coast Railroad Authority is governed by a board of directors composed of appointees from the Counties of Humboldt, Marin, Mendocino, and Sonoma, a city representative selected by the cities served by the authority's rail line, and a nonvoting, exofficio member of the Golden Gate Bridge, Highway and Transportation District. Existing law requires the authority to plan for the transfer of all of its assets and liabilities and for its dissolution. Under existing law, the state is not liable for any contracts, debts, or other obligations of the authority. This bill would rename the North Coast Railroad Authority the Great Redwood Trail Agency on March 1, 2022. The bill would remove the ex officio member of the Golden Gate Bridge, Highway and Transportation District from the board, and authorize the Governor to appoint a nonvoting director from the Transportation Agency and a nonvoting director from the Natural Resources Agency.</p>		

SB 274 Wieckowski	Enrollment 8/30/2021	Senate Enrolled	<p>Local government meetings: agenda and documents. The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.</p>		
SB 290 Skinner	Enrollment 9/3/2021	Senate Enrolled	<p>Density Bonus Law: qualifications for incentives or concessions: student housing for lower income students: moderate-income persons and families: local government constraints. Current law requires the amount of a density bonus and the number of incentives or concessions a qualifying developer receives to be pursuant to a certain formula based on the total number of units in the housing development, as specified. This bill would require a unit designated to satisfy the inclusionary zoning requirements of a city or county to be included in the total number of units on which a density bonus and the number of incentives or concessions are based. The bill would require a city or county to grant one incentive or concession for a student housing development project that will include at least 20% of the total units for lower income students.</p>		
SB 330 Durazo	Enrollment 9/8/2021	Senate Enrollment	<p>Los Angeles Community College District Affordable Housing Pilot Program. Would require the governing board of the Los Angeles Community College District to develop and implement a pilot program to provide affordable housing to students or employees of the Los Angeles Community College District, and to provide a report to the Legislature, no later than January 1, 2032, with findings and recommendations on the success of the program. The bill would require priority to be given to low-income students experiencing homelessness for the affordable units of the affordable housing for students or employees.</p>		

SB 339 Wiener	Enrolled 9/7/2021	Senate Enrollment	Vehicles: road usage charge pilot program. Current law requires the Chair of the California Transportation Commission to create a Road Usage Charge (RUC) Technical Advisory Committee in consultation with the Secretary of Transportation. Under existing law, the purpose of the technical advisory committee is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system. Current law requires the technical advisory committee to study RUC alternatives to the gas tax, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program, as specified. Current law repeals these provisions on January 1, 2023. This bill would extend the operation of these provisions until January 1, 2027.		
SB 440 Dodd	Introduced 2/16/2021	Senate Insurance	Earthquake and wildfire loss mitigation. Would require the Wildfire Fund Administrator, the Office of Emergency Services, and the Office of Energy Infrastructure Safety to create the California Wildfire Residential Loss Mitigation Program as a joint powers authority. The bill would require that program to provide mitigation against wildfire risk, including a grant program to assist qualifying owners to retrofit their structures to protect against wildfire or to create a defensible space around their structures. The bill would establish the Wildfire Loss Mitigation Fund as a continuously appropriated subaccount in the Wildfire Fund to fund the program.		
SB 477 Wiener	Enrolled 9/7/2021	Senate Enrollment	General plan: annual report. The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. That law requires the planning agency of a city or county to provide, by April 1 of each year, an annual report to, among other entities, the Department of Housing and Community Development that includes, among other specified information, the number of applications submitted, the location and total number of developments approved, the number of building permits issued, and the number of units constructed pursuant to a specific streamlined, ministerial approval process. This bill would, commencing January 1, 2024, require a planning agency to include in that annual report specified information on costs, standards, and applications for proposed housing development projects and specified information on housing development projects within the jurisdiction.		

SB 478 Wiener	Amended 9/2/2021	Senate Concurrence	Planning and Zoning Law: housing development projects. The Planning and Zoning Law requires the Department of Housing and Community Development to notify the city, county, or city and county, and authorizes the department to notify the Attorney General, that the city, county, or city and county is in violation of state law if the department finds that the housing element or an amendment to that element, or any specified action or failure to act, does not substantially comply with the law as it pertains to housing elements or that any local government has taken an action in violation of certain housing laws. This bill would prohibit a local agency, as defined, from imposing a floor area ratio standard that is less than 1.0 on a housing development project that consists of 3 to 7 units, or less than 1.25 on a housing development project that consists of 8 to 10 units.		
SB 500 Min	Enrolled 9/7/2021	Senate Enrollment	Autonomous vehicles: zero emissions. Current law provides for various programs to promote the use of zero-emission vehicles, including the Clean Vehicle Rebate Project, which was established by the State Air Resources Board as a part of the Air Quality Improvement Program, to promote the use of zero-emission vehicles by providing rebates for the purchase of new zero-emission vehicles, and the Charge Ahead California Initiative, which establishes various goals, including the goal of placing in service at least 1,000,000 zero-emission and near-zero-emission vehicles by January 1, 2023. This bill, commencing January 1, 2030, and to the extent authorized by federal law, would prohibit the operation of certain new autonomous vehicles that are not zero-emission vehicles, as defined. The bill would also prohibit the DMV from commencing rulemaking for the adoption of regulations implementing this provision until January 1, 2027.		
SB 533 Stern	Amended 9/1/2021	Assembly Third Reading	Electrical corporations: wildfire mitigation plans: deenergization events. Would require that an electrical corporation's wildfire mitigation plan identify circuits that have frequently been deenergized to mitigate the risk of wildfire and the measures taken, or planned to be taken, by the electrical corporation to reduce the need for, and impact of, future deenergization of those circuits, including the estimated annual decline in circuit deenergization and deenergization impact on customers, and replacing, hardening, or undergrounding any portion of the circuit or of upstream transmission or distribution lines.		

SB 548 Eggman	Enrollment 8/30/2021	Senate Enrolled	<p>Tri-Valley-San Joaquin Valley Regional Rail Authority: transit connectivity. Current law establishes the Tri-Valley-San Joaquin Valley Regional Rail Authority for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley, as defined, region of California. Current law gives the authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, among other powers, the power to enter into cooperative or joint development agreements with local governments or private entities necessary to achieve transit connectivity. This bill would require the authority to be considered a rail transit district, thereby exempting the authority from specified provisions related to regulation by counties and cities regarding building, zoning, and related matters.</p>		
SB 591 Becker	Enrollment 9/3/2021	Senate Enrolled	<p>Senior citizens: intergenerational housing developments. Would authorize the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition age youth, if specified conditions are satisfied. The bill would require that the covenants, conditions, and restrictions and other documents or written policy for the development set forth the limitations on occupancy, residency, or use. The bill would prescribe definitions for "senior citizen" and "transition age youth" for these purposes. The bill would require at least 80% of the occupied dwelling units in an intergenerational housing development to be occupied by at least one senior citizen, as specified, and up to 20% of the occupied dwelling units in the development to be occupied by at least one caregiver or transition age youth, as specified. The bill would require the development to be affordable to lower income households.</p>		

SB 649 Cortese	Amended 4/19/2021	Assembly Rules	<p>Local governments: affordable housing: local tenant preference. Would establish a state policy supporting local tenant preferences for lower income households, as defined, that are subject to displacement risk, and, further, permit local governments and developers in receipt of local or state funds, federal or state tax credits, or an allocation of tax-exempt private activity bonds designated for affordable rental housing to restrict occupancy by creating a local housing preference for lower income households subject to displacement risk. The bill, subject to certain requirements and limitations, would authorize a local government to allow a local tenant preference in an affordable housing rental development to reduce displacement of lower income households with displacement risk beyond local government boundaries by adopting a program that allows preferences in affordable rental housing acquired, constructed, preserved or funded with state or local funds or tax programs.</p>		
SB 671 Gonzalez	Enrolled 9/7/2021	Senate Enrollment	<p>Transportation: Clean Freight Corridor Efficiency Assessment. Would establish the Clean Freight Corridor Efficiency Assessment, to be developed by the California Transportation Commission, in coordination with other state agencies. In developing the assessment, the bill would require the commission to identify freight corridors, or segments of corridors, throughout the state that would be priority candidates for the deployment of zero-emission medium- and heavy-duty vehicles. The bill would require the commission to submit a report containing the assessment's findings and recommendations to certain committees of the Legislature by December 1, 2023. The bill would require the assessment's findings and recommendations to be incorporated into the development of the California Transportation Plan. The bill would require the state freight plan to include a description of needed infrastructure, projects, and operations for the deployment of zero-emission medium- and heavy-duty vehicles and the development of freight corridors identified in the assessment.</p>		

SB 674 Durazo	Amended 8/30/2021	Assembly Third Reading	<p>Public Contracts: workforce development: covered public contracts. Would require the Labor and Workforce Development Agency to create 2 programs, to be known as the California Jobs Plan Program and the United States Jobs Plan Program. The bill would require the programs to meet specified objectives, including supporting the creation and retention of quality, nontemporary full-time jobs, as specified, and the hiring of displaced workers and individuals facing barriers to employment. The bill would require, as a component of applications for covered public contracts, as defined, the creation of forms for each program that state the minimum numbers of proposed jobs that are projected to be retained and created if the applicant wins the covered public contract. These components of the application would be known as the California Jobs Plan and the United States Jobs Plan, which the bill would define.</p>		
SB 728 Hertzberg	Enrollment 9/8/2021	Senate Enrollment	<p>Density Bonus Law: purchase of density bonus units by nonprofit housing organizations. Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income or, lower, or very low income households and meets other requirements. Current law requires the developer and the city or county to ensure that the initial occupant of a for-sale unit that qualified the developer for the award of the density bonus is a person or family of very low, low, or moderate income. This bill instead, would require the developer and the city or county to ensure that (1) a for-sale unit that qualified the developer for the award of the density bonus is initially occupied by a person or family of the required income, offered at an affordable housing cost, as defined, and includes an equity sharing agreement, as specified, or (2) a qualified nonprofit housing organization that is receiving the above-described welfare exemption purchases the unit pursuant to a specified recorded contract that includes an affordability restriction, an equity sharing agreement, as specified, and a repurchase option that requires a subsequent purchaser that desires to sell or convey the property to first offer the nonprofit corporation the opportunity to repurchase the property.</p>		

SB 771 Becker	Amended 5/11/2021	Assembly Desk	Sales and Use Tax Law: zero emissions vehicle exemption. 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, on or after January 1, 2022, would 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, a qualified motor vehicle, as defined, sold to a qualified buyer, as defined. 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.		
SB 780 Cortese	Enrolled 9/3/2021	Senate Enrollment	Local finance: public investment authorities. Current law establishes enhanced infrastructure financing districts to finance public capital facilities or other specified projects of communitywide significance. Currentlaw provides for the membership of the governing body of the district, referred to as the public financing authority. This bill would authorize the legislative bodies, as defined, to appoint an alternate member to the public financing authority who may serve and vote in place of a member who is absent or disqualifies themselves from participating in a meeting of the authority. If a district has more than 3 participating affected taxing entities, the bill would authorize the legislative bodies of the taxing entities to, upon agreement, appoint only one member of their respective legislative bodies, and one alternate member, in addition to the public members.		
SB 792 Glazer	Amended 8/26/2021	Assembly Third Reading	Sales and use tax: returns: online transactions: local jurisdiction schedule. Current law authorizes the Department of Tax and Fee Administration to require the filing of reports by any person or class of persons with information relating to sales of tangible personal property, the storage, use, or other consumption of which is subject to the use tax, as specified. Current law requires a retailer or purchaser subject to the sales and use tax to file, on or before the last day of the month following each quarterly period, a return for the preceding quarterly period. This bill, for reporting periods beginning on or after January 1, 2022, would require a qualified retailer, defined as a retailer whose annual qualified sales of tangible personal property transacted online exceeded \$50,000,000 for the previous calendar year, to include with each tax return a schedule that reports for each local jurisdiction the gross receipts from the qualified sale of tangible personal property shipped or delivered to a purchaser in that jurisdiction.		

<p>SB 798 Wieckowski</p>	<p>Introduced 2/19/2021</p>	<p>Senate Rules</p>	<p>Trade Corridor Enhancement Account. Current law creates the Trade Corridor Enhancement Account to receive revenues attributable to 50% of a \$0.20 per gallon increase in the diesel fuel excise tax imposed by the Road Repair and Accountability Act of 2017 for corridor-based freight projects nominated by local agencies and the state. Current law makes these funds and certain federal funds apportioned to the state available upon appropriation for allocation by the California Transportation Commission for trade infrastructure improvement projects that meet specified requirements. This bill would make nonsubstantive changes to this provision.</p>		
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California State Legislative Calendar 2021 – Revised December 18, 2020

January 1 Statutes take effect (Art. IV, Sec. 8(c)). 10 Budget must be submitted by Governor (Art. IV, Sec. 12(a)). 11 Legislature reconvenes (J.R. 51(a)(1)). 18 Martin Luther King, Jr. Day 22 Last day to submit bill requests to the Office of Legislative Counsel.	June 1-4 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)). 4 Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)). 7 Committee meetings may resume (J.R. 61(a)(9)). 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).
February 15 Presidents' Day 21 Last day for bills to be introduced (J.R. 61(a)(1), J.R. 54(a)).	July 2 Independence Day observed 14 Last day for policy committees to meet and report bills (J.R. 61(a)(10-11)). 16 Summer Recess begins upon adjournment of session, provided Budget Bill has been passed (J.R. 51(a)(3)).
March 25 Spring Recess begins upon adjournment (J.R. 51(a)(2)). 31 Cesar Chavez Day observed	August 16 Legislature reconvenes from Summer Recess (J.R. 51(a)(3)). 27 Last day for fiscal committees to meet and report bills (J.R. 61(a)(11-12)). 30-10 Floor session only. No committees may meet for any purpose, except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(12-13)).
April 5 Legislature reconvenes from Spring Recess (J.R. 51(a)(2)). 30 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house (J.R. 61(a)(2)).	
May 7 Last day for policy committees to meet and report to the floor non-fiscal bills introduced in their house (J.R. 61(a)(3)). 14 Last day for policy committees to meet prior to June 7 (J.R. 61(a)(4)). 21 Last day for fiscal committees to meet and report to the floor bills introduced in their house (J.R. 61(a)(5)). Last day for fiscal committees to meet prior to June 7 (J.R. 61(a)(6)). 31 Memorial Day	September 3 Last day to amend bills on the floor (J.R. 61(a)(13-14)). 6 Labor Day 10 Last day for each house to pass bills (J.R. 61(a)(14-15)). Interim Recess begins upon adjournment (J.R. 51(a)(4)). October 10 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 10 and in the Governor's possession after Sept. 10 (Art. IV, Sec. 10(b)(1)).

117th United States Congress, First Session (Tentative) Calendar*

January 1 New Year's Day 3 House and Senate reconvene 4-5 Senate district work period 4 Electoral College 7-19 Senate district work period 11-15 House district work periods 18 Martin Luther King, Jr. Day 20 Inauguration Day	July 1-4 House and Senate district work periods 5 Independence Day (Observed) 5-9 House and Senate district work periods
February 15 President's Day 15-19 House and Senate district work periods	August 2-27 House district work period 9-31 Senate district work period
March 29-2 House district work periods 29-9 Senate district work periods	September 1-10 Senate district work periods 5 Labor Day 6-8 House district work periods 15-17 House district work periods 16-17 Senate district work periods
April 1-9 House and Senate district work periods	October 11 Indigenous Peoples' Day 11-15 Senate district work periods
May 3-7 Senate district work periods 31 Memorial Day 31-4 House and Senate district work periods	November 1-8 House district work period 8-12 Senate district work periods 11 Veterans' Day 21-26 House district work periods 22-26 Senate district work periods 25 Thanksgiving Day
June 1-4 House and Senate district work periods 28-9 Senate district work periods	December 13-31 House empty calendar 13-31 Senate district work periods 25 Christmas day

California Local & Regional Government Association Bill Position Resources

League of California Cities (“the League”)

<https://www.cacities.org/Policy-Advocacy/Bill-Search>

California State Association of Counties (CSAC)

<https://www.counties.org/legislative-tracking>

California Association of Councils of Government (CALCOG)

<https://www.calcog.org/index.php?src=gendocs&ref=billtrack&link=billtrack>

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

September 10, 2021

Agenda Item 3a

Assembly Bill 361 (Rivas) Open Meetings/Teleconference

Subject: Authorizes teleconferencing for local agency meetings during periods of a proclaimed state of emergency.

Background: AB 361 (Rivas) allows local agencies, including local jurisdictions, MTC and ABAG, among others, to conduct their meetings via teleconference during a period of proclaimed state of emergency, similar to what has occurred during COVID-19 under flexibility afforded by Executive Order N-29-20. Specifically, the bill amends provisions of the Ralph M. Brown Act to provide greater flexibility with respect to teleconferencing. The bill would take effect immediately upon enactment and would sunset on January 1, 2024.

Without passage of AB 361, local agencies will be required to return to in-person meetings effective October 1, 2021, the current expiration date of Executive Order N-29-20 (which was extended through September 30, 2021 by Executive Order N-08-21). The bill authorizes teleconference participation for board members and members of the public during states of emergency as long as specified conditions are met and local agencies adopt findings every 30 days justifying the continuation of teleconferencing.

Issues: Given the rapid spread of the more contagious and harmful COVID-19 Delta variant across the nine counties over the last several months and the fact that fully vaccinated people are contracting the COVID 19 virus and able to infect others, staff is concerned that a return to in-person board meetings at this time is premature and could unnecessarily pose health risks to staff, board members and the public. AB 361 will provide more flexibility to local agencies across California to enable them the option to postpone the resumption of in person meetings until after the COVID 19 state of emergency has passed or at such time as they deem appropriate to resume in person meetings within a proclaimed state of emergency period.


As noted in the Floor Analysis on the bill, local agencies have found the flexibility teleconferencing has provided very useful, especially for those who have to travel to long distances to attend meetings, which is almost universally the case for MTC and ABAG meetings. Public access is also enhanced by offering remote participation as it allows the opportunity to comment to those who would not be able to take the time to travel to in-person meetings.

While staff would ultimately like to see a more comprehensive reform of the Brown Act, AB 361 is the only opportunity available at this time to extend the flexibility to continue teleconference meetings.

For these reasons, staff requests the MTC and ABAG take a support position on AB 361. Staff has already communicated a support position to the Legislature and Governor Newsom pursuant to MTC and ABAG's urgency statutes and this item seeks the Committee's concurrence with that position. We will also bring a concurrence recommendation to the Commission and the ABAG Executive Board later this month.

Recommendation: Support

Attachments: Attachment A: Bill Positions



Therese W. McMillan

Bill Position on AB 361 (Rivas): Open Meetings/Teleconference

SUPPORT: (as of 7/15/21)

California Special Districts Association (source)
Alameda County Mosquito Abatement District
Alpine Fire Protection District
Association of California Healthcare Districts
Association of California Water Agencies
Auburn Area Recreation and Park District
Big Bear Area Regional Wastewater Agency
Big Lagoon Community Services District
Biola Community Services District
Cal Voices
Calaveras Public Utility District
California Association of Joint Powers Authorities
California Association of Public Authorities for IHSS
California Downtown Association
California Municipal Utilities Association
California State Association of Counties
California Travel Association
Cameron Estates Community Services District
Cameron Park Community Services District
City of Carlsbad
City of Foster City
City of Lafayette
City of Redwood City
City of Walnut Creek
Coachella Valley Mosquito and Vector Control District
Costa Mesa Sanitary District
County of Monterey
Cucamonga Valley Water District
Disability Rights California
Eastern Municipal Water District
Ebbetts Pass Fire District
Eden Township Healthcare District dba Eden Health District
El Dorado Hills Community Services District
Elsinore Valley Municipal Water District
Fallbrook Regional Health District
Fresno Mosquito and Vector Control District
Grizzly Flats Community Services District
Honey Lake Valley Resource Conservation District
Hornbrook Community Services District

Humboldt Bay Municipal Water District
Humboldt Community Services District
Jackson Valley Irrigation District
Keyes Community Service District
Kinneloa Irrigation District
League of California Cities
Los Angeles County Sanitation Districts
Mammoth Community Water District
Meeks Bay Fire Protection District
Mesa Water District
Metropolitan Water District of Southern California
Mountain Counties Water Resources Association
Mt. View Sanitary District
Murphys Fire Protection District
Napa County Regional Park and Open Space District
North County Fire Protection District
North Tahoe Fire Protection District
Olivenhain Municipal Water District
Orange County Employees Association
Orange County Local Agency Formation Commission
Orange County Water District
Palmdale Water District
Palos Verdes Library District
Reclamation District No. 1000
Rural County Representatives of California
Sacramento Suburban Water District
San Diego County Water Authority
Saratoga Fire District
Southern California Regional Rail Authority
Southern California Water Coalition
Stege Sanitary District
Tahoe Resource Conservation District
Templeton Community Services District
Three Valleys Municipal Water District
Town of Discovery Bay Community Services District
Truckee Fire Protection District
Urban Counties of California
Valley-Wide Recreation and Park District
Vista Fire Protection District
Vista Irrigation District
Water Replenishment District of Southern California
Western Municipal Water District
Zach Hilton, Member, Gilroy City Council

OPPOSITION: (as of 7/15/21)

ACLU California Action
ACT for Women and Girls
California Environmental Justice Alliance
Californians Aware
First Amendment Coalition
Howard Jarvis Taxpayers Association
Together We Will/Indivisible – Los Gatos

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

September 10, 2021

Agenda Item 3b

Priority Bills Update

Subject: Update on bills for which MTC and/or ABAG took a position and other important tracked bills.

Background: Legislators introduced many bills of interest to MTC and ABAG in 2021, the first year of a two-year legislative session, but unfortunately, most of them are not advancing to the finish line this year. This memo provides an overview of their status.

Active Bills – Housing

At the time this memo was prepared, SB 10 (Wiener), which MTC and ABAG support, had passed the Assembly and was awaiting final concurrence in the Senate on the amendments made in the Assembly. The bill would authorize a local agency to update its zoning (and any associated changes to a general plan) to enable up to 10 units per parcel without undergoing a CEQA analysis (California Environmental Quality Act) until January 1, 2029.

SB 9 (Atkins) is another important housing bill that was part of Senate Democratic leadership's housing package is still active. The bill broadly authorizes duplexes up to at least 800 square feet in single-family residential neighborhoods without any discretionary approvals, excluding historic districts. The bill also allows for ministerial approval of urban lot splits on parcels that meet specified conditions and to extend the life of subdivision maps by an additional year. Additionally, SB 7 (Atkins), which extended and expanded a streamlining program to include affordable housing, was enacted in May.

Active Bills – Transportation

Two MTC supported transportation bills that are still active are AB 917 (Bloom), expanding authorization of cameras to enforce bus-only lanes and parking restrictions at bus stops, and AB 43 (Friedman), allowing greater flexibility to lower speed limits.

Two Year Bills – Transportation

Transportation bills that MTC supported that were deferred until next year include: AB 476 (Mullin) authorizing a pilot program for eight corridors in which transit buses could use the shoulder part-time and SB 623 (Newman) related to the ability of toll agencies to handle information to administer electronic toll collection.

Transportation bills that MTC took a “support and seek amendment” position on that were deferred until next year include AB 629 (Chiu), related to seamless transit reforms and AB 455 (Wicks) authorizing BATA to convert a lane to bus-only on the San Francisco-Oakland Bay Bridge.

Bills that Failed to Advance

The following priority bills were held in committee at various stages of the legislative process and appear no longer active.

- AB 1401 (Friedman) – prohibited minimum parking requirements near transit (MTC and ABAG supported)
- AB 6 (Caballero) – authorized residential development in commercial zones; included in Senate Democrats’ housing package (no position, but aligned with MTC/ABAG 2021 Advocacy Program)
- AB 897 (Mullin) – authorized regional climate adaptation networks (MTC and ABAG supported). There is a possibility that its provisions may be incorporated into a budget trailer bill related to the climate resilience funds in the FY 2021-22 State Budget.

Attachments:

Attachment A: Status of ABAG and MTC Priority Bills


Therese W. McMillan



METROPOLITAN
TRANSPORTATION
COMMISSION

LEGISLATIVE HISTORY
Status of ABAG and MTC Priority Bills
8/27/2021



Bill Number	Current Text	Status	Summary	MTC Position	ABAG Position
AB 43 Friedman	Amended 8/23/2021	Senate Third Reading	Traffic safety. Current law establishes various default speed limits for vehicles upon highways, as specified. Current law authorizes state and local authorities to adjust these default speed limits, as specified, based upon certain findings determined by an engineering and traffic survey. Existing law defines an engineering and traffic survey and prescribes specified factors that must be included in the survey, including prevailing speeds and road conditions. Current law authorizes local authorities to consider additional factors, including pedestrian and bicyclist safety. This bill would authorize local authorities to consider the safety of vulnerable pedestrian groups, as specified.	Support	Support
AB 455 Wicks	Amended 5/20/2021	Senate 2 year	San Francisco-Oakland Bay Bridge: transit-only traffic lanes. Under current law, the San Francisco-Oakland Bay Bridge is part of the state highway system. Existing law authorizes the department to construct exclusive or preferential lanes for buses only or for buses and other high-occupancy vehicles, and may authorize or permit the exclusive or preferential use of designated lanes on existing highways that are part of the state highway system. This bill would authorize the authority, in consultation with the department, to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge.	Support and Seek Amendment	

AB 476 Mullin	Amended 3/16/2021	Assembly 2 year	Department of Transportation: state highways: transit bus pilot program. Would authorize the Department of Transportation to establish a pilot program to authorize a transit operator or operators to operate transit buses on the shoulders of state highways, under a project selected under the program. The bill would authorize an operator or operators, in partnership with a regional transportation agency that meets specified requirements, to submit an application to the department to establish and operate a project under the program. The bill would authorize the department to select no more than 8 total projects under the program using guidelines developed with input from the Department of the California Highway Patrol and the public. The bill would require the department, the Department of the California Highway Patrol, and the operator or operators and regional transportation agency that submitted the application to jointly determine the state highways, or segment of state highways, that will be used in a project.	Support	
AB 550 Chiu	Amended 4/29/2021	Assembly 2 year	Vehicles: Speed Safety System Pilot Program. Would authorize, until January 1, 2027, the Cities of Los Angeles, Oakland, San Jose, one city in southern California, and the City and County of San Francisco to establish the Speed Safety System Pilot Program for speed limit enforcement in certain areas, if the system meets specified requirements, including that the presence of a fixed or mobile system is clearly identified. The bill would require the participating cities or city and county to adopt a Speed Safety System Use Policy and a Speed Safety System Impact Report before implementing the program, and would require the city or city and county to engage in a public information campaign at least 30 days before implementation of the program, including information relating to when the systems would begin detecting violations and where the systems would be utilized.	Support	Support
AB 629 Chiu	Amended 3/22/2021	Assembly 2 year	San Francisco Bay area: public transportation. Current law requires the Metropolitan Transportation Commission to develop regional transit service objectives, develop performance measures of efficiency and effectiveness, specify uniform data requirements to assess public transit service benefits and costs, and formulate procedures for establishing regional transportation priorities in the allocation of funds for transportation purposes. This bill would require the commission to consult with transit agencies, local jurisdictions, county transportation agencies, and the general public to establish and maintain a transit priority network for the San Francisco Bay area that designates corridors that will most benefit from interventions to support fast and reliable transit service.	Support and Seek Amendments	

AB 897 Mullin	Amended 7/14/2021	Senate Appropriations Suspense File	Office of Planning and Research: regional climate networks: regional climate adaptation and resilience action plans. Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office, through the program, to encourage the inclusion of eligible entities with land use planning and hazard mitigation planning authority into regional climate networks. The bill would authorize a regional climate network to engage in activities to address climate change, as specified.	Support	Support
AB 917 Bloom	Amended 8/16/2021	Senate Third Reading	Vehicles: video imaging of parking violations. Current law requires a designated employee, who is qualified by San Francisco, or a contracted law enforcement agency for the Alameda-Contra Costa Transit District, who is qualified by the city and county or the district to issue parking citations, to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane and to issue a notice of violation to the registered owner of a vehicle within 15 calendar days, as specified. Current laws makes these video image records confidential, and provides that these records are available only to public agencies to enforce parking violations. Current law provides that if the Alameda-Contra Costa Transit District implements an automated enforcement system as described above, the district is required to submit a report to specified committees of the Legislature by no later than January 1, 2021. This bill would extend the authorization described above to any public transit operator in the state until January 1, 2027, and to the City and County of San Francisco indefinitely, if the examiner or issuing agency, as specified, of a violation allows for the reduction or waiver of parking penalties for indigent individuals, as defined.	Support	

AB 1401 Friedman	Amended 7/5/2021	Senate Appropriations Suspense File	Residential and commercial development: remodeling, renovations, and additions: parking requirements. Would prohibit a public agency in a county with a population of 600,000 or more from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within 1/2 mile, as specified, of public transit, as defined. The bill would prohibit a public agency in a city with of 75,000 or more located in a county with a population of less than 600,000 from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the project is located within 1/4 mile, as specified, of public transit, as defined. The bill would create authorizations in this regard for a city or a county to which these prohibitions do not apply.	Support	Support
AB 1500 Garcia, Eduardo	Amended 5/11/2021	Assembly Rules	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,080,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Support and Seek Amendments	Support and Seek Amendment
SB 7 Atkins	Chaptered 5/20/2021	Senate Chaptered	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021. Would enact the Jobs and Economic Improvement Through Environmental Leadership Act of 2021, which would reenact the former leadership act, with certain changes, and would authorize the Governor, until January 1, 2024, to certify projects that meet specified requirements for streamlining benefits related to CEQA. The bill would additionally include housing development projects, as defined, meeting certain conditions as projects eligible for certification. The bill would, except for those housing development projects, require the quantification and mitigation of the impacts of a project from the emissions of greenhouse gases, as provided. The bill would revise and recast the labor-related requirements for projects undertaken by both public agencies and private entities. The bill would provide that the Governor is authorized to certify a project before the lead agency certifies the final EIR for the project.	Support	Support

<p>SB 10 Wiener</p>	<p>Amended 7/5/2021</p>	<p>Senate Concurrence</p>	<p>Planning and zoning: housing development: density. Would, notwithstanding any local restrictions on adopting zoning ordinances, authorize a local government to adopt an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as those terms are defined. The bill would prohibit a local government from adopting an ordinance pursuant to these provisions on or after January 1, 2029. The bill would specify that an ordinance adopted under these provisions, and any resolution to amend the jurisdiction's General Plan, ordinance, or other local regulation adopted to be consistent with that ordinance, is not a project for purposes of the California Environmental Quality Act. The bill would prohibit an ordinance adopted under these provisions from superceding a local restriction enacted or approved by a local initiative that designates publicly owned land as open-space land or for park or recreational purposes.</p>	<p>Support</p>	<p>Support</p>
<p>SB 623 Newman</p>	<p>Introduced 2/18/2021</p>	<p>Senate 2 year</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, 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 authorize those operators to provide instead only the information specified in functional specifications and standards adopted by the department and operators of toll facilities in this state on federal-aid highways for purposes of interstate interoperability.</p>	<p>Support</p>	

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

September 10, 2021

Agenda Item 3c

Fiscal Year (FY) 2021-22 State Budget Update

Subject:	Update on the FY 2021-22 State Budget related to transportation funding, housing and homelessness funding, and climate resilience.
Background:	When the Legislation Committee last met in July, several items were still outstanding in the FY 2021-22 State Budget, including the transportation funding package, provisions related to new housing and homelessness funding and climate resilience. This memo provides an update on these items though several are still outstanding.
Overview:	<p>Transportation At the time this memo was prepared, the Legislature had not finalized the transportation package, which includes \$4.2 billion requested by Governor Newsom for the California High Speed Rail Authority and \$3.4 billion in one-time General Fund support for public transit, active transportation, and transportation-related climate adaptation. The budget bills (AB 128 and SB 129) require enactment of additional legislation <i>this session</i> or the \$3.4 billion will revert to the General Fund. Furthermore, the Newsom Administration has made clear they view funding for high-speed rail as integral to the funding package, yet no action has occurred since the budget was finalized to appropriate additional funds to the project.</p> <p>In addition to transportation funding requiring further legislation, \$440 million in climate resilience funds that were appropriated in SB 129 also requires enactment of subsequent legislation, but without an exact deadline. Notably, the \$440 million is the first down-payment on a \$3.7 billion three-year funding commitment to climate resilience agreed to by the Assembly, Senate and Governor in late June. At the time this memo was prepared there was no trailer bill in circulation related to these funds. Consistent with MTC-ABAG's Climate Adaptation Advocacy Principles, staff has recommended that local and regional climate adaptation planning as well as implementation funding receive priority for the use of these funds.</p> <p>Regional Early Action Planning Grants Program of 2021 ("REAP 2.0")</p> <p>On July 19, Governor Newsom signed AB 140, enacting various housing-related provisions connected to the budget, including the provisions of the new "Housing Policy Development Program," which received \$600 million in this year's budget. AB 140 renames</p>

this new program the Regional Early Action Planning Grants Program of 2021, commonly referred to as “REAP 2.0.” The focus of REAP 2.0 (versus the original REAP from the FY 2018-19 State Budget) is on helping achieve vehicle miles traveled (VMT) reductions that can help implement sustainable communities strategies, whereas the original REAP was focused on assisting with housing planning and the Regional Housing Need Allocation, the domain of councils of government. As such, REAP 2.0 funds will be allocated to MTC, as the metropolitan planning organization responsible for preparing and adopting the sustainable communities strategy.

While VMT reduction is a focus of the funds, housing-related investments are also eligible and the Department of Housing and Community Development (HCD) will be the administrator of the grant program, as with the original REAP. Staff is already engaging with HCD on the development of grant guidelines to ensure the Bay Area’s priorities are eligible. We estimate the Bay Area will receive approximately \$100 million in funds. See Attachment B for an excerpt from AB 140 listing the project eligibilities.

Bay Area to Receive Almost \$180 Million to Combat Homelessness: Homeless Housing, Assistance and Prevention (HHAP) Funding

AB 140 also includes the formulas for the distribution of \$2 billion in HHAP funds to address homelessness over the next two fiscal years, building on \$950 million appropriated to the program over the last two years. These funds will be administered by the Homeless Coordinating and Financing Council with \$1 billion available in FY 2021-22 and \$1 billion in FY 2022-23. Funds must be expended within four fiscal years of the appropriation and would be distributed as follows:

- 80% distributed as follows: 42% to cities with population greater than or equal to 300,000; 28% to counties (a slight increase in their share compared to last year, with cities’ share taking a slight cut); and 30% to continuums of care.
- 18% for awarding bonus funds to jurisdictions that meet outcome goals from their local homelessness action plan
- 2% to federally recognized tribal governments

A standard agreement for applicants to apply for funds will be issued by the Council by September 15, 2021 and applications will then be due within 30 days. Applicants may receive up to 20

percent (or 25 percent if applying jointly) of funds up front, with the balance available only after submittal of a local homelessness action plan with specified outcome goals by June 30, 2022. See Attachment A for a list of Bay Area funding shares for FY 2021-22, totaling \$179 million for Bay Area cities (Oakland, San Jose and San Francisco), counties (all nine) and nine continuums of care.

Next Steps:

Staff anticipates the transportation package and climate resilience funding to be some of the last items to be resolved this session and will provide an update at your meeting.

Attachments:

Attachment A: Bay Area FY 2021-22 Funding Allocations for HHAP

Attachment B: Excerpt of AB 140: REAP 2.0 Eligibilities


Therese W. McMillan

CONTINUUM OF CARE	ALLOCATION	PERCENT
Daly/San Mateo County CoC	\$ 2,262,998	
Marin County CoC	\$ 1,547,579	
Napa City & County CoC	\$ 481,935	
Oakland, Berkeley Alameda County CoC	\$ 12,006,459	
Richmond/Contra Costa County CoC	\$ 3,434,907	
San Francisco CoC	\$ 12,025,916	
San Jose/Santa Clara City % County CoC	\$ 14,526,888	
Santa Rosa, Petaluma/Sonoma County CoC	\$ 4,416,737	
Vallejo/Solano County CoC	\$ 1,722,692	
	\$ 52,426,111	29%
CITY		
Oakland	\$ 24,066,823	
San Francisco	\$ 24,105,824	
San Jose	\$ 29,118,995	
	\$ 77,291,642	43%
COUNTY		
Alameda	\$ 11,206,029	
Contra Costa	\$ 3,205,913	
Marin	\$ 1,444,407	
Napa	\$ 449,806	
San Francisco	\$ 11,224,189	
San Mateo	\$ 2,112,131	
Santa Clara	\$ 13,558,429	
Solano	\$ 1,607,846	
Sonoma	\$ 4,122,288	
	\$ 48,931,037	27%
Bay Area Total	\$ 178,648,789	

Regional Early Action Planning Grants Program of 2021 (REAP 2.0)
Excerpts of Authorizing Statutes Related to Project Eligibility

Health and Safety Code Section 50515.07.

(a) (1) The Regional Early Action Planning Grants Program of 2021 is hereby established for the purpose of providing regions with funding, including grants, for transformative planning and implementation activities.

(2) Upon appropriation by the Legislature for this purpose, funds shall be distributed under the program in accordance with this chapter.

(b) The department, in collaboration with the Office of Planning and Research, the Strategic Growth Council, and the State Air Resources Board, shall develop and administer the program and, consistent with the requirements of this chapter, provide grants to eligible entities for implementing planning and implementation activities. The department shall seek input from the transportation and housing coordination workgroup established through Section 50407.5.

(c) Distribution and expenditures of funds shall be made consistent with the state planning priorities, established pursuant to Section 65041.1 of the Government Code, and shall consider geographic equity among regions of the state.

(d) Of the total amount of any moneys appropriated for purposes of this chapter, the department shall set aside up to 5 percent for program administration, including state operations expenditures and technical assistance, as well as expenditures by recipients of funding pursuant to Sections 50515.08 and 50515.09.

Health and Safety Code Section 50515.08 (c)

[Note: the following language is an excerpt of this section – see full statute for context]

(1)(E) The application shall reference one or more of the following categories of allowable uses of the funds:

(i) Accelerating infill development, including housing.

(ii) Supporting residents through realizing multimodal communities.

(iii) Shifting travel behavior through reducing driving.

(iv) Increasing transit ridership....

(c)(3) Commencing January 1, 2022, an eligible entity described in paragraphs (1) to (5) of subdivision (a), inclusive, as applicable, may request up to 10 percent of the funding available to it under this section in advance of a full request for funding made pursuant to paragraph (1) to develop and accelerate the implementation of the requirements described in paragraph (1), including, but not limited to, regional engagement in the development of the full application and

of an education and outreach strategy. The department shall award funds requested pursuant to this paragraph to the relevant eligible entity in an expeditious manner after receiving that request.

(4) The department may develop a streamlined application procedure that accounts for the limited resources generally among the regional entities listed in paragraph (6) of subdivision (a).

(5) If an amount of funds described in paragraph (2) of subdivision (a) of Section 50515.07 remains unallocated after December 31, 2022, the department, at its discretion, may make those funds available through a subsequent notice of funding availability in which funds are offered on a competitive basis pursuant to this chapter. An eligible entity described in subdivision (a) may request an allocation of funds made available through the subsequent notice of funding availability by submitting an application, in the form and manner prescribed by the department.

(d) In consultation with the department, any entity that receives an allocation of funds pursuant to this section shall establish priorities and use those moneys for eligible transformative planning and implementation activities that include, but are not limited to, all of the following:

(1) Providing jurisdictions and other local agencies with technical assistance, planning, temporary staffing, or consultant needs associated with updating local planning and zoning documents and other actions that accelerate infill housing production.

(2) Administering any programs described in this subdivision.

(3) Covering the costs of temporary staffing or consultant needs associated with the activities described in paragraphs (1) and (2), inclusive.

(4) Accelerating infill development, including through all of the following:

(A) Rezoning and encouraging development by updating planning documents and zoning ordinances, including general plans, community plans, specific plans, sustainable communities strategies, and local coastal programs.

(B) Revamping local planning processes to accelerate infill housing production and other infill development.

(C) Completing environmental clearance to eliminate the need for project-specific review for infill development.

(D) Establishing and funding an affordable housing catalyst fund, trust fund, or revolving loan fund for location efficient projects.

(E) Performing infrastructure planning and investing in upgrading infrastructure, including for sewers, water systems, transit, roads, or other public facilities necessary to enable reduction in per capita vehicle miles traveled, including accelerating housing production.

(5) Supporting residents through realizing multimodal communities, including through all of the following:

(A) Establishing and implementing a vision-zero policy and program, a safety plan, and a slow streets program.

(B) Developing bicycle and pedestrian infrastructure plans and other multimodal plans or policies.

(C) Investing in infrastructure projects and other programs to expand active transportation and implement bicycle or pedestrian plans.

(D) Producing multimodal corridor studies associated with developing specific planning documents or implementation actions.

(6) Shifting travel behavior through reducing driving, including through all of the following:

(A) Studying and implementing road pricing.

(B) Funding the establishment of a local vehicle miles traveled impact fee or regional vehicle miles traveled mitigation bank.

(C) Funding and implementing parking and transportation demand management programs or ordinances.

(D) Accelerating infill housing production near jobs, transit, and resources.

(7) Increasing transit ridership, including through all of the following:

(A) Funding and implementing actions to establish more seamless regional transit systems between and across communities, including establishing common fares, schedules, service design, and wayfinding.

(B) Developing and implementing multimodal access plans to and from transit facilities.

(C) Planning for additional housing near transit.

(f) (1) In consultation with the department, any entity that receives an allocation of funds pursuant to this section may suballocate moneys directly to eligible entities in the form of grants. Following awards to eligible entities, eligible entities shall award suballocations within 60 days.

(2) All suballocations pursuant to this subdivision shall consider geographic equity, including the needs of rural and urban communities, transformative and collaborative approaches, including through subregions, and the degree to which the suballocation will be in furtherance of all of the requirements of transformative planning and implementation activities described in paragraph (2) of subdivision (f) of Section 50515.06.

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

September 10, 2021

Handout – Agenda Item 3c

Fiscal Year (FY) 2021-22 State Budget Update

Subject: Update on recent changes to the FY 2021-22 State Budget

Background: This handout provides an update on notable changes to the FY 2021-22 State Budget of interest to MTC/ABAG as of midday September 9. Additional details can be found in this [Assembly Floor Report](#).

Overview: **Legislature Punts on Newsom Administration’s High-Speed Rail and Local/Regional Transportation Funding Request**
Negotiations between the Legislature and the Newsom Administration stalled over the requested \$4.2 billion in bond funding for the California High Speed Rail Authority. As noted previously, the Newsom Administration requested high-speed rail funds as part of a broader “transportation package” and, accordingly, the Legislature’s adopted FY 2021-22 State Budget included \$3.4 billion for local transportation-related investments that were subject to further legislation being enacted this session to allow continued negotiations over high-speed rail. The collapse of negotiations means that \$2 billion in extra funding previously appropriated for the Transit and Intercity Rail Capital Program (TIRCP), \$500 million for grade crossings, \$500 million for the Active Transportation Program (ATP) and \$300 million for a new transportation-related climate adaptation program reverts to the General Fund.

On an optimistic note, the Assembly Floor Report notes that more than \$4 billion in transportation and energy expenditures that were not included in the final budget are reserved for potential spending next year and that discussions regarding high-speed rail and local transportation investments will continue “through the fall and winter.” Therefore, while by no means guaranteed, there is still a chance that an agreement on the next installment of bond funding for high-speed rail could include significant General Fund support for local/regional transportation priorities.

Climate Resilience: Legislature Adopts Multi-Year Spending Plan

The Legislature is expected to enact two budget trailer bills related to climate resilience/adaptation, SB 170 and SB 155. SB 170 makes appropriations for FY 2021-22, whereas SB 155 includes proposed multi-year spending across multiple areas subject to future appropriation. All told, the budget proposes \$3.7 billion over a three-year period for climate resilience with \$369 million appropriated this year.

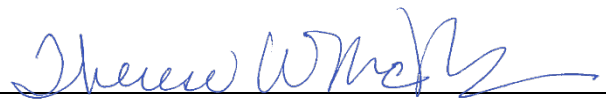
Of particular interest to MTC/ABAG, SB 170 appropriates \$10 million to the Office of Planning and Research (OPR) for Climate Adaption & Resilience Planning Grants and \$25 million to establish the Integrated

Climate Adaptation and Resiliency Program (ICARP) Regional Planning Grant Program. Collectively this funding is intended to support grants to local, regional, and tribal governments for climate resilience planning and implementation to reduce the risk of climate change impacts such as wildfire, sea level rise, drought, flood, increasing temperatures, and extreme heat events, similar to what was envisioned in AB 897 (Mullin), which did not advance this year. Of the \$25 million for the new Regional Planning Grant Program, at least \$12.5 million is reserved for grants that support regional climate adaptation planning and action plans that prioritize projects or actions that are necessary to respond to the greatest climate risks facing the region, particularly in the most vulnerable communities (not defined).

Consistent with MTC-ABAG's Climate Adaptation Advocacy Principles, the remainder of the \$25 million is available to implement projects at the local level aligned with regional plans developed pursuant to the new Regional Planning Grant Program. These funds are available for encumbrance or expenditure until June 30, 2026.

While \$25 million is a modest amount when considering the scale of the state's climate adaptation planning and implementation needs, the future year spending amounts in the Assembly Floor Report include \$125 million in FY 2022-23 and \$100 million in FY 2023-24. While these amounts are not listed in the budget trailer bills, their inclusion in official summary materials provides a helpful starting point for future advocacy.

Wildfire Prevention With regard to wildfires, the budget allocates \$1.5 billion for wildfire and forest resilience when mid-year budget appropriations are combined with the final budget. It also makes a statutory change to continuously appropriate \$200 million from the Greenhouse Gas Reduction Fund supported by Cap and Trade revenues for wildfire prevention purposes through FY 2028-29. Notably these funds will come "off the top" of Cap and Trade proceeds before they are available to the other programs, including public transit, affordable housing, and high-speed rail.


Therese W. McMillan

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

September 10, 2021

Agenda Item 4a

Infrastructure Bill Update

Subject: Status update regarding the *Infrastructure Investment and Jobs Act*.

Overview: On August 10, the Senate passed on a bipartisan basis the *Infrastructure Investment and Jobs Act*, or IIJA ([H.R. 3684](#)), a roughly \$1 trillion transportation, water, broadband and electric grid infrastructure bill that's intended to deliver on a portion of President Biden's "Build Back Better" jobs, climate and equity agenda. The "summary" section of this memo includes highlights of the bill with additional details included in the attachments.

Intersection with Reconciliation Bill and Next Steps

Senate Democrats and Speaker Pelosi's intention is to supplement this bipartisan infrastructure bill with a wide-ranging climate and social programs stimulus bill that Democrats could pass via a simple majority (reconciliation bill). The goal is that *in combination*, the bills would deliver on President Biden's "build back better" campaign promise such that aspects of his agenda that *weren't* addressed in the bipartisan infrastructure bill would be included in the reconciliation bill, including housing, electric vehicle incentives, building upgrades, health care, childcare, and education (note: this is not an exhaustive list).

House Democrats in late August advanced this dual track approach by adopting a rule that tees up a vote on the bipartisan infrastructure bill on September 27 and approving the Senate's \$3.5 trillion budget blueprint, which sets a *spending ceiling* for the reconciliation bill and divvies up that spending among the respective policy committees. Policy committees—which are charged with drafting legislation to determine how the allocations will be spent—are expected to be working furiously to meet a September 27 deadline to deliver on Speaker Pelosi's goal of advancing the two bills as a package. With so many moving pieces, it's hard to predict the path forward, but this ambitious timeline *could set the stage* for final bill passage before the start of federal fiscal year 2022 (October 1). Staff will provide a status update at your September committee meeting.

Summary: The IIIJA would invest nearly \$1 trillion in transportation, water, broadband, and power infrastructure as well as resilience investments. Of this amount, approximately \$550 billion would be *new* spending (the nearly \$1 trillion dollar amount reflects the cost to also maintain existing spending levels (i.e., baseline) for certain infrastructure, including surface transportation and water). Total spending amounts by infrastructure category are detailed in the chart below.

Infrastructure Investment and Jobs Act Spending Categories
(\$ in Billions)

Infrastructure Category	Funding Amount
Surface Transportation	\$639
<i>FAST Act Reauthorization</i>	<i>\$477</i>
<i>IIJ Act Stimulus (supplemental spending)</i>	<i>\$157</i>
<i>Electric & Low Emission School Buses</i>	<i>\$5</i>
Airports	\$25
Ports and Waterways	\$17
Water Infrastructure	\$91
Broadband	\$65
Power Infrastructure	\$65
Resilience, Western Water Storage and Environmental Remediation	\$71
Transportation Total	\$681
Other Infrastructure Total	\$292
Total	\$973

Source: MTC analysis of H.R 3684, Eno Transportation Weekly and White House Fact Sheet

Transportation - \$681 billion

Transportation infrastructure is by far the largest component of the infrastructure bill. Regarding surface transportation, the bill combines a roughly \$475 billion five-year surface transportation reauthorization—a 56 percent increase above Congress’s last five-year transportation bill, the Fixing America’s Surface Transportation (FAST) Act—with approximately \$157 billion in supplemental one-time stimulus funding to be distributed to more than two dozen grant programs over five years. We estimate that the bill would provide about \$4.5 billion in “guaranteed” funding for the Bay Area via the highway and transit formula funds that MTC distributes. We also expect Bay Area projects to receive a share of the state’s \$4.5 billion in bridge repair funds and dedicated resources for zero emission vehicle charging and resilience projects. The bill would also provide funding for airports, ports and waterways, as shown in the chart on Page 1.

The most unprecedented element of the deal is in the scale of new discretionary grants that would be administered by the U.S. Department of Transportation (USDOT); the bill would authorize approximately \$150 billion in competitive grant funding that could help fund Bay Area surface transportation priorities. (Note: this figure excludes funds dedicated to

geographies outside of the Bay Area, such as the Northeast Corridor). See page 3 of Attachment A for additional details on the discretionary grants.

Water Infrastructure

Water infrastructure would be funded at approximately \$91 billion and—similar to surface transportation—includes a reauthorization of drinking and wastewater funding (\$36 billion) and provides supplemental one-time stimulus funding to targeted programs. Nearly \$53 billion would be distributed through the existing drinking water and clean water state revolving loan funds (\$26.4 billion each) which provide grants to states for loans supporting water infrastructure and water quality improvement projects. An additional \$15 billion would be available for lead pipe replacement (to be administered through drinking water state revolving loan funds) and \$10 billion to address emerging pollutants. The remaining funding would be distributed through various other programs.

Broadband/High-Speed Internet

The IIJA provides \$65 billion to help build out broadband infrastructure, assist states with developing and implementing digital equity plans, and to subsidize the cost of Internet service for low-income households. Of the funding, \$42.5 billion would be reserved for a U.S. Department of Commerce broadband buildout grant program for states. Each state would receive a minimum of \$100 million; remaining grant funding would be determined via a formula based on each state's proportionate number of underserved and high-cost locations. Another significant component of the broadband proposal is a \$30/month voucher low-income families may use for Internet service (\$14.2 billion cost). This subsidy builds on the existing Emergency Broadband Benefit established during the pandemic, removing any sunset date for the benefit and expanding eligibility to more low-income households. An estimated 10.6 million Californians would be eligible for the benefit, according to a [White House fact sheet](#).

Power Infrastructure and Clean Energy

The IIJA includes \$65 billion to upgrade power infrastructure and increase energy efficiency, creates a new Grid Deployment Authority, and invests in clean energy research and technology. Investments of interest include: \$5 billion in grants to states, grid operators, and other entities to harden the electric grid against extreme weather events, \$5 billion for demonstration projects aimed at hardening and enhancing grid resilience, \$3 billion for the [Smart Grid Investment Matching Grant Program](#) with expanded eligibilities to include improvements that increase flexibility in responding to natural disasters and fluctuating demand, \$8 billion to establish at least four

regional clean hydrogen hubs, \$550 million for the Energy [Efficiency and Conservation Block Grant Program](#) to support state and local governments in investing in energy efficiency and conservation projects and \$225 million for a Department of Energy competitive grant program for states or regional partnerships to update their building energy codes.

Resilience, Western Water Storage, Environmental Remediation

The bill would provide about \$71 billion for resilience, western water storage and remediation, including funding for wildfire resilience, flood mitigation, and ecosystem restoration. With regard to wildfires, the bill includes \$3.3 billion for wildfire risk reduction efforts, including controlled burns, community wildfire defense grants, and funds to boost federal firefighter salaries. The bill would additionally provide \$2 billion for federal ecological restoration projects to support fuel reduction. Other investments of interest:

- \$3.5 billion to supplement the [Weatherization Assistance Program](#) that reduces energy costs for low-income households¹
- \$1 billion is provided for the Federal Emergency Management Administration (FEMA)'s Building Resilient Infrastructure and Communities (BRIC) grants
- \$1 billion for a new grant program for states and local governments to develop and implement cybersecurity plans
- \$24 million for San Francisco Bay restoration (funds will go to EPA) and \$132 million for the National Estuary Program, of which **an estimated \$4.5 million would come directly to the San Francisco Estuary Partnership** over five years (\$900,000/year). This would more than double the Partnership's current annual federal funding of approximately \$700,000.
- \$17 billion for Army Corps of Engineers flood mitigation and waterways management planning and projects, including \$11.6 billion for construction (intended to support both unfunded projects in the Army Corps pipeline and new construction).²
- More than \$8 billion for water storage, recycling, and ecosystem restoration intended to help make California and other western states more resilient to drought

¹ Weatherization funding could also be categorized under "power infrastructure and clean energy" funding.

² Based on external infrastructure bill analyses, staff attributed Army Corps funding to the "resilience" category, though a portion of the \$17 billion most likely accounts for a significant amount of the "ports and waterways" funding listed in the chart on Page 1.

- \$1.2 billion over five years for brownfield remediation
- \$3.5 billion for superfund remediation

Attachments: Attachment A: Summary of Surface Transportation Provisions of the IIJA



Therese W. McMillan

**Summary of Surface Transportation Provisions
of the Infrastructure Investment and Jobs Act**
August 25, 2021

This writeup provides highlights of the transportation aspects of the Senate-passed Infrastructure Investment and Jobs (IIJA) Act, with a focus on Bay Area impacts.

Investment and Jobs Act vs. FAST Act Comparison Chart

	FAST Act (FY 2016-2020)	IIJ Act (FY 2022-2026) (Senate passed)	% Increase
Surface Transportation Authorization ⁱ	\$ 305 billion	\$ 477 billion	56%
One-time General Fund advance appropriation) ⁱⁱ	-	\$ 157 billion	N/A
Total	\$ 305 billion	\$ 634 billion	108%

Bay Area Highway and Transit Formula Funding Increase

The IIJA would substantially boost the Bay Area transit formula resources that MTC distributes, and the Bay Area would receive a lesser but not insignificant boost in flexible highway funds. Initial estimates are below and are subject to change.

Bay Area Transit

The IIJA would provide the Bay Area \$3.4 billion in transit formula funds over five years vs. the \$2.3 billion in Federal Transit Administration (FTA) formula funds over the FAST Act period. This increase would be a result of both a big boost in the federal transit formula funding from the Highway Trust Fund (HTF)—a big win for the long-term as it would be very unusual for HTF-funded federal transit (and highway) program funding levels to fall below this new baseline after five years at this funding level—and because of additional one-time supplemental stimulus funding to the Section 5337 State of Good Repair program, which we advocated for along with our large transit system partners across the country.

Bay Area Transit Formula Fund Estimate

	FAST Act (FY 2016-2020)¹	IIJ Act (FY 2022-2026)²	5-Year Funding Increase
State of Good Repair	\$1.1 billion	\$1.7 billion	\$0.7 billion
Urbanized Area	\$1.1 billion	\$1.5 billion	\$0.4 billion
Other	\$0.1 billion	\$0.2 billion	\$0.1 billion
Total	\$2.3 billion	\$3.4 billion	\$1.1 billion

Note: Sums may not total due to rounding.

1. Amounts include FAST Act authorized funding plus Federal Transit Administration (FTA) supplemental appropriations from FY 2018, FY 2019 and FY 2020.

2. Amounts reflect IIJ transportation authorization and supplemental advance appropriations.

Bay Area Flexible Highway, Climate and Bike/Ped Formula Funding

The IIJA would increase five-year funding totals for flexible highway program funding in the Bay Area from \$0.8 billion to \$1.1 billion. Note that much of this increase is due to the new, highly flexible Carbon Reduction formula program, which the Senate funded at the expense of increasing the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. Like CMAQ, the Carbon Reduction Program has broad eligibilities including public transit, high occupancy vehicle projects and congestion pricing. See chart below:

Bay Area Highway Formula Fund Estimate

	FAST Act (FY 2016-2020)*	IIJ Act (FY 2022-2026)	5-Year Funding Increase
Surface Transportation Program	\$473 million	\$603 million	\$130 million
CMAQ	\$367 million	\$368 million	\$1 million
Transportation Alternatives Program ¹	\$38 million	\$70 million	\$32 million
Carbon Reduction Program (<i>new</i>)	-	\$71 million	\$71 million
Total	\$878 million	\$1.1 billion	\$234 million

1. Amount reflects only those program funds suballocated to the Bay Area for the regional ATP program; does not include the Bay Area's share of the states "any area" funds

Encouragingly, metropolitan planning resources that come directly to MTC would increase as well, with the Metropolitan Planning program increasing by about 30 percent overall compared to FAST Act levels (FAST Act FY 2016-2020 vs. proposed FY 2022-2026 funding).

California Funding for Bridges, Resilience and Electric Vehicle Charging Infrastructure

The State of California would receive a **much larger** increase in formula funds (proportionately and dollar amount) compared to the suballocated formula programs, including five-year totals of approximately \$4.2 billion from a flexible new bridge repair formula program (\$27.5 billion nationwide) and approximately \$380 million for electric vehicle charging infrastructure. Additionally, California would receive over the five year timeframe roughly \$2.6 billion in funding that could be used for resilience-focused investments, \$630 million from a new resilience-focused formula program for states and up to \$1.9 billion of the state's anticipated \$12.8 billion in National Highway Performance Program (NHPP) highway funding (highway and bridge resilience would be newly eligible for up to 15 percent of NHPP funding). We expect there will be legislation at the state level to implement these new programs, providing an opportunity to advocate for an approach that maximizes funding for the Bay Area.

Additionally, California's Trade Corridors Enhancements Program and "any area" Active Transportation Program would both be expected grow in accordance with the funding increases proposed for the federal freight formula program and federal Transportation Alternatives Program since state law directs these federal funds to these programs.

Opportunity for Bay Area Projects to Compete for \$150 billion in Discretionary Grants

Bay Area projects (large and small) could also receive substantial direct federal investment via funding for existing and new discretionary grant programs. In addition to huge dollar amounts, the focus of the grant programs reflects many of the Plan Bay Area 2050 priorities and in general the selection criteria are Bay Area/large metro-friendly (ex: points for national and regional economic benefits). Grant programs of interest are listed below.

Of note, the IIJA authorizes approximately \$190 billion in discretionary grants, however a portion of those funds are reserved for geographies outside the Bay Area (notably the Northeast Corridor), thus the Bay Area would be eligible to compete for approximately \$150 billion in discretionary grant funds. Of this, \$95 billion is “guaranteed” funding—i.e., grants are either funded from the Highway Trust Fund (HTF) or one-time supplemental general fund stimulus (upfront stimulus)—while the \$55 billion in non-stimulus general fund authorizations (GF) are much less certain as they are subject to annual appropriations.

Transit, Bridge, Climate, Rail, Safety, and Priority Project Discretionary Grant Programs

(Note: National five-year totals. Fund sources listed to provide indication as to level of certainty that the funding will be made available.)

Highway and Bridge

- Bridge Investment Program - \$15.8 billion for a new bridge program
 - \$9.2 billion in upfront stimulus funding, plus \$3.3 billion guaranteed from the reauthorization (HTF) and \$3.3 billion in general funds subject to annual appropriations
 - Program would provide multi-year grants for major bridge improvements, like full funding grant agreements for bridges. BATA bridges and Golden Gate Bridge could apply. Smaller projects could be funded too.
- Charging and Fueling Infrastructure Grants (alternative fuel vehicles) - \$2.5 billion (HTF)

Transit and Intercity Passenger Rail

- Capital Investment Grants - \$23 billion
 - \$8 billion in one-time upfront stimulus funding plus \$15 billion subject to appropriation (vs. \$12 billion in the FAST Act).
 - Program funds transit modernization and expansion projects
- Federal-State Partnership for Intercity Passenger Rail – \$43.5 billion
 - \$36 billion in upfront funding, of which at least \$12 billion may be spent outside the Northeast Corridor; \$7.5 billion in additional funds subject to annual appropriations, of which not less than \$3.4 billion must be spent outside the Northeast Corridor)
 - Expanded eligibilities to allow program to fund new and expanded intercity rail (e.g. California High Speed Rail), in addition to the program’s historic focus on Amtrak and other intercity rail service’s state of good repair
- Amtrak - \$30 billion (roughly 40 percent is reserved for the Northeast corridor)
 - \$19.2 billion in upfront stimulus and an additional \$11 billion subject to annual appropriations

- Consolidated Rail Infrastructure and Safety Improvements (CRISI) - \$10 billion
 - \$5 billion in upfront stimulus funding and \$5 billion subject to annual appropriations
 - Program funds rail safety, efficiency and reliability improvements. Examples of eligible projects include capital projects to reduce congestion and facilitate ridership growth and highway-rail grade crossing improvements.
- Railroad Crossing Elimination Program - \$5.5 billion
 - New program funded at \$3 billion in upfront stimulus funding and \$2.5 billion subject to annual appropriations
 - Supplements the longstanding Rail-Highway Grade Crossing program funding that is distributed to states via formula, funded through the HTF at \$1.2 billion (FAST Act funded the program at \$1.1 billion).
- Low- and Zero-Emission Bus Program (transit) – \$5.6 billion
 - \$375 million guaranteed from the reauthorization (HTF) and \$5.25 billion in upfront stimulus
- ADA Accessibility Improvements for Legacy Rail Systems - \$1.75 billion (upfront stimulus) (*new program*)
- Competitive Grants for Rail Vehicle Replacement - \$1.5 billion (HTF)
- Electric or Low-Emission Ferry Program - \$500 million
 - \$250 million in upfront stimulus funding, plus \$250 million subject to annual appropriations

Multimodal Mobility, Economy, Safety, and Climate Programs

- National Infrastructure Project Assistance - \$15 billion
 - \$5 billion in upfront stimulus funding and \$10 billion subject to annual appropriations
 - Program would provide multiyear grant agreements for large projects
 - Multimodal eligibility, including for integrated intercity and commuter rail projects, as advocated by MTC and national partners
- Local and Regional Project Assistance - \$15 billion
 - \$7.5 billion in upfront stimulus funding plus \$7.5 billion subject to annual appropriations
 - Authorizes RAISE (BUILD/TIGER)
- INFRA (multimodal freight program) - \$8 billion
 - \$4.8 billion from the HTF and \$3.2 billion in upfront stimulus appropriations
- Safe Streets and Roads for All - \$6 billion
 - \$5 billion in one-time upfront stimulus funding, \$1 billion subject to annual appropriations
 - Grants for local jurisdictions and metropolitan planning organizations to develop and implement Vision Zero safety plans
- Rural Surface Transportation Grant Program - \$2 billion (HTF)
 - Grants for highway and bridge improvement, freight and safety projects in urbanized areas less than 200,000 in population. Travel demand management projects are also eligible.
 - States, regional transportation planning organizations, local governments, and multijurisdictional groups may apply.

- PROTECT resilience grants - \$1.4 billion (HTF)
 - States, locals, metropolitan planning organizations, and other transportation authorities may apply.
- Reconnecting Communities - \$1 billion
 - \$500 million from the HTF, \$500 million in upfront stimulus
 - Grants may fund planning and construction to remove or retrofit highways and restore community connectivity
- SMART (Strengthening Mobility and Revolutionizing Transportation Grant Program) - \$1 billion
 - \$500 million in upfront stimulus; \$500 million subject to annual appropriations
 - Eligible projects include automated and connected vehicle infrastructure deployment, transit signal prioritization, and other technology-related transportation system improvements
- Congestion Relief Program - \$250 million (HTF)
 - New flexible major metro congestion reduction program. Eligibilities are broad and allow for congestion pricing on existing Interstate highways

Note: CRISI and Railroad Crossing Elimination Programs could also fall in the “safety program” category.

ⁱ Transportation authorization bill funding reflects both Highway Trust Fund (HTF) amounts—which are essentially “guaranteed”—in addition to those funding amounts authorized but subject to the uncertainty of the annual appropriations process. The FAST Act’s \$305 billion price tag reflected \$282 in HTF proceeds and only \$23 billion in general funds while the IIJA would provide \$383 billion in HTF funding, with \$94 billion subject to annual appropriations.

ⁱⁱ Chart does not yet reflect the FY 2018 through FY 2020 Highway Improvement Program and Transit Infrastructure Grants, which supplemented highway and transit funding.

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

September 10, 2021


Agenda Item 4b

Washington D.C. Legislative Update

Subject: July and August 2021 Report from Washington, D.C. advocate.

Recommendation: Information

Attachments: Attachment A: Summit Strategies Team Report – July and August 2021


Therese W. McMillan



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Summit Strategies Team Report – July and August 2021

From: Summit Strategies Team

To: Therese McMillan, Executive Director

Date: September 1, 2021

Subject: Federal Policy Monthly Report

- **Overview**
 - **Senate Passes the Infrastructure Investment and Jobs Act**
 - **Democrats Prepare for another Budget Reconciliation Bill**
 - **Infrastructure vs. Budget Reconciliation Explained**
 - **Appropriations Updates**
 - **Agency Actions and Competitive Grants Update**
-

Below is a status update on issues of interest to MTC, and the actions that we have taken to date.

Senate Passes the Infrastructure Investment and Jobs Act

On Tuesday, August 10, 2021, following months of negotiations, the Senate passed the trillion-dollar Infrastructure Investment and Jobs Act (IIJA). At the end of July, the bipartisan group of Senators leading discussions reached a compromise on revenue sources, such as repurposing \$205 billion of unused COVID relief funds and \$53 billion in untapped enhanced unemployment benefits, setting the stage for passage. The bill, which represents a significant win for President Biden's agenda, passed the Senate 69-30. 19 Republican senators, including Senate minority leader Mitch McConnell (R-KY), joined their Democratic colleagues in supporting the bill. The package provides \$550 billion in new spending on new physical investments over the next five years, including:

- \$110 billion increase over existing levels for roads and bridges, including:
- \$66 billion for freight and passenger rail
- \$11 billion for safety programs
- \$39.2 billion for transit, including:
- \$65 billion for broadband
- \$17.3 billion for ports and waterways
- \$25 billion for airports
- \$55 billion for water infrastructure
- \$73 billion for grid upgrades
- \$46 billion for resiliency
- \$7.5 billion for Low-carbon and zero-emission school buses and ferries

The infrastructure package, which also doubles as a five-year transportation reauthorization bill, would represent a significant increase in federal transportation investment. The legislation incorporates many of the priorities outlined by MTC and represents months, if not years, of interaction with the California delegation as well as other key members of the Senate.

The situation in the House is less clear, as a group of moderates, led by Rep. Josh Gottheimer (D-NJ), threatened to derail a procedural vote on the budget resolution (see below) moving through the chamber if the House did not immediately pass the Senate's infrastructure measure. Ultimately, Speaker Pelosi committed to a September 27th deadline for the infrastructure package, three days before the existing one-year FAST Act extension expires and Democratic moderates agreed to move forward. Mounting pressure from the White House, the business community, organized labor, and the public increases the likelihood that Congress can enact this popular bipartisan infrastructure legislation by September 27th.

Democrats Prepare for another Budget Reconciliation Bill

After the House adopted a special rule, the Senate-crafted budget resolution set the stage for the budget reconciliation process. Budget reconciliation is a special process, or tool, that allows the majority to bypass the filibuster - allowing legislation to advance through the Senate with 51 votes rather than 60. The process involves instructing relevant committees to change spending, revenues, deficits, or the debt limit by specific amounts, which the Budget Committee then packages into one bill. Reconciliation can only be used in certain circumstances, including policies that directly impact the budget through revenues and spending. The Senate parliamentarian also has power over deciding whether specific provisions are allowed to be part of the budget resolution.

The Senate Budget Committee and Senate Majority Leader Schumer issued a memorandum on Monday, August 9, 2021, providing the following topline figures for the relevant committees:

- \$135 billion for the Agriculture Committee
- \$332 billion for the Banking, Housing, and Urban Affairs Committee
- \$83 billion for the Commerce, Science, and Technology Committee
- \$198 billion for the Energy and Natural Resources Committee
- \$67 billion for the Environment and Public Works Committee
- \$726 billion for the Health, Education, Labor, and Pensions Committee
- \$37 billion for the Homeland Security and Governmental Affairs Committee
- \$107 billion for the Judiciary Committee
- \$20.5 billion for the Indian Affairs Committee
- \$25 billion for the Small Business and Entrepreneurship Committee
- \$18 billion for the Veterans Affairs Committee

Additionally, the Finance Committee received instructions requiring at least \$1 billion in deficit reduction. This will provide the Committee with flexibility to make investment, revenue and offset decisions consistent with the policy recommendations.

Lawmakers received similar instructions in the House, with the Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) receiving \$60 billion, of which \$41 billion is eligible for transportation-related measures. Further, the allocations between roads and highways and transit must adhere with the committees of jurisdiction in the Senate. The Senate Environment and Public Works Committee has jurisdiction over highways, while transit falls under the Senate Banking Committee. Chairman DeFazio is also constrained by the Byrd Rule, which requires all available funding to be spent out of the Treasury Department during the ten-year period.

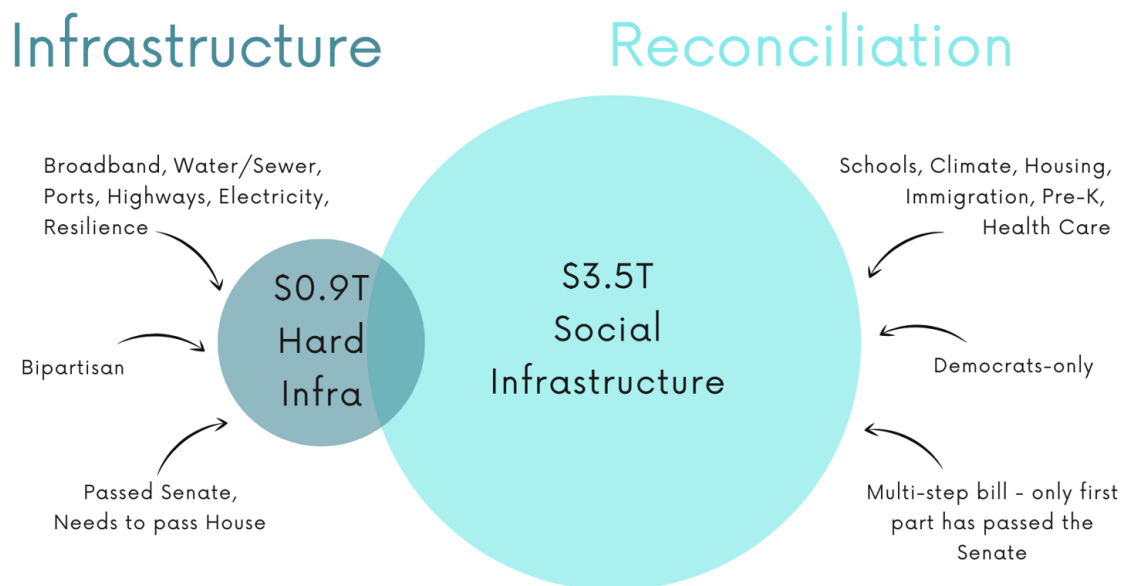
Numerous transit advocates have called on Congress to include an additional \$10 billion for transit in the reconciliation package. However, advocates and supporters are facing resistance based upon a deal that was struck between the White House and the bi-partisan leaders of the

infrastructure package that precludes Budget reconciliation from including funding for programs that were already included in the infrastructure package; this prohibition against ‘double-dipping’ is presenting a challenge for those in the House who would like to see additional investment in transit and carbon reduction programs.

Your MTC team has been in regular contact with staff from the House Transportation and Infrastructure Committee advocating for transit funding to be included in a manner that will benefit the Bay Area.








Infrastructure vs. Budget Reconciliation Explained

The media (and even Members of Congress) often conflate the infrastructure package and the budget reconciliation package. It can become incredibly confusing for even those who are paying close attention to what is going on in D.C. We have developed a few infographics which will help clarify the difference between the two packages:

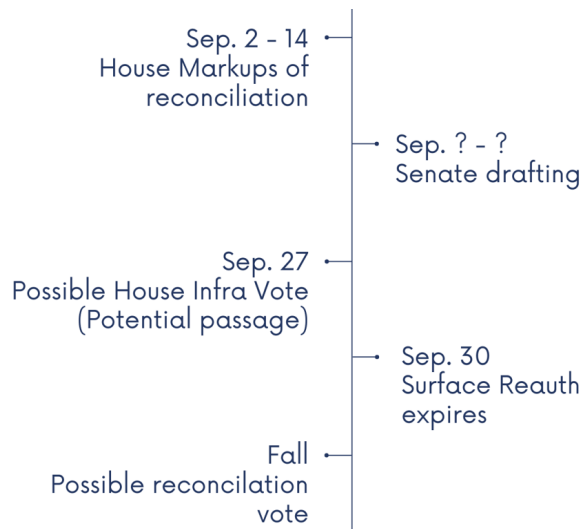


What is reconciliation?

- Special budget process to pass a funding bill in the Senate with only 50 votes
- Complicated rules govern what can be included

BUDGET Highlights of the Tool of Reconciliation	
Permitted Changes	Not Permitted
Mandatory Spending Levels 	 Provisions without budgetary effect
Revenue Levels 	Provisions outside the reporting committee's jurisdiction 
The Debt Limit 	Provisions increasing the deficit beyond the budget window 
	Provisions affecting Social Security 

Key Dates



Appropriations Updates

In August 2021, the House Appropriations Transportation, Housing and Urban Development, and Related Agencies (THUD) Subcommittee released a draft of the FY22 THUD funding bill. The Department of Transportation (DOT) would receive \$105.7 in budgetary resources, approximately \$21.1 billion over FY21 and \$19 billion over the President's Budget request. The Department of Housing and Urban Development (HUD) would receive \$50.6 billion, which represents an increase of \$13.3 billion above the President's budget request. Topline figures include:

- \$62.5 billion for the Federal Highway Administration (FHWA)
- \$15.5 billion for the Federal Transit Administration (FTA)
- \$4.12 billion for the Federal Railroad Administration (FRA)
- \$18.9 billion for the Federal Aviation Administration (FAA)
- \$25.8 billion for the Office of Public and Indian Housing
- \$9.1 billion for the Office of Community Planning and Development
- \$3.2 billion for the Public Housing Capital Fund
- \$4.6 for the Public Housing Operating Fund

Of the \$15.5 billion included for FTA, \$12.5 billion would be provided through HTF contract authority. Most of the appropriations-specific funding targets discretionary grant programs, including the Low or No Emission Vehicle program. The Capital Investment Grant program would receive approximately \$2.5 billion.

The Senate Appropriations Committee began to mark up their respective bills in early August, shortly after the House passed the seven-bill “minibus” FY22 appropriations package. However, timing remains unknown, as both chambers debate the budget resolution.

Agency Actions

Damon Smith Sworn in As General Counsel of HUD

On Thursday, August 12, Damon Smith was officially sworn in as General Counsel of House and Urban Development. The Senate unanimously confirmed Smith on August 11. Before joining HUD in 2021, General Counsel Smith served as Senior Director of Advocacy and Counsel at the Credit Union National Association.

Competitive Grants Update

All Applicable Transit Agencies and States Have Developed Public Transportation Agency Safety Plans

On Tuesday, August 10, the Federal Transit Administration announced that more than 700 transit agencies around the United States have certified that they now have safety plans to help keep riders and employees safe on their transit systems. These plans were due on July 20, following a 2018 Federal Transit Administration (FTA) rule, mandating all agencies that receive FTA's Urbanized Area Formula Grants to set safety performance targets in a Safety Plan that is certified every year.

Federal Transit Administration Announces Funding Opportunity for Passenger Ferries and Facilities

On Friday, August 6, the Federal Transit Administration announced the availability of up to \$38 million in competitive grant funds through a Notice of Funding Opportunity (NOFO) for FTA's Passenger Ferry Grant Program. The Passenger Ferry Grant Program provides funding to capital projects that allow eligible project sponsors to support existing passenger ferry services, establish new ferry services, and repair and modernize ferry boats, terminals, and related facilities and equipment.

HUD Awards Nearly \$95 Million to Protect Families from Lead and Other Home Health and Safety Hazards

On Thursday, August 26, The U.S. Department of Housing and Urban Development (HUD) awarded nearly \$95 million to 28 state and local government agencies in 19 states to protect children and families from lead-based paint and other home health hazards. HUD provides these grants through its [Lead Based Paint Hazard Reduction \(LBPHR\) Grant Program](#) to identify and clean up dangerous lead in low-income families' older homes. These grants also include more than \$12 million from HUD's Healthy Homes Supplemental funding to help communities with housing-related health and safety hazards in addition to lead-based paint hazards.

Click [here](#) to read the project-by-project summary of the programs awarded grants.

HUD Announces \$2.7 billion Funding Opportunity to Help People Experiencing Homelessness

On Wednesday, August 18, the U.S. Department of Housing and Urban Development (HUD) announced that it is making \$2.7 billion in FY 2021 Continuum of Care Program (CoC) competitive funding available to homeless services organizations across the country for supportive services and housing programs for people experiencing homelessness. The CoC is the largest source of federal grant housing programs serving people experiencing homelessness.

HUD Makes Over \$19 million Available to Fight Housing Discrimination

On Wednesday, July 21, the U.S. Department of Housing and Urban Development (HUD) announced that it is making \$19.4 million available to help HUD Fair Housing Initiatives (FHIP) agencies conduct activities that will address discriminatory housing practices related to the COVID-19 pandemic. The funds, which are provided through the America Rescue Plan Act, will allow private fair housing enforcement organizations to respond to fair housing inquiries and complaints, conduct fair housing testing, and implement education and outreach activities related to the pandemic. These funds may be used to expand housing enforcement services for underserved populations most in need of the services.

National Transportation News Roundup

- Is mass transit on the eve of an \$85 billion renaissance? [Fast Company](#)
- Transit Got Billions on Covid-19 Relief From Congress, but Deficits Still Loom. [Wall Street Journal](#)
- Biden's \$1.2 trillion infrastructure bill could take years to transform U.S. [Washington Post](#)
- Biden's infrastructure bill doubles down on bad housing policy. [The Hill](#)
- Federal program to cut bus emissions gets a Senate mandate: Some buses must pollute. [Washington Post](#)
- Transit access to jobs surged with SFMTA's May 2021 Muni changes. [Mass Transit](#)
- Biden's OPEC Plea Is Really Directed at Anxious Drivers. [Bloomberg](#)
- How sports arenas became the poster child of California's housing crisis. [The Mercury News](#)