



375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Agenda - Final

ABAG Legislation Committee

Chair, Julie Pierce, Mayor, City of Clayton
Vice Chair, Dave Hudson, Councilmember, City of San Ramon

Friday, July 10, 2020

10:35 AM

Remote

Association of Bay Area Governments Legislation Committee

The ABAG Legislation Committee will be meeting on July 10, 2020, 10:35 a.m., in the Bay Area Metro Center (Remotely). 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, commission, or board members who will participate in the meeting from individual remote locations.

A Zoom panelist link for meeting participants will be sent separately to committee, commission, or board members.

The meeting webcast will be available at: <https://abag.ca.gov/meetings-events/live-webcasts>

Members of the public are encouraged to participate remotely via Zoom at the following link or phone number.

Attendee Link: <https://bayareametro.zoom.us/j/98884963730>
Join by Telephone: 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)
Webinar ID: 988 8496 3730

Detailed instructions on participating via Zoom are available at:
<https://abag.ca.gov/zoom-information>

Committee members and members of the public participating by Zoom wishing to speak should use the "raise hand" feature or dial "*9".

In order to get the full Zoom experience, please make sure your application is up to date.

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 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.

The ABAG Legislation Committee may act on any item on the agenda.
The ABAG Legislation Committee will meet jointly with the MTC Legislation Committee.
The meeting is scheduled to begin at 10:35 a.m., or immediately following the preceding committee meeting.

Agenda, roster, and webcast available at <https://abag.ca.gov>
For information, contact Clerk of the Board at (415) 820-7913.

Roster

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

1. Call to Order / Roll Call / Confirm Quorum

2. ABAG Compensation Announcement - ABAG Clerk of the Board

3. ABAG Legislation Committee Consent Calendar

- 3.a. [20-1087](#) Approval of ABAG Legislation Committee Summary Minutes of the June 12, 2020 Meeting
Action: ABAG Legislation Committee Approval
Presenter: ABAG Clerk of the Board
Attachments: [3a ABAG Legislation Minutes 20200612 Draft.pdf](#)
- 3.b. [20-1088](#) Legislative History
Action: Information
Presenter: Rebecca Long
Attachments: [3b State LegisHistory July 2020.pdf](#)
- 3.c. [20-1089](#) Fiscal Year (FY) 2020-21 State Budget Update
Action: Information
Presenter: Rebecca Long
Attachments: [3c State Budget.pdf](#)
- 3.d. [20-1090](#) Senate Bill 995 (Atkins): Extension of California Environmental Quality Act (CEQA) Judicial Review Streamlining Authority
Action: Support / ABAG Executive Board Approval
Presenter: Rebecca Long
Attachments: [3d SB 995 CEQA.pdf](#)

4. MTC Legislation Committee Consent Calendar

- 4.a. [20-0950](#) Approval of MTC Legislation Committee Minutes of the June 12, 2020 Meeting
Action: MTC Legislation Committee Approval
Attachments: [4a_MTC LEGIS_Minutes_Jun 12 2020.pdf](#)
- 4.b. [20-0951](#) Legislative History
Action: Information
Presenter: Rebecca Long
Attachments: [4b_State LegisHistory_July 2020.pdf](#)
- 4.c. [20-1065](#) Fiscal Year (FY) 2020-21 State Budget Update
Action: Information
Presenter: Rebecca Long
Attachments: [4c_State Budget.pdf](#)
- 4.d. [20-1066](#) Senate Bill 995 (Atkins): Extension of California Environmental Quality Act (CEQA) Judicial Review Streamlining Authority
Action: Support / MTC Commission Approval
Presenter: Rebecca Long
Attachments: [4d_SB 995_CEQA.pdf](#)
[4d_Correspondence Received-Joint LEGIS.pdf](#)
- 4.e. [20-1069](#) Senate Bill 288 (Wiener): Sustainable Transportation Acceleration
Action: Support / MTC Commission Approval
Presenter: Rebecca Long
Attachments: [4e_SB 288_CEQA.pdf](#)
[4e_Correspondence Received-Joint LEGIS.pdf](#)
- 4.f. [20-1068](#) U.S. House of Representatives Infrastructure Bill Update
Action: Information
Presenter: Georgia Gann Dohrmann
Attachments: [4f_Federal Infrastructure Bills_Summary Sheet.pdf](#)
- 4.g. [20-0952](#) Tom Bulger's Report
Action: Information
Presenter: Georgia Gann Dohrmann
Attachments: [4g_Tom Bulger's DC Report_Jun 2020.pdf](#)

5. State Legislation

5.a. [20-1091](#) Senate Bill 902 (Wiener): Housing Approval Streamlining Tool

Creates an optional tool for local governments to streamline upzoning in transit-rich locations, jobs-rich or urban infill sites.

Action: Support / ABAG Executive Board Approval

Presenter: Georgia Gann Dohrmann

Attachments: [5a&5b_PowerPoint-Handout.pdf](#)
[5a_SB 902 \(Wiener\).pdf](#)

5.b. [20-1092](#) Assembly Bill 3040 (Chiu): Missing Middle Housing Incentive

Local government incentive to authorize fourplexes by-right in single family zones with accompanying credit under Regional Housing Needs Allocation (RHNA).

Action: Support / ABAG Executive Board Approval

Presenter: Georgia Gann Dohrmann

Attachments: [5b_AB 3040 \(Chiu\).pdf](#)

6. Public Comment / Other Business

7. Adjournment / Next Meeting

The next meeting of the ABAG Legislation Committee is on September 11, 2020.

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.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-1087 **Version:** 1 **Name:**

Type: Minutes **Status:** Consent

File created: 6/29/2020 **In control:** ABAG Legislation Committee

On agenda: 7/10/2020 **Final action:**

Title: Approval of ABAG Legislation Committee Summary Minutes of the June 12, 2020 Meeting

Sponsors:

Indexes:

Code sections:

Attachments: [3a_ABAG Legislation Minutes 20200612 Draft.pdf](#)

Date	Ver.	Action By	Action	Result
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Approval of ABAG Legislation Committee Summary Minutes of the June 12, 2020 Meeting

ABAG Clerk of the Board

ABAG Legislation Committee Approval



375 Beale Street
Suite 700
San Francisco, California
94105

Meeting Minutes - Draft

ABAG Legislation Committee

Chair, Julie Pierce, Mayor, City of Clayton

Vice Chair, Dave Hudson, Councilmember, City of San Ramon

Friday, June 12, 2020

9:40 AM

Remote

Association of Bay Area Governments Legislation Committee

The ABAG Legislation Committee may act on any item on the agenda.

The ABAG Legislation Committee will meet jointly with the MTC Legislation Committee.

The meeting is scheduled to begin at 9:40 a.m.

or immediately following the preceding committee meeting.

Agenda, roster, and webcast available at <https://abag.ca.gov>

For information, contact Clerk of the Board at (415) 820-7913.

Roster

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

1. Call to Order / Roll Call / Confirm Quorum

Chair Pierce called the meeting to order at about 11:07 a.m. Quorum was present.

Present: 10 - Arreguin, Eklund, Haggerty, Halliday, Hudson, Mar, Mitchoff, Pierce, Rabbitt, and Ramos

Absent: 1 - Cortese

2. ABAG Compensation Announcement - Clerk of the Board

The ABAG Clerk of the Board gave the ABAG compensation announcement.

3. ABAG Legislation Committee Consent Calendar

Upon the motion by Pierce and second by Rabbitt, the ABAG Legislation Committee approved the Consent Calendar, including minutes of May 8, 2020. The motion passed unanimously by the following vote:

Aye: 10 - Arreguin, Eklund, Haggerty, Halliday, Hudson, Mar, Mitchoff, Pierce, Rabbitt, and Ramos

Absent: 1 - Cortese

- 3.a. [20-0882](#) Approval of ABAG Legislation Committee Summary Minutes of the May 8, 2020 Meeting

4. MTC Legislation Committee Consent Calendar

- 4.a. [20-0803](#) Approval of MTC Legislation Committee Minutes of the May 8, 2020 Meeting

5. Information

- 5.a. [20-0804](#) Legislative History

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

Rebecca Long gave the report.

- 5.b. [20-0890](#) Fiscal Year (FY) 2020-2021 State Budget Update

Overview of the transportation, housing, climate change, and local government-related provisions in the FY 2020-21 the State Budget.

Rebecca Long gave the report.

6. State Legislation

- 6.a. [20-0971](#) Assembly Bill 2621 (Mullin) Regional Climate Adaptation Planning

Requires the Strategic Growth Council to establish guidelines for regional climate adaptation action plans and sets forth how regional climate networks can be established.

Rebecca Long gave the report.

The following gave public comment: Roland Lebrun

Upon the motion by Arreguin and second by Hudson, the ABAG Legislation Committee recommended ABAG Executive Board approval of a support if amended position on Assembly Bill 2621 (Mullin). The motion passed unanimously by the following vote:

Aye: 10 - Arreguin, Eklund, Haggerty, Halliday, Hudson, Mar, Mitchoff, Pierce, Rabbitt, and Ramos

Absent: 1 - Cortese

6.b. [20-0834](#) Housing Bill Update

Update on housing bills in Sacramento.

Georgia Gann Dohrmann gave the report.

7. Federal Legislation

7.a. [20-0835](#) Federal Economic Relief in Response to COVID-19

State and local government, housing and transportation provisions of the HEROES Act.

Georgia Gann Dohrmann gave the report.

7.b. [20-0935](#) U.S. House of Representatives Transportation Reauthorization Update

Overview of the \$500 billion five-year surface transportation reauthorization proposal introduced by the House Transportation and Infrastructure Committee.

Georgia Gann Dohrmann gave the report.

7.c. [20-0805](#) Tom Bulger's Report

Report from Washington, D.C. advocate as well as information on bills being tracked in Washington, D.C.

8. Public Comment / Other Business

Committee Member Mitchoff was called to speak.

Roland Lebrun was called to speak.

9. Adjournment / Next Meeting

Chair Pierce adjourned the meeting at about 12:32 p.m. The next meeting of the ABAG Legislation Committee is on July 10, 2020.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-1088 **Version:** 1 **Name:**

Type: Report **Status:** Consent

File created: 6/29/2020 **In control:** ABAG Legislation Committee

On agenda: 7/10/2020 **Final action:**

Title: Legislative History

Sponsors:

Indexes:

Code sections:

Attachments: [3b_State LegisHistory_July 2020.pdf](#)

Date	Ver.	Action By	Action	Result
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Legislative History

Rebecca Long

Information



METROPOLITAN
TRANSPORTATION
COMMISSION

LEGISLATIVE HISTORY
MTC/ABAG Priority Bills
Thursday, July 09, 2020



Bill Number	Current Text	Status	Summary	MTC Position	ABAG Position
<u>AB 291</u> <u>Chu</u>	Amended 1/23/2020	Senate Governmental Organization	Local Emergency Preparedness and Hazard Mitigation Fund. Would establish a Local Emergency Preparedness and Hazard Mitigation Fund to, upon appropriation by the Legislature, support staffing, planning, and other emergency mitigation priorities to help local governments meet emergency management, preparedness, readiness, and resilience goals. The bill would require the Office of Emergency Services to establish the Local Emergency Preparedness and Hazard Mitigation Fund Committee under the Standardized Emergency Management System Advisory Board.		
<u>AB 323</u> <u>Daly</u>	Amended 4/2/2019	Senate Governmental Organization	Disaster Preparedness Account. Current law establishes the various funds in the State Treasury, including the Disaster Response-Emergency Operations Account, Disaster Relief Fund, and the Disaster Assistance Fund. This bill would establish the Disaster Preparedness Account in the State Treasury and would provide that funds in the account are available only for specified purposes, for appropriation by the Legislature, upon the Governor's proclamation of a state of emergency, as provided.		
<u>AB 352</u> <u>Garcia, Eduardo</u>	Amended 8/14/2019	Senate Environmental Quality	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020. Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildfire prevention, safe drinking water, drought preparation, and flood protection program. The bill would provide for the submission of these provisions to the voters at the November 3, 2020, statewide general election. The bill would provide that its provisions are severable.		

AB 393 Nazarian	Amended 5/29/2019	Senate 2 year	Building codes: earthquake safety: functional recovery standard. Would require the California Building Standards Commission, by June 30, 2020, to assemble a functional recovery working group comprised of certain state entities and members of the construction and insurance industries, as specified. The bill would require the working group, by June 30, 2021, to consider whether a “functional recovery” standard is warranted for all or some building occupancy classifications, using specified criteria, and to investigate the practical means of implementing that standard, as specified. The bill would require the working group to advise the appropriate state agencies to propose the building standards, as specified.		Support
AB 429 Nazarian	Amended 8/30/2019	Senate 2 year	Seismically vulnerable buildings: inventory. Current law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. Current law requires the Alfred E. Alquist Seismic Safety Commission to report annually to the Legislature on the filing of mitigation programs relating to building construction standards from local jurisdictions. This bill would require the commission, by specified deadlines, to identify funding and develop a bidding process for hiring a third-party contractor to create an inventory of potentially vulnerable buildings, as defined.		Support
AB 725 Wicks	Amended 1/16/2020	Senate Housing	General plans: housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions. The Planning and Zoning Law requires that the housing element include, among other things, an inventory of land suitable for residential development, to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need determined pursuant to specified law. This bill would require that at least 25% of a metropolitan jurisdiction’s share of the regional housing need for moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing. The bill would require that at least 25% of a metropolitan jurisdiction’s share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing.		

AB 828 Ting	Amended 5/18/2020	Senate Judiciary	Temporary moratorium on foreclosures and unlawful detainer actions: coronavirus (COVID-19). Would prohibit a person from taking any action to foreclose on a residential real property while a state or locally declared state of emergency related to the COVID-19 virus is in effect and until 15 days after the state of emergency has ended, including, but not limited to, causing or conducting the sale of the real property or causing recordation of a notice of default.		
AB 873 Irwin	Amended 5/2/2019	Senate 2 year	California Consumer Privacy Act of 2018. The California Consumer Privacy Act of 2018 excludes from the definition of personal information consumer information that is deidentified, or aggregate consumer information. This bill would revise the definition of "deidentified" to instead mean information that does not identify, and is not linkable, directly or indirectly, to a particular consumer, provided that the business makes no attempt to reidentify the information and takes reasonable technical and administrative measures designed to ensure that the data is deidentified, publicly commits to maintain and use the data in a deidentified form, and contractually prohibits recipients of the data from trying to reidentify it.		
AB 953 Ting	Amended 1/6/2020	Senate Gov. & F.	Land use: accessory dwelling units. Current law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. This bill would deem a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit approved if the local agency has not acted upon the completed application within 60 days.		
AB 992 Mullin	Amended 4/22/2019	Senate Gov. & F.	Open meetings: local agencies: social media. The Ralph M. Brown Act generally requires that the meetings of legislative bodies of local agencies be conducted openly. That act defines "meeting" for purposes of the act and prohibits a majority of the members of a legislative body, outside a meeting authorized by the act, from using a series of communications of any kind to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. This bill would provide that the prohibition described above does not apply to the participation, as defined, in an internet-based social media platform, as defined, by a majority of the members of a legislative body, provided that a majority of the members do not discuss among themselves, as defined, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.		

<u>AB 1035</u> <u>Ramos</u>	Amended 6/25/2020	Senate Judiciary	COVID-19 emergency: small businesses: immunity from civil liability. Would exempt a small business with 25 or fewer employees from liability for an injury or illness to a person due to coronavirus (COVID-19) based on a claim that the person contracted COVID-19 while at that small business, or due to the actions of that small business. The bill would require the small business, for this exemption to apply, to have implemented and abided by all applicable state and local health laws, regulations, and protocols. The bill would not permit this exemption to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business.		
<u>AB 1112</u> <u>Friedman</u>	Amended 6/19/2019	Senate 2 year	Shared mobility devices: local regulation. Current law generally regulates the operation of bicycles, electric bicycles, motorized scooters, and electrically motorized boards. Current law allows local authorities to regulate the registration, parking, and operation of bicycles and motorized scooters in a manner that does not conflict with state law. This bill would define a "shared mobility device" as a bicycle, electric bicycle, motorized scooter, electrically motorized board, or other similar personal transportation device, that is made available to the public for shared use and transportation, as provided.		
<u>AB 1142</u> <u>Friedman</u>	Amended 8/12/2019	Senate 2 year	Regional transportation plans: transportation network companies. Current law requires a regional transportation plan to include a policy element, an action element, a financial element, and, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. Under current law, the policy element describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, as well as pragmatic objective and policy statements. Current law authorizes the policy element of transportation planning agencies with populations that exceed 200,000 persons to quantify a set of specified indicators. This bill would authorize the inclusion of an additional indicator regarding measures of policies to increase use of existing transit.	Support	
<u>AB 1190</u> <u>Irwin</u>	Amended 5/1/2019	Senate Rules	Unmanned aircraft: state and local regulation: limitations. Would, among other things, prohibit a state or local agency from adopting any law or regulation that bans the operation of an unmanned aircraft system. The bill would also authorize a local agency to adopt regulations to enforce FAA regulations regarding the operation of unmanned aircraft systems and would authorize local agencies to regulate the operation of unmanned aircraft and unmanned aircraft systems within their jurisdictions, as specified. The bill would also authorize a local agency to require an unmanned aircraft operator to provide proof of federal, state, or local registration to licensing or enforcement officials.		

AB 1279 Bloom	Amended 4/24/2020	Senate Housing	Planning and zoning: housing development: high-opportunity areas. The Planning and Zoning Law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards, including that the development is (1) located in a locality determined by the Department of Housing and Community Development to have not met its share of the regional housing needs for the reporting period, and (2) subject to a requirement mandating a minimum percentage of below-market rate housing, as provided. This bill would require the department to designate areas in this state as high-opportunity areas, as provided, by January 1, 2022, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee.		
AB 1286 Muratsuchi	Amended 6/6/2019	Senate 2 year	Shared mobility devices: agreements. Would require a shared mobility service provider, as defined, to enter into an agreement with, or obtain a permit from, the city or county with jurisdiction over the area of use. The bill would require that the provider maintain a specified amount of commercial general liability insurance and would prohibit the provider from including specified provisions in a user agreement before distributing a shared mobility device within that jurisdiction. The bill would define shared mobility device to mean an electrically motorized board, motorized scooter, electric bicycle, bicycle, or other similar personal transportation device, except as provided.		
AB 1350 Gonzalez	Amended 6/17/2020	Senate Education	Retroactive grant of high school diplomas: COVID-19 crisis. Would authorize a high school district, unified district, or county office of education to retroactively grant a high school diploma to a person who was in their senior year of high school during the 2019–20 school year; in good academic standing as of March 1, 2020; and unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.		

AB 1436 Chiu	Amended 7/2/2020	Senate Judiciary	Tenancy: rental payment default: state of emergency: COVID-19. Would prohibit a landlord from applying a security deposit or monthly rental payment for the satisfaction of an obligation other than the prospective month's rent if the obligation accrued between the date a state of emergency relating to the COVID-19 pandemic was declared and either April 1, 2021, or 90 days after termination of the state of emergency, whichever is earlier (hereafter "effective time period"), unless the payment or security is specifically designated by the tenant for the obligation. The bill would provide that a covered tenant, as defined, who failed to pay rent that accrued during that effective time period shall not be deemed to be in default and would prohibit any action for recovery of unpaid rent until 12 months after the effective time period.		
AB 1484 Grayson	Amended 9/6/2019	Senate Rules	Mitigation Fee Act: housing developments. The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. This bill would prohibit a local agency from imposing a housing impact requirement adopted by the local agency on a housing development project, as defined, unless specified requirements are satisfied by the local agency, including that the housing impact requirement be roughly proportional in both nature and extent to the impact created by the housing development project.		
AB 1580 Levine	Amended 7/1/2019	Senate 2 year	Major infrastructure construction projects: oversight committees. Current law requires the Department of Transportation and the Bay Area Toll Authority to establish the Toll Bridge Program Oversight Committee, as provided, to review and provide program direction for seismic retrofit and replacement projects on toll bridges within the geographic jurisdiction of the committee. This bill, except as specified, would similarly require a state agency undertaking a publicly funded major infrastructure construction project that is estimated to cost \$1,000,000,000 or more to form an oversight committee, as provided, to develop and use risk management plans throughout the course of the project, and to take specified actions relating to managing risks. The bill would require the oversight committee to act as the authority for critical decisions regarding the implementation of the project's risk management plan and to have sufficient staff to support decisionmaking.		

<u>AB 1782</u> <u>Chau</u>	Amended 6/18/2020	Senate Judiciary	Personal information: contact tracing. The California Consumer Privacy Act of 2018 (CCPA), grants a consumer various rights with respect to personal information, as defined, that is collected or sold by a business, as defined, including the right to require a business to delete personal information about the consumer, as specified. This bill would generally regulate public health entities and businesses that provide technology-assisted contact tracing (TACT), as defined, services. The bill would, among other things, require a business or public health entity offering TACT to provide a simple mechanism for a user to revoke consent for the collection, use, maintenance, or disclosure of data and permit revocation of consent at any time. The		
<u>AB 1851</u> <u>Wicks</u>	Amended 5/5/2020	Senate Gov. & F.	Religious institution affiliated housing development projects: parking requirements. Would prohibit a local agency from requiring the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate as part of that housing development project. The bill would prohibit the number of religious-use parking spaces requested to be eliminated from exceeding 50% of the number that are available at the time the request is made. The bill would prohibit a local agency from requiring the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval of a religious institution affiliated housing development project.		
<u>AB 2285</u> Committee on Transportatio n	Amended 5/4/2020	Senate Transportation	Transportation. The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the Greenhouse Gas Reduction Fund, funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects. The program provides that projects eligible for funding include, among others, technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology, and requires, until December 31, 2020, no less than 20% of funding made available for that purpose to support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology. This bill would extend the requirement that 20% of that funding be made available for that same purpose until December 31, 2021.		

AB 2323 Friedman	Amended 7/1/2020	Senate Environmental Quality	California Environmental Quality Act: exemptions. CEQA exempts from its requirements certain residential, employment center, and mixed-use development projects meeting specified criteria, including that the project is undertaken and is consistent with a specific plan for which an environmental impact report has been certified. This bill would require that the project is undertaken and is consistent with either a specific plan prepared pursuant to specific provisions of law or a community plan, as defined, in order to be exempt. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.		
AB 2345 Gonzalez	Amended 5/22/2020	Senate Housing	Planning and zoning: density bonuses: annual report: affordable housing. The Planning and Zoning 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 net new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, as provided. This bill would require that the annual report include specified information regarding density bonuses granted in accordance with specified law.		
AB 2405 Burke	Amended 7/7/2020	Senate Housing	Right to safe, decent, and affordable housing. Would declare that it is the policy of the state that every individual has the right to safe, decent, and affordable housing, and would require the policy to consider homelessness prevention, emergency accommodations, and permanent housing, as specified. The bill would, among other things, require all relevant state agencies and departments, including, but not limited to, the Department of Housing and Community Development, the State Department of Social Services, and the Office of Emergency Services, and local jurisdictions to consider that state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to advancing the guidelines listed as core components of Housing First. The bill would make these provisions operative on January 1, 2026, and would make implementation of these provisions subject to an appropriation of funds in the annual Budget Act for these purposes.		

<u>AB 2542</u> <u>Kalra</u>	Amended 7/1/2020	Senate Public Safety	Criminal procedure: discrimination. Would prohibit the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified. The bill would allow a writ of habeas corpus to be prosecuted on the basis of that prohibition. The bill would require the prosecution to disclose, pursuant to a written request, all evidence relevant to a potential violation of that prohibition. By expanding the duties of local prosecutors, the bill would impose a state-mandated local program. The bill would require a court that finds a violation of that prohibition to dispose of the case against the defendant as specified.		
<u>AB 2621</u> <u>Mullin</u>	Amended 7/2/2020	Senate Environmental Quality	Office of Planning and Research: regional climate networks: climate adaptation 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 agencies, as defined, to establish and participate in a regional climate network, as defined, to prepare a regional climate adaptation action plan for certain regions, as specified. The bill would authorize eligible agencies to voluntarily determine whether to establish membership in a regional climate network.	Support if Amended	Support if Amended
<u>AB 2690</u> <u>Low</u>	Amended 5/4/2020	Senate Judiciary	Mobilehome parks: local ordinances. Current law, the Mobilehome Residency Law, prescribes various terms and conditions of tenancies in mobilehome parks. Current law exempts new construction, defined as spaces initially held out for rent after January 1, 1990, from any ordinance, rule, regulation, or initiative measure adopted by a city or county, which establishes a maximum amount that a landlord may charge a tenant for rent. This bill would repeal the exemption regarding new construction from ordinances, rules, regulations, and initiative measures, establishing a maximum amount that a landlord may charge a tenant for rent.		

<u>AB 2730</u> <u>Cervantes</u>	Amended 5/4/2020	Senate Governmental Organization	Access and functional needs: local government: agreement for emergency management, transportation, and paratransit services. Would require a regional transit district, county transportation commission, or other local transportation authority that provides paratransit services to enter into an agreement with adjacent regional transit districts, county transportation commissions, or local transportation authorities, upon request of the adjacent district, commission, or authority, for purposes of permitting the adjacent district, commission, or authority to borrow, for compensation, paratransit vehicles and drivers in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the jurisdiction or service area of the adjacent district, commission, or authority.		
<u>AB 2800</u> <u>Quirk</u>	Amended 6/4/2020	Senate Natural Resources and Water	Climate change: state infrastructure planning: Climate-Safe Infrastructure Working Group. Current law requires the Natural Resources Agency to establish a Climate-Safe Infrastructure Working Group for the purpose of examining how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering, including oversight, investment, design, and construction. Current law requires the working group, by July 1, 2018, to make recommendations to the Legislature and the Strategic Growth Council that address specified climate change issues. Current law requires these provisions to be inoperative on July 1, 2020, and repeals them on January 1, 2021. This bill would delete the above inoperative and repeal dates, thereby extending the above provisions indefinitely.		
<u>AB 2850</u> <u>Low</u>	Amended 7/8/2020	Senate L., P.E. & R.	Public transit employer-employee relations: San Francisco Bay Area Rapid Transit District. Current law creates the San Francisco Bay Area Rapid Transit District with various powers and duties and establishes a board of directors as the legislative body of the district. Current law requires the board, upon a majority of district employees in a unit appropriate for collective bargaining indicating a desire to be represented by a labor organization, to bargain with the accredited representative of those employees. Current law requires the board and employees to bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions, and grievance procedures. This bill would specify that the Public Employment Relations Board, and the powers and duties of the Public Employment Relations Board, has jurisdiction, as appropriate, to enforce these statutory provisions governing employer-employee relations within the district. The bill would prescribe the rights of employee organizations, as defined, and exclusive representatives, as defined.		

AB 3040 Chiu	Amended 7/7/2020	Senate Housing	Local planning: regional housing need assessment. Would authorize a city or county to include in its inventory of land suitable for residential development specified sites that contain an existing single-family dwelling unit, but that the city or county has permitted, or is proposing to permit, to contain 4 dwelling units as a use by right. The bill would require these sites to be identified to satisfy either the moderate or the above-moderate income regional housing need income level. The bill would require a city or county identifying a site pursuant to these provisions to include in its housing element a description of the development standards that enable the identified sites to be redeveloped at a higher density, as specified. The bill would authorize a city or county, instead of listing sites individually in its inventory of land suitable for residential development, to include a summary of the credits received if the list of sites is included elsewhere in the housing element.		
AB 3088 Chiu	Amended 5/12/2020	Senate Judiciary	Tenancy: termination: rent caps. Current law prohibits an owner of residential real property from terminating the tenancy of certain tenants without just cause, either at-fault or no-fault of the tenant. Current law also exempts certain types of residential real properties or residential circumstances from these provisions, including housing that has been issued a certificate of occupancy within the previous 15 years. This bill would, among other things, additionally exempt housing that has been issued a final inspection, final permit, or similar approval for initial residential occupancy of the unit within the previous 15 years.		
AB 3107 Bloom	Amended 5/11/2020	Senate Housing	Planning and zoning: general plan: housing development. The Planning and Zoning Law requires that the housing element include, among other things, an inventory of land suitable and available for residential development, as provided. If that inventory does not identify adequate sites to accommodate the need for groups of all household income levels, as specified, existing law requires the city or county to rezone those sites within specified periods. This bill, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any element of the general plan for commercial if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria.		

<u>AB 3182</u> <u>Ting</u>	Amended 5/7/2020	Senate Housing	Common interest developments: governing documents: rental or leasing of separate interests. Current law specifies that an owner's right to rent or lease the separate interest shall not be deemed to have terminated if the transfer meets one of specified conditions, including that the transfer is exempt for purposes of reassessment by the county tax assessor. Current law makes these provisions applicable only to a provision in a governing document or a provision in an amendment to a governing document that became effective on or after January 1, 2012. This bill would make void and unenforceable any governing document that purports to prohibit the rental or leasing of any of the separate interests in a common interest development. The bill would also provide that an owner of a separate interest in a common interest development is not subject to a provision in a governing document or an amendment to a governing document that effectively prohibits or unreasonably restricts the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant.		
<u>AB 3205</u> <u>Salas</u>	Amended 5/19/2020	Senate B., P. & E.D.	Regions Rise Grant Program. Would establish the Regions Rise Grant Program within the Governor's Office of Business and Economic Development for the purpose of supporting inclusive, cross-jurisdictional, and innovative processes that lead to inclusive strategies to address barriers and challenges confronting communities in creating economic prosperity for all. The bill would define "region" as a geographic area comprised of one or more counties and cities that form a functional economy.		
<u>AB 3256</u> <u>Garcia,</u> <u>Eduardo</u>	Amended 6/4/2020	Assembly Rules	Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020. Would enact the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,980,000,000 pursuant to the State General Obligation Bond Law to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program.		
<u>AB 3269</u> <u>Chiu</u>	Amended 7/2/2020	Senate Housing	State and local agencies: homelessness plan. Would, upon appropriation by the Legislature or upon receiving technical assistance offered by the federal Department of Housing and Urban Development (HUD), if available, require the coordinating council to conduct, or contract with an entity to conduct, a statewide needs and gaps analysis to, among other things, identify state programs that provide housing or services to persons experiencing homelessness and create a financial model that will assess certain investment needs for the purpose of moving persons experiencing homelessness into permanent housing.		

<u>AB 3308</u> <u>Gabriel</u>	Amended 5/22/2020	Senate Housing	School districts: employee housing. Would specify that the state policy created by the Teacher Housing Act of 201 includes permitting school districts to restrict occupancy on land owned by school districts to teachers and school district employees of the school district that owns the land, so long as that housing does not violate any other applicable laws, but excluding those laws that may prohibit any priority or preference in favor of teachers and school district employees in occupying the housing. The bill would specify that a school district may allow local public employees to occupy housing created through the act.		
<u>AB 3352</u> <u>Friedman</u>	Amended 5/12/2020	Senate Housing	State Housing Law: enforcement response to complaints. Current law deems a building, portion of a building, or premises on which a building is located to be a substandard building if any one of specified conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants. Current law deems a building, portion of a building, or premises on which a building is located to be in violation of the State Housing Law if it contains lead hazards, as specified, that are likely to endanger the health of the public or the occupants. This bill would, beginning July 1, 2021, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as described above, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, to inspect the building, portion of the building intended for human occupancy, or premises of the building, cite the lead hazard violations or the building, portion of the building intended for human occupancy, or premises on which the building is located as being substandard, as applicable, and provide free copies of the inspection report and citations issued, if any, to the tenant, resident, occupant, or agent, and to all potentially affected tenants, residents, occupants, or the agents of those individuals, as specified.		
<u>ACA 1</u> <u>Aguiar-Curry</u>	Amended 3/18/2019	Assembly Reconsideration	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.	Support	Support

SB 45 Allen	Amended 1/23/2020	Assembly Desk	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020. Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.		
SB 59 Allen	Amended 7/3/2019	Assembly 2 year	California Transportation Commission: advisory committee: autonomous vehicle technology. Current law creates the California Transportation Commission with various powers and duties, including the duty to advise and assist the Secretary of Transportation and the Legislature in formulating and evaluating state policies and plans for transportation programs in the state. This bill would require the chair of the commission to establish an advisory committee, the California Council on the Future of Transportation, to provide the Governor and the Legislature with recommendations for changes in state policy to ensure that California continues to be the world leader in autonomous, driverless, and connected vehicle technology.		
SB 146 Beall	Amended 7/13/2020	Assembly Transportation	Regional transportation plans: sustainable communities strategies: procedural requirements. Would revise the procedures required for the adoption of a sustainable communities strategy or alternative planning strategy by, among other things, recharacterizing the workshops as gatherings and reducing the required number of informational meetings and gatherings to one meeting or gathering and the required number of public hearings to 2 hearings. The bill would authorize these informational meetings, gatherings, and public hearings to be conducted digitally or telephonically. The bill would also require the draft sustainable communities strategy or an alternative planning strategy to be prepared and circulated not less than 45 days, instead of 55 days, before adoption of a final regional transportation plan.		

<u>SB 182</u> <u>Jackson</u>	Amended 9/6/2019	Assembly 2 year	Local government: planning and zoning: wildfires. Current law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after January 1, 2020, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.		
<u>SB 254</u> <u>Hertzberg</u>	Amended 7/13/2020	Assembly Revenue and Taxation	Personal income taxes: corporation taxes: transfer of tax losses. Would allow a taxpayer under either the Personal Income Tax Law or the Corporation Tax Law to transfer any tax loss, as defined, to an unrelated party, as provided. The bill, for taxable years beginning on or after January 1, 2021, and before January 1, 2026, would provide for an additional exclusion from the taxpayer's "gross income" under both of those laws any amount received by a taxpayer in exchange for a tax loss transferred under this bill if the taxpayer invests that amount in an affordable housing project or a corporation, partnership, or limited liability company that is engaged in providing affordable housing, as provided, within 180 days of receipt. The bill would authorize the Franchise Tax Board to adopt regulations to implement these provisions and exempt those regulations from the rulemaking provisions of the Administrative Procedure Act.		Support and Seek Amendments
<u>SB 278</u> <u>Beall</u>	Amended 3/28/2019	Assembly Transportation	Metropolitan Transportation Commission. The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a local area planning agency to provide comprehensive regional transportation planning for the region comprised of the 9 San Francisco Bay area counties. The act requires the commission to continue to actively, on behalf of the entire region, seek to assist in the development of adequate funding sources to develop, construct, and support transportation projects that it determines are essential. This bill would also require the commission to determine that those transportation projects are a priority for the region.		

SB 336 Dodd	Amended 4/29/2019	Assembly 2 year	Transportation: fully-automated transit vehicles. Would require a transit operator, as defined, until January 1, 2025, to ensure each of its fully-automated transit vehicles, as defined, is staffed by at least one of its employees, who has had specified training, while the vehicle is in service. The bill would require a transit operator that deploys a fully-automated transit vehicle to report the results of that deployment to the Legislature on or before March 31, 2025.		
SB 474 Stern	Amended 6/19/2020	Assembly Local Government	Very high fire hazard severity zone: state responsibility area: development prohibition. Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.		
SB 592 Wiener	Amended 7/13/2020	Assembly Judiciary	Jury service. Would require the Franchise Tax Board (FTB) to annually furnish the jury commissioner of each county with a list of resident state tax filers, as defined, and include the list of resident state tax filers as a source list for the purposes of jury selection. The bill would also require the FTB to revise the state resident income tax return to include a line for taxpayers to include the address of their principal residence and their county of principal residence.		
SB 621 Glazer	Amended 6/17/2019	Assembly 2 year	California Environmental Quality Act: expedited judicial review: affordable housing projects: reports. Would require the Judicial Council, by July 1, 2020, to adopt a rule of court applicable to an action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an affordable housing project, as defined, or the granting of an approval of an affordable housing project that requires the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceeding with the court. The bill would provide that these provisions do not apply to an affordable housing project if it is in certain locations.		

SB 664 Allen	Amended 9/10/2019	Assembly 2 year	Electronic toll and transit fare collection systems. Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system, in compliance with specified objectives, including that a vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Current law authorizes operators of toll facilities on federal-aid highways engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility. This bill would expand the above-described objective so that a user of a toll facility shall also not be required to purchase or install more than one device to use on all toll facilities.	Support	
SB 672 Hill	Amended 4/25/2019	Assembly 2 year	Planning and zoning: regional housing need allocation: City of Brisbane. Would, for the 5th and 6th cycle of the housing element planning period for the City of Brisbane, prohibit the Association of Bay Area Governments from allocating to the City of Brisbane a share of the regional housing need that exceeds the share allocated to the city for the current planning period if specified conditions apply. Among these conditions, the bill would require that the City of Brisbane has taken action during the current planning period to zone or rezone sites sufficient to accommodate 615% or more of its regional housing need allocation for the current planning period.		
SB 773 Skinner	Amended 7/13/2020	Assembly Governmental Organization	Emergencies: State 911 Advisory Board. The Warren-911-Emergency Assistance Act establishes the State 911 Advisory Board to advise the Office of Emergency Services on specified subjects relating to the state's 911 emergency telephone response system and to conduct specified hearings on a final plan on implementation. This bill, commencing on June 1, 2021, would revise membership on the advisory board by (1) reducing one representative appointed on the recommendation of the California Police Chiefs Association, one representative appointed on the recommendation of the California State Sheriffs' Association, and one representative appointed on the recommendation of the CalNENA Executive Board, except that any member in those categories whose term began before June 1, 2021, may serve out their term as set forth in existing law at the pleasure of the Governor, and (2) adding one representative of the California Welfare Directors Association, one county public guardian, and one county mental health professional, all 3 of whom will serve at the pleasure of the Governor, as specified.		

<u>SB 899</u> <u>Wiener</u>	Amended 6/18/2020	Assembly Housing and Community Development	Planning and zoning: housing development: higher education institutions and religious institutions. The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards. This bill would require that a housing development project be a use by right upon the request of an independent institution of higher education or religious institution that partners with a qualified developer on any land owned in fee simple by the applicant on or before January 1, 2020, if the development satisfies specified criteria.		
<u>SB 902</u> <u>Wiener</u>	Amended 5/21/2020	Assembly Local Government	Planning and zoning: housing development: density. Would authorize a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria.		
<u>SB 995</u> <u>Atkins</u>	Amended 6/18/2020	Assembly Natural Resources	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects. CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes the preparation of a master EIR and authorizes the use of the master EIR to limit the environmental review of subsequent projects that are described in the master EIR, as specified. This bill would require a lead agency to prepare a master EIR for a general plan, plan amendment, plan element, or specified plan for housing projects where the state has provided funding for the preparation of the master EIR.		

SB 1085 Skinner	Amended 6/18/2020	Assembly Housing and Community Development	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, excluding the units added by a density bonus awarded pursuant to the Density Bonus Law or any local law granting a greater density bonus. 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.		
SB 1120 Atkins	Amended 6/18/2020	Assembly Local Government	Subdivisions: tentative maps. Would, among other things, require a proposed housing development containing 2 residential units to be considered ministerially, without discretionary review or hearing, in zones where allowable uses are limited to single-family residential development if the proposed housing development meets certain requirements, including that the proposed housing development would not require demolition or alteration requiring evacuation or eviction of an existing housing unit 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.		
SB 1238 Hueso	Amended 6/18/2020	Assembly Transportation	Department of Transportation: highways and roads: recycled plastics study and specifications. Would authorize the Department of Transportation to conduct a study to assess the feasibility, cost effectiveness, and life-cycle environmental benefits of including recycled plastics in asphalt used as a paving material in the construction, maintenance, or rehabilitation of a highway or road. If the department determines that this use of recycled plastics is feasible and that recycled plastics can be included in asphalt in a manner that is cost effective and provides life-cycle environmental benefits, the bill would authorize the department to establish specifications for including recycled plastics in asphalt used as a paving material in the construction, maintenance, and rehabilitation of a highway or road.		

SB 1291 Committee on Transportation	Amended 4/3/2020	Assembly Transportation	Federal Statewide Transportation Improvement Program: submissions. Current law requires each metropolitan planning organization and transportation planning agency, not later than October 1 of each even-numbered year, to submit its Federal Transportation Improvement Program to the Department of Transportation for incorporation into the Federal Statewide Transportation Improvement Program, which current law requires the department to submit to the United States Secretary of Transportation by not later than December 1 of each even-numbered year. This bill would provide that a metropolitan planning organization or transportation planning agency is not required to submit a Federal Transportation Improvement Program to the department, and the department is not required to submit the Federal Statewide Transportation Improvement Program to the secretary, for 2020.		
SB 1320 Stern	Amended 6/18/2020	Assembly Natural Resources	Climate change: California Climate Change Assessment. Would require the Office of Planning and Research to develop the California Climate Change Assessment, in coordination with the Natural Resources Agency, the State Energy Resources Conservation and Development Commission, and the Strategic Growth Council, and in consultation with partner public agencies designated by the office. The bill would require the office to conduct the assessment every 5 years. The bill would require the assessment to assess and report the impacts and risks of climate change and identify potential solutions to inform legislative policy, as provided. The bill would require the assessment to include sector-specific liability projections that assess the impacts of climate change under varied emissions scenarios for the years 2025, 2030, 2050, and 2100.		
SB 1385 Caballero	Amended 6/18/2020	Assembly Local Government	Local planning: housing: commercial zones. The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use on a neighborhood lot that is zoned for office or retail commercial use under a local agency's zoning code or general plan. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.		

January 1 Statutes take effect 6 Legislature reconvenes 10 10 Budget must be submitted by Governor (Art. IV, Sec. 12(a)) 17 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house in the odd-numbered year 20 Martin Luther King, Jr. Day 24 Last day for any committee to hear and report to the floor bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit bill requests to the Office of Legislative Counsel. 31 Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).	June 5 Last day for Senate policy committees to hear and report to the floor non-fiscal bills and deadline for Assembly fiscal committees 15 Budget Bill must be passed by midnight 15-19 Assembly Floor Session only 19 Last day for Senate fiscal committees to hear and report to the floor bills introduced in their house. Last day for Assembly to pass bills introduced in that house. Assembly recess begins upon adjournment. 22-26 Senate Floor session only 25 Last day for a legislative measure to qualify for the Nov. 3 General Election ballot (Elections Code Sec. 9040). 26 Last day for Senate to pass bills introduced in that house
February 17 Presidents' Day 21 Last day for bills to be introduced	July 2 Summer Recess begins upon adjournment of session, provided Budget Bill has been passed 3 Independence Day observed 13 Legislature reconvenes from summer recess 31 Last day for policy committees to hear and report fiscal bills to fiscal committees
March 16 Legislature in recess 27 Cesar Chavez Day observed	August 7 Last day for policy committees to meet and report bills 14 Last day for fiscal committees to meet and report bills to the floor 17-31 Floor session only. No committee may meet for any purpose, except Rules Committee. 21 Last day to amend a bill on the floor 31 Last day for any bill to be passed except bills that take effect immediately or bills in Extraordinary session. Final Recess begins upon adjournment.
April 2 Spring Recess begins upon adjournment 13 Legislature reconvenes from Spring recess 24 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house	September 7 Labor Day 30 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 1 and in the Governor's possession after Sept. 1
May 11 Senate reconvenes 25 Memorial Day 29 Last day for Assembly policy committees to hear and report to fiscal committees bills introduced in their house	October 1 Bills enacted on or before this date take effect January 1, 2021. November 3 General Election. 30 Adjournment sine die at midnight

116th United States Congress, First Session (Tentative) Calendar*

January 1 New Year's Day 3 House and Senate reconvene 4 Senate district work period 21 Martin Luther King, Jr. Day 21-25 House and Senate district work periods	July 1-5 House and Senate district work periods 4 Independence Day 29-31 House district work period
February 4 Deadline for President's budget submission 18 President's Day 18-22 House and Senate district work periods	August 1-31 House district work period 5-31 Senate district work period
March 18-22 House and Senate district work periods	September 2 Labor Day 2-6 House and Senate district work periods 30 House and Senate district work periods
April 15 Congressional concurrent resolution budget deadline 15-26 House and Senate district work periods	October 1-11 House and Senate district work periods 14 Columbus Day
May 27 Memorial Day 27-31 House and Senate district work periods	November 1 Fiscal year 2020 begins 1-8 House district work period 11 Veterans' Day 25-29 House and Senate district work periods 28 Thanksgiving Day
June 30 General deadline for Congressional action on regular appropriations bills and budget reconciliation	December 16-31 House and Senate empty calendar 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>



ABAG

Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

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Attachments: [3c_State Budget.pdf](#)

Date	Ver.	Action By	Action	Result
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Fiscal Year (FY) 2020-21 State Budget Update

Rebecca Long

Information

**Association of Bay Area Governments
ABAG Legislation Committee**

July 10, 2020

Agenda Item 3c

Fiscal Year (FY) 2020-21 State Budget Update

Subject: Update on the transportation and housing aspects of the FY 2020-21 State Budget

Overview: On June 22, 2020, Governor Newsom and legislative leaders announced an agreement on an interim state budget for FY 2020-21 in a manner that prevents the steep cuts to education (roughly \$8 billion restored) and safety net programs that the Governor originally proposed in the May Revise. Nonetheless, the budget does include \$2.9 billion in cuts to state salary expenses and deferrals of educational funding for future years. Rather than relying on additional Rainy Day Funds, Safety Net Reserve Funds, or the retirement payment deferral that were included in the Legislature’s version of the budget, the final agreement updates the revenue and expenditure forecast to bring the budget into balance by postponing steeper cuts into future years. It also outlines the prioritization for budget restoration if Congress approves another substantial aid package of at least \$14 billion by October 15, 2020, referred to as funds subject to the “federal trigger.” If Congress provides less than \$14 billion, but more than \$2 billion, then each of the items listed as beneficiaries of the trigger will be adjusted proportionally.

In a joint statement, with Assembly Speaker Rendon and Senate President Pro Tempore Atkins the officials noted “This agreement reflects our shared commitment to supporting schools, and is built on a foundation of equity – allocating billions of dollars for students most affected by learning loss and continuing our state’s leadership toward reforming the criminal justice system.”

Transportation With respect to transportation, the final deal makes no changes to what was reported at your June meeting. Of note, the budget incorporates budget bill language requiring that Caltrans exempt project initiation documents (PIDs) and oversight services from what is known as “full cost recovery” for reimbursement of state expenses and directs the department to streamline the cooperative work agreement process as it relates to PIDs and oversight. This should help lower costs and accelerate locally-sponsored projects on the state highway system.

Local Government The final agreement includes \$1 billion to support counties and \$500 million for cities. Of the \$1 billion for counties, \$750 million is provided directly and \$250 million is dependent upon the state receiving additional federal COVID-19 relief. For counties, these funds are to be used for health and human services programs, entitlement programs, and programs that serve vulnerable populations. The budget agreement also includes just over \$100 million for the increased costs to counties of the November election as a result of the requirement to conduct it entirely by mail.

With respect to the city funding, which comes from the federal CARES Act, funding will be distributed as follows:

- \$275 million to cities with a population less than 300,000 on per capita basis relative to the population of the cities in this category.
- \$225 million to cities with a population greater 300,000 that did not receive a direct allocation from the CARES Act on a per capita basis relative to the population of the cities in this category.
- No city will receive less than \$50,000.
- No additional funding for cities that already received funds directly from the CARES Act.

These funds are to be used towards public health, public safety, homelessness, and other services to combat COVID-19. Further details on eligible uses are forthcoming, but to-date the budget does not restrict use of these funds further than the CARES Act guidance issued by the U.S. Treasury Department. To be eligible for the funds, cities must receive certification by the Department of Finance that they adhere to state and federal public health guidance issued in response to COVID-19, including executive orders issued by the Governor. Following certification, the State Controller will remit funds to the city. If funds are not spent by **September 1, 2020**, the Director of Finance may reallocate the funds, ahead of the federal December 30, 2020 expenditure deadline.

Housing The final budget agreement augments by \$50 million funding for the acquisition, conversion, rehabilitation, and operating subsidies for hotels, motels, and other properties to provide housing for individuals and families who are experiencing homelessness or who are at risk of homelessness. Unfortunately, the agreement cuts \$250 million from the Mixed-Income Program administered by the California Housing Finance Authority (CalHFA) that Governor Newsom proposed as part of the May Revise. This program provides long-term subordinate financing for new construction of multifamily housing projects which restrict units at a mix between 30% and 120% of the Area Median Income. The program will continue to receive revenues from real estate transaction fees and would also see up to \$205 million in funding restored if the state receives the full \$14 billion in federal funds.

Attachments: None


Therese W. McMillan



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 20-1090 **Version:** 1 **Name:**

Type: Report **Status:** Consent

File created: 6/29/2020 **In control:** ABAG Legislation Committee

On agenda: 7/10/2020 **Final action:**

Title: Senate Bill 995 (Atkins): Extension of California Environmental Quality Act (CEQA) Judicial Review Streamlining Authority

Sponsors:

Indexes:

Code sections:

Attachments: [3d_SB_995_CEQA.pdf](#)

Date	Ver.	Action By	Action	Result
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Senate Bill 995 (Atkins): Extension of California Environmental Quality Act (CEQA) Judicial Review Streamlining Authority

Rebecca Long

Support / ABAG Executive Board Approval

**Association of Bay Area Governments
ABAG Legislation Committee**

July 10, 2020

Agenda Item 3d

**Senate Bill 995 (Atkins): Extension of California Environmental Quality Act (CEQA)
Judicial Review Streamlining Authority**

- Subject:** Extends the existing authorization for streamlined judicial review by four years and adds as eligible specified housing projects that are consistent with a region’s sustainable communities strategy and dedicates at least 15 percent of the units to lower-income households.
- Overview:** SB 995 extends for four years the Jobs and Economic Improvement Through Environmental Leadership Act of 2011—initially authorized by Assembly Bill 900 (Buchanan, 2011)—until 2025 and adds as a new category eligible for streamlined review housing projects meeting the following criteria:
- Located on an infill site and consistent with the policies specified for the project area in a region’s sustainable communities strategy (in our case, Plan Bay Area)
 - Will invest at least \$15 million in California
 - At least 15 percent of the units dedicated to lower-income households
 - Satisfy specified labor requirements, including that the project be constructed with a “skilled and trained workforce.”¹
- Background:** In 2011, the Legislature enacted AB 900, establishing specified administrative and judicial review procedures for CEQA challenges to certain residential, retail, commercial, sports, cultural, entertainment, or recreational use projects, known as Environmental Leadership Development Projects (ELDP). In April 2019, the Senate Office of Research released a report describing projects that have qualified for expedited CEQA judicial review pursuant to AB 900. According to the report, 10 of the 19 ELDPs have included a housing component.
- Under current law, there is no minimum share of units that must be dedicated to lower-income households and housing projects must be certified as Leadership in Energy and Environmental Design-gold (LEED-gold) or better by the United States Green Building Council. Of the projects that have been subject to AB 900, four projects have been challenged and none of the housing projects have been completed to date.
- Accelerate Affordable Housing*** In addition to simply extending the program for another four years, the most significant change proposed by SB 995 is to add lower-cost affordable housing developments (with a minimum cost of \$15 million instead of \$100 million) and without the LEED-Gold certification as eligible for the streamlined judicial review.

¹ Under the [Public Contract Code 2601](#), skilled and trained is defined as requiring that projects constructed after January 1, 2020 be constructed by a workforce at least 60 percent of whom are graduates of apprenticeship programs for the applicable occupation, with some exceptions.

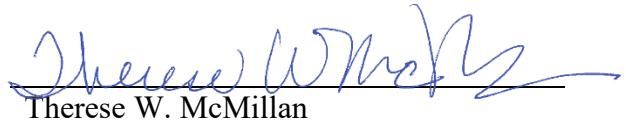
Increased Certainty A crucial part of the expedited judicial review under the current AB 900 statute is a requirement that any CEQA-related judicial review, including appeals, be resolved within 270 days from the certification of the administrative record. SB 995 would make a technical amendment clarifying that the 270-day target for resolution of challenges to CEQA to a certified environmental impact report be resolved in 270 “business days” of filing. The bill also clarifies that the timeline applies to both appeals to the Court of Appeal and the state Supreme Court.

Discussion: As noted in the Senate Floor Analysis, the existing AB 900 process has had a relatively modest impact, likely due to the high threshold requirement of LEED-Gold certification and \$100 minimum investment. With the addition of affordable housing projects resulting in a minimum \$15 million investment in the state and removal of the LEED-Gold certification, many more projects will qualify. Importantly, SB 995 does not exempt affordable housing projects from environmental review under CEQA. Instead, the bill provides a means to expedite the resolution of any legal challenges *after* a project sponsor has completed the environmental review process. Given the urgent need to increase and accelerate the development of affordable housing in the Bay Area and statewide, and consistent with our 2020 Advocacy Program goal to pursue CEQA streamlining for housing projects that are consistent with local and regional plans staff recommends a support position on SB 995.

Recommendation: Support

Bill Positions: See attached

Attachments: Attachment A: Bill Positions


Therese W. McMillan

**Senate Bill 995 (Atkins) Bill Positions
(as of June 19, 2020)**

Support:

1HWY1

Associated Builders and Contractors Northern California Chapter

Bay Area Council

California Apartment Association

California Association of Realtors

Central City Association of Los Angeles

City of San Diego

Civil Justice Association of California

Council President Georgette Gómez, City of San Diego

Downtown San Diego Partnership

Facebook

Habitat for Humanity California

Los Angeles Business Council

Riley Realty, LP

San Diego Regional Economic Development Corporation

SPUR

San Francisco Housing Action Coalition

Schneider Electric

YIMBY Law

Oppose:

City of Torrance

Livable California

Sustainable Tamalmon

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 20-0950 **Version:** 1 **Name:**

Type: Minutes **Status:** Consent

File created: 6/4/2020 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee

On agenda: 7/10/2020 **Final action:**

Title: Approval of MTC Legislation Committee Minutes of the June 12, 2020 Meeting

Sponsors:

Indexes:

Code sections:

Attachments: [4a MTC LEGIS Minutes Jun 12 2020.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:

Approval of MTC Legislation Committee Minutes of the June 12, 2020 Meeting

Recommended Action:

MTC Legislation Committee Approval

Attachments:



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes - Draft

Joint MTC Legislation Committee and ABAG Legislation Committee

Friday, June 12, 2020

9:40 AM

Board Room - 1st Floor (REMOTE)

1. Roll Call / Confirm Quorum

Present: 4 - Commissioner Connolly, Chair Mackenzie, Commissioner Rabbitt and Commissioner Spering

Absent: 3 - Commissioner Cortese, Vice Chair Liccardo and Commissioner Slocum

Non-Voting Members Present: Commissioner Giacomini and Commissioner Stracner

Ex Officio Voting Members Present: Commission Chair Haggerty and Commission Vice Chair Pedroza

Ad Hoc Non-Voting Members Present: Commissioner Josefowitz, and Commissioner Worth

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

Commission Vice Chair Pedroza was deputized to act as ex-officio voting member of the Committee in the absence of a quorum.

2. ABAG Compensation Announcement - Clerk of the Board

3. ABAG Legislation Committee Consent Calendar

3a. [20-0802](#) Approval of ABAG Legislation Committee Summary Minutes of the May 8, 2020 Meeting

Action: ABAG Legislation Committee Approval

Attachments: [3a ABAG Legislation Minutes 20200508 Draft.pdf](#)

4. MTC Legislation Committee Consent Calendar

Upon the motion by Chair Mackenzie and second by Commissioner Spering, the MTC Legislation Committee Consent Calendar was unanimously approved. The motion carried by the following vote:

Aye: 5 - Commissioner Connolly, Chair Mackenzie, Commissioner Rabbitt, Commissioner Spering and Pedroza

Absent: 3 - Commissioner Cortese, Vice Chair Liccardo and Commissioner Slocum

- 4a. [20-0803](#) Approval of MTC Legislation Committee Minutes of the May 8, 2020 Meeting

Action: MTC Legislation Committee Approval

Attachments: [4a MTC LEGIS Minutes May 8 2020.pdf](#)

5. Information

- [20-1017](#) Presentation

Attachments: [Presentation_Corrected.pdf](#)

- 5a. [20-0804](#) Legislative History

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

Action: Information

Presenter: Rebecca Long

Attachments: [5a_Handout-State LegisHistory_June 2020..pdf](#)

- 5b. [20-0890](#) Fiscal Year (FY) 2020-2021 State Budget Update

Overview of the transportation, housing, climate change, and local government-related provisions in the FY 2020-21 the State Budget.

Action: Information

Presenter: Rebecca Long

Attachments: [5b_State Budget.pdf](#)

[5b_Handout_State Budget CARESallocCites.pdf](#)

6. State Legislation

6a. [20-0833](#) Assembly Bill 2621 (Mullin) Regional Climate Adaptation Planning

Requires the Strategic Growth Council to establish guidelines for regional climate adaptation action plans and sets forth how regional climate networks can be established.

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

Presenter: Rebecca Long

Attachments: [6a_AB 2621 Mullin.pdf](#)

Roland Lebrun was called to speak.

Upon the motion by Chair Mackenzie and second by Commissioner Spering, a support if amended position on Assembly Bill 2621 (Mullin) was adopted to be forwarded to the Commission for approval. The motion carried by the following vote:

Aye: 5 - Commissioner Connolly, Chair Mackenzie, Commissioner Rabbitt, Commissioner Spering and Pedroza

Absent: 3 - Commissioner Cortese, Vice Chair Liccardo and Commissioner Slocum

6b. [20-0834](#) Housing Bill Update

Update on housing bills in Sacramento.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [6b_Housing Bill Update.pdf](#)

7. Federal Legislation

7a. [20-0835](#) Federal Economic Relief in Response to COVID-19

State and local government, housing and transportation provisions of the HEROES Act.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [7a_Federal Economic Relief Update.pdf](#)

7b. [20-0935](#) U.S. House of Representatives Transportation Reauthorization Update

Overview of the \$500 billion five-year surface transportation reauthorization proposal introduced by the House Transportation and Infrastructure Committee.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [7b_House_Reps_Transp_Reauthorization_Update.pdf](#)

7c. [20-0805](#) Tom Bulger's Report

Report from Washington, D.C. advocate as well as information on bills being tracked in Washington, D.C.

Action: Information

Presenter: Georgia Gann Dohrmann

Attachments: [7c_Tom_Bulger's_DC_Report_May_2020.pdf](#)

8. Public Comment / Other Business

Committee Member Mitchoff was called to speak.

Roland Lebrun was called to speak.

9. Adjournment / Next Meeting

The next meeting of the MTC Legislation Committee will be Friday, July 10, 2020 at 9:35 a.m. at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA or 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

Legislation Details (With Text)

File #: 20-0951 **Version:** 1 **Name:**

Type: Report **Status:** Consent

File created: 6/4/2020 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee

On agenda: 7/10/2020 **Final action:**

Title: Legislative History

Sponsors:

Indexes:

Code sections:

Attachments: [4b State LegisHistory July 2020.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Legislative History

Presenter:
Rebecca Long

Recommended Action:
Information

Attachments:



METROPOLITAN
TRANSPORTATION
COMMISSION

LEGISLATIVE HISTORY
MTC/ABAG Priority Bills
Thursday, July 09, 2020



Bill Number	Current Text	Status	Summary	MTC Position	ABAG Position
<u>AB 291</u> <u>Chu</u>	Amended 1/23/2020	Senate Governmental Organization	Local Emergency Preparedness and Hazard Mitigation Fund. Would establish a Local Emergency Preparedness and Hazard Mitigation Fund to, upon appropriation by the Legislature, support staffing, planning, and other emergency mitigation priorities to help local governments meet emergency management, preparedness, readiness, and resilience goals. The bill would require the Office of Emergency Services to establish the Local Emergency Preparedness and Hazard Mitigation Fund Committee under the Standardized Emergency Management System Advisory Board.		
<u>AB 323</u> <u>Daly</u>	Amended 4/2/2019	Senate Governmental Organization	Disaster Preparedness Account. Current law establishes the various funds in the State Treasury, including the Disaster Response-Emergency Operations Account, Disaster Relief Fund, and the Disaster Assistance Fund. This bill would establish the Disaster Preparedness Account in the State Treasury and would provide that funds in the account are available only for specified purposes, for appropriation by the Legislature, upon the Governor's proclamation of a state of emergency, as provided.		
<u>AB 352</u> <u>Garcia, Eduardo</u>	Amended 8/14/2019	Senate Environmental Quality	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020. Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildfire prevention, safe drinking water, drought preparation, and flood protection program. The bill would provide for the submission of these provisions to the voters at the November 3, 2020, statewide general election. The bill would provide that its provisions are severable.		

<u>AB 393</u> <u>Nazarian</u>	Amended 5/29/2019	Senate 2 year	Building codes: earthquake safety: functional recovery standard. Would require the California Building Standards Commission, by June 30, 2020, to assemble a functional recovery working group comprised of certain state entities and members of the construction and insurance industries, as specified. The bill would require the working group, by June 30, 2021, to consider whether a “functional recovery” standard is warranted for all or some building occupancy classifications, using specified criteria, and to investigate the practical means of implementing that standard, as specified. The bill would require the working group to advise the appropriate state agencies to propose the building standards, as specified.		Support
<u>AB 429</u> <u>Nazarian</u>	Amended 8/30/2019	Senate 2 year	Seismically vulnerable buildings: inventory. Current law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. Current law requires the Alfred E. Alquist Seismic Safety Commission to report annually to the Legislature on the filing of mitigation programs relating to building construction standards from local jurisdictions. This bill would require the commission, by specified deadlines, to identify funding and develop a bidding process for hiring a third-party contractor to create an inventory of potentially vulnerable buildings, as defined.		Support
<u>AB 725</u> <u>Wicks</u>	Amended 1/16/2020	Senate Housing	General plans: housing element: moderate-income and above moderate-income housing: suburban and metropolitan jurisdictions. The Planning and Zoning Law requires that the housing element include, among other things, an inventory of land suitable for residential development, to be used to identify sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction’s share of the regional housing need determined pursuant to specified law. This bill would require that at least 25% of a metropolitan jurisdiction’s share of the regional housing need for moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing. The bill would require that at least 25% of a metropolitan jurisdiction’s share of the regional housing need for above moderate-income housing be allocated to sites with zoning that allows at least 2 units of housing, but no more than 35 units per acre of housing.		

<u>AB 828</u> <u>Ting</u>	Amended 5/18/2020	Senate Judiciary	Temporary moratorium on foreclosures and unlawful detainer actions: coronavirus (COVID-19). Would prohibit a person from taking any action to foreclose on a residential real property while a state or locally declared state of emergency related to the COVID-19 virus is in effect and until 15 days after the state of emergency has ended, including, but not limited to, causing or conducting the sale of the real property or causing recordation of a notice of default.		
<u>AB 873</u> <u>Irwin</u>	Amended 5/2/2019	Senate 2 year	California Consumer Privacy Act of 2018. The California Consumer Privacy Act of 2018 excludes from the definition of personal information consumer information that is deidentified, or aggregate consumer information. This bill would revise the definition of "deidentified" to instead mean information that does not identify, and is not linkable, directly or indirectly, to a particular consumer, provided that the business makes no attempt to reidentify the information and takes reasonable technical and administrative measures designed to ensure that the data is deidentified, publicly commits to maintain and use the data in a deidentified form, and contractually prohibits recipients of the data from trying to reidentify it.		
<u>AB 953</u> <u>Ting</u>	Amended 1/6/2020	Senate Gov. & F.	Land use: accessory dwelling units. Current law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. This bill would deem a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit approved if the local agency has not acted upon the completed application within 60 days.		
<u>AB 992</u> <u>Mullin</u>	Amended 4/22/2019	Senate Gov. & F.	Open meetings: local agencies: social media. The Ralph M. Brown Act generally requires that the meetings of legislative bodies of local agencies be conducted openly. That act defines "meeting" for purposes of the act and prohibits a majority of the members of a legislative body, outside a meeting authorized by the act, from using a series of communications of any kind to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. This bill would provide that the prohibition described above does not apply to the participation, as defined, in an internet-based social media platform, as defined, by a majority of the members of a legislative body, provided that a majority of the members do not discuss among themselves, as defined, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.		

<u>AB 1035</u> <u>Ramos</u>	Amended 6/25/2020	Senate Judiciary	COVID-19 emergency: small businesses: immunity from civil liability. Would exempt a small business with 25 or fewer employees from liability for an injury or illness to a person due to coronavirus (COVID-19) based on a claim that the person contracted COVID-19 while at that small business, or due to the actions of that small business. The bill would require the small business, for this exemption to apply, to have implemented and abided by all applicable state and local health laws, regulations, and protocols. The bill would not permit this exemption to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business.		
<u>AB 1112</u> <u>Friedman</u>	Amended 6/19/2019	Senate 2 year	Shared mobility devices: local regulation. Current law generally regulates the operation of bicycles, electric bicycles, motorized scooters, and electrically motorized boards. Current law allows local authorities to regulate the registration, parking, and operation of bicycles and motorized scooters in a manner that does not conflict with state law. This bill would define a "shared mobility device" as a bicycle, electric bicycle, motorized scooter, electrically motorized board, or other similar personal transportation device, that is made available to the public for shared use and transportation, as provided.		
<u>AB 1142</u> <u>Friedman</u>	Amended 8/12/2019	Senate 2 year	Regional transportation plans: transportation network companies. Current law requires a regional transportation plan to include a policy element, an action element, a financial element, and, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. Under current law, the policy element describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, as well as pragmatic objective and policy statements. Current law authorizes the policy element of transportation planning agencies with populations that exceed 200,000 persons to quantify a set of specified indicators. This bill would authorize the inclusion of an additional indicator regarding measures of policies to increase use of existing transit.	Support	
<u>AB 1190</u> <u>Irwin</u>	Amended 5/1/2019	Senate Rules	Unmanned aircraft: state and local regulation: limitations. Would, among other things, prohibit a state or local agency from adopting any law or regulation that bans the operation of an unmanned aircraft system. The bill would also authorize a local agency to adopt regulations to enforce FAA regulations regarding the operation of unmanned aircraft systems and would authorize local agencies to regulate the operation of unmanned aircraft and unmanned aircraft systems within their jurisdictions, as specified. The bill would also authorize a local agency to require an unmanned aircraft operator to provide proof of federal, state, or local registration to licensing or enforcement officials.		

<u>AB 1279</u> <u>Bloom</u>	Amended 4/24/2020	Senate Housing	Planning and zoning: housing development: high-opportunity areas. The Planning and Zoning Law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards, including that the development is (1) located in a locality determined by the Department of Housing and Community Development to have not met its share of the regional housing needs for the reporting period, and (2) subject to a requirement mandating a minimum percentage of below-market rate housing, as provided. This bill would require the department to designate areas in this state as high-opportunity areas, as provided, by January 1, 2022, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee.		
<u>AB 1286</u> <u>Muratsuchi</u>	Amended 6/6/2019	Senate 2 year	Shared mobility devices: agreements. Would require a shared mobility service provider, as defined, to enter into an agreement with, or obtain a permit from, the city or county with jurisdiction over the area of use. The bill would require that the provider maintain a specified amount of commercial general liability insurance and would prohibit the provider from including specified provisions in a user agreement before distributing a shared mobility device within that jurisdiction. The bill would define shared mobility device to mean an electrically motorized board, motorized scooter, electric bicycle, bicycle, or other similar personal transportation device, except as provided.		
<u>AB 1350</u> <u>Gonzalez</u>	Amended 6/17/2020	Senate Education	Retroactive grant of high school diplomas: COVID-19 crisis. Would authorize a high school district, unified district, or county office of education to retroactively grant a high school diploma to a person who was in their senior year of high school during the 2019–20 school year; in good academic standing as of March 1, 2020; and unable to complete the statewide graduation requirements as a result of the COVID-19 crisis.		

AB 1436 Chiu	Amended 7/2/2020	Senate Judiciary	Tenancy: rental payment default: state of emergency: COVID-19. Would prohibit a landlord from applying a security deposit or monthly rental payment for the satisfaction of an obligation other than the prospective month's rent if the obligation accrued between the date a state of emergency relating to the COVID-19 pandemic was declared and either April 1, 2021, or 90 days after termination of the state of emergency, whichever is earlier (hereafter "effective time period"), unless the payment or security is specifically designated by the tenant for the obligation. The bill would provide that a covered tenant, as defined, who failed to pay rent that accrued during that effective time period shall not be deemed to be in default and would prohibit any action for recovery of unpaid rent until 12 months after the effective time period.		
AB 1484 Grayson	Amended 9/6/2019	Senate Rules	Mitigation Fee Act: housing developments. The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. This bill would prohibit a local agency from imposing a housing impact requirement adopted by the local agency on a housing development project, as defined, unless specified requirements are satisfied by the local agency, including that the housing impact requirement be roughly proportional in both nature and extent to the impact created by the housing development project.		
AB 1580 Levine	Amended 7/1/2019	Senate 2 year	Major infrastructure construction projects: oversight committees. Current law requires the Department of Transportation and the Bay Area Toll Authority to establish the Toll Bridge Program Oversight Committee, as provided, to review and provide program direction for seismic retrofit and replacement projects on toll bridges within the geographic jurisdiction of the committee. This bill, except as specified, would similarly require a state agency undertaking a publicly funded major infrastructure construction project that is estimated to cost \$1,000,000,000 or more to form an oversight committee, as provided, to develop and use risk management plans throughout the course of the project, and to take specified actions relating to managing risks. The bill would require the oversight committee to act as the authority for critical decisions regarding the implementation of the project's risk management plan and to have sufficient staff to support decisionmaking.		

AB 1782 Chau	Amended 6/18/2020	Senate Judiciary	Personal information: contact tracing. The California Consumer Privacy Act of 2018 (CCPA), grants a consumer various rights with respect to personal information, as defined, that is collected or sold by a business, as defined, including the right to require a business to delete personal information about the consumer, as specified. This bill would generally regulate public health entities and businesses that provide technology-assisted contact tracing (TACT), as defined, services. The bill would, among other things, require a business or public health entity offering TACT to provide a simple mechanism for a user to revoke consent for the collection, use, maintenance, or disclosure of data and permit revocation of consent at any time. The		
AB 1851 Wicks	Amended 5/5/2020	Senate Gov. & F.	Religious institution affiliated housing development projects: parking requirements. Would prohibit a local agency from requiring the replacement of religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate as part of that housing development project. The bill would prohibit the number of religious-use parking spaces requested to be eliminated from exceeding 50% of the number that are available at the time the request is made. The bill would prohibit a local agency from requiring the curing of any preexisting deficit of the number of religious-use parking spaces as a condition of approval of a religious institution affiliated housing development project.		
AB 2285 Committee on Transportation	Amended 5/4/2020	Senate Transportation	Transportation. The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the Greenhouse Gas Reduction Fund, funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects. The program provides that projects eligible for funding include, among others, technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology, and requires, until December 31, 2020, no less than 20% of funding made available for that purpose to support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology. This bill would extend the requirement that 20% of that funding be made available for that same purpose until December 31, 2021.		

AB 2323 Friedman	Amended 7/1/2020	Senate Environmental Quality	California Environmental Quality Act: exemptions. CEQA exempts from its requirements certain residential, employment center, and mixed-use development projects meeting specified criteria, including that the project is undertaken and is consistent with a specific plan for which an environmental impact report has been certified. This bill would require that the project is undertaken and is consistent with either a specific plan prepared pursuant to specific provisions of law or a community plan, as defined, in order to be exempt. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.		
AB 2345 Gonzalez	Amended 5/22/2020	Senate Housing	Planning and zoning: density bonuses: annual report: affordable housing. The Planning and Zoning 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 net new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy, thus far in the housing element cycle, as provided. This bill would require that the annual report include specified information regarding density bonuses granted in accordance with specified law.		
AB 2405 Burke	Amended 7/7/2020	Senate Housing	Right to safe, decent, and affordable housing. Would declare that it is the policy of the state that every individual has the right to safe, decent, and affordable housing, and would require the policy to consider homelessness prevention, emergency accommodations, and permanent housing, as specified. The bill would, among other things, require all relevant state agencies and departments, including, but not limited to, the Department of Housing and Community Development, the State Department of Social Services, and the Office of Emergency Services, and local jurisdictions to consider that state policy when revising, adopting, or establishing policies, regulations, and grant criteria when those policies, regulations, and criteria are pertinent to advancing the guidelines listed as core components of Housing First. The bill would make these provisions operative on January 1, 2026, and would make implementation of these provisions subject to an appropriation of funds in the annual Budget Act for these purposes.		

<u>AB 2542</u> <u>Kalra</u>	Amended 7/1/2020	Senate Public Safety	Criminal procedure: discrimination. Would prohibit the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified. The bill would allow a writ of habeas corpus to be prosecuted on the basis of that prohibition. The bill would require the prosecution to disclose, pursuant to a written request, all evidence relevant to a potential violation of that prohibition. By expanding the duties of local prosecutors, the bill would impose a state-mandated local program. The bill would require a court that finds a violation of that prohibition to dispose of the case against the defendant as specified.		
<u>AB 2621</u> <u>Mullin</u>	Amended 7/2/2020	Senate Environmental Quality	Office of Planning and Research: regional climate networks: climate adaptation 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 agencies, as defined, to establish and participate in a regional climate network, as defined, to prepare a regional climate adaptation action plan for certain regions, as specified. The bill would authorize eligible agencies to voluntarily determine whether to establish membership in a regional climate network.	Support if Amended	Support if Amended
<u>AB 2690</u> <u>Low</u>	Amended 5/4/2020	Senate Judiciary	Mobilehome parks: local ordinances. Current law, the Mobilehome Residency Law, prescribes various terms and conditions of tenancies in mobilehome parks. Current law exempts new construction, defined as spaces initially held out for rent after January 1, 1990, from any ordinance, rule, regulation, or initiative measure adopted by a city or county, which establishes a maximum amount that a landlord may charge a tenant for rent. This bill would repeal the exemption regarding new construction from ordinances, rules, regulations, and initiative measures, establishing a maximum amount that a landlord may charge a tenant for rent.		

<u>AB 2730</u> <u>Cervantes</u>	Amended 5/4/2020	Senate Governmental Organization	Access and functional needs: local government: agreement for emergency management, transportation, and paratransit services. Would require a regional transit district, county transportation commission, or other local transportation authority that provides paratransit services to enter into an agreement with adjacent regional transit districts, county transportation commissions, or local transportation authorities, upon request of the adjacent district, commission, or authority, for purposes of permitting the adjacent district, commission, or authority to borrow, for compensation, paratransit vehicles and drivers in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the jurisdiction or service area of the adjacent district, commission, or authority.		
<u>AB 2800</u> <u>Quirk</u>	Amended 6/4/2020	Senate Natural Resources and Water	Climate change: state infrastructure planning: Climate-Safe Infrastructure Working Group. Current law requires the Natural Resources Agency to establish a Climate-Safe Infrastructure Working Group for the purpose of examining how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering, including oversight, investment, design, and construction. Current law requires the working group, by July 1, 2018, to make recommendations to the Legislature and the Strategic Growth Council that address specified climate change issues. Current law requires these provisions to be inoperative on July 1, 2020, and repeals them on January 1, 2021. This bill would delete the above inoperative and repeal dates, thereby extending the above provisions indefinitely.		
<u>AB 2850</u> <u>Low</u>	Amended 7/8/2020	Senate L., P.E. & R.	Public transit employer-employee relations: San Francisco Bay Area Rapid Transit District. Current law creates the San Francisco Bay Area Rapid Transit District with various powers and duties and establishes a board of directors as the legislative body of the district. Current law requires the board, upon a majority of district employees in a unit appropriate for collective bargaining indicating a desire to be represented by a labor organization, to bargain with the accredited representative of those employees. Current law requires the board and employees to bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions, and grievance procedures. This bill would specify that the Public Employment Relations Board, and the powers and duties of the Public Employment Relations Board, has jurisdiction, as appropriate, to enforce these statutory provisions governing employer-employee relations within the district. The bill would prescribe the rights of employee organizations, as defined, and exclusive representatives, as defined.		

AB 3040 Chiu	Amended 7/7/2020	Senate Housing	Local planning: regional housing need assessment. Would authorize a city or county to include in its inventory of land suitable for residential development specified sites that contain an existing single-family dwelling unit, but that the city or county has permitted, or is proposing to permit, to contain 4 dwelling units as a use by right. The bill would require these sites to be identified to satisfy either the moderate or the above-moderate income regional housing need income level. The bill would require a city or county identifying a site pursuant to these provisions to include in its housing element a description of the development standards that enable the identified sites to be redeveloped at a higher density, as specified. The bill would authorize a city or county, instead of listing sites individually in its inventory of land suitable for residential development, to include a summary of the credits received if the list of sites is included elsewhere in the housing element.		
AB 3088 Chiu	Amended 5/12/2020	Senate Judiciary	Tenancy: termination: rent caps. Current law prohibits an owner of residential real property from terminating the tenancy of certain tenants without just cause, either at-fault or no-fault of the tenant. Current law also exempts certain types of residential real properties or residential circumstances from these provisions, including housing that has been issued a certificate of occupancy within the previous 15 years. This bill would, among other things, additionally exempt housing that has been issued a final inspection, final permit, or similar approval for initial residential occupancy of the unit within the previous 15 years.		
AB 3107 Bloom	Amended 5/11/2020	Senate Housing	Planning and zoning: general plan: housing development. The Planning and Zoning Law requires that the housing element include, among other things, an inventory of land suitable and available for residential development, as provided. If that inventory does not identify adequate sites to accommodate the need for groups of all household income levels, as specified, existing law requires the city or county to rezone those sites within specified periods. This bill, notwithstanding any inconsistent provision of a city's or county's general plan, specific plan, zoning ordinance, or regulation, would require that a housing development be an authorized use on a site designated in any element of the general plan for commercial if certain conditions apply. Among these conditions, the bill would require that the housing development be subject to a recorded deed restriction requiring that at least 20% of the units have an affordable housing cost or affordable rent for lower income households, as those terms are defined, and located on a site that satisfies specified criteria.		

<u>AB 3182</u> <u>Ting</u>	Amended 5/7/2020	Senate Housing	Common interest developments: governing documents: rental or leasing of separate interests. Current law specifies that an owner's right to rent or lease the separate interest shall not be deemed to have terminated if the transfer meets one of specified conditions, including that the transfer is exempt for purposes of reassessment by the county tax assessor. Current law makes these provisions applicable only to a provision in a governing document or a provision in an amendment to a governing document that became effective on or after January 1, 2012. This bill would make void and unenforceable any governing document that purports to prohibit the rental or leasing of any of the separate interests in a common interest development. The bill would also provide that an owner of a separate interest in a common interest development is not subject to a provision in a governing document or an amendment to a governing document that effectively prohibits or unreasonably restricts the rental or leasing of any of the separate interests in that common interest development to a renter, lessee, or tenant.		
<u>AB 3205</u> <u>Salas</u>	Amended 5/19/2020	Senate B., P. & E.D.	Regions Rise Grant Program. Would establish the Regions Rise Grant Program within the Governor's Office of Business and Economic Development for the purpose of supporting inclusive, cross-jurisdictional, and innovative processes that lead to inclusive strategies to address barriers and challenges confronting communities in creating economic prosperity for all. The bill would define "region" as a geographic area comprised of one or more counties and cities that form a functional economy.		
<u>AB 3256</u> <u>Garcia,</u> <u>Eduardo</u>	Amended 6/4/2020	Assembly Rules	Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020. Would enact the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,980,000,000 pursuant to the State General Obligation Bond Law to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program.		
<u>AB 3269</u> <u>Chiu</u>	Amended 7/2/2020	Senate Housing	State and local agencies: homelessness plan. Would, upon appropriation by the Legislature or upon receiving technical assistance offered by the federal Department of Housing and Urban Development (HUD), if available, require the coordinating council to conduct, or contract with an entity to conduct, a statewide needs and gaps analysis to, among other things, identify state programs that provide housing or services to persons experiencing homelessness and create a financial model that will assess certain investment needs for the purpose of moving persons experiencing homelessness into permanent housing.		

AB 3308 Gabriel	Amended 5/22/2020	Senate Housing	School districts: employee housing. Would specify that the state policy created by the Teacher Housing Act of 201 includes permitting school districts to restrict occupancy on land owned by school districts to teachers and school district employees of the school district that owns the land, so long as that housing does not violate any other applicable laws, but excluding those laws that may prohibit any priority or preference in favor of teachers and school district employees in occupying the housing. The bill would specify that a school district may allow local public employees to occupy housing created through the act.		
AB 3352 Friedman	Amended 5/12/2020	Senate Housing	State Housing Law: enforcement response to complaints. Current law deems a building, portion of a building, or premises on which a building is located to be a substandard building if any one of specified conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants. Current law deems a building, portion of a building, or premises on which a building is located to be in violation of the State Housing Law if it contains lead hazards, as specified, that are likely to endanger the health of the public or the occupants. This bill would, beginning July 1, 2021, require a city or county that receives a complaint of a substandard building or a lead hazard violation, as described above, from a tenant, resident, or occupant, or an agent of a tenant, resident, or occupant, to inspect the building, portion of the building intended for human occupancy, or premises of the building, cite the lead hazard violations or the building, portion of the building intended for human occupancy, or premises on which the building is located as being substandard, as applicable, and provide free copies of the inspection report and citations issued, if any, to the tenant, resident, occupant, or agent, and to all potentially affected tenants, residents, occupants, or the agents of those individuals, as specified.		
ACA 1 Aguiar-Curry	Amended 3/18/2019	Assembly Reconsideration	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.	Support	Support

SB 45 Allen	Amended 1/23/2020	Assembly Desk	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020. Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.		
SB 59 Allen	Amended 7/3/2019	Assembly 2 year	California Transportation Commission: advisory committee: autonomous vehicle technology. Current law creates the California Transportation Commission with various powers and duties, including the duty to advise and assist the Secretary of Transportation and the Legislature in formulating and evaluating state policies and plans for transportation programs in the state. This bill would require the chair of the commission to establish an advisory committee, the California Council on the Future of Transportation, to provide the Governor and the Legislature with recommendations for changes in state policy to ensure that California continues to be the world leader in autonomous, driverless, and connected vehicle technology.		
SB 146 Beall	Amended 7/13/2020	Assembly Transportation	Regional transportation plans: sustainable communities strategies: procedural requirements. Would revise the procedures required for the adoption of a sustainable communities strategy or alternative planning strategy by, among other things, recharacterizing the workshops as gatherings and reducing the required number of informational meetings and gatherings to one meeting or gathering and the required number of public hearings to 2 hearings. The bill would authorize these informational meetings, gatherings, and public hearings to be conducted digitally or telephonically. The bill would also require the draft sustainable communities strategy or an alternative planning strategy to be prepared and circulated not less than 45 days, instead of 55 days, before adoption of a final regional transportation plan.		

<u>SB 182</u> <u>Jackson</u>	Amended 9/6/2019	Assembly 2 year	Local government: planning and zoning: wildfires. Current law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after January 1, 2020, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.		
<u>SB 254</u> <u>Hertzberg</u>	Amended 7/13/2020	Assembly Revenue and Taxation	Personal income taxes: corporation taxes: transfer of tax losses. Would allow a taxpayer under either the Personal Income Tax Law or the Corporation Tax Law to transfer any tax loss, as defined, to an unrelated party, as provided. The bill, for taxable years beginning on or after January 1, 2021, and before January 1, 2026, would provide for an additional exclusion from the taxpayer's "gross income" under both of those laws any amount received by a taxpayer in exchange for a tax loss transferred under this bill if the taxpayer invests that amount in an affordable housing project or a corporation, partnership, or limited liability company that is engaged in providing affordable housing, as provided, within 180 days of receipt. The bill would authorize the Franchise Tax Board to adopt regulations to implement these provisions and exempt those regulations from the rulemaking provisions of the Administrative Procedure Act.		Support and Seek Amendments
<u>SB 278</u> <u>Beall</u>	Amended 3/28/2019	Assembly Transportation	Metropolitan Transportation Commission. The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a local area planning agency to provide comprehensive regional transportation planning for the region comprised of the 9 San Francisco Bay area counties. The act requires the commission to continue to actively, on behalf of the entire region, seek to assist in the development of adequate funding sources to develop, construct, and support transportation projects that it determines are essential. This bill would also require the commission to determine that those transportation projects are a priority for the region.		

SB 336 Dodd	Amended 4/29/2019	Assembly 2 year	Transportation: fully-automated transit vehicles. Would require a transit operator, as defined, until January 1, 2025, to ensure each of its fully-automated transit vehicles, as defined, is staffed by at least one of its employees, who has had specified training, while the vehicle is in service. The bill would require a transit operator that deploys a fully-automated transit vehicle to report the results of that deployment to the Legislature on or before March 31, 2025.		
SB 474 Stern	Amended 6/19/2020	Assembly Local Government	Very high fire hazard severity zone: state responsibility area: development prohibition. Would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.		
SB 592 Wiener	Amended 7/13/2020	Assembly Judiciary	Jury service. Would require the Franchise Tax Board (FTB) to annually furnish the jury commissioner of each county with a list of resident state tax filers, as defined, and include the list of resident state tax filers as a source list for the purposes of jury selection. The bill would also require the FTB to revise the state resident income tax return to include a line for taxpayers to include the address of their principal residence and their county of principal residence.		
SB 621 Glazer	Amended 6/17/2019	Assembly 2 year	California Environmental Quality Act: expedited judicial review: affordable housing projects: reports. Would require the Judicial Council, by July 1, 2020, to adopt a rule of court applicable to an action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an affordable housing project, as defined, or the granting of an approval of an affordable housing project that requires the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceeding with the court. The bill would provide that these provisions do not apply to an affordable housing project if it is in certain locations.		

SB 664 Allen	Amended 9/10/2019	Assembly 2 year	Electronic toll and transit fare collection systems. Current law requires the Department of Transportation, in cooperation with the Golden Gate Bridge, Highway and Transportation District and all known entities planning to implement a toll facility, to develop and adopt functional specifications and standards for an automatic vehicle identification system, in compliance with specified objectives, including that a vehicle owner shall not be required to purchase or install more than one device to use on all toll facilities, and generally requires any automatic vehicle identification system purchased or installed after January 1, 1991, to comply with those specifications and standards. Current law authorizes operators of toll facilities on federal-aid highways engaged in an interoperability program to provide only specified information regarding a vehicle's use of the toll facility. This bill would expand the above-described objective so that a user of a toll facility shall also not be required to purchase or install more than one device to use on all toll facilities.	Support	
SB 672 Hill	Amended 4/25/2019	Assembly 2 year	Planning and zoning: regional housing need allocation: City of Brisbane. Would, for the 5th and 6th cycle of the housing element planning period for the City of Brisbane, prohibit the Association of Bay Area Governments from allocating to the City of Brisbane a share of the regional housing need that exceeds the share allocated to the city for the current planning period if specified conditions apply. Among these conditions, the bill would require that the City of Brisbane has taken action during the current planning period to zone or rezone sites sufficient to accommodate 615% or more of its regional housing need allocation for the current planning period.		
SB 773 Skinner	Amended 7/13/2020	Assembly Governmental Organization	Emergencies: State 911 Advisory Board. The Warren-911-Emergency Assistance Act establishes the State 911 Advisory Board to advise the Office of Emergency Services on specified subjects relating to the state's 911 emergency telephone response system and to conduct specified hearings on a final plan on implementation. This bill, commencing on June 1, 2021, would revise membership on the advisory board by (1) reducing one representative appointed on the recommendation of the California Police Chiefs Association, one representative appointed on the recommendation of the California State Sheriffs' Association, and one representative appointed on the recommendation of the CalNENA Executive Board, except that any member in those categories whose term began before June 1, 2021, may serve out their term as set forth in existing law at the pleasure of the Governor, and (2) adding one representative of the California Welfare Directors Association, one county public guardian, and one county mental health professional, all 3 of whom will serve at the pleasure of the Governor, as specified.		

<u>SB 899</u> <u>Wiener</u>	Amended 6/18/2020	Assembly Housing and Community Development	Planning and zoning: housing development: higher education institutions and religious institutions. The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards. This bill would require that a housing development project be a use by right upon the request of an independent institution of higher education or religious institution that partners with a qualified developer on any land owned in fee simple by the applicant on or before January 1, 2020, if the development satisfies specified criteria.		
<u>SB 902</u> <u>Wiener</u>	Amended 5/21/2020	Assembly Local Government	Planning and zoning: housing development: density. Would authorize a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria.		
<u>SB 995</u> <u>Atkins</u>	Amended 6/18/2020	Assembly Natural Resources	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011: housing projects. CEQA requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA authorizes the preparation of a master EIR and authorizes the use of the master EIR to limit the environmental review of subsequent projects that are described in the master EIR, as specified. This bill would require a lead agency to prepare a master EIR for a general plan, plan amendment, plan element, or specified plan for housing projects where the state has provided funding for the preparation of the master EIR.		

SB 1085 Skinner	Amended 6/18/2020	Assembly Housing and Community Development	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, excluding the units added by a density bonus awarded pursuant to the Density Bonus Law or any local law granting a greater density bonus. 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.		
SB 1120 Atkins	Amended 6/18/2020	Assembly Local Government	Subdivisions: tentative maps. Would, among other things, require a proposed housing development containing 2 residential units to be considered ministerially, without discretionary review or hearing, in zones where allowable uses are limited to single-family residential development if the proposed housing development meets certain requirements, including that the proposed housing development would not require demolition or alteration requiring evacuation or eviction of an existing housing unit 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.		
SB 1238 Hueso	Amended 6/18/2020	Assembly Transportation	Department of Transportation: highways and roads: recycled plastics study and specifications. Would authorize the Department of Transportation to conduct a study to assess the feasibility, cost effectiveness, and life-cycle environmental benefits of including recycled plastics in asphalt used as a paving material in the construction, maintenance, or rehabilitation of a highway or road. If the department determines that this use of recycled plastics is feasible and that recycled plastics can be included in asphalt in a manner that is cost effective and provides life-cycle environmental benefits, the bill would authorize the department to establish specifications for including recycled plastics in asphalt used as a paving material in the construction, maintenance, and rehabilitation of a highway or road.		

SB 1291 Committee on Transportation	Amended 4/3/2020	Assembly Transportation	Federal Statewide Transportation Improvement Program: submissions. Current law requires each metropolitan planning organization and transportation planning agency, not later than October 1 of each even-numbered year, to submit its Federal Transportation Improvement Program to the Department of Transportation for incorporation into the Federal Statewide Transportation Improvement Program, which current law requires the department to submit to the United States Secretary of Transportation by not later than December 1 of each even-numbered year. This bill would provide that a metropolitan planning organization or transportation planning agency is not required to submit a Federal Transportation Improvement Program to the department, and the department is not required to submit the Federal Statewide Transportation Improvement Program to the secretary, for 2020.		
SB 1320 Stern	Amended 6/18/2020	Assembly Natural Resources	Climate change: California Climate Change Assessment. Would require the Office of Planning and Research to develop the California Climate Change Assessment, in coordination with the Natural Resources Agency, the State Energy Resources Conservation and Development Commission, and the Strategic Growth Council, and in consultation with partner public agencies designated by the office. The bill would require the office to conduct the assessment every 5 years. The bill would require the assessment to assess and report the impacts and risks of climate change and identify potential solutions to inform legislative policy, as provided. The bill would require the assessment to include sector-specific liability projections that assess the impacts of climate change under varied emissions scenarios for the years 2025, 2030, 2050, and 2100.		
SB 1385 Caballero	Amended 6/18/2020	Assembly Local Government	Local planning: housing: commercial zones. The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. This bill, the Neighborhood Homes Act, would deem a housing development project, as defined, an allowable use on a neighborhood lot that is zoned for office or retail commercial use under a local agency's zoning code or general plan. The bill would require the density for a housing development under these provisions to meet or exceed the density deemed appropriate to accommodate housing for lower income households according to the type of local jurisdiction, including a density of at least 20 units per acre for a suburban jurisdiction.		

January 1 Statutes take effect 6 Legislature reconvenes 10 10 Budget must be submitted by Governor (Art. IV, Sec. 12(a)) 17 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house in the odd-numbered year 20 Martin Luther King, Jr. Day 24 Last day for any committee to hear and report to the floor bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit bill requests to the Office of Legislative Counsel. 31 Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).	June 5 Last day for Senate policy committees to hear and report to the floor non-fiscal bills and deadline for Assembly fiscal committees 15 Budget Bill must be passed by midnight 15-19 Assembly Floor Session only 19 Last day for Senate fiscal committees to hear and report to the floor bills introduced in their house. Last day for Assembly to pass bills introduced in that house. Assembly recess begins upon adjournment. 22-26 Senate Floor session only 25 Last day for a legislative measure to qualify for the Nov. 3 General Election ballot (Elections Code Sec. 9040). 26 Last day for Senate to pass bills introduced in that house
February 17 Presidents' Day 21 Last day for bills to be introduced	July 2 Summer Recess begins upon adjournment of session, provided Budget Bill has been passed 3 Independence Day observed 13 Legislature reconvenes from summer recess 31 Last day for policy committees to hear and report fiscal bills to fiscal committees
March 16 Legislature in recess 27 Cesar Chavez Day observed	August 7 Last day for policy committees to meet and report bills 14 Last day for fiscal committees to meet and report bills to the floor 17-31 Floor session only. No committee may meet for any purpose, except Rules Committee. 21 Last day to amend a bill on the floor 31 Last day for any bill to be passed except bills that take effect immediately or bills in Extraordinary session. Final Recess begins upon adjournment.
April 2 Spring Recess begins upon adjournment 13 Legislature reconvenes from Spring recess 24 Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house	September 7 Labor Day 30 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 1 and in the Governor's possession after Sept. 1
May 11 Senate reconvenes 25 Memorial Day 29 Last day for Assembly policy committees to hear and report to fiscal committees bills introduced in their house	October 1 Bills enacted on or before this date take effect January 1, 2021. November 3 General Election. 30 Adjournment sine die at midnight

January 1 New Year's Day 3 House and Senate reconvene 4 Senate district work period 21 Martin Luther King, Jr. Day 21-25 House and Senate district work periods	July 1-5 House and Senate district work periods 4 Independence Day 29-31 House district work period
February 4 Deadline for President's budget submission 18 President's Day 18-22 House and Senate district work periods	August 1-31 House district work period 5-31 Senate district work period
March 18-22 House and Senate district work periods	September 2 Labor Day 2-6 House and Senate district work periods 30 House and Senate district work periods
April 15 Congressional concurrent resolution budget deadline 15-26 House and Senate district work periods	October 1-11 House and Senate district work periods 14 Columbus Day
May 27 Memorial Day 27-31 House and Senate district work periods	November 1 Fiscal year 2020 begins 1-8 House district work period 11 Veterans' Day 25-29 House and Senate district work periods 28 Thanksgiving Day
June 30 General deadline for Congressional action on regular appropriations bills and budget reconciliation	December 16-31 House and Senate empty calendar 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

Legislation Details (With Text)

File #: 20-1065 **Version:** 1 **Name:**

Type: Report **Status:** Consent

File created: 6/24/2020 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee

On agenda: 7/10/2020 **Final action:**

Title: Fiscal Year (FY) 2020-21 State Budget Update

Sponsors:

Indexes:

Code sections:

Attachments: [4c State Budget.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Fiscal Year (FY) 2020-21 State Budget Update

Presenter:
Rebecca Long

Recommended Action:
Information

Attachments:

**Metropolitan Transportation Commission
MTC Legislation Committee**

July 10, 2020

Agenda Item 4c

Fiscal Year (FY) 2020-21 State Budget Update

Subject: Update on the transportation and housing aspects of the FY 2020-21 State Budget

Overview: On June 22, 2020, Governor Newsom and legislative leaders announced an agreement on an interim state budget for FY 2020-21 in a manner that prevents the steep cuts to education (roughly \$8 billion restored) and safety net programs that the Governor originally proposed in the May Revise. Nonetheless, the budget does include \$2.9 billion in cuts to state salary expenses and deferrals of educational funding for future years. Rather than relying on additional Rainy Day Funds, Safety Net Reserve Funds, or the retirement payment deferral that were included in the Legislature’s version of the budget, the final agreement updates the revenue and expenditure forecast to bring the budget into balance by postponing steeper cuts into future years. It also outlines the prioritization for budget restoration if Congress approves another substantial aid package of at least \$14 billion by October 15, 2020, referred to as funds subject to the “federal trigger.” If Congress provides less than \$14 billion, but more than \$2 billion, then each of the items listed as beneficiaries of the trigger will be adjusted proportionally.

In a joint statement, with Assembly Speaker Rendon and Senate President Pro Tempore Atkins the officials noted “This agreement reflects our shared commitment to supporting schools, and is built on a foundation of equity – allocating billions of dollars for students most affected by learning loss and continuing our state’s leadership toward reforming the criminal justice system.”

Transportation With respect to transportation, the final deal makes no changes to what was reported at your June meeting. Of note, the budget incorporates budget bill language requiring that Caltrans exempt project initiation documents (PIDs) and oversight services from what is known as “full cost recovery” for reimbursement of state expenses and directs the department to streamline the cooperative work agreement process as it relates to PIDs and oversight. This should help lower costs and accelerate locally-sponsored projects on the state highway system.

Local Government The final agreement includes \$1 billion to support counties and \$500 million for cities. Of the \$1 billion for counties, \$750 million is provided directly and \$250 million is dependent upon the state receiving additional federal COVID-19 relief. For counties, these funds are to be used for health and human services programs, entitlement programs, and programs that serve vulnerable populations. The budget agreement also includes just over \$100 million for the increased costs to counties of the November election as a result of the requirement to conduct it entirely by mail.

With respect to the city funding, which comes from the federal CARES Act, funding will be distributed as follows:

- \$275 million to cities with a population less than 300,000 on per capita basis relative to the population of the cities in this category.
- \$225 million to cities with a population greater 300,000 that did not receive a direct allocation from the CARES Act on a per capita basis relative to the population of the cities in this category.
- No city will receive less than \$50,000.
- No additional funding for cities that already received funds directly from the CARES Act.

These funds are to be used towards public health, public safety, homelessness, and other services to combat COVID-19. Further details on eligible uses are forthcoming, but to-date the budget does not restrict use of these funds further than the CARES Act guidance issued by the U.S. Treasury Department. To be eligible for the funds, cities must receive certification by the Department of Finance that they adhere to state and federal public health guidance issued in response to COVID-19, including executive orders issued by the Governor. Following certification, the State Controller will remit funds to the city. If funds are not spent by **September 1, 2020**, the Director of Finance may reallocate the funds, ahead of the federal December 30, 2020 expenditure deadline.

Housing The final budget agreement augments by \$50 million funding for the acquisition, conversion, rehabilitation, and operating subsidies for hotels, motels, and other properties to provide housing for individuals and families who are experiencing homelessness or who are at risk of homelessness. Unfortunately, the agreement cuts \$250 million from the Mixed-Income Program administered by the California Housing Finance Authority (CalHFA) that Governor Newsom proposed as part of the May Revise. This program provides long-term subordinate financing for new construction of multifamily housing projects which restrict units at a mix between 30% and 120% of the Area Median Income. The program will continue to receive revenues from real estate transaction fees and would also see up to \$205 million in funding restored if the state receives the full \$14 billion in federal funds.

Attachments: None


Therese W. McMillan

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 20-1066 **Version:** 1 **Name:**

Type: Senate Bill **Status:** Commission Approval

File created: 6/24/2020 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee

On agenda: 7/10/2020 **Final action:**

Title: Senate Bill 995 (Atkins): Extension of California Environmental Quality Act (CEQA) Judicial Review Streamlining Authority

Sponsors:

Indexes:

Code sections:

Attachments: [4d SB 995 CEQA.pdf](#)
[4d Correspondence Received-Joint LEGIS.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Senate Bill 995 (Atkins): Extension of California Environmental Quality Act (CEQA) Judicial Review Streamlining Authority

Presenter:
Rebecca Long

Recommended Action:
Support / MTC Commission Approval

Attachments:

Metropolitan Transportation Commission
MTC Legislation Committee

July 10, 2020

Agenda Item 4d

Senate Bill 995 (Atkins): Extension of California Environmental Quality Act (CEQA)
Judicial Review Streamlining Authority

- Subject:** Extends the existing authorization for streamlined judicial review by four years and adds as eligible specified housing projects that are consistent with a region’s sustainable communities strategy and dedicates at least 15 percent of the units to lower-income households.
- Overview:** SB 995 extends for four years the Jobs and Economic Improvement Through Environmental Leadership Act of 2011—initially authorized by Assembly Bill 900 (Buchanan, 2011)—until 2025 and adds as a new category eligible for streamlined review housing projects meeting the following criteria:
- Located on an infill site and consistent with the policies specified for the project area in a region’s sustainable communities strategy (in our case, Plan Bay Area)
 - Will invest at least \$15 million in California
 - At least 15 percent of the units dedicated to lower-income households
 - Satisfy specified labor requirements, including that the project be constructed with a “skilled and trained workforce.”¹
- Background:** In 2011, the Legislature enacted AB 900, establishing specified administrative and judicial review procedures for CEQA challenges to certain residential, retail, commercial, sports, cultural, entertainment, or recreational use projects, known as Environmental Leadership Development Projects (ELDP). In April 2019, the Senate Office of Research released a report describing projects that have qualified for expedited CEQA judicial review pursuant to AB 900. According to the report, 10 of the 19 ELDPs have included a housing component.
- Under current law, there is no minimum share of units that must be dedicated to lower-income households and housing projects must be certified as Leadership in Energy and Environmental Design-gold (LEED-gold) or better by the United States Green Building Council. Of the projects that have been subject to AB 900, four projects have been challenged and none of the housing projects have been completed to date.
- Accelerate Affordable Housing*** In addition to simply extending the program for another four years, the most significant change proposed by SB 995 is to add lower-cost affordable housing developments (with a minimum cost of \$15 million instead of \$100 million) and without the LEED-Gold certification as eligible for the streamlined judicial review.

¹ Under the [Public Contract Code 2601](#), skilled and trained is defined as requiring that projects constructed after January 1, 2020 be constructed by a workforce at least 60 percent of whom are graduates of apprenticeship programs for the applicable occupation, with some exceptions.

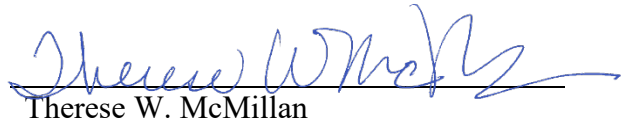
Increased Certainty A crucial part of the expedited judicial review under the current AB 900 statute is a requirement that any CEQA-related judicial review, including appeals, be resolved within 270 days from the certification of the administrative record. SB 995 would make a technical amendment clarifying that the 270-day target for resolution of challenges to CEQA to a certified environmental impact report be resolved in 270 “business days” of filing. The bill also clarifies that the timeline applies to both appeals to the Court of Appeal and the state Supreme Court.

Discussion: As noted in the Senate Floor Analysis, the existing AB 900 process has had a relatively modest impact, likely due to the high threshold requirement of LEED-Gold certification and \$100 minimum investment. With the addition of affordable housing projects resulting in a minimum \$15 million investment in the state and removal of the LEED-Gold certification, many more projects will qualify. Importantly, SB 995 does not exempt affordable housing projects from environmental review under CEQA. Instead, the bill provides a means to expedite the resolution of any legal challenges *after* a project sponsor has completed the environmental review process. Given the urgent need to increase and accelerate the development of affordable housing in the Bay Area and statewide, and consistent with our 2020 Advocacy Program goal to pursue CEQA streamlining for housing projects that are consistent with local and regional plans staff recommends a support position on SB 995.

Recommendation: Support

Bill Positions: See attached

Attachments: Attachment A: Bill Positions


Therese W. McMillan

**Senate Bill 995 (Atkins) Bill Positions
(as of June 19, 2020)**

Support:

1HWY1

Associated Builders and Contractors Northern California Chapter

Bay Area Council

California Apartment Association

California Association of Realtors

Central City Association of Los Angeles

City of San Diego

Civil Justice Association of California

Council President Georgette Gómez, City of San Diego

Downtown San Diego Partnership

Facebook

Habitat for Humanity California

Los Angeles Business Council

Riley Realty, LP

San Diego Regional Economic Development Corporation

SPUR

San Francisco Housing Action Coalition

Schneider Electric

YIMBY Law

Oppose:

City of Torrance

Livable California

Sustainable Tamalmon

From: [Roland Lebrun](#)
To: [MTC-ABAG Info](#)
Cc: [Kimberly Ward](#); [Martha Silver](#); [SFCTA Board Secretary](#); [SFCTA CAC](#)
Subject: MTC Leg Committee Item 4d Senate Bill 995 (Atkins): Extension of CEQA Judicial Review Streamlining Authority
Date: Thursday, July 9, 2020 4:23:29 PM
Attachments: [California Jobs \(AB900\).pdf](#)

External Email

Dear Chair Mackenzie,

Please thank Rebecca Long for advancing Senate Bill 995 (Atkins) which, if passed, will be instrumental in expediting the environmental clearance of the following projects:

- SMART to Larkspur Ferry connection
- New Transbay tube
- DTX **7th** Street alignment
- Pennsylvania Avenue Extension

Thank you

Roland Lebrun

CC

SFCTA Commissioners

SFCTA CAC

Attachment: AB900 (Ancestor Bill)



California Jobs (AB 900)

Pursuant to Public Resources Code Section 21181, the Governor must certify a project as an environmental leadership development project by **January 1, 2020** in order for the project to be eligible for judicial streamlining. The certification process typically takes 3 to 6 months.

Submitted Applications

- [2019050019 – California Northstate University Medical Center Project](#) +
- [2019080493 – Downtown West Mixed Use Plan](#) +
- [2018102028 – Balboa Reservoir](#) +
- [2019039102 – Oakland Sports and Mixed-Use Project at Howard Terminal](#) +
- [2017051079 – Hollywood & Wilcox Mixed-Use Project](#) +
- [2018021056 – Inglewood Basketball and Entertainment Center](#) +
- [2017092053 – 3333 California Street Project](#) +
- [2017112005 – Potrero Power Station Mixed-use Project](#) +
- [2018051002 – Hollywood Center Project](#) +
- [2017121047 – 1045 Olive Street Project](#) +
- [2017072018 – 10 Van Ness Avenue Mixed-Use Project](#) +
- [2015111073 – 6220 West Yucca Project](#) +
- [2015101073 – Crossroads Hollywood](#) +
- [2015061061 – Qualcomm Stadium Reconstruction Project](#) +

[2014112045 – Event Center and Mixed-Use Development at Mission Bay Blocks](#) +

[2014011087 – 8150 Sunset Boulevard](#) +

[2013011007 – Soitec Solar Energy Project](#) +

[2011082055 – Apple Campus 2](#) +

[2012011019 – McCoy Solar Energy Project](#) +

Please note that the public comments on this page have been posted in the manner they were received. OPR does not control the content of external, third party documents submitted to us. If you need assistance accessing content in an alternate format, please email us at accessibility@opr.ca.gov. You may also contact us via phone at 916-322-2318.

Resources

[AB 734 \(Chapter 959, Statutes of 2018\)](#) 

[AB 987 \(Chapter 961, Statutes of 2018\)](#) 

[AB 246 \(Chapter 522, Statutes of 2017\)](#) 

[SB 734 \(Chapter 210, Statutes of 2016\)](#) 

[SB 743 \(Chapter 386, Statutes of 2013\)](#) 

[AB 900: \(Chapter 352, Statutes of 2011\)](#) 

[Process for Greenhouse Gas Methodologies and Documentation Submittal to the California Air Resources](#) 

To receive notifications when a project application is posted or supplemented, please subscribe to the [AB 900 listserv](#).

Governor's Guidelines

GOVERNOR'S GUIDELINES FOR STREAMLINING JUDICIAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO AB 900 (CHAPTER 352, STATUTES OF 2011)

NOTE: These Guidelines apply to projects requesting certification for streamlined judicial review under Assembly Bill 734 (Chapter 959, Statutes of 2018) or Assembly Bill 987 (Chapter 961, Statutes of 2018) to the extent that the Guidelines are applicable and do not conflict with the language contained within those statutes. See Pub. Res. Code, §§ 21168.6.7(e)(2), 21168.6.8(c)(3).

1. Applications to the Governor for CEQA streamlining under Public Resources Code Section 21178 et seq., along with a [Notice of Completion Form](#) , shall be submitted electronically to the Governor's Office of Planning and Research at the following e-mail address:

California.Jobs@opr.ca.gov

Upon receipt of the application, the Office of Planning and Research will assign a clearinghouse tracking number and will enter the project information from the Notice of Completion Form into a publically accessible database. Note, the application is then posted to a public website: <http://www.opr.ca.gov/ceqa/california-jobs.html>. Do not include any sensitive or proprietary information.

Beginning July 1, 2019, the entire application must be submitted in a format that complies with State and Federal accessibility requirements, and the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. Instructions on how to create an accessible document can be found on OPR's Accessibility Page.

2. The electronic application shall include all sufficient information to enable the Governor to determine whether the project satisfies the statutory requirements for CEQA streamlining. This information shall include at least the following:

- a. For projects defined in Public Resources Code section 21180(b)(1), information sufficient to enable the Governor to determine that:

- (1) the project is residential, retail, commercial, sports, cultural, entertainment, or recreational in nature;
- (2) the project, upon completion, will qualify for LEED gold certification or better. The application shall specify those design elements that make the project eligible for LEED gold certification or better, and the applicant shall submit a binding commitment to delay operating the project until it receives LEED gold certification or better. If, upon completion of construction, LEED gold certification or better is delayed as a result of the certification process rather than a project deficiency, the applicant may petition the Governor to approve project operation pending completion of the certification process.
- (3) the project will achieve at least 15 percent greater transportation efficiency, as defined in Public Resources Code section 21180(c), than comparable projects. The applicant shall provide information setting forth its basis for determining and evaluating comparable projects and their transportation efficiency, and how the project will achieve at least 15 percent greater transportation efficiency. For residential projects, the applicant shall also submit information demonstrating that the number of vehicle trips by residents divided by the number of residents is 15 percent more efficient than for comparable projects. For the purposes of this provision, comparable means a project of the same size, capacity and location type.
- (4) the project is located on an infill site, as defined at Public Resources Code section 21061.3, and in an urbanized area, as defined at Public Resources Code section 21071.
- (5) the information required by Public Resources Code section 21180(b)(1) is available for projects within a metropolitan planning organization for which a sustainable communities strategy or alternative planning strategy is in effect. For the purposes of this provision, "in effect" means that the sustainable communities strategy or the alternative planning strategy has been adopted by the metropolitan planning organization, and that the Air Resources Board has accepted the metropolitan planning organization's determination that the sustainable communities strategy or alternative planning strategy meets the adopted greenhouse gas reduction targets and is not the subject of judicial challenge.

(6) if the project is a multifamily residential project, evidence that (1) private vehicle parking spaces are priced and rented or purchased separately from dwelling units; or (2) the dwelling units are subject to affordability restrictions that prescribe rent or sale prices, and the cost of parking spaces cannot be unbundled from the cost of dwelling units.

b. For projects defined in Public Resources Code section 21180(b)(2) or 21180(b)(3), information sufficient to enable the Governor to determine that the project meets the criteria set forth in those sections.

c. Information establishing that the project entails a minimum investment of \$100 million in California through the time of completion of construction.

d. Information establishing that the prevailing and living wage requirements of Public Resources Code section 21183(b) will be satisfied.

e. Information establishing that the project will not result in any net additional greenhouse gas emissions. This information is subject to a determination signed by the Executive Officer of the Air Resources Board that the project does not result in any net additional greenhouse gas emissions, following the procedures set forth in section 6 of these Guidelines.

f. Information establishing that the project will comply with requirements for commercial and organic waste recycling in Chapters 12.8 (commencing with Public Resources Code section 42649) and 12.9 (commencing with Public Resources Code section 42649.8), as applicable.

g. Information documenting a binding agreement between the project proponent and the lead agency establishing the requirements set forth in Public Resources Code sections 21183(e), (f), and (g).

h. Any other information requested by the Governor.

3. The public may submit comments on the application electronically to the Governor's Office of Planning and Research (California.Jobs@opr.ca.gov) at any time up to 30 days after the initial application or within 7 days after any supplemental application, whichever is later.

a. The comments must include a reference to the clearinghouse tracking number.

- b. Public comments may be posted to a public website. Do not submit any sensitive or personal information in the comment letter.
- c. Public comments submitted to the Governor's Office of Planning and Research will be considered regardless of the format in which they are received. However, beginning July 1, 2019, we encourage public comments to be submitted in a format that complies with State and Federal accessibility requirements and the Web Content Accessibility Guidelines 2.0, or a subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria. Instructions on how to create an accessible document can be found on [OPR's Accessibility Page](#).
4. Within 10 days of the Governor certifying an Environmental Leadership Development Project, the lead agency shall, at the applicant's expense, issue a public notice, as set forth in Public Resources Code section 21187. The public notice shall be distributed by the lead agency as required for public notices issued pursuant to paragraph (3) of subdivision (b) of Public Resources Code section 21092.
5. The Governor may request additional information. Failure to submit necessary information will preclude certification by the Governor.
6. For purposes of California Public Resources Code section 21183(c) the following process applies:
- a. The applicant shall submit electronically to AB900ARBsubmittals@arb.ca.gov a proposed methodology for quantifying the project's net additional greenhouse gas emissions. The Air Resources Board (Board) will review and comment on the methodology, at its discretion, within 30 days of submission.
 - b. At the same time, the applicant shall submit to AB900ARBsubmittals@arb.ca.gov documentation that the project does not result in any net additional greenhouse gas emissions. The documentation must at least quantify:
 - (1) Both direct and indirect greenhouse gas emissions associated with the project's construction and operation, including emissions from the project's projected energy use and transportation related emissions; and

(2) The net emissions of the project after accounting for any mitigation measures that will be monitored and enforced consistent with Public Resources Code section 21183(d).

c. Within 60 days of receiving the documentation in 6.b. above, the Board will determine whether the condition specified in Public Resources section 21183(c) has been met or, if more time is needed, notify the applicant of the expected completion date.

d. The Board will determine and report to the Governor in writing that a project does not result in any net additional emissions of greenhouse gases if the project demonstrates through a combination of project design features, compliance with (or exceeding minimum requirements of) existing regulations, and mitigation that it would result in zero additional greenhouse gas emissions.

7. The Governor's Office of Planning and Research will post information submitted by the applicant electronically on its web-site and make available for public review a hardcopy of the material upon request.

8. The Governor will make a decision on the application as expeditiously as possible. The Governor must certify the project prior to January 1, 2020. The certification will expire and is no longer valid if the lead agency fails to approve the certified project before January 1, 2021. The timelines in this guideline do not apply to projects undertaken pursuant to AB 734 and AB 987.

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Metropolitan Transportation Commission

Legislation Details (With Text)

File #:	20-1069	Version:	1	Name:	
Type:	Senate Bill	Status:		Commission Approval	
File created:	6/24/2020	In control:		Joint MTC Legislation Committee and ABAG Legislation Committee	
On agenda:	7/10/2020	Final action:			
Title:	Senate Bill 288 (Wiener): Sustainable Transportation Acceleration				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	4e SB 288 CEQA.pdf 4e Correspondence Received-Joint LEGIS.pdf				

Date	Ver.	Action By	Action	Result
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Subject:

Senate Bill 288 (Wiener): Sustainable Transportation Acceleration

Presenter:

Rebecca Long

Recommended Action:

Support / MTC Commission Approval

Attachments:

Metropolitan Transportation Commission

MTC Legislation Committee

July 10, 2020

Agenda Item 4e

Senate Bill 288 (Wiener): Sustainable Transportation Acceleration

Subject: California Environmental Quality Act (CEQA) streamlining for sustainable transportation projects.

Overview: SB 288 (Wiener) seeks to accelerate the delivery of various sustainable transportation projects, including pedestrian and bicycle facilities, public transit stations, light rail, passenger rail, commuter rail, bus rapid transit, local bridge repairs, and conversion of existing highway lanes to high-occupancy vehicle or high-occupancy toll lanes by statutorily exempting them from CEQA. Projects that add lane mileage for automobile capacity are ineligible. For projects to qualify for an exemption, they must be located in an urbanized area or connect two or more urbanized areas. In addition, the lead agency would be required to file a notice of exemption with any county in which the project is located and hold at least one noticed public meeting to hear and respond to public comments.

The bill also has more stringent requirements for larger projects. Specifically, for projects with a construction cost greater than \$10 million, the bill would limit eligibility for the CEQA exemption to projects for which the contractor commits to using a “skilled and trained” workforce, unless the lead agency has entered into a project labor agreement.¹

For projects with a construction cost greater than \$100 million, the bill would limit eligibility for the CEQA exemption to projects that are already incorporated into a regional transportation plan, general plan or other plan that has complied with CEQA at the programmatic level within 10 years of approval of the project. In addition, the lead agency or project sponsor would be required to have completed an independent peer review of the project, including cost and benefit estimates, equity analysis, planning, engineering, design, financing plan, and project management/project risk controls. The bill authorizes the Office of Planning and Research to develop guidelines for this peer review or to delegate that authority to a metropolitan planning organization.

The bill also extends the CEQA exemption for bicycle transportation plans from January 1, 2021 to January 1, 2030.

Background: CEQA requires that public agencies that are responsible for approving a project in a discretionary action conduct an environmental review of the project unless the project is *statutorily* exempt, as set forth in the law, or *categorically* exempt as provided for in the CEQA Guidelines adopted by the Secretary of the California Resources Agency. Statutory exemptions are much more straightforward because they are absolute, so a project that is statutorily exempt from CEQA requires no further environmental review or consideration. See Attachment A for a chart comparing the statutory exemptions in current law with what is proposed by SB 288.

¹ Under the [Public Contract Code 2601](#), skilled and trained is defined as requiring that projects constructed after January 1, 2020 be constructed by a workforce at least 60 percent of whom are graduates of apprenticeship programs for the applicable occupation, with some exceptions.

Categorical exemptions, by contrast, are subject to various exceptions which would require that the project undergo environmental review, including, but not limited to:

- If there is a reasonable possibility of a significant effect on the environment due to unusual circumstances
- If the project site is environmentally sensitive
- If the project may negatively impact an historical resource
- The project and successive projects of the same type in the same place will result in cumulative impacts.

If a project sponsor is claiming a project is categorically exempt but there is any legally adequate evidence in the record of a possible adverse impact, then more substantive environmental review may be required. Of note, a number of transportation projects that SB 288 would explicitly make statutorily exempt from CEQA are already considered *categorically* exempt, but given that pursuit of a categorical exemption can be easily challenged, in many instances, project sponsors do not pursue them.

Discussion:

SB 288 seeks to help California's economy recovery from the shock of the COVID-19 pandemic while also jumpstarting the state's sustainable transportation projects. Transportation emissions are the state's primary source of greenhouse gas emissions due to the vast majority of trips being made by solo drivers. While more consumers are switching to electric vehicles, they still comprise a fraction of the fleet and it is widely acknowledged that significant reductions in GHG emission from transportation will require a significant movement away from the single-occupant vehicle. While the shelter-in-place orders and concern about health risks aboard transit have caused transit ridership and carpooling to drop dramatically over the last four months, accelerating improvements that will cause more Bay Area residents to choose transit, carpooling, walking or biking for more trips is critical to keeping us on track to achieve our climate and social equity goals over the long-term.

SB 288 is consistent with our 2020 Advocacy Program which supports CEQA streamlining for transportation and housing projects that are consistent with local and regional plans without diminishing environmental safeguards. Given SB 288's focus on sustainable transportation projects, which form the vast majority of Plan Bay Area's investments and the important role that transportation improvements can play in assisting with job creation and economic recovery in the wake of COVID-19, staff recommends a support position on SB 288.

Recommendation: Support

Bill Positions: See attached

Attachments: Attachment A: SB 288 vs. Current Law Comparison Chart
Attachment B: Bill Positions


Therese W. McMillan

SB 288 (Wiener) Proposed CEQA Exemptions vs. Current Law June 29, 2020			
Category	Current Law	SB 288 (Wiener): Print Version as of June 03, 2020	SB 288 (Wiener): Revised as of June 23, 2020 (not yet in print)
Operation and Maintenance	Categorical exemption for operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use	Repair and rehabilitation of certain bridges becomes exempt by statute.	Same as SB 288, as published
Replacement and Reconstruction	Categorical exemption for replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced	No change	Same as SB 288, as published
Facilities and Structures	Categorical exemption for cnstruction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.	Rail, light rail, and bus maintenance, repair, storage and administrative facilities become exempt by statute.	Revert to current law.
Land, Water and Vegetation Alterations	Categorical exemption for minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes.	No change	Same as SB 288, as published
Emergency Repairs	Statutory exemption for emergency repairs to public service facilities necessary to maintain service.	No change	Same as SB 288, as published
Disaster Response	Statutory exemption for projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor	No change	Same as SB 288, as published
Pricing	Statutory exemption for the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies	No change	Same as SB 288, as published
Transit Extensions	Statutory exemption for facility extensions not to exceed four miles in length which are required for the transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.	No change	Expand the facility extension exemption from 4 miles to 6 miles.
Transit Enhancement	Statutory exemption for a project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities. For purposes of this paragraph, “highway” shall have the same meaning as defined in Section 360 of the Vehicle Code.	SB 288 adds clarification to some of the existing eligible uses: “A project for the institution or increase of public mass transit, including bus, bus rapid transit, light rail, and passenger rail, or commuter services on existing rail or highway rights of way, whether or not the right of way is presently used for public mass transit, including all of the following: Clarifies elements are eligible under this section. Important components are bolded below: - modernization of existing stations, “including, but not limited to, improvements to station function, safety, circulation, capacity, sustainability, appearance, or customer experience.” - Transit prioritization projects and facilities that improve reliability and reduce delay and improve customer information, including, but not limited to, signal priority, train control systems, and customer information and wayfinding systems. -The construction of new bus rapid transit, bus, or light rail stations or ferry stops located on existing public rights of way, existing highway rights of way, or public marinas, whether or not the right of way or marina is presently used for public mass transit or ferry service. -It no longer includes parking facilities as eligible	Same as SB 288, as published
High Occupancy Vehicle Lanes	Statutory exemption for a project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities.	SB 288 adds clarification to some of the existing eligible uses as follows: (C) Designation and conversion of general purpose lanes to exclusive lanes for high-occupancy vehicle lanes or high occupancy toll lanes. (D) Designation and conversion of general purpose lanes to bus-only lanes within existing public rights of way either during peak congestion hours or all day.	
Bicycle Plans	Statutory exemption for bicycle plans; sunsets January 1, 2021	Extend statutory exception of bicycle plans to January 1, 2030	Same as SB 288, as published
Bicycle and Pedestrian Projects	No exemption	Exempts new bicycle facilities and pedestrian facilities.	Same as SB 288, as published

Category	Current Law	SB 288 (Wiener): Print Version as of June 03, 2020	SB 288 (Wiener): Revised as of June 23, 2020 (not yet in print)
Zero Emission Vehicle and Electric Vehicle Charging Infrastructure	May be categorically exempt as an accessory structure.	Exempts publicly accessible zero-emission fueling stations and chargers in an urbanized area.	Exempts publicly accessible Zero Emission Fueling Stations and Chargers that do not require the use of methane onsite and that are in an urbanized area at a publicly accessible location such as a retail outlet, shopping enter, hotel, restaurant, or parking facility, accessible to members of the public and where access to the location is not limited to customers or visitors.
Transit Priority Projects	No exemption	Transit prioritization projects and facilities that improve reliability and reduce delay and improve customer information, including, but not limited to, signal priority, train control systems, and customer information and wayfinding systems.	Same as SB 288, as published
Customer Information and Wayfinding	No exemption	Exempts projects that improve customer information and wayfinding for transit riders, bicyclists, or pedestrians.	Same as SB 288, as published

Source

[Excerpts from SPUR SB 288 \(Wiener\) Cpmparison Chart. SPUR is a co-sponsor of SB 288, along with the Bay Area Council.](#)

Notes

There are some other statutory exemptions (also found in Section 21080) that are unrelated to transit or sustainable transportation, which are not shown above. This includes the Olympic games, for instance.

There are several other classes of categorical exemptions that are unrelated to transit or sustainable transportation, which are also not shown above.

All statutory exemptions added under SB288 must be in an urbanized area, on an existing public right of way, and not result in additional auto capacity. All projects must be sponsored by a public agency, except for zero emission/ elecric vehicle charging infrastructure.

**Senate Bill 288 (Wiener) Bill Positions
(as of June 19, 2020)**

Support:

Bay Area Council (co-sponsor)
California Bicycle Coalition
California YIMBY
Circulate San Diego
Livermore Amador Valley Transit Authority
SPUR (co-sponsor)
Silicon Valley Leadership Group (co-sponsor)
The R.E.A.L. Coalition
San Joaquin Regional Rail Commission
San Diego Regional Chamber of Commerce
San Francisco Bay Ferry / WETA
Tri-Valley – San Joaquin Valley Regional Rail Authority

Oppose: None on file

From: [Roland Lebrun](#)
To: [MTC-ABAG Info](#)
Cc: [Martha Silver](#); [Kimberly Ward](#)
Subject: MTC Legislation Committee Agenda Item 4e Senate Bill 288 (Wiener): Sustainable Transportation Acceleration
Date: Thursday, July 9, 2020 4:24:00 PM

External Email

Dear Chair Mackenzie,

I urge the Legislation Committee's strong support of Senate Bill 288 (Wiener) which, if passed, will be instrumental in expediting the environmental clearance of the following projects:

- Diridon station
- Dumbarton Rail tunnel
- Double-tracking for ACE and Capitol Corridor between Alviso and the Santa Clara Caltrain station

Thank you

Roland Lebrun

Metropolitan Transportation Commission

Legislation Details (With Text)

File #:	20-1068	Version:	1	Name:	
Type:	Report	Status:		Consent	
File created:	6/24/2020	In control:		Joint MTC Legislation Committee and ABAG Legislation Committee	
On agenda:	7/10/2020	Final action:			
Title:	U.S. House of Representatives Infrastructure Bill Update				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	4f_Federal Infrastructure Bills_Summary Sheet.pdf				

Date	Ver.	Action By	Action	Result
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Subject:

U.S. House of Representatives Infrastructure Bill Update

Presenter:

Georgia Gann Dohrmann

Recommended Action:

Information

Attachments:

**Metropolitan Transportation Commission
MTC Legislation Committee**

July 10, 2020

Agenda Item 4f

U.S. House of Representatives Infrastructure Bill Update

Subject: Overview of the \$500 billion five-year surface transportation reauthorization proposal passed by the House Transportation and Infrastructure Committee and \$1.5 trillion House infrastructure proposal.

Overview: ***Transportation Reauthorization Summary***

After a marathon two-day markup, the U.S. House of Representative Committee on Transportation and Infrastructure (T&I Committee) on June 18 approved on a party-line vote a five-year, nearly \$500 billion surface transportation reauthorization proposal. The bill—titled “Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act”—would increase surface transportation investment by about 60 percent above current spending levels with a significant amount of the new funding directed to transit and metropolitan-focused programs, both of which are long-standing MTC priorities. The INVEST in America Act would also weave climate change and resiliency into the core federal transportation program and grow resources to advance national goals related to safety, economic growth, and congestion relief while preserving the flexibility for the Bay Area to address our unique mobility challenges. Given that the bill closely tracks with nearly all of MTC’s federal surface transportation priorities as detailed in our joint MTC and ABAG 2020 Legislative Advocacy Program, we support the bill. See Attachment A for a detailed bill summary and Attachment B for a side-by-side comparing the INVEST in America Act and MTC’s federal surface transportation reauthorization priorities.

House Infrastructure Bill Proposal

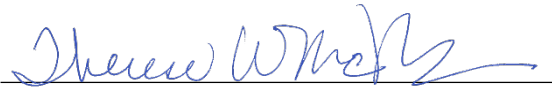
Following the committee passage of the INVEST in America Act, the bill was packaged into a substantially broader \$1.5 trillion infrastructure bill, unveiled by House Democrats on June 22, 2020, the “Moving Forward Act” (H.R. 2). In addition to transportation infrastructure, the bill proposes to fund broadband, water infrastructure, renewable energy, schools, hospitals, and housing and community development. The bill would invest \$100 billion to create or preserve affordable housing, primarily through expanding and reforming the federal Low Income Housing Tax Credit program. As it relates to community development, the bill would revive the successful Build America Bonds program, expand Private Activity Bonds and reverse changes from the 2017 tax bill that limited local government’s ability to refinance debt. It would also expand and make permanent the New Markets Tax Credit, which aims to increase investment in economically distressed areas and establishes a new Neighborhood Investment tax credit to encourage rehabilitation of housing in distressed areas. A fact sheet summarizing the bill is included as Attachment C.

The package is expected to be considered on the House floor before the July 4, 2020 recess.

Infrastructure Package Faces Uphill Battle in Senate

Of note, while it's encouraging to see Congress progress on a surface transportation reauthorization proposal as well as a major infrastructure package, there's a long way to go before the Fixing America's Surface Transportation (FAST) Act is reauthorized and Congress delivers on broad infrastructure investment. The most challenging piece of the puzzle will be identifying a way to pay for the investments that can gain the support of both Chambers. What's likely in the near term are short-term extensions since the FAST Act expires on September 30, 2020.

Attachments: Attachment A: INVEST in America Act Bill Summary
Attachment B: INVEST in America Act and MTC Priorities Comparison Chart
Attachment C: Moving America Forward Fact Sheet


Therese W. McMillan

**MTC Staff Summary of the INVEST in America Act,
U.S. House of Representatives Surface Transportation Reauthorization Proposal
June 22, 2020**

On June 18, 2020, the House Committee on Transportation and Infrastructure (T&I Committee) approved a five-year, \$494 billion surface transportation reauthorization bill—the “Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act”—which closely tracks with MTC’s surface transportation reauthorization priorities, as detailed in Attachment B. The bill proposes to increase surface transportation investment by about 60 percent above current spending levels with a significant amount of the new funding directed to transit and metropolitan-focused programs, both of which are longstanding MTC priorities. As advocated for by MTC, the bill would also weave climate change and resiliency into the core federal transportation program and grow resources to advance national goals related to safety, economic growth, and congestion relief while preserving flexibility for the Bay Area to address our unique mobility challenges. In light of the COVID-19 public health crisis, the bill would provide near-term aid to replace lost highway and transit revenues and authorize a portion of the funding to be available at 100 percent federal share to help keep projects on track and preserve jobs in the aftermath of the COVID-19 crisis.

Below is an overview of the key features of the INVEST in America Act.

Increases Federal Investment in Surface Transportation; Five Years of Funding Certainty

The bill would provide \$494 billion in fiscal years (FY) 2021 to 2025 for highway, transit, rail and surface transportation safety investments, a 62 percent increase over FAST Act funding levels, as shown below. Of the \$424 billion in proposed highway and transit resources, approximately 75 percent would be directed to the core FAST Act programs (highway and transit formula programs, nationally and regionally significant projects, and the transit Capital Investment Grant (CIG) program). The bill would grow federal rail investment nearly fivefold, authorizing \$60 billion to fund Amtrak, intercity, and

Transportation Authorization Funding Comparison Chart (\$ in Billions)			
	FAST Act (FY 2015-2020)	INVEST in America Act (FY 2021-2025)	% Increase over FAST Act
Highway	\$225	\$320	42%
Transit	\$ 61	\$105	72%
Rail	\$ 10	\$ 60	483%
Other (<i>safety, misc.</i>)	\$ 9	\$ 10	16%
TOTAL	\$305	\$495	62%

Commuter rail. The remaining \$10 billion would fund highway and motor carrier safety programs. Importantly, Congress would need to identify an estimated \$140 billion on top of anticipated Highway Trust Fund (HTF) revenues to fund the INVEST in America Act, according to a June 4, 2020, Eno Transportation analysis.

Grows Core Surface Transportation Programs; Retains FAST Act Framework

In light of the COVID-19 public health crisis, the INVEST in America Act would direct the bulk of the bill's year one (FY 2021) funding increases toward one-time flexible COVID-19 emergency aid formula funds for states, regions and transit operators. For the core FAST Act highway and transit formula programs, the bill would extend FY 2020 funding levels through FY 2021. Beginning in FY 2022, the INVEST in America Act would increase base funding levels for each of the core highway and transit programs, as detailed in the charts below, as well as invest in the new metro- and climate-focused programs.

INVEST in America Act vs. FAST Act Funding					
\$ in Millions					
	FAST Act	INVEST in America (FY 2021-2025)			
	FY 2020	FY 2021	5-Year Total	5-Year Average	% Increase (FY 2020 vs. 5-year Average)
<i>Federal Highway Formula Programs</i>					
National Highway Performance Program	24,237	24,237	140,570	28,114	16%
Surface Transportation Program	11,288	11,288	65,319	13,064	16%
Congestion Mitigation and Air Quality Improvement Program	2,496	2,496	14,478	2,896	16%
Highway Safety Improvement Program	2,407	2,407	15,463	3,093	28%
National Freight Program	1,487	1,487	8,625	1,725	16%
Transportation Alternatives Program	850	850	6,854	1,371	61%
Metropolitan Planning	358	358	2,445	489	37%
Railway-Highway Grade Crossings	245	245	1,225	245	0%
FHWA Ferry Program	80	80	560	112	40%
<i>New Highway Formula Programs</i>					
FY 2021 COVID-19 Flexible Formula Funds	-	14,742	14,742	2,948	n/a
Carbon Pollution Reduction Program	-	-	8,341	1,668	n/a
Pre-Disaster Mitigation Program	-	-	6,251	1,250	n/a
<i>Discretionary Highway Programs and Other</i>					
Projects of National and Regional Significance, Metro Performance, Climate and Resiliency grants, Community Transportation grants, and other	3,731	3,753	35,823	7165	92%
Total Highway Program	47,104	61,869	320,156	64,031	36%*

*This differs from the comparison of total FAST Act highway funding vs. INVEST in America funding because highway funding levels in the base comparison year—FY 2020—were larger than FAST Act funding levels for the previous years. The FAST Act increased funding levels each year, beginning in FY 2015 and ending with FY 2020.

INVEST in America Act vs. FAST Act Funding (cont'd) \$ in Millions (authorization of Highway Trust Fund revenues, unless otherwise specified)						
	FAST Act	INVEST in America (FY 2021-2025)				
	FY 2020	FY 2021	FY 2022	5-Year Total	5-Year Average	% Increase (FY 2020 vs. 5-year Average)
<i>Federal Transit Formula Programs</i>						
Urbanized Area Formula	4,930	4,930	7,506	35,670	7,134	45%
State of Good Repair Formula	2,684	2,684	4,193	19,909	3,982	48%
Rural Formula Grants	673	673	1,025	4,872	974	45%
High Density and Growing States	570	570	587	2,919	584	2%
Bus and Bus Facilities Formula	465	465	1,240	5,544	1,109	139%
Seniors and Individuals with Disabilities	286	286	435	2,066	413	45%
Metropolitan Planning	142	142	190	920	184	30%
<i>New Transit Formula Programs</i>						
FY 2021 COVID-19 Flexible Formula Funds	-	5,795	-	5,795	1,159	n/a
<i>Transit Discretionary Grant Programs and Other</i>						
Capital Investment Grant Program (General Funded (GF))	2,302	3,260	3,500	21,510	4,302	87%
Bus Facilities and Fleet Expansion Grants	289	344	437	1,945	389	35%
Zero Emission Bus Grants (formerly "Low-No")	55	55	375	1,780	356	547%
Washington-D.C. grants (GF), Transit-Supportive Communities Program, Bus Testing, and other	172	293	1,504	2,334	467	171%
Total Transit Program	12,567	19,495	20,992	105,264	21,053	68%*

*This differs from the comparison of total FAST Act transit funding vs. INVEST in America funding because transit funding levels in the base comparison year—FY 2020—were larger than FAST Act funding levels for the previous years. The FAST Act increased funding levels each year, beginning in FY 2015 and ending with FY 2020.

Targets Investment to Metros; Funds New Metro Mobility Program

As advocated for by MTC, the INVEST in America Act would grow federal support for metro areas while maintaining the core FAST Act framework. The bill would increase the amount of flexible highway funding directed to the Bay Area and regions throughout the country, maintain the federal commitment to highway and bridge state-of-good repair, increase safety investments by nearly 30 percent, and increase the federal commitment to improving freight mobility. The bill would also make a historic federal commitment to improving mobility and reducing congestion by pledging Highway Trust Fund revenues to a new metro mobility program and multimodal discretionary grant programs. INVEST in America Act provisions related to metro-mobility are further detailed below.

New Flexible Highway Funding for Regions

Importantly, the bill would grow the highly flexible and metro-focused Surface Transportation Program (STP) and the Congestion Mitigation and Air Quality Improvement (CMAQ) Program, increasing funding for both by 16 percent over the life of the bill—a rate consistent with the growth of the more traditionally state-focused National Highway Performance Program and the National Freight Formula Programs, as shown in the chart on page 2—and further increasing program flexibility. Specifically, the bill would add resiliency improvements to the list of projects eligible to receive STP funding (see the Climate and Resilience section for more detail) and the long-standing time-limit on CMAQ operating assistance would be lifted for projects that demonstrate net air quality benefits. The INVEST in America Act would increase funding to metros by growing the overall STP and CMAQ programs, increasing to 60 percent (up from 55 percent) the portion of the STP program that is suballocated to MTC and our metropolitan planning organization (MPOs), and creating new metro-focused grant programs, including a “Metro Performance Program,” which is a longstanding MTC request.

The Metro Performance Program—funded at \$750 million over five years—would reward high-performing metropolitan planning organizations (MPOs) with flexible funding to invest in road, bridge, transit, bicycle/pedestrian, or other projects selected at the MPO’s discretion. Beginning in FY 2023 and extending through FY 2025, \$250 million per year would be allocated via a population-based formula to MPOs designated by the Secretary of Transportation as high-performing. Criteria for “high performing” include the MPO’s legal, financial and technical capabilities; the extent to which the MPO’s planning and decision-making process support the achievement of federal performance targets; the timely obligation of STP funds and project delivery effectiveness; and the MPO’s history of coordination with state and local partners. Grant awards would be a minimum of \$10 million and maximum of \$50 million per fiscal year.

The bill would additionally provide \$250 million in discretionary “Gridlock Reduction Grants” to reduce urban congestion in large metro areas, with an emphasis on operational, technological, and mode shift strategies.

Funds Multimodal Discretionary Grants; Restores Bay Area Competitiveness

Projects of National and Regional Significance

The bill would replace the existing Infrastructure for Rebuilding America (INFRA) discretionary grant freight program with the Projects of National and Regional Significance (PNRS) program, providing over \$9 billion over five years for large highway, transit, and passenger and freight rail projects that reduce congestion. In general, PNRS grant eligibility would be limited to projects costing \$100 million or greater; the minimum grant size would be \$25 million. With respect to public transit and freight projects, the projects would be eligible only insofar as they also provide a benefit to public roads or the national highway system, respectively. Of note, the bill would guarantee funding for the PNRS program by funding the grants out of the HTF rather than the General Fund. The proposed PNRS criteria appear likely to be favorable to projects in metro areas and include items such as the average number of people or volume of freight supported by the project, as well as mobility, economic, resilience, and environmental benefits generated by the project. This is in contrast to the INFRA program, which has heavily favored rural projects; notably, the Bay Area has not received a single INFRA grant since the program was created in 2015.

Community Transportation Investment Grants

The bill would establish the Community Transportation Investment Grant program—which is modeled after the BUILD (formerly TIGER) program—at \$600 million per year beginning in FY 2022. Unlike BUILD, this new multimodal grant program would be funded out of the Highway Trust Fund, removing the uncertainty associated with competing for General Fund resources during the annual appropriations process. The bill would direct the U.S. Department of Transportation (USDOT) to develop objective criteria to evaluate grant applications based on project benefits as they relate to improving safety, state of good repair and transportation system access, and reducing greenhouse gas emissions. These changes would increase the competitiveness of multimodal projects in Bay Area and other metro areas relative to the BUILD program, which since 2017 has predominantly funded highway projects with a focus on capacity expansion and targeted more than two-thirds of program resources to rural areas, according to a 2019 Transportation for America analysis. Grant awards under this program would be capped at \$25 million, and 25 percent of the funds would be reserved for rural projects.

Increases Transit Investment; Bay Area Funding Grows 50 Percent

The INVEST in America Act would make a historic commitment to public transportation, growing federal transit investment by 72 percent compared to a 42 percent growth in the highway program. Consistent with MTC's advocacy, the bill directs much of this growth into the core transit formulas the Bay Area's annual formula funding would grow an estimated 50 percent, to \$3.4 billion under the INVEST in America Act from \$2.3 under the five-year FAST Act authorization (FY 2016 – FY 2020)—and the Capital Investment Grant Program (CIG), which helps to fund large-scale transit capacity expansions. As demonstrated in the chart below, the proposed allocation of transit funding could result in substantial growth in resources for Bay Area transit operators.

INVEST in America Transit Funding Chart				
	FAST Act	INVEST in America Act		
	FY 2020	5-Year Average	% Increase (Average)	Bay Area Transit Impact* (Estimated)
<i>Transit Formula Programs (subset)</i>				
Urbanized Area	4,930	7,134	45%	\$1.6 billion over five years, an increase from \$1.1 billion under the FAST Act.
State of Good Repair	2,684	3,982	48%	\$1.6 billion over five years, an increase from less than \$1.1 billion under the FAST Act.
Rural Formula Grants	673	974	45%	\$12 million over five years, an increase from \$8 million under the FAST Act.
High Density and Growing States	570	584	2%	Funding is included in Urbanized Area and Rural Formula amounts.
Bus and Bus Facilities Formula	465	1,109	139%	\$142 million over five years, an increase from \$73 million under the FAST Act.
Seniors and Individuals with Disabilities	286	413	45%	\$62 million over five years, an increase from 25 million under the FAST Act.

*This assumes that Bay Area's FY 2020 share of the Urbanized Area and Bus and Bus Facilities formula programs—the two formulas the bill proposes to revise—extend through FY 2025,

INVEST in America Transit Funding Chart, cont.				
	FAST Act	INVEST in America Act		
	FY 2020	5-Year Average	% Increase (Average)	Bay Area Transit Impact (Estimated)
<i>Discretionary Grant Programs (subset)</i>				
Capital Investment Grant Program	2,302	4,302	87%	Increased funding for Bay Area transit modernization and expansion priorities; streamlined process for securing federal funds.
Bus and Bus Facilities Grants	289	389	35%	Opportunity to fund fleet expansions.
Zero Emission Bus Grants (formerly "Low-No")	55	356	547%	Bay Area competitiveness greatly improved; Resources to transition to zero-emission fleets.
Bus Frequency and Ridership Grants	0	83	n/a	New resources to support the Bay Area's connectivity goals.
FTA Ferry Program	30	50	66%	Potentially large growth in funding for Bay Area ferries.

Of note, the bill proposes to update the Urbanized Area and Bus and Bus Facilities formula program beginning in FY2023 to incentivize rail and bus frequency over low operating costs—a change that could benefit Bay Area transit operators—and targets more resources to areas of persistent poverty. Staff is still assessing the impact of these proposed formula changes.

Capital Investment Grant Program Improvements

In addition to increasing CIG funding by nearly 90 percent—from \$2.3 billion in FY 2020 to an average of \$4.3 billion in FY 2021-FY2025—the INVEST in America Act would streamline the CIG approval process and enhance program certainty by requiring new transparency measures to help applicants know where they stand in the grant approval process. Additionally, the bill would raise the federal cost-share back to the traditional 80 percent while providing incentives (in the form of an easier approval process) for higher local matches, a provision that would certainly benefit the Bay Area, as our priority transit projects in the CIG pipeline are proposing a match of more than two-to-one. Lastly, the bill would create a new affordable housing incentive in the CIG program, directing FTA to boost an applicant’s rating “if the applicant demonstrates substantial efforts to preserve or encourage affordable housing near the project.”

Supports Bay Area Transit Agencies in Transitioning to Zero-Emission Fleets

The bill would convert the existing “Low- or No- Emissions Bus Grant Program” to a “Zero Emission Bus Grant Program” and grow grant resources more than fivefold. Importantly—as advocated for by MTC and many of our California partners—the bill proposes policy changes that would increase California transit operators’ competitiveness and reward those transit operators who have made a commitment to transitioning to a zero-emission fleet. Specifically, the bill refocuses the program solely on grants for zero-emission vehicles (vs. zero- and low-emission vehicles) and strikes a requirement that the Federal Transit Administration (FTA) only consider projects that make greater emissions reductions than comparable buses, which has hurt areas that have previously invested in cleaner buses. Additionally, the bill directs FTA to award grants to larger-scale bus procurements and to operators that have transition plans in place, both provisions that will benefit transit operators in California who have been focused on larger fleet transitions.

Emphasis on Transit Frequency, Ridership and Equity

In addition to the formula changes noted on the previous page, the bill would create a new competitive capital grant program focused on increasing bus frequency and ridership through implementing transit priority signaling and bus-only lanes. Projects would be required to be consistent with guidance on street design issued by the National Association of City Transportation Officials. The program—funded at about \$100 million per year for FY 2022-25—is similar to the Bay Area’s Transit Performance Initiative Investment program and could help advance the region’s connectivity and ridership goals.

The INVEST in America Act would additionally create a \$21 million demonstration grant program to support reduced fare transit, similar to the Bay Areas’ means-based fare pilot. FTA would award 2-year grants on a competitive basis; grant recipients could use the funds for the implementation of reduced fare transit programs and offset lost fare revenues.

Unfortunately, the bill includes several provisions that could limit transit agencies’ ability to utilize new technologies, including mobility on demand (MOD) and automation, to improve service for transit riders. Specifically, the bill would discourage agencies from using third-party MOD providers like Uber and Lyft by reducing the federal share to 60 percent from 80 percent if a third-party provider is used. Additionally, the bill would prohibit the use of FTA funds on automated vehicle projects seeking to replace low-ridership fixed-route service with on automated demand shuttles. However, the bill does clarify that federal funds may be used to invest in mobility as a service platform and clarify that upgrades to fare collection systems and all costs associated with fare collection are eligible for federal formula funds.

Increases Bicycle and Pedestrian Infrastructure Investment with More Local Control

The bicycle and pedestrian-focused Transportation Alternatives Program (TAP)—which helps to fund California’s Active Transportation Program—would grow from \$850 million in FY 2020 to nearly \$1.5 billion in FY 2022. In addition to this substantial boost in funding—more than 60 percent over the course of the bill—the INVEST in America Act would increase from 55 percent to 66 percent the portion of the program that is administered by regions, or in the Bay Area’s case, MTC. The bill would additionally give states the option to devolve the remaining third of the program to regions or other local partners for administration. The bill would allow individual bicycle and pedestrian (bike-ped) projects to be funded at 100 percent federal share as long as the *average* local match for TAP-funded projects statewide is at least 20 percent.

The bill would additionally provide \$250 million in “Active Transportation Connectivity Grants” to fund bike-ped networks and spines and related planning, including complete streets planning. With respect to micro-mobility, the bill authorizes scooters and electric bicycles to use bicycle facilities subject to speed and weight limits.

Expanded Metropolitan Planning Scope to Include Climate, Resilience, and Equity; New Responsibilities Paired with Commensurate Funding Increase

The INVEST in America Act builds on the performance-based planning approach introduced in 2012 and reinforced in the 2015 FAST Act authorization by adding “combatting climate change” to a list of the national federal highway program goals paired with a proposed a new greenhouse gas emission performance measure to be developed by the USDOT Secretary in consultation with the Administrator of the Environmental Protection Agency. Importantly, the measure would be expressed on a per capita basis, similar to California’s target for our Sustainable Communities Strategy, Plan Bay Area 2050.

The bill also adds new regional planning requirements, including adding climate change and a vulnerability assessment as new categories of the regional transportation plan and a requirement to list resilience projects as a new category in the four-year transportation investment strategy (Transportation Improvement Program, or TIP). With regards to the long-range climate planning requirements, the bill would model proposed updates after California’s Sustainable Communities Strategies requirements; requiring MPOs to identify investments and strategies to reduce per-capita greenhouse gas emissions from transportation sources, identify investments and strategies to manage transportation demand and increase the non-single occupancy vehicle mode share, and “recommend zoning and other land use policies that would support infill, transit-oriented development and mixed use development.” The long-range plan vulnerability assessment would be required to include a critical infrastructure risk-assessment, analysis of evacuation routes, and a description of the MPO’s adaptation and resilience improvement strategies that will inform the region’s transportation investment decisions.

The bill further requires MPOs to incorporate an equity-focused “transportation access” assessment into the TIP. The bill would direct USDOT to develop a dataset states and MPOs would use to assess the level of safe, reliable, and convenient access to jobs and services by mode. States and MPOs would be required to incorporate into TIPs a description of how the investment strategy would improve the overall level of system access, similar to the existing requirement that TIPs include a description of how the planned investment strategy would make progress toward a region’s performance targets.

As advocated for by MTC, these new responsibilities would be accompanied by a substantial Metropolitan Planning Program funding increase. Highway and transit metropolitan planning resources would grow 35 percent—nearly double the rate of the core highway programs—from \$500 million in FY 2020 to an annual average of \$673 million under the INVEST in America Act.

Creates a Strong Federal Partner on Climate Change and Resiliency

The bill makes progress on two MTC priorities, namely addressing climate change and providing additional resources and incentives for the use of new technology to address the nation's mobility challenges.

Climate Change Mitigation & Resilience

Makes Resiliency Improvements Eligible for Federal Highway Program Funds

As advocated for by MTC, the bill explicitly makes resilience-related projects eligible under the National Highway Performance Program and Surface Transportation Program, which together encompass nearly three quarters of total federal highway formula spending. Examples of eligible resilience projects include traditional “grey” infrastructure improvements such as road elevation and relocation, widening bridges and upsizing culverts, installing seismic retrofits, and coastal hydraulic countermeasures, as well as nature-based resiliency solutions (also referred to as “natural infrastructure” or “green infrastructure”) such as the restoration of vegetated areas to manage storm surges.

Funds New Climate and Resiliency Programs

With regard to targeted climate change mitigation and resilience funding—another MTC priority—the bill would create two new formula programs: The Carbon Pollution Reduction Program and Pre-Disaster Mitigation Program which would provide states with \$8.3 billion and \$6.2 billion from FY 2022-FY2025, respectively. While this scale is smaller than that of the largest highway programs, this would still be a major step forward; funding levels would be comparable to the proposed FY2022-2025 federal investment in the National Freight Program (\$8.6 billion) and Transportation Alternative Program (\$6.8 billion). Each state would receive formula funds in proportion to their share of the overall highway formula program funds (excluding the “off the top” CMAQ, Metropolitan Planning, and Railway-Highway Grade Crossings funds).

The Carbon Reduction Pollution Program could fund any federally-eligible road, bridge, bike/ped, transit, or rail project that would support the reduction of surface transportation-related greenhouse gas emissions; like under CMAQ, road projects that solely increase single-occupancy vehicle capacity would be ineligible. Up to 10 percent of the program funds could be used for operating assistance for transit, passenger rail, or transportation systems management and operations projects. The Pre-Disaster Mitigation Program would fund resilience and emergency evacuation needs.

On a smaller scale, the bill also creates a \$250 million/year Community Climate Innovation Grant program for FY 2022-2025 to support projects to reduce greenhouse gas (GHG) emissions from the transportation sector, prioritizing those projects expected to yield the most significant GHG reductions. Eligible applicants include MPOs, transit operators and local jurisdictions, among others.

Climate-Focus in Planning and Research

In addition to the climate-focused planning provisions described on page 7, the bill adds reducing greenhouse gas emissions as a new research priority for various research grant programs and requires a study to assess the potential impact of climate change on the national freight and intercity passenger rail network.

Invests in Transportation Research

The bill more than doubles funding for the Technology and Innovation Deployment Program to \$152 million per year for FY 2022-25. With respect to automated vehicles (AVs), the bill establishes a national clearinghouse to research the impacts of highly AVs as well as mobility on demand and mobility as a service on land use, urban design, social equity and other items. The bill requires a study of how AVs will interact with general road users, including bicyclists and pedestrians.

The bill establishes a new, voluntary \$10 million/year national vehicle miles traveled (VMT) pilot program for FY 2022-25 to test the design, acceptance and financial sustainability of a national per-mile user fee. The bill specifies that the Secretary of the Treasury shall establish the fee on an annual basis such that it would be equivalent to existing federal fuel taxes.

Rail Investment Expansion and Safety

The bill increases federal rail investment by more than fivefold over FAST Act levels, providing \$60 billion to address state of good repair backlogs, establish new intercity rail routes, and expand on commuter rail. It includes a threefold increase in funding for Amtrak to address state of good repair and expand service. It also makes numerous improvements to safety and establishes a \$2.5 billion grade separation grant program over five years.

COVID-19 Response and Recovery: Revenue Backfill, Including Capital Funding Backfill for Major Transit Improvements

The bill would provide \$83 billion in FY 2021 to support states, local governments and transit agencies in administering highway and transit programs, advancing projects and preserving jobs in the aftermath of the COVID-19 crisis. Funding would be available at 100 percent federal share to eliminate the need for a match in FY21. In addition, nearly \$22 billion of the total FY21 funding amount—nearly \$15 billion in highway formula funds, \$6 billion in transit formula funds, and the remainder in highway and motor carrier safety funds—is extremely flexible; unlike traditional highway and most federal transit formula funds the Bay Area receives, funding could directly support agency salaries and operating expenses. States, regions, and transit operators would receive those highly flexible formula funds in proportion to their share of highway and transit formula apportionments from prior years.

Additionally, a subset of transit expansion CIG projects—including Caltrain Electrification, BART Transbay Core Capacity and BART Silicon Valley Phase 2—would be authorized to receive an increased federal cost share (an additional 30 percent of the total project cost) to help ensure the projects can still move forward despite a potential loss of matching funds due to declining revenue as a result of COVID-19.

INVEST in America Act and MTC Priorities Comparison Chart June 22, 2020			
MTC Priority		INVEST in America Act (committee-passed)	
Request	Details	Inclusion?	Notes
Grow Existing Programs and Restore Highway Trust Fund Solvency	The next transportation authorization should raise new sustainable revenues.	N/A	N/A (Ways and Means jurisdiction).
	Grow core highway and transit programs.	✓	Surface transportation investment grows 62% over 5 years
	Maintain FAST Act structure, including: - Highway: STP and CMAQ - Transit Formula: 1. State of Good Repair 2. Urbanized Area Formula and 3. Seniors and Persons with Disabilities	✓ ✓	75% revenues allocated through core FAST Act programs; focused growth in metro and transit programs. - STP and CMAQ increase consistent with state-focused programs (16%) - Transit program growth directed to Bay Area priority programs, including State of Good Repair, Urbanized Area and Seniors and Persons with Disabilities. Estimated 50% increase in guaranteed funding for the Bay Area.
	Capital Investment Grants: Robust investment in the CIG program and ensure that projects meeting the rigorous program requirements advance through the FTA review process in a timely manner.	✓	CIG funding increases 87% over 5 years; New streamlining and transparency provisions to ensure projects advance in a timely manner
Target funding to metropolitan regions	1. Grow STP and CMAQ and increase the percentage of the STP program directly suballocated to metro areas to at least 62.5%. This would restore suballocation to pre-2012 levels.	✓	The bill would grow STP suballocation to 60% up from 55%. The bill as introduced in committee would have frozen suballocation at FAST Act levels of 55%, but an increase was secured during the full committee markup.
	2. Provide funding directly to metros via a new flexible program. The program should flow via formula and funding eligibilities should be flexible enough for metros to make our transportation networks responsive to the technology-fueled transformation in how people and goods move and to the changing climate that includes, at a minimum, a formula component that provides funding directly to metros.	✓	Creates a new \$750 million metro mobility program to reward "high-performing" MPOs with flexible funding to invest in MPO/regional priorities. Funding would flow via a population-based formula to MPOs designated as high-performing by USDOT. MTC, if designated, would receive between \$30 million to \$90 million between FY 2023 - FY2025. The bill also creates a new \$250 million "Gridlock Reduction Program" targeted to reducing congestion in urban areas.

MTC Priority, cont.		INVEST in America Act, cont.	
<i>Request</i>	<i>Details</i>	<i>Inclusion?</i>	<i>Notes</i>
FAST Act Updates: Transit Updates	Revise transit programs to reward Bay Area best practices, including through: - growing transit Bay Area priority transit formulas - Reverse FTA policy that excludes bus travel on Express Lanes from counting toward the State of Good Repair formula - Support transition to a zero-emission fleet by revising the Low-No program to reward, rather than penalize, the Bay Area	✓ X ✓	- Directs transit growth to formulas that benefit the Bay Area; Funding grows to an estimated \$3.4 billion over 5 years, a 50% increase above FAST Act levels. - Staff is seeking an amendment.. - Revises the Low-No program to improve Bay Area's competitiveness; rewards agencies preparing to transition to zero-emission fleets; repeals provision that penalizes agencies that have already invested in natural gas buses; grows program by 550%
Streamlining/project delivery Updates	1. Expand "at risk project preagreement authority	X	Our recommendations are not included in the bill. Staff is seeking amendments.
	2. 6-year TIP		
	3. RAMP eligibility		
Planning for an uncertain future	1. Increase planning funding	✓	Metropolitan Planning funding grows 35% over 5 years.
	2. Retain planning flexibility for regions (and states) in how we incorporate resiliency and new mobility considerations into the planning process.	✓	In general, flexibility is retained. New planning requirements related to climate, resiliency, and accessibility.
Climate and Resiliency	- Provide state and MPOs with resources to invest in climate adaptation and resiliency improvements. - Make resiliency project eligible under the core federal highway programs, including grey and green infrastructure improvements. - Support MPOs in incorporate climate and resilience in our planning activities.	✓ ✓ ✓	- Funds new climate adaptation and pre-disaster mitigation programs. - Makes resiliency projects eligible under core federal highway programs, including grey and green infrastructure improvements. - Creates a new GHG performance metric and adds climate and resiliency planning responsibilities to long-range plans, accompanied by more planning resources.
New Mobility Technologies	- Provide regions with more resources to invest in new mobility technologies	✓	- Provides more flexible funding for metros; increases technology deployment funding.
	- Support AV/CV deployment, including in the transit sector	X	- Includes some provisions that could hinder deployment.

THE MOVING FORWARD ACT

FOR THE PEOPLE

Fact Sheet

H.R. 2, the Moving Forward Act, is a more than \$1.5 trillion plan to rebuild American infrastructure—not only our roads, bridges, and transit systems, but also our schools, housing, broadband access, and so much more. By investing in families, workers, and communities across the country, we can support American manufacturing and ingenuity and create millions of jobs that cannot be exported, all while putting our country on a path toward zero carbon emissions, making communities and roads safer, and addressing long-standing disparities. It’s about investing in infrastructure that is **smarter, safer, and made to last.**

Highways, Bridges, Transit, Rail, Airports, Ports/Harbors:

- Delivers better roads and bridges faster with more than \$300 billion of investment that prioritizes fixing what we already have, including tens of thousands of structurally deficient bridges.
- Invests more than \$100 billion in transit to put more zero-emission buses on the road, add new routes, and provide more reliable service, resulting in better transit options and fewer single-occupant cars clogging highways.
- Modernizes infrastructure to reduce gridlock and address bottlenecks, and makes roads smarter and safer for all users, including pedestrians and bicyclists.
- Invests in programs, projects, and materials that emphasize resiliency while reducing carbon pollution from the transportation sector, including \$1.4 billion in alternative fuel charging infrastructure.
- Triples funding for Amtrak to \$29 billion, allowing for upgrades and expansion of the passenger rail network, and improves rail crossing safety and addresses increasingly long trains that block crossings for 10+ minutes, which impacts local traffic and emergency response times.
- Keeps cargo moving by funding the essential dredging and upkeep of American harbors, ports, and channels.

Schools and Child Care:

- Invests in schools with the *Reopen and Rebuild America's Schools Act*, which invests \$130 billion targeted at high-poverty schools with facilities that endanger the health and safety of students and educators. This investment will help students get back to school and create over 2 million jobs to help workers get back to work.
- Leverages a 5-year, \$10 billion federal investment in addressing structural challenges and upgrading child care facilities to generate additional state and private investments in making sure that child care settings are safe, appropriate, and able to comply with current and future public health directives.

Local Financing & Community Development:

- Provides financing support for state and local government investments and spurring private investment through the tax code by permanently reinstating Build America Bonds and Advance Refunding Bonds, and increasing and expanding the issuance of Private Activity Bonds.
- Promotes revitalization in economically distressed communities by making permanent and expanding the New Markets Tax Credit.
- Encourages the rehabilitation of historic buildings by temporarily increasing the Historic Tax Credit program for all projects, permanently expanding the credit for small projects, and eliminating rules that prevent access for non-profits, including public schools.
- Promotes further development in and parity for tribal communities by making long-overdue changes to tax rules related to tribal issuance of government bonds, treatment of tribal government charitable organizations, and the treatment of tribal projects in the New Markets Tax Credit program.

Housing:

- Invests over \$100 billion into our nation's affordable housing infrastructure to create or preserve 1.8 million affordable homes, helping to reduce housing inequality, create jobs, and stimulate the broader economy, increase community and household resiliency in the face of natural disasters, improve hazardous living conditions, and increase the environmental sustainability of our housing stock.
- Increases federal investment in low-income housing through a robust expansion of the Low-Income Housing Tax Credit with new, targeted housing incentives for rural and tribal communities and individuals at risk of homelessness.
- Establishes a new Neighborhood Investment tax credit that would subsidize certain development costs to encourage the rehabilitation of vacant homes or construction of new homes in distressed areas. The credit requires homes to be

owner-occupied and contains other limits meant to maintain affordable housing prices in these communities.

Broadband:

- Delivers affordable high-speed broadband Internet access to all parts of the country by investing \$100 billion to promote competition for broadband internet infrastructure to unserved and underserved rural, suburban, and urban communities, prioritizing communities in persistent poverty and ensuring that broadband-related support is being administered in an efficient, technology-neutral, and financially sustainable manner.
- Gets kids connected to remote learning with digital equipment and affordable broadband options, connects school buses to Wi-Fi and helps schools and libraries close the “homework gap” outside school.
- Closes other gaps in broadband adoption and digital skills, and enhances payment support for low-income households and the recently unemployed.

Drinking Water and Wastewater:

- Protects access to safe drinking water by investing over \$25 billion in the Drinking Water State Revolving Fund and other programs to ensure all communities have clean drinking water and to help remove dangerous contaminants like PFAS from local water systems.
- Invests \$40 billion in new wastewater infrastructure to encourage efficiency and affordability, and helps communities address stormwater needs, preventing pollution in local rivers.
- Invests in clean water and wastewater infrastructure to meet the federal government’s trust obligations to Indian Country and making responsible investments to repair severely damaged federal canals, leveraging taxpayer dollars to maximize public benefits.
- Unlocks more tax-exempt bond financing for water infrastructure projects by exempting bonds funding these projects from State allocation caps for Private Activity Bonds.

Clean Energy:

- Modernizes our energy infrastructure for a clean energy future by investing more than \$70 billion to transform our electric grid to accommodate more renewable energy, expand renewable energy, strengthen existing infrastructure, help develop an electric vehicle charging network, and support energy efficiency, weatherization, and Smart Communities infrastructure.
- Reinvigorates our commitment to renewable energy and combatting the climate crisis by building on current successful tax incentives that promote the deployment of green energy technologies while providing new incentives for activities that reduce carbon pollution.
- Encourages “greening the fleet” by supporting widespread adoption of zero-emission cars, vans, and buses through tax credits for purchasing vehicles, supporting zero-emission vehicle manufacturing, and deployment of publicly accessible electric vehicle charging infrastructure including underserved communities.
- Promotes green energy and efficiency projects that adopt high-road labor practices.

Health Care:

- Modernizes the nation’s health care infrastructure by investing \$30 billion to upgrade hospitals to increase capacity and strengthen care, help community health centers respond to COVID-19 and future public health emergencies, improve clinical laboratory infrastructure, support the Indian Health Service’s infrastructure, and increase capacity for community-based care.

U.S. Postal Service:

- Invests \$25 billion to modernize postal infrastructure and operations, including a zero emissions postal vehicle fleet, processing equipment and other goods.

Environment/Public Lands:

- Puts Americans to work strengthening our coasts through a \$3 billion grant program for shovel-ready projects to restore Great Lakes and coastal habitats and marine ecosystems, with priority given to qualifying communities of color.
- Cleans up abandoned coal mines and orphaned oil and gas wells, putting drillers, miners and engineers to work clearing the way for new infrastructure and economic redevelopment.

- Promotes new renewable energy infrastructure by incentivizing the development of wind and solar on public lands and building a workforce for offshore wind.
- Invests in modern water infrastructure to provide drought preparedness and improved water supply reliability in a changing climate.

Metropolitan Transportation Commission

Legislation Details (With Text)

File #: 20-0952 **Version:** 1 **Name:**

Type: Report **Status:** Consent

File created: 6/4/2020 **In control:** Joint MTC Legislation Committee and ABAG Legislation Committee

On agenda: 7/10/2020 **Final action:**

Title: Tom Bulger's Report

Sponsors:

Indexes:

Code sections:

Attachments: [4g Tom Bulger's DC Report Jun 2020.pdf](#)

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

Presenter:
Georgia Gann Dohrmann

Recommended Action:
Information

Attachments:

**Metropolitan Transportation Commission
MTC Legislation Committee**

July 10, 2020

Agenda Item 4g

Tom Bulger's Report

Subject: June 2020 Report from Washington, D.C. advocate.

Recommendation: Information

Attachments: Attachment A: Tom Bulger's Report – June 2020



Therese W. McMillan

June 2020 Monthly Washington, D.C. Report



To: Therese W. McMillan, Executive Director

From: Tom Bulger, President GRI

Date: June 29, 2020

RE: Monthly Report for June 2020

- Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST Act) (H.R.2) Reported out of the U.S. House Committee on Transportation and Infrastructure (T&I Committee)
- Trump Administration Surface Transportation Reauthorization Bill
- Senate Committee on Environment and Public Works (EPW) Hearing
- Virtual Meetings

Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST Act) (H.R.2) Reported out of the U.S. House Committee on Transportation and Infrastructure (T&I Committee)

On June 19, 2020, the House T & I Committee finished two days of marking up the INVEST Act (H.R. 2). Following this markup was challenging because the House wi-fi internet bandwidth was compromised by the Judiciary Committee holding a police reform bill hearing. Switching to YouTube solved the first day's markup internet problems. Over 300 amendments to H.R. 2 were filed. The most contentious was Chairman DeFazio (D-OR) 99-page managers amendment.

Included in the manager's amendment is a provision that we worked on that will benefit the Bay Area and thus MTC. For over a year, the local and regional government groups have advocated a percentage increase in the Surface Transportation Block Grant (STBG) Federal Highway program. This program funding is sub-allocated within a state by population to MTC. Last-minute advocacy led by the U.S. Conference of Mayors successfully persuaded the Committee staff to increase this program from 55% (current law) to 57% in Fiscal Year (F.Y.) 2022, 58% in F.Y. 2023, 59% in F.Y. 2024 and 60% in F.Y. 2025. The program was also renamed the Surface Transportation Program (STP).

On June 22, 2020, the House Committee on Rules released a 2,309 -page infrastructure bill, including the surface transportation reauthorization bill from the House T & I Committee and other House committees. Interestingly, no one has proposed how to pay for the surface transportation reauthorization; another bailout for the Highway Trust Fund is included. This time the bill consists of a \$106.7 billion from the General Fund to the Highway Trust Fund and \$38.6 billion from the General Fund to the Mass Transit Account. This adds to our ballooning deficit; at the same time, fuel pump prices are around \$2.00/ gallon.

A House vote on this massive Infrastructure bill is expected this week. As of this date, over 300 amendments to the infrastructure bill have been submitted.

Trump Administration Surface Transportation Reauthorization Bill

There are rumors that the Trump Administration may release their 10-year, \$810 billion surface transportation reauthorization bill this week or next week. I am not holding my breath as the bill will mirror what was included in the President's Budget in February 2020.

Senate Committee on Environment and Public Works (EP&W) Hearing

On June 4, 2020, I watched the Senate EP&W Committee's virtual hearing on Infrastructure the Road to Recovery. Highlights from the Hearing include: Shovel ready infrastructure projects don't work to stimulate the economy, long term surface transportation projects are needed, users should pay for infrastructure, but Congress shouldn't raise user taxes in 2020.

Virtual Meetings

Numerous virtual meetings with the staff of the U.S. Conference of Mayors and MTC Congressional Transportation staff regarding increasing the sub-allocated percentage of the STBG program were attended.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #:	20-1091	Version:	1	Name:	
Type:	Report	Status:		Committee Approval	
File created:	6/29/2020	In control:		ABAG Legislation Committee	
On agenda:	7/10/2020	Final action:			
Title:	Senate Bill 902 (Wiener): Housing Approval Streamlining Tool				

Creates an optional tool for local governments to streamline upzoning in transit-rich locations, jobs-rich or urban infill sites.

Sponsors:

Indexes:

Code sections:

Attachments: [5a&5b_PowerPoint-Handout.pdf](#)
[5a_SB 902 \(Wiener\).pdf](#)

Date	Ver.	Action By	Action	Result
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Senate Bill 902 (Wiener): Housing Approval Streamlining Tool

Creates an optional tool for local governments to streamline upzoning in transit-rich locations, jobs-rich or urban infill sites.

Georgia Gann Dohrmann

Support / ABAG Executive Board Approval

Joint MTC Legislation Committee and ABAG Legislation Committee

July 10, 2020

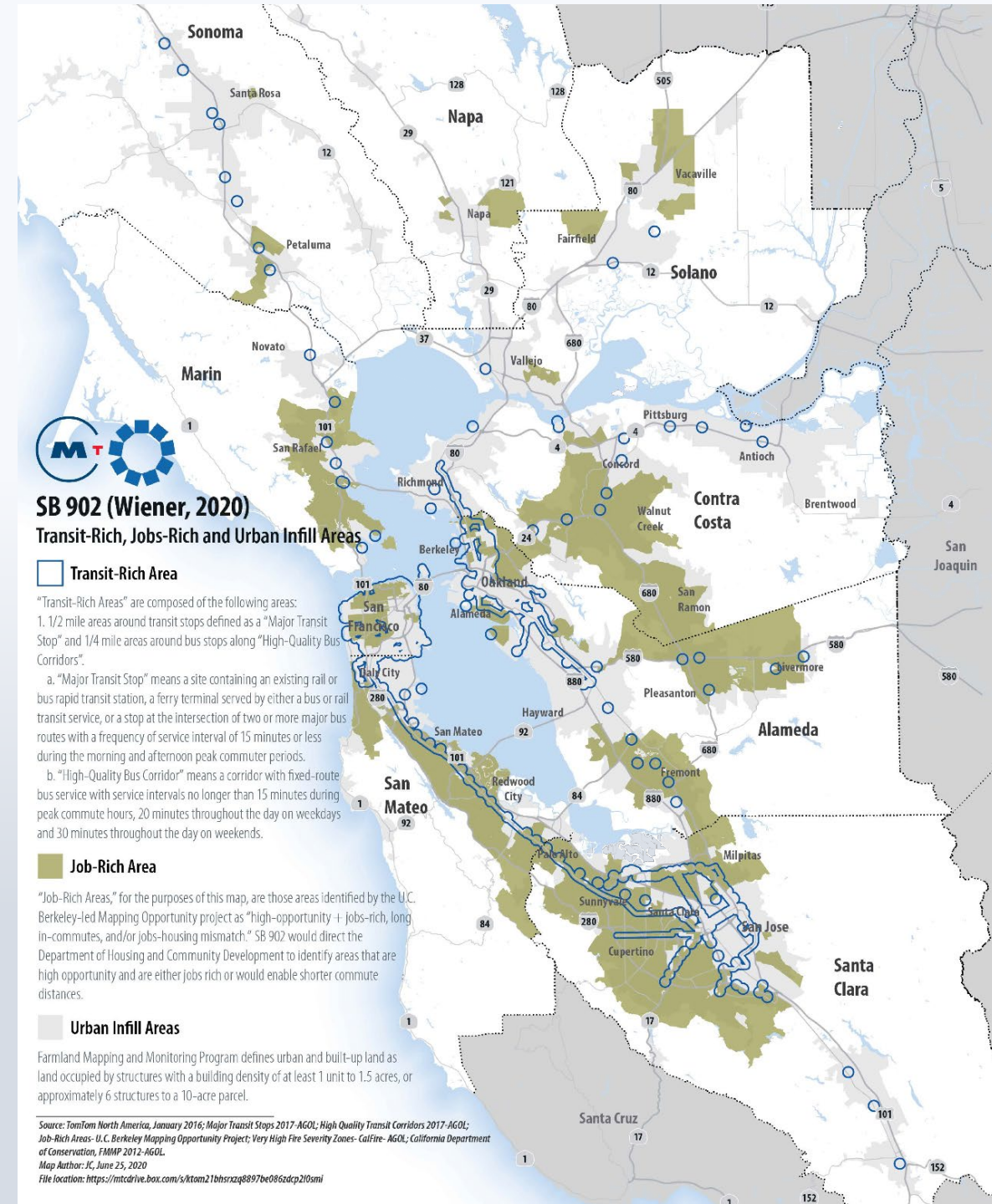
SB 902 (Wiener): Mid-Density Housing Production (Agenda Item 5a – Action Item)

Expediting Transit- and Jobs-Oriented Housing Production (optional)

- Authorizes localities to adopt a rezoning of up to 10 units/parcel without triggering CEQA review.
 - Does not exempt specific projects from CEQA.
- Rezoning must target areas that are either close to transit, would enable shorter commutes, and/or are urban infill.

Small Multifamily Housing Allowance

- Amendments strike provisions that would have made duplexes up to four-plexes allowable uses *by right* in certain areas.



AB 3040 (Chiu): Small Multifamily Housing Incentive

(Agenda Item 5b: Action Item)

Housing Element Incentive

4 Units on single-family home site = RHNA Credit (0.1 unit minimum/site)

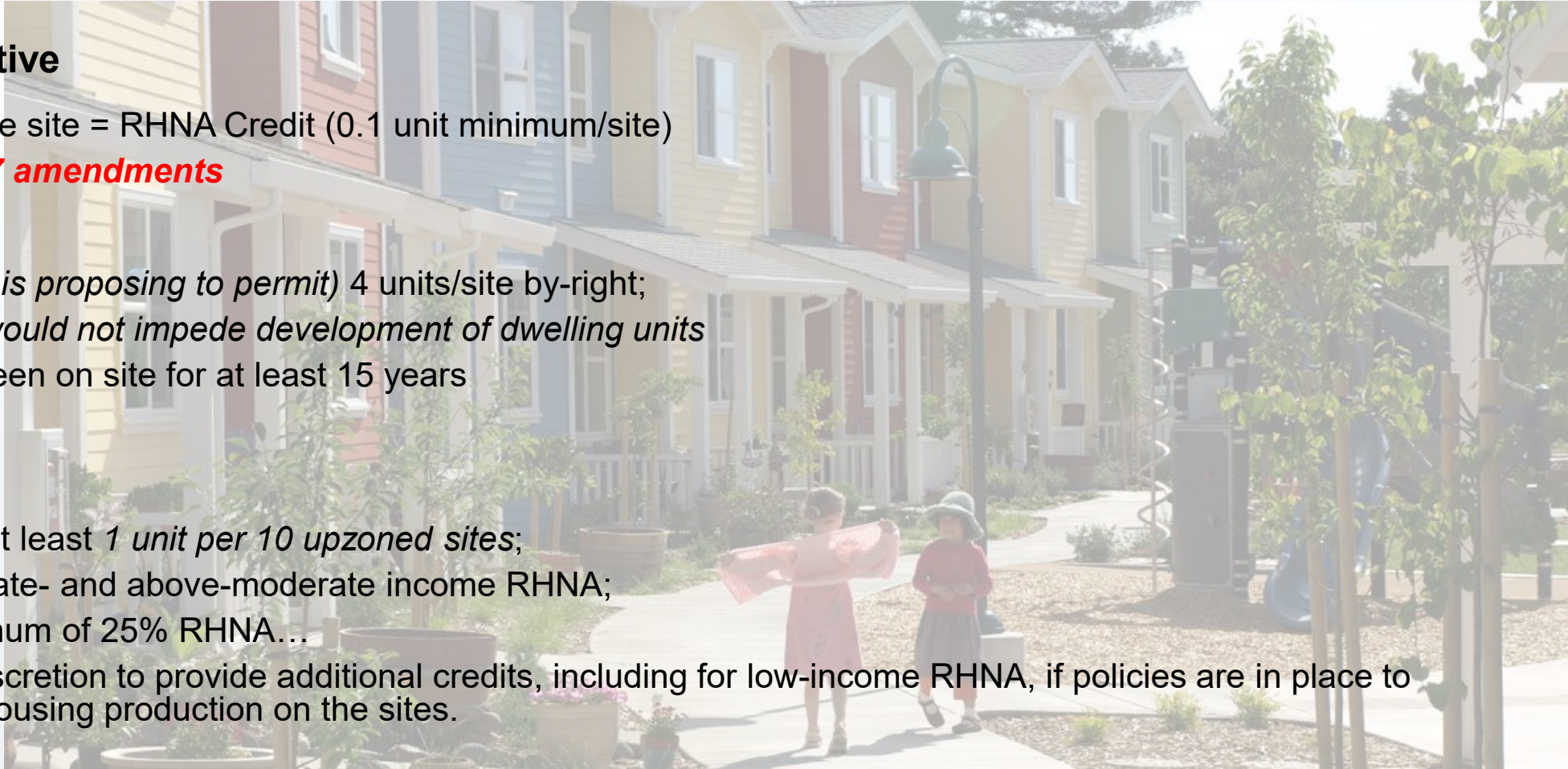
Italicized text reflect July 7 amendments

Conditions

- Locality *has permitted (or is proposing to permit)* 4 units/site by-right;
- *Development standards would not impede development of dwelling units*
- Single family home has been on site for at least 15 years

How it Works

- HCD to provide credit of at least *1 unit per 10 upzoned sites*;
- Credits applied for moderate- and above-moderate income RHNA;
- May count towards maximum of 25% RHNA...
...Except HCD retains discretion to provide additional credits, including for low-income RHNA, if policies are in place to accelerate multifamily housing production on the sites.



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

July 10, 2020

Agenda Item 5a

Senate Bill 902 (Wiener): Housing Approval Streamlining Tool

Subject: Creates an optional tool for local governments to streamline upzoning in transit-rich locations, jobs-rich or urban infill sites.

Overview: Senate Bill 902 (Wiener) would enable a local government to pass an upzoning ordinance parcel close to transit and jobs—as defined by the bill—to allow up to 10 housing units per parcel, subject to height limits determined by the local government. The bill would provide the ordinance itself would not be subject to review under the California Environmental Quality Act (CEQA).

The bill would target this allowance for streamlined upzoning to “transit-rich” areas (within ½-mile of a major transit stop or high-quality bus corridor), “jobs-rich” areas (areas that are high opportunity and either jobs rich or would enable shorter commutes, as determined by the Department of Housing and Community Development), and infill sites.

Recommendation: Support

Discussion: Under current Housing Element law, cities and counties must update their housing elements each cycle of the Regional Housing Need Allocation (RHNA) to demonstrate that they can accommodate their share of housing needs at all income levels. Updates to the housing element in the form of zoning changes are currently considered a “project” under CEQA. By allowing modest upzoning to be approved via an ordinance, SB 902 would give local jurisdictions the ability to accelerate the planning process, at their discretion, to help accommodate increased housing production near transit and jobs. Because SB 902 is consistent with MTC and ABAG’s 2020 Advocacy Program goal to “support upzoning near public transit and jobs-rich areas with reasonable levels of flexibility,” we recommend a support position on the bill.

Of note, SB 902 was substantially amended on May 21, 2020; those amendments removed provisions that would have made small multifamily units an allowable use *by right* in neighborhoods zoned to allow residential use, subject to limitations.

Bill Positions: Note: Per the June 19, 2020, Senate Floor analysis, many of those organizations listed in the “opposition” column oppose provisions that have been stricken from the bill.

Support

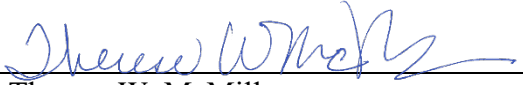
California YIMBY (co-sponsor)
Habitat for Humanity California
(co-sponsor)
350 Sacramento
All Home
American Planning Association,
California Chapter
Bay Area Council
Support, cont.
Bay Area Housing Action Coalition

Opposition

A Better Way Forward to House California
California State Association of Electrical
Workers
California State Pipe Trades Council
California Teamsters Public Affairs Council
City of Newport Beach
City of Renaldo Beach
City of Thousand Oaks
Opposition, cont.
International Union of Elevator Constructors,

California Apartment Association	Local 8
California Building Industry Association	International Union of Elector Constructors, Local 18
California Community Builders	Los Angeles County Division, League of California Cities
Central City Association	Livable California
Chan Zuckerberg Initiative	Orange County Council of Governments
City of Dublin	San Francisco Tenants Union
City of Livermore	Sherman Oaks Homeowners Association
City of Pleasanton	South Bay Cities Council of Governments
City of San Ramon	State Building and Construction Trades Council of CC
East Bay for Everyone	Sustainable Tamalmonite
Facebook	Town of Hillsborough
Hollywood YIMBY	Western States Council Sheet Metal, Air, Rail and Transportation
House Sacramento	
League of Women Voters (CA)	
Livable Sunnyvale	
Monterey Peninsula Renters United	
New Pointe Communities	
Non-profit Housing Association of Northern California	
North County YIMBY	
Peninsula for Everyone	
SPUR	
San Luis Obispo County YIMBY	
Santa Cruz YIMBY	
Schneider Electric	
Silicon Valley At Home	
Silicon Valley Community Foundation	
South Bay YIMBY	
TechEquity Collaborative	
The Greenlining Institute	
TMG Partners	
Town of Danville	
Ventura County YIMBY	
Westside Young Democrats	
YIMBY Action	
YIMBY Democrats of San Diego County	
YIMBY Voice	

Attachments: None


Therese W. McMillan



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

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On agenda:	7/10/2020	Final action:			
Title:	Assembly Bill 3040 (Chiu): Missing Middle Housing Incentive				
	Local government incentive to authorize fourplexes by-right in single family zones with accompanying credit under Regional Housing Needs Allocation (RHNA).				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	5b_AB 3040 (Chiu).pdf				

Date	Ver.	Action By	Action	Result
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Assembly Bill 3040 (Chiu): Missing Middle Housing Incentive

Local government incentive to authorize fourplexes by-right in single family zones with accompanying credit under Regional Housing Needs Allocation (RHNA).

Georgia Gann Dohrmann

Support / ABAG Executive Board Approval

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

July 10, 2020

Agenda Item 5b

Assembly Bill 3040 (Chiu): Missing Middle Housing Incentive

Subject:	Local government incentive to authorize fourplexes by-right in single family zones with accompanying credit under Regional Housing Needs Allocation (RHNA).
Overview:	Assembly Bill 3040 (Chiu) would provide that local governments may receive a credit towards meeting RHNA allocations for rezoning single-family sites to allow four units per parcel. Local governments may include in Housing Element inventories sites that contain an existing single family home, provided that the city or county has permitted the site to contain four dwelling units and that the local government has adopted a resolution or ordinance that provides that the units may be developed as a use by right (without conditional approvals). For every upzoned site, the bill requires the Department of Housing and Community Development (HCD) to provide a minimum credit of 0.1 units toward accommodating the number of moderate or above-moderate income housing units required by RHNA; these credits could be utilized to meet up to 25 percent of a city or county's RHNA, unless HCD determines that the credits can be used to accommodate a larger percentage, as described below. The bill gives HCD flexibility to provide credits <i>greater</i> than the 0.1 unit minimum and to accommodate more than 25 percent of a city or county's RHNA <i>if</i> HCD determines that the city or county has plans and programs that would further accelerate the production of multifamily units (up to four-plexes) on sites with existing single family homes. HCD would also be authorized to enable cities and counties to count a share of these units toward accommodating their RHNA share of low-income units.
Recommendation:	Support
Discussion:	California's housing crisis disproportionately affects low-income households, however many families considered middle-income are also struggling to find housing at a price they can afford, particularly in the Bay Area. Those "missing-middle" households have incomes that are too high to qualify for traditional affordable housing, but too low to pay average market-rate rents. This "caught in the middle" situation is the basis for the term "missing middle" for describing such households. One strategy to reduce the cost of housing is to facilitate the construction of "missing-middle" housing types, such as duplexes, townhomes and fourplexes that accommodate more units per acre than single-family homes (typically 16 units per acre or more), and are inherently more affordable than either single-family homes or mid- to high-rise apartments, which are expensive to build. Missing middle housing types have small- to medium-sized footprints which make them well suited for infill development in neighborhoods with low vehicle-miles-traveled. However much of the land around the state is zoned exclusively for single-family housing. According to a 2018 survey by UC Berkeley's Turner Center for Housing Innovation, California cities and counties, on average, devote approximately 70 percent of their land for single-family zoning and in two-thirds of jurisdictions, multifamily housing is allowed on less than 25 percent of land.

AB 3040's incentive approach would support more housing options for the Bay Area's middle-income households while retaining flexibility for cities and counties to reflect local priorities in land use decisions. Given this, staff recommends a "support" position on AB 3040.

Bill Positions:	Support	Opposition
	American Planning Association, California Chapter	Livable California
	California Apartment Association	
	California State Association of Counties (in concept)	
	Facebook	
	Habitat for Humanity, California	
	League of California Cities (in concept)	
	Rural County Representatives of California (in concept)	
	Urban Counties Caucus	

Attachments: None


Therese W. McMillan