

## Meeting Agenda

### Joint MTC ABAG Legislation Committee

*Julie Pierce, Chair*

*Jake Mackenzie, Vice Chair*

#### *Members*

*Eddie Ahn, Jesse Arreguin, Damon Connolly, Dave Cortese,  
Pat Eklund, Scott Haggerty, Barbara Halliday, Dave Hudson,  
Sam Liccardo, Gordon Mar, Karen Mitchoff, Alfredo Pedroza,  
David Rabbitt, Belia Ramos, Warren Slocum, and Jim Spering*

#### *Non-Voting Members*

*Dorene M. Giacomini and Jimmy Stracner*

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Friday, November 6, 2020

10:15 AM

Board Room - 1st Floor (REMOTE)

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

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

**Attendee Link: <https://bayareametro.zoom.us/j/86293084558>**

**iPhone One-Tap: US: +14086380968,,86293084558# or +16699006833,,86293084558#**

**Join by Telephone (for higher quality, dial a number based on your current location) US:  
+1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 646 876 9923  
or +1 301 715 8592 or +1 312 626 6799 or 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)**

**Webinar ID: 862 9308 4558**

**International numbers available: <https://bayareametro.zoom.us/j/kc077aBSE2>**

**Detailed instructions on participating via Zoom are available at:**

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

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

## 1. Roll Call / Confirm Quorum

*Quorum: A quorum of this body shall be a majority of its regular voting members (10).*

## 2. Consent Calendar

- 2a. [20-1485](#) Approval of Joint MTC ABAG Legislation Committee Minutes of the October 9, 2020 Meeting

**Action:** Committee Approval

**Attachments:** [2a\\_Joint LEGIS\\_Minutes\\_Oct 9 2020.pdf](#)

## 3. State and Federal Legislation

- 3a. [20-1487](#) November 2020 Election Update

Update on key statewide and local measures as well as state legislative races in the nine-county San Francisco Bay Area.

**Action:** Information

**Presenter:** Rebecca Long

**Attachments:** [3a\\_Draft Election Memo\\_CS.pdf](#)  
[3ai\\_Handout-Election Summary Sheet.pdf](#)

- 3b. [20-1488](#) Draft 2021 Joint Advocacy Program

Draft 2021 Joint Advocacy Program for MTC and ABAG, expressing the agencies' state and federal legislative priorities.

**Action:** Information

**Presenter:** Rebecca Long

**Attachments:** [3b\\_Draft Advocacy Program.pdf](#)

- 3c. [20-1489](#) Washington D.C. Legislative Update

Report from MTC's Washington representative Mark Dedrick, Summit Strategies.

**Action:** Information

**Presenter:** Randy Rentschler, MTC; Mark Dedrick, Summit Strategies; and Heideh Shahmoradi, O'Keeffe Shahmoradi (OS) Strategies

**Attachments:** [3c\\_MTC Federal October Report.pdf](#)

#### **4. Public Comment / Other Business**

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

#### **5. Adjournment / Next Meeting**

**The next meeting of the Joint MTC ABAG Legislation Committee will be Friday, December 11, 2020 at 9:45 a.m. remotely and by webcast as appropriate depending on the status of any shelter in place orders. Any changes to the schedule will be duly noticed to the public.**

**Public Comment:** The public is encouraged to comment on agenda items at Committee meetings by completing a request-to-speak card (available from staff) and passing it to the Committee secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

**Meeting Conduct:** If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Committee may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

**Record of Meeting:** Committee meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site ([mtc.ca.gov](http://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.

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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)

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**File #:** 20-1485      **Version:** 1      **Name:**  
**Type:** Minutes      **Status:** Consent  
**File created:** 10/1/2020      **In control:** Joint MTC ABAG Legislation Committee  
**On agenda:** 11/6/2020      **Final action:**  
**Title:** Approval of Joint MTC ABAG Legislation Committee Minutes of the October 9, 2020 Meeting  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [2a Joint LEGIS Minutes Oct 9 2020.pdf](#)

Date	Ver.	Action By	Action	Result
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### Subject:

Approval of Joint MTC ABAG Legislation Committee Minutes of the October 9, 2020 Meeting

### Recommended Action:

Committee Approval

### Attachments:

## Meeting Minutes - Draft

### Joint MTC ABAG Legislation Committee

*Julie Pierce, Chair*

*Jake Mackenzie, Vice Chair*

#### *Members*

*Eddie Ahn, Jesse Arreguin, Damon Connolly, Dave Cortese,  
Pat Eklund, Scott Haggerty, Barbara Halliday, Dave Hudson,  
Sam Liccardo, Gordon Mar, Karen Mitchoff, Alfredo Pedroza,  
David Rabbitt, Belia Ramos, Warren Slocum, and Jim Spering*

#### *Non-Voting Members*

*Dorene M. Giacomini and Jimmy Stracner*

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Friday, October 9, 2020

9:45 AM

Board Room - 1st Floor (Remote)

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#### 1. Roll Call / Confirm Quorum

- Present:** 11 - Vice Chair Mackenzie, Chair Pierce, Committee Member Hudson, Committee Member Arreguin, Committee Member Eklund, Committee Member Connolly, Committee Member Haggerty, Committee Member Spering, Committee Member Ahn, Committee Member Mitchoff and Committee Member Ramos
- Absent:** 7 - Committee Member Liccardo, Committee Member Halliday, Committee Member Cortese, Committee Member Slocum, Committee Member Pedroza, Committee Member Rabbitt and Committee Member Mar

#### 2. Consent Calendar

**Upon the motion by Vice Chair Mackenzie and second by Committee Member Eklund, the Consent Calendar was unanimously approved. The motion carried by the following vote:**

- Aye:** 11 - Vice Chair Mackenzie, Chair Pierce, Committee Member Hudson, Committee Member Arreguin, Committee Member Eklund, Committee Member Connolly, Committee Member Haggerty, Committee Member Spering, Committee Member Ahn, Committee Member Mitchoff and Committee Member Ramos
- Absent:** 7 - Committee Member Liccardo, Committee Member Halliday, Committee Member Cortese, Committee Member Slocum, Committee Member Pedroza, Committee Member Rabbitt and Committee Member Mar

- 2a.**     [20-1371](#)     Approval of Joint MTC ABAG Legislation Committee Minutes of the September 11, 2020 Meeting

**Action:** Committee Approval

**Attachments:** [2a Joint LEGIS Minutes Sept 11 2020.pdf](#)

**2b.**     [20-1372](#)     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:** [2b\\_Leg\\_History\\_State\\_with\\_Calendar.pdf](#)

**3. Information**

**3a.**     [20-1453](#)     Executive Order N-79-20: Zero-Emission Vehicle Mandate

Overview of Executive Order N-79-20 requiring Zero-Emission Vehicle Mandate.

**Action:** Information

**Presenter:** Rebecca Long

**Attachments:** [3a\\_Executive\\_Order\\_N-79-20.pdf](#)

Aleta Dupree was called to speak.  
Roland Lebrun was called to speak.

**3b.**     [20-1373](#)     2020 Legislative Scorecard

Comparison of MTC/ABAG 2020 Advocacy Program with legislative outcomes in the 2020 state and federal legislative sessions.

**Action:** Information

**Presenter:** Rebecca Long

**Attachments:** [3b\\_2020\\_LegislativeOutcomes.pdf](#)

**3c.**     [20-1374](#)     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:** Randy Rentschler

**Attachments:** [3c\\_Tom\\_Bulger's\\_DC\\_Report\\_Sept\\_2020.pdf](#)

**4. Public Comment / Other Business**

Ken Bukowski was called to speak.

**5. Adjournment / Next Meeting**

The next meeting of the Joint MTC ABAG Legislation Committee will be Friday, November 6, 2020 at 9:45 a.m. remotely and by webcast as appropriate depending on the status of any shelter in place orders. Any changes to the schedule will be duly noticed to the public.



# Metropolitan Transportation Commission

375 Beale Street, Suite 800  
San Francisco, CA 94105

## Legislation Details (With Text)

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**File #:** 20-1487      **Version:** 1      **Name:**  
**Type:** Report      **Status:** Informational  
**File created:** 10/1/2020      **In control:** Joint MTC ABAG Legislation Committee  
**On agenda:** 11/6/2020      **Final action:**  
**Title:** November 2020 Election Update

Update on key statewide and local measures as well as state legislative races in the nine-county San Francisco Bay Area.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [3a Draft Election Memo CS.pdf](#)  
[3ai Handout-Election Summary Sheet.pdf](#)

Date	Ver.	Action By	Action	Result
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**Subject:**

November 2020 Election Update

Update on key statewide and local measures as well as state legislative races in the nine-county San Francisco Bay Area.

**Presenter:**

Rebecca Long

**Recommended Action:**

Information

**Attachments:**

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


November 6, 2020

Agenda Item 3a

**November 2020 Election Update**

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- Subject:** Update on key statewide and local measures as well as state legislative races in the nine-county San Francisco Bay Area.
- Overview:** Staff will provide an election update at your meeting on key statewide and local ballot measures relevant to MTC/ABAG, as well as the results of congressional and state legislative races for the San Francisco Bay Area delegation.
- Discussion**
- Statewide Measures**  
Voters face 12 statewide ballot measures this election. Of those, MTC/ABAG took a support position on just one—Proposition 16—which would repeal the ban on affirmative action enacted by voters in 1996. Other important measures that would have long-term impacts for local government finance include Propositions 15 and 19, which amend various property tax provisions in the State Constitution. With respect to housing, voters are being asked to expand the ability of local jurisdictions to enact rent control in Proposition 21. As for transportation, Proposition 22 would allow technology companies like Lyft, Uber and DoorDash to treat their drivers as independent contractors, rather than employees, as intended by the Legislature in the enactment of AB 5 (Gonzalez, 2019) and currently under litigation.
- Regional and Local Measures**  
Two key transportation measures subject to a vote this year that MTC endorsed are Measure RR, the Caltrain 1/8-cent sales tax and Measure DD, a 20-year extension of Sonoma County’s ¼-cent sales tax which expires in 2025. Staff is also surveying the landscape of other local measures related to housing and transportation and will provide an overview of the results of key measures at your meeting.
- Legislative Races**  
In Sacramento, three of the region’s state senators are termed out this year, including long-time Chair of the Senate Transportation Committee and Bay Area Metro 2019 Legislator of the Year Senator Jim Beall (San Jose/Santa Clara County), as well as Senator Jerry Hill (San Mateo/Santa Clara County) and Senator Bill Monning (Southern Santa Clara County/Santa Cruz). Members of the State Senate delegation who are up for reelection are Senator Scott Wiener (San Francisco) and Senator Steve Glazer (Alameda/Contra Costa County). On the Assembly side, Assemblymember Kansen Chu (San Jose) is termed out. Assembly terms are just two years and are not staggered so the remaining 17 members of our delegation are each up for reelection. Consistent with the state’s “top two” primary rules, several of the region’s Assembly delegation are being challenged by other Democrats, including Assemblymember Marc Levine (Marin County) and Assemblymember Bill Quirk (Hayward). In Washington, D.C., we expect no change in our Congressional delegation, except the possibility that Governor Newsom will need to select a new senator to finish up the term of Senator Kamala Harris (through 2022) should the Biden/Harris ticket win the presidential election.

  
Therese W. McMillan

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

November 6, 2020

Agenda Item 3a - Handout

## November 2020 Election Update

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**Subject:** Update on key statewide and local measures as well as state legislative races in the nine-county San Francisco Bay Area.

**Overview:** Staff will provide an election update at your meeting on key statewide and local ballot measures relevant to MTC/ABAG, as well as the results of congressional and state legislative races for the San Francisco Bay Area delegation.

### **Discussion**      **Statewide Ballot Measures**

Statewide, voters were in a somewhat cautious mood this election, rejecting a number of measures that were popular in the Bay Area, but not enough to carry the rest of the state. Below we provide some details on how the Bay Area's vote compared to the rest of the state's.

**Proposition 15 (Property tax to fund schools, government services):** As of Thursday, November 5, Proposition 15 was behind, having received 48.3 percent support statewide. It was supported by voters across the nine-county Bay Area as well as counties further north (Mendocino and Humboldt) and further south (Santa Cruz and Monterey). The only other counties where it secured a majority were Alpine, Los Angeles and Imperial counties.

**Proposition 16 (Repealed ban on affirmative action):** While the Commission and ABAG took a support position on this measure, which would have repealed the ban on affirmative action enacted by voters in 1996, it received 44 percent support statewide. It was supported by more than a majority of voters in the counties of Alameda, Marin, San Mateo and Santa Clara. Statewide, Los Angeles was the only other county where more than a majority of voters supported the measure.

**Proposition 19 (Property Tax Assessment Portability & Inheritance Rules):** A narrow majority (51.5 percent) of California voters supported this complicated measure that allows homeowners over 55, disabled or who have lost a home in a natural disaster to transfer their assessed value up to three times anywhere in the state. The measure also eliminated certain loopholes applicable to inherited property. Proceeds from the measure are to be used to offset increased costs borne by counties associated with increased staffing required to conduct assessments and for fire protection efforts by the state. Some additional property tax revenue may also be available to schools, according to the Legislative Analyst's summary.

**Proposition 21 (Rent Control):** Voters once again roundly rejected a measure that would have expanded the ability of local government to establish rent control on newer property, including single-family homes, this time by 59.7 percent, slightly higher than in 2018 when it was rejected by 59.4 percent of voters. Just one county—San Francisco—supported the measure by 51.3 percent. The next highest support for the measure in the Bay Area came from Alameda County, where 49.5 percent of voters were in favor. Support was also relatively high in Los Angeles County at 49.2 percent.

**Proposition 22 (Gig Workers/Transportation Network Companies):** California Voters showed strong sympathy towards the arguments for preserving the independent-contractor status of gig workers with 58.4 percent supporting the ballot measure sponsored by Uber, Lyft and DoorDash for which they and other supporters spent over \$200 million. Once again, Bay Area voters in a number of counties bucked the trend, with the measure rejected by voters in Alameda, Marin, San Francisco, San Mateo and Sonoma counties.

## **Bay Area Ballot Measures**

### **Transportation**

*Bay Area voters once again demonstrated their willingness to tax themselves to pay for transportation improvements in this election.*

**Measure DD (Sonoma County):** Voters approved a 20-year extension of Sonoma County's ¼-cent sales tax by 72 percent. The measure would otherwise have expired in 2025.

**Measure RR (Caltrain):** Strong support was shown by voters in each of three Caltrain counties for Measure RR, the Caltrain 1/8-cent sales tax. Collectively, the measure was supported by 70 percent with the specific results by county as follows: San Mateo (71.7 percent), San Francisco (74 percent) and Santa Clara (67.3 percent). The measure will stave off major service and staffing cuts and provide a long-sought after dedicated source of operating funds for the region's oldest commuter rail system.

### **Housing/Homelessness Funding**

**Measure A (San Francisco):** San Francisco voters approved by 71 percent a \$487.5 general obligation bond with eligible expenditures including investments in supportive housing facilities and shelters including facilities that provide mental health services, improvements to condition of and safety of local streets, and improvements to accessibility, safety and quality of parks, open space and recreation facilities,

**Measure W (Alameda County):** Voters in Alameda County overwhelmingly approved a new ½-cent sales tax for ten years for general county needs, including housing and services for those experiencing homelessness, mental health services, job training, social safety net and other general fund services. The measure is estimated to generate \$150 million annually.

**Measure MM (City of Berkeley):** Voters in Berkeley approved by 54 percent this measure designed to 1) prohibit eviction of qualifying tenants for nonpayment of rent during state or local emergencies; 2) authorize the Rent Stabilization Board to set registration fees for certain partially exempt units; and 3) limit the Accessory Dwelling Unit exemption to owner-occupied properties with a single-family home and one accessory unit.

**Measure K (San Francisco):** Voters in San Francisco approved this measure which authorizes the city to own, develop, construct, acquire or rehabilitate up to 10,000 units of low-income rental housing.

**Measure O (Sonoma County):** Voters in Sonoma County approved by 69 percent a new ¼-cent sales tax for 10 years measure to provide approximately \$25 million annually for local mental health and addiction services and facilities for children, adults, veterans, seniors and those experiencing homelessness.

### **Zoning/Land Use**

*Bay Area voters demonstrated opposition to additional housing units in their communities but support for additional flexibility for small businesses in a number of measures.*

**Measure T (Antioch):** Voters strongly supported this measure (79 percent) which amends the Antioch General Plan to limit development in a part of the city known as the Sand Creek Focus Area. The measure aimed to protect Sand Creek and its tributaries, preserve agricultural land, protect open spaces, protect wildlife and preserve scenic views. Presently, the General Plan allows up to 4,000 dwelling units in the Sand Creek Focus Area. Measure T will now reduce the allowed number of units to 2,100.

**Measures R and Y (San Mateo):** Voters in the City of San Mateo faced dueling general plan amendment measures related to building height and density requirements on the ballot and appear to have rejected both. Measure Y, placed on the ballot by voter initiative, and Measure R, placed on the ballot by unanimous vote of the city council. Measure Y is close (rejected by 50.6 percent of voters) while Measure R was rejected by about 53.4 percent of voters.

- San Mateo voters in 1991 approved Measure H, subsequently revised by Measure P in 2004, capping building height at 55 feet city-wide, setting density limits, with some exceptions in the downtown. According to the ballot measure itself, Measure Y aimed to “preserve the livability and suburban character of the City of San Mateo by essentially maintaining through the year 2030 the height limits and densities first established in 1991.”
- Measure R, instead, would have allowed the city to engage in a planning process that would have allowed higher height limits in neighborhoods near transit, while maintaining restrictions in the traditional single-family home areas. It also would have amended the existing inclusionary housing program to allow off-site construction of units or other alternative means of compliance while retaining the minimum 10 percent affordability requirement for market rate housing.

**Measure Z (City of Alameda):** Voters in Alameda opposed by 59 percent Measure Z, which would allowed higher density zoning in the city, amending a provision in the City Charter which generally limits housing density to one unit per 2,000 square feet of land.

**Measure H (San Francisco):** San Francisco voters supported Measure H, submitted by Mayor London Breed, by 62 percent. The measure is in direct response to the economic impact of COVID-19 on small businesses, particularly restaurants. It streamlines the approval and permitting process for small businesses to operate outside, in parklets and allows restaurants and cafes to include work spaces.

### **Miscellaneous Local Government**

**Measure B (San Francisco):** Voters supported this measure which was also framed in the context of COVID-19. It establishes a Department of Sanitation and Streets with oversight from a Sanitation and Streets Commission, and establishes a Public Works Commission to oversee the Department of Public Work.

**Measure GG (City of Berkeley):** Voters approved by 60 percent a general tax on transportation network company (e.g. Uber and Lyft) vehicle trips originating in Berkeley of 50-cents per single passenger and 25-cents per pooled ride with an estimated annual revenue of \$910,000 per year.

**Measure S (Santa Clara Valley Water District):** Voters approved a parcel tax generating approximately \$45.5 million annually for the Santa Clara Valley Water District for projects to protect water quality, provide flood protection and reduce pollution of waterways.

**Measure T (Santa Clara County):** Voters overwhelmingly approved (82 percent) a new, permanent \$24 annual parcel tax, estimated to raise \$8 million per year, for a variety of land management/open space needs, including: protecting and preserving natural open spaces and managing land to reduce wildfires and floods; protecting land around creeks to prevent pollution and improve water quality; creating urban parks; preserving wildlife habitats; and preserving family farms.

**Measure X (Alameda County):** Voters approved this \$90 million bond measure for fire prevention efforts in the county. The measure's revenue is eligible to be used to repair/replace outdated stations and support wildfire protection and disaster response.

**Measure X (Contra Costa County):** Voters approved by 59 percent a general ½-cent sales tax including road repair, providing an estimated \$81 million annually.

### **State Legislative and Congressional Delegation**

All Bay Area incumbents seeking reelection to the State Assembly and Senate won their races this year. However, due to term limits and one member not seeking reelection, the Bay Area will have four new members of our delegation, including our own MTC Commissioner and ABAG Director Dave Cortese, who handily won his race to represent District 15 and fill the seat currently held by Senator Jim Beall. Josh Becker, filling Senate District 13, currently held by Jerry Hill. John Laird, a former Assemblymember and most recently the Secretary of the California Natural Resources Agency under Governor Jerry Brown has returned to Sacramento to represent Senate District 17 currently held by Bill Monning. The district includes a small portion of Santa Clara County as well as counties of Santa Cruz and San Luis Obispo and a portion of Monterey. The Bay Area also has a new Assemblymember, Alex Lee, representing District 25 in San Jose in the seat currently held by Assemblymember Kansen Chu.

The Bay Area's Congressional delegation remains unchanged, with the vast majority of incumbents winning re-election by 70 percent or more. Democrats will continue to hold onto control of the U.S. House of Representatives, though the Democratic Party saw a loss of eight seats at the time this memo was finalized, while picking up two. At this time, the Republican Party appears likely to retain control of the Senate. If this holds, there will likely be no changes in committee leadership in either chamber.

### **Transportation Ballot Measures Outside California**

Nationally, there were some big wins as well as some disappointments for public transit across the country this election, with voters demonstrating an appreciation for its critical role in providing urban mobility even amidst the pandemic.

- Voters in Austin, Texas supported Proposition A, a major funding measure backed by property taxes estimating an estimated \$7 billion that provides funding for a new commuter rail line as well as bus rapid transit. This win comes on the heels of two prior failed efforts in 2000 and 2014. They also supported Proposition B, considered a complementary measure providing funding for bicycle and pedestrian improvements among other expenditures.
- Voters in Denver, Colorado supported by a 64 percent margin (sufficient for passage) a so called “climate sales tax” of 1/4 -cent sales tax generating \$40 million annually with proceeds eligible for a wide range of purposes including workforce training, solar power, adaptation/resiliency programs and sustainable transportation options.
- Voters in Seattle overwhelmingly supported (82 percent) extending and slightly increasing a sales tax (from 0.10 percent to 0.15 percent) originally passed in 2014 that funds a large portion of the region’s bus network. In exchange for the increase in the sales tax the measure lets sunset a \$60 car fee. The measure is estimated to generate about \$42 million per year.

On the disappointing side, voters in the Portland, Oregon metropolitan region rejected a \$5 billion package funded by a payroll tax that would have funded a broad range of roadway and transit projects, including a new light rail line from downtown to the city’s southwestern suburbs and bus rapid transit investments on four major corridors. The measure was opposed by some major companies in the area due to the payroll tax.

  
Therese W. McMillan



# Metropolitan Transportation Commission

375 Beale Street, Suite 800  
San Francisco, CA 94105

## Legislation Details (With Text)

<b>File #:</b>	20-1488	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Report	<b>Status:</b>		Informational	
<b>File created:</b>	10/1/2020	<b>In control:</b>		Joint MTC ABAG Legislation Committee	
<b>On agenda:</b>	11/6/2020	<b>Final action:</b>			
<b>Title:</b>	Draft 2021 Joint Advocacy Program				
	Draft 2021 Joint Advocacy Program for MTC and ABAG, expressing the agencies' state and federal legislative priorities.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">3b_Draft Advocacy Program.pdf</a>				

Date	Ver.	Action By	Action	Result
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### Subject:

Draft 2021 Joint Advocacy Program

Draft 2021 Joint Advocacy Program for MTC and ABAG, expressing the agencies' state and federal legislative priorities.

### Presenter:

Rebecca Long

### Recommended Action:

Information

### Attachments:

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

**November 6, 2020**

**Agenda Item 3b**

**Draft 2021 Joint Advocacy Program**

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**Subject:** Draft 2021 Joint Advocacy Program for MTC and ABAG, expressing the agencies' state and federal legislative priorities.

**Overview:** Attachment A is the first draft of the Joint Advocacy Program for 2021, the first year of a two-year state legislative session, a new Congress and, potentially, a new Presidential Administration. Since this memo was finalized prior to the election, components of the document may need to be revised pending that outcome. Broadly speaking, the 2021 Joint Advocacy Program includes many of the priorities from the current and prior years, with the main addition being the need for additional transit operating funding to assist the region's operators who are facing the threat of staff layoffs and further service reductions if additional financial assistance doesn't materialize in the next few months.

Staff has begun the early engagement phase of this process. In October, we convened MTC's Partnership Legislative Committee—comprised of legislative staff from cities, transit agencies and Bay Area county transportation agencies and other interested parties—and held a meeting with staff from regional agencies across the state to help inform our own priorities and identify opportunities for collaboration. We are also sharing this draft 2021 Joint Advocacy Program with MTC's Policy Advisory Council and the ABAG Regional Planning Committee for input.

Based on discussion at your meeting and additional feedback received over the next month, staff will prepare a final 2021 Joint Advocacy Program for your consideration in December, prior to forwarding the document for final approval by the Commission and Executive Board. We look forward to your feedback.

**Recommendation:** None

**Attachments:** Attachment A: Draft 2021 Joint Advocacy Program

  
Therese W. McMillan



## State Advocacy Goals and Objectives

**Note: While the wording has been updated on most items from our 2020 Advocacy Program, the most substantive changes are shaded.**

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

A. Transit operating funding

In partnership with the region's transit operators and the California Transit Association, seek state assistance to provide emergency transit operating funding to prevent mass layoffs and major reductions in transit service if Congress fails to provide sufficient funding in a timely manner.

B. Regional transportation revenue ballot measure

Engage in any renewed efforts that emerge to authorize a regional transportation revenue measure, including exploring opportunities for such a measure to be placed on through voter initiative within the nine-counties. Advocate for provisions that are consistent with Plan Bay Area 2050 and recommendations emerging from the Blue Ribbon Transit Recovery Task Force, including advancing a more seamless regional transit system and a more resilient transportation system overall. Ensure the expenditure plan is developed in an inclusive manner that provides for meaningful input by a broad array of stakeholders and helps advance social equity across the Bay Area.

C. Reduce Caltrans Administrative Overhead Charges to MTC and the BATA

Expand to MTC and the Bay Area Toll Authority (BATA) cost-savings provisions that were incorporated into the FY 2020-21 State Budget with respect to local agencies in order to reduce BATA administrative costs and free up funding for key bridge maintenance and other priorities.

D. Zero-emission bus mandate	Building on <a href="#">Executive Order N-79-20</a> , seek additional dedicated funding to help transit operators convert their bus fleets to zero-emission in order to meet the state's Innovative Clean Transit rule and accelerate the decarbonization of the transportation system.
E. Equitable access to transportation and supporting infrastructure	Support broadening eligibility requirements in existing and/or new transportation funding streams to enable their use as a subsidy for low-income transportation system users (e.g. discounted fares for public transportation or shared mobility services), consistent with performance measure updates outlined in 2A. Support efforts to expand access to broadband for low-income households who might not otherwise have the option to work remotely. Ensure that legislation aimed at benefiting disadvantaged communities use a definition that includes low-income communities and does not rely exclusively on communities defined by the state's CalEnviroScreen method which disproportionately excludes the Bay Area low-income communities relative to other parts of the state.
F. Active Transportation: Regional trails and bicycle/pedestrian infrastructure improvements	Monitor and support opportunities for additional funding for active transportation, including enhanced active transportation access and safety improvements on existing roadways (i.e. "complete streets") as well as funding for regional trails, such as the San Francisco Bay Trail, the Bay Area Ridge Trail, and the Great California Delta Trail.
<b>2. Public Transit:</b> Support policies aimed at ensuring public transit is an affordable, reliable and convenient transportation option.	
A. Transportation Development Act (TDA) performance standards update	Continue to participate in the TDA Reform Task Force convened by the California Transit Association to explore updates to the TDA's (Transportation Development Act) eligibility requirements. In an era of emergent on-demand transportation options and dwindling transit ridership, alternative performance measures that are focused on incentivizing actions that improve transit service and increase ridership are appropriate and would be more consistent with state and regional climate and equity goals than efficiency-based measures. Ensure discount fares aimed at boosting ridership and improving social equity do not result in reduced state funding. Pursue relief from TDA audits during the current economic downturn.

B. Blue Ribbon Transit Recovery Task Force Recommendations	Support legislation emerging from the recommendations of the Blue-Ribbon Transit Recovery Task Force. Seek to ensure the implementation of initiatives aimed at: 1) getting transit out of traffic; 2) making the transit rider experience more seamless and convenient; and 3) where appropriate, governance changes expected to improve transit service by eliminating the friction and/or redundancy caused by existing transit agency service area boundaries.
3. <b>Housing:</b> Improve access to opportunity by supporting policies aimed at increasing production of housing and increasing funding to produce and preserve affordable housing and associated infrastructure to help build complete communities. Protect tenants and low-income communities from unjust evictions and displacement.	
A. Increase funding available for affordable housing and other supportive infrastructure while also reducing the cost of housing production.	Monitor and support efforts to provide additional state resources for housing and housing-supportive infrastructure, planning and services to ensure housing investments can be made in conjunction with improvements to parks/open space, and other resources to improve Bay Area resident's quality of life.
B. Pursue a range of strategies to help local jurisdictions accommodate additional housing units assigned as part of the Regional Housing Needs Allocation process	Continue to support legislation to boost housing density near jobs-rich and high-quality transit areas with reasonable local flexibility provided and support proposals to authorize housing to be developed in commercial zones, such as shopping malls and commercial corridors. Continue to support legislation to accelerate zoning changes as well as the production of new housing.
C. Bay Area Housing Finance Authority Pilot Project Funding	Seek one-time funding of \$5 million from the FY 2021-22 State Budget to support Bay Area Housing Finance Authority pilot projects as a match to contributions sought from philanthropic and private-sector sources.
D. Homelessness Prevention	Support policies and funding proposals aimed at reducing and preventing homelessness in the Bay Area.
4. <b>Project Delivery:</b> Support strategies to speed up the delivery of transportation and housing projects with the goal of delivering improvements faster and at a lower cost.	
A. Flexibility in Contracting & Public-Private Partnerships	Increase flexibility in contracting and public private partnerships. Support reforms to expedite project delivery. Increase flexibility in the Caltrans design review process and provide broad authority for the use of design-build and public-private partnerships by Caltrans and regional transportation agencies.

	Support policies that would authorize public agencies to partner with the private sector on public right of way to accelerate deployment of technology, such as fiber optic cable, necessary for connected vehicle deployment.
B. California Environmental Quality Act (CEQA)	Building on the success of SB 288 (Wiener), monitor and engage on legislation related to CEQA with the goal of accelerating transportation and housing development projects that are consistent with local and regional plans without diminishing environmental safeguards.
5. <b>Congestion Relief:</b> Support policies aimed at reducing vehicle miles traveled and associated traffic congestion, including, but not limited to, pricing strategies and employer-based programs to help reduce the share of commuting by single-occupant vehicles. Keep equity impacts in mind when evaluating any such pricing strategies.	
6. <b>System Effectiveness:</b> Advocate for policies that improve the Bay Area's transportation system's effectiveness and service delivery, including improved enforcement, minimization of fraud and litigation, and protection of user's privacy. Ensure agencies can communicate with their customers to provide relevant transportation-related information and quality service while following industry best practices with regard to enabling customers to opt-in to receive non-essential communications.	
A. Improve toll collection & enforcement	Support legislation affirming toll agencies' ability to share information about toll transactions necessary for the seamless collection of tolls and toll penalties. Ensure the legislation retains existing privacy protections for customers, clarifies current law with respect to handling of personally identifiable information by toll agencies and their subcontractors, and more clearly defines toll agencies obligations with respect to delivery of toll violation notices.
B. Improve HOV and Express Lanes Performance	Support efforts to improve the performance of high-occupancy vehicle (HOV) and express lanes through enhanced enforcement of vehicle passenger occupancy requirements. Oppose legislation authorizing expanded access to HOV lanes by non-HOVs or further reduced toll rates for clean air vehicles or other vehicles to access express lanes.
7. <b>Mobility on Demand:</b> Engage in regulatory and legislative efforts to facilitate the deployment of new mobility technologies with the goal of accelerating their safety, accessibility, mobility, environmental, equity, economic and workforce benefits, including opportunities to increase access to transit and reduce the share of single-occupancy vehicle trips. Advocate for increased access to critical travel pattern data by local, regional and state agencies for transportation and land use planning and operational purposes while ensuring privacy is protected.	

**8. Climate Change, Energy Efficiency & Resilience:** Support funding and policy strategies to help achieve and better coordinate state and regional climate goals, advance energy efficiency and improve the Bay Area’s resilience to natural hazards and the impacts of climate change, including earthquakes, sea level rise and fire.

<p>A. SB 375 implementation and reform</p>	<p>In partnership with other metropolitan planning organizations and other stakeholders, explore potential updates to SB 375 (Steinberg, 2008) with the goal of focusing less on emission models and more on near term, ambitious but achievable actions that will reduce GHGs in partnership, rather than in competition, with the state.</p> <p>Explore an expansion in the scope of the Sustainable Communities Strategy (SCS) to incorporate climate adaptation, as well as other important regional and statewide objectives, such as affirmatively furthering fair housing, social equity, public health and economic development.</p> <p>Support legislation to increase the availability of funding at the regional level to help <i>implement</i> the SCS, as well as policy tools, such as roadway pricing, to reduce single-occupancy vehicle travel in a manner that ensures equitable policy outcomes.</p> <p>As part of SB 375 reform proposals, seek alignment of the timelines for the development of the SCS in the Bay Area-Sacramento-San Joaquin Valley megaregion to ensure coordination on forecasting assumptions, strategies, and investments to improve the movement of people and goods.</p>
<p>B. Electrifying the passenger vehicle fleet</p>	<p>Consistent with the Plan Bay Area 2050 Blueprint and the state’s transportation electrification goals, support proposals to enact a feebate program that establishes higher registration fees on higher emission vehicles to help fund rebates for cleaner vehicles. Support provisions to mitigate the regressive impact of such fees on lower-income households.</p>
<p>C. State Route 37 improvements</p>	<p>Support legislation in collaboration with Caltrans and the four north bay counties of Marin, Napa, Solano and Sonoma to authorize tolls on State Route 37 to help fund interim congestion relief and the long-term multi-modal reconstruction and resilience of the roadway.</p>
<p>D. Increase the Bay Area’s preparedness for a major earthquake</p>	<p>Monitor and support legislation aimed at improving the region’s seismic preparedness.</p>

E. Wildfire mitigation	Monitor and support legislation aimed at protecting current and future Bay Area residents from wildfire risk.
G. Climate adaptation	<p>Seek state funding for regions and localities to invest in projects and programs that will improve the Bay Area's resilience to the impacts of climate change, including fire and sea level rise.</p> <p>Ensure that statewide climate adaptation legislation:</p> <p>1) complements and builds upon existing local and regional agency capacity and local and regional planning processes and 2) uses the nine-county Bay Area as the geography for <i>regional</i> climate adaptation planning. As in Item 2C, advocate that any funding geared towards disadvantaged communities use a definition that includes low-income communities and households rather than relying exclusively on the state's CalEnviroScreen method.</p>
<b>9. Safety:</b> Improve transportation system safety for all users	
A. Zero traffic fatalities goal (Vision Zero)	Building on the <a href="#">recommendations of the Zero Traffic Fatalities Task Force</a> , support legislation aimed at achieving the Vision Zero goals of no roadway-related deaths or serious injuries by improving safety for all road users, including non-motorists. In particular, support modifying the state's 85 <sup>th</sup> percentile methodology for determining speed limits to provide greater flexibility to local agencies and continue to support authorization of automated speed enforcement technology to enforce speed limits.
B. Passenger rail safety	Support efforts to increase passenger rail safety through increased funding for positive train control and other strategies to reduce risk.
<b>10. Governance:</b> Brown Act Reforms	Monitor and engage in legislation, in coordination with other local agency associations and regional agencies, related to updating the Ralph M. Brown Act (Brown Act) to incorporate some of the increased flexibility provided for during COVID-19 into the long-term provisions of the Brown Act, particularly in relation to remote participation in meetings.



Federal Advocacy Goals and Objectives	
1. <b>Surface Transportation Reauthorization:</b> Engage in national deliberations prioritizing the funding and policy framework for the next surface transportation bill	
	<p>Work with our regional and national partners to support a long-term, fully funded transportation authorization that supports states and regions in achieving national goals related to infrastructure condition, safety, mobility, and air quality. Ensure that the next authorization bill retains discretion for MTC to invest funds in ways that further our region’s goals to improve equity, respond to a changing climate, and increase access to affordable, transit- and jobs-oriented housing. Also seek new resources to support climate adaptation and the deployment of new transportation technology to address the Bay Area’s mobility challenges.</p> <p>MTC’s federal transportation advocacy efforts center around building on the progress made in the Fixing America’s Surface Transportation (FAST) Act, as follows:</p> <ol style="list-style-type: none"> <li>1. <b>Raise New Revenues &amp; Grow Existing Programs:</b> Raise revenues to restore Highway Trust Fund solvency and increase federal transportation investment. Grow core FAST Act-authorized surface transportation programs, which have proven effective in delivering essential funds to California and the Bay Area.</li> <li>2. <b>FAST Act Updates:</b> Within the FAST Act framework, grow federal support for transit and regional mobility solutions, update transit programs to reward Bay Area best practices, and expedite project delivery without harming the environment.</li> <li>3. <b>21<sup>st</sup> Century Challenges and Opportunities:</b> Establish the federal government as a strong partner in state and regional efforts to make transportation networks responsive to the changing climate and transformative transportation technologies. The next transportation bill should include significant new resources for metropolitan areas to invest in solutions to the myriad mobility and related challenges facing the Bay Area and metros nationwide.</li> </ol>
2. <b>Transportation and Housing Funding:</b> Support robust federal investment in Bay Area transportation and housing infrastructure	
A. Fiscal Year 2022 transportation and housing programmatic appropriations	Partner with local, regional and statewide transportation agencies as well as national stakeholders to ensure that Congress funds highway, transit and rail programs at no less than FAST Act-authorized levels. If Congress proposes to increase appropriations above FAST Act-authorized levels, seek to maximize Bay Area funding in revenue allocations. Additionally, work to defend federal affordable

	housing funds and programs, such as Section 8 housing vouchers, the HOME Investment Partnership Program and the Community Development Block Grant Program.
B. Advocate for discretionary transportation grant awards, including Capital Investment Grant funding for Resolution 3434/ Plan Bay Area Projects	Work with regional, state and national partners to advocate for implementation of the Capital Investment Grant (CIG) Program as authorized by the FAST Act. Support federal appropriations consistent with the full funding grant agreements approved for the Caltrain Peninsula Corridor Electrification and BART Transbay Core Capacity projects. Seek to advance through the CIG process the Bay Area's next generation of transit expansion projects, namely: BART to Silicon Valley Phase 2 and San Francisco Transbay Transit Center (Phase 2)/Downtown Extension (DTX). Support additional Bay Area transportation agency and transit operator efforts to secure discretionary funding for projects consistent with <i>Plan Bay Area 2050</i> .
C. Housing production	Support efforts to expand federal housing production tools, including the Low-Income Housing Tax Credit Program, California's largest source of federal funding for new affordable housing.
D. COVID-19 Emergency Aid and Economic Recovery	Continue partnering with local, state, and national partners to advocate for federal aid to support state and local responses to the COVID-19 public health emergency, including advocating for state and local government funding, resources to backfill for lost transportation revenues, and emergency assistance to keep renters and homeowners housed. Support an economic recovery package that invests in sustainable transportation infrastructure and affordable housing.
<b>4. Climate Protection, Adaptation, Environmental Justice:</b> Advocate for a strong federal partner in the Bay Area's efforts to improve air quality, reduce greenhouse gas (GHG) emissions, and make our communities and transportation networks resilient to a changing climate, especially in communities of concern that are most vulnerable to the impacts of climate change.	
A. Climate change mitigation	Advocate for the federal government to take bold action to reduce GHG emissions and limit the magnitude of the climate crisis. Join with our statewide partners to support restoring California's authority to enforce an aggressive clean vehicle mandate and preserving the air quality and climate change laws and regulations—including California's successful Cap and Trade program—needed to meet the state's ambitious target of reducing GHG emissions to 40 percent below 1990 levels by 2030.
B. Disaster mitigation and resilience	Seek to secure resources for the Bay Area to invest in disaster mitigation and resilience, including investing in strategically placed green and grey infrastructure to protect our communities and residents that are most vulnerable to the adverse effects of climate change. Support a strong regional role in disaster mitigation and resilience planning.
C. San Francisco Bay	Advocate for passage of legislation aimed at improving the health and resiliency of the San Francisco Bay.

<b>4. Transportation Innovation and Shared Mobility:</b> Support policies that enable technological innovations to improve mobility, including mobility on demand, while protecting the public's interest.	
A. Automated and Connected Vehicles	<p>In partnership with Bay Area cities and counties, the business community, and state and national transportation organizations, engage in regulatory and legislative efforts related to facilitating the deployment of transformative transportation technologies with the goal of accelerating safety, mobility, environmental, equity and economic benefits associated with new mobility technologies, including application in the transit sector. With respect to connected vehicles and autonomous vehicles (CV/AV), continue to support policies that facilitate joint CV/AV deployment, including preservation of capacity in the 5.9 GHz spectrum band. Additionally, ensure strong federal vehicle safety standards while also preserving the ability of state and local agencies to continue to set policies governing the operation of vehicles on highways and local roads, regardless of whether they are driven autonomously or manually.</p>
B. Shared Mobility	<p>Advocate for federal legislative and regulatory updates that support shared mobility options such as bike-share, shared rides, carpooling, and shared scooters. Support expanding pre-tax transportation fringe benefit eligibility to include shared mobility options. This change would support the now-permanent Bay Area Commuter Benefits program by expanding federal tax incentives utilize alternatives to single occupancy travel to commute to work.</p>

# Metropolitan Transportation Commission

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San Francisco, CA 94105

## Legislation Details (With Text)

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<b>File #:</b>	20-1489	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Report	<b>Status:</b>		Informational	
<b>File created:</b>	10/1/2020	<b>In control:</b>		Joint MTC ABAG Legislation Committee	
<b>On agenda:</b>	11/6/2020	<b>Final action:</b>			
<b>Title:</b>	Washington D.C. Legislative Update				

Report from MTC's Washington representative Mark Dedrick, Summit Strategies.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [3c\\_MTC Federal October Report.pdf](#)

Date	Ver.	Action By	Action	Result
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**Subject:**

Washington D.C. Legislative Update

Report from MTC's Washington representative Mark Dedrick, Summit Strategies.

**Presenter:**

Randy Rentschler, MTC; Mark Dedrick, Summit Strategies; and  
Heideh Shahmoradi, O'Keeffe Shahmoradi (OS) Strategies

**Recommended Action:**

Information

**Attachments:**

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

**November 6, 2020**

**Agenda Item 3c**

**Washington D.C. Legislative Update**

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**Subject:** October 2020 Report from Washington, D.C. advocate.

**Recommendation:** Information

**Attachments:** **Attachment A:** Tom Bulger's Report – October 2020

**Attachment B:** Summit Strategies Team Report – October 2020

  
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Therese W. McMillan

## October 2020 Monthly Washington, D.C. Report



**To:** Therese McMillian, Executive Director MTC

**From:** Tom Bulger, President GRI

**Date:** October 26, 2020

**RE:** Monthly Report for October 2020

This is my last monthly report after over 40 years.

Because of the national elections there wasn't a lot to report this past month. I hope everyone understands that I couldn't make up new news when there was nothing to report.

However, on October 23, 2020, the Commission honored me in a virtual ceremony that was spectacular and heart warming to me and Diana. I would like to share the video with everyone who receives and reads these reports. MTC is special, I hope you agree because I do. This says it all:

<https://youtu.be/M09I4-t15Yk>

[https://www.youtube.com/watch?v=HiQbiLE52\\_A&feature=youtu.be](https://www.youtube.com/watch?v=HiQbiLE52_A&feature=youtu.be)

Thank you, and please stay in touch.

Tom



## **Memorandum**

**From: Summit Strategies Team**

**To: Therese McMillan, Executive Director**

**Date: October 30, 2020**

**Subject: Federal Policy Monthly Report**

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- **Overview**
  - **COVID-Relief Legislation Status**
  - **Fiscal Year 2021 Appropriation Update**
  - **Fixing America's Surface Transportation (FAST) Act Reauthorization Update**
  - **Lame Duck Session of Congress**
  - **Competitive Grant Update**
  - **National Transportation News Roundup**
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Our team of Devon Barnhart, Mark Dedrick, Jim Kolb, James O’Keeffe, Jason Pavluchuk and Heideh Shahmoradi have been hard at work on your behalf since the beginning of April 2020 when our contract began. Since then we’ve been thoroughly immersed in learning more about the region’s needs and priorities as we advocated for various COVID relief packages and advanced and pushed your priorities as the House moved their surface transportation authorization legislation.

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

### **COVID-Relief Legislation Status**

House Democrats released the \$3 trillion HEROES Act in May, which included approximately \$1 trillion for state and local governments (including \$15.8 billion for public transit). However, the White House and Senate Republicans indicated that the measure was too costly and rejected the proposal. Senate Republicans announced a series of bills, known as the HEALS Act, which totaled \$1 trillion. The legislation included no money for state and local governments or for transportation, which Democrats considered a non-starter.

As negotiations have continued, we have been in regular contact with the decision-makers in the House and the Senate. We were in regular communication with the House and Senate Appropriations committees expressing the need for significant funding for transit in any COVID relief package. We have also spent a significant amount of effort to make sure that the Bay Area receives an amount equal to its needs. This has included pushing formula programs that MTC identified as most beneficial to the Bay Area.

We were also in regular contact with the Speaker's staff, encouraging her to continue to push for transit funding on your behalf and have provided the necessary information to make our case for a distribution formula that ensures the needs of the Bay Area are met. We have been in regular communication with Senate Minority Leader Schumer's office making the same case (also benefits New York/MTA). We have worked with the Senate California offices to bolster support in appropriations for transit COVID-19 funding. And we regularly reached out to other key Senators, including leadership and those with larger transit systems in their states to coordinate requests for COVID-19 language and to ensure that this message was being heard. Throughout all of this we have coordinated with other transit agencies like NY MTA, LA Metro, and Sound Transit to ensure that larger transit systems were pushing for similar language in any COVID-19 package.

As each proposal has been unveiled we have worked with FTA to get funding distribution runs and other information to better inform MTC.

Throughout the various iterations of the COVID-relief negotiations, House Democrats, Senate Republicans, and the White House have proposed a range of funding levels, including:

Bill Title	Total Cost	Transit-Related Provisions	Notes
HEROES Act (House Democrats)	\$3.4 trillion	\$15.8 billion to aid public transit systems and \$15 billion to support state and local highway infrastructure projects.	This package includes approximately \$1 trillion of state and local relief.
Revised Heroes Act (House Democrats)	\$2.2 trillion	\$32 billion for public transit; no highway funding	State and local aid reduced to approximately \$450 billion.
HEALS Act (Senate Republicans)	\$1 trillion	This package does not include significant transit aid.	This package does not include state and local aid.

We remain fully engaged and will continue to pursue the MTC's priorities. If a package is not completed or agreed to before the election, it is widely expected that a new package would be considered in the upcoming lame duck session or will be a top priority in the new Congress.

### **Fiscal Year 2021 Appropriation Update**

Due to ongoing negotiations over a COVID-19 emergency package, the FY21 Appropriations bills have been largely sidelined for much of the year. The House did pass ten of their 12 bills, but the Senate has yet to introduce any of theirs. An agreement at the end of September funds federal programs predominantly at FY20 levels through December 11. A package of bills to fund the government for the remainder of FY21 is widely expected to pass during the lame duck, and our contacts on the Appropriations Committee staff don't believe that a government shutdown is likely this year. Depending on what happens with the election, however, dynamics could change. As this process proceeds, we will continue to push for MTC's priorities.



### **Fixing America's Surface Transportation (FAST) Act Reauthorization Update**

As mentioned above, the inability to pass FY21 appropriations before the end of FY20 led to a continuing resolution (CR) to avert a government shutdown. President Trump signed the “clean” CR on October 1, which funds the government through December 11. This CR also includes a one-year extension of the FAST Act, the current surface transportation act, which funds federal highway, transit, and road safety programs at FY20 levels. Throughout the development of this package, our team was in regular contact with the staff to the House and Senate committees with jurisdiction over surface transportation programs regarding the development of this one-year extension, as well as the inclusion of additional Highway Trust Fund revenues to support a full year of highway and transit investment.

While the extension does not change program stipulations or policy conditions, specific allocations could differ in FY21. Additionally, due to a statutory provision guaranteeing each state a minimum of 95-cents-on-the-dollar return on its excise tax contributions to the Highway Trust Fund’s (HTF) Highway Account, Texas and Colorado will receive increased highway formula funding. To accommodate the increase for these states, every other state will see slightly less federal aid highway formula funding in FY21.

While this bill is largely a “clean” extension of current law, there are a few notable provisions in the extension, including:

- increasing the five-year, \$500 million aggregate limitation on non-highway freight projects funded by the INFRA grant program under FAST to \$600 million over six years;
- suspending the Rostenkowski test, which will prevent reductions in the Mass Transit Account due to unfunded authorizations. It also repeals a prohibition on federal dollars covering operating losses on Amtrak routes; and
- extending the Transportation Department’s loan and loan guarantee authority to support development near rail stations for one year.

With the House expected to remain in Democratic control in 2021, we anticipate the House’s long-term reauthorization legislation passed earlier this summer to be the starting point for the House’s approach next Congress. To that end, we’ve continued to stay in close contact with the Transportation and Infrastructure Committee’s staff as well as the relevant Senate Committees to advocate for MTC’s priorities, particularly those which were not addressed in the House-passed INVEST Act earlier this year.

In particular, we have been in regular contact with staff regarding the opportunity to include a “regional advance mitigation program” when the Committee considers reauthorization next congress. We are working to set up a briefing for the staff regarding this proposal with MTC staff and The Nature Conservancy. We have also met with committee staff to discuss MTC’s concerns with regional toll interoperability provisions in the bill. Finally, we have engaged in conversations with Members of the House and Senate who wish to advance proposals that support increasing funding allocated to municipal governments. Senator Tammy Duckworth (D-IL) along with Congressman Espaillat (D-NY) intend on offering policy proposals that would direct funding to regional and local governments in order to reduce congestion, improve the environment, and increase access. We have engaged those offices to share MTCs successes and perspectives and will continue to engage. Several proposals they crafted were included in the INVEST Act.

### **Lame Duck Session of Congress**

There are many unknowns regarding the upcoming lame duck session of Congress. As mentioned above, the current appropriations funding expires on December 11 and a longer-term funding solution for the government will need to be agreed to. If an agreement on a COVID relief package is not reached prior to the election, there is also a chance that this could be taken up during the lame duck session. The results of the election could have a real impact on these negotiations. Depending on what happens with the Senate and the White House, the current powers that be may be either very motivated to strike a deal or content to see things pushed back to January of next year.

### **Competitive Grants Update**

#### FTA Publishes Notice of Funding Availability for the Pilot Program for TOD Planning

On Tuesday, September 29, the Federal Transit Administration (FTA) announced the availability of \$6.2 million of FY20 funding under the Pilot Program for Transit-Oriented Development Planning. Applications for the funding were due October 26, 2020.

#### FY20 CRISI Grants Announced

On Wednesday, September 23, the U.S. Department of Transportation's Federal Railroad Administration (FRA) announced the award of \$320.6 million in FY20 Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants to 50 projects in 29 states. Nine of the selected projects address safety at highway-rail grade crossings. USDOT stated that rural projects received 60 percent of the available funding. Additionally, 32 of the projects are in Opportunity Zones. Only one project was awarded to California (pedestrian safety improvements in the City of Tulare). The full list of the awarded projects can be found [here](#).

#### FTA Publishes NOFA for the Public Transportation COVID-19 Research Demonstration Grant Program

On Monday, October 5, the Federal Transit Administration (FTA) announced the availability of \$10 million of FY20 funding through the Public Transportation COVID-19 Research Demonstration Grant Program. Applications for the funding are due November 2, 2020, and the NOFO is available [here](#). USDOT says that Portland, Seattle, and New York City are ineligible for the program because they were declared by the Justice Department to be "anarchist" jurisdictions last month. USDOT's restriction on those three cities will no doubt be found to be unconstitutional once it gets to the courts.

While the Bay Area doesn't have any jurisdictions that have been designated as "anarchist", we have engaged with House THUD and House Transportation and Infrastructure Committee majority staff, as well as APTA, regarding a possible response to the FTA's inclusion of restrictive project eligibility criteria in the NOFA.

#### FTA Announces Helping Obtain Prosperity for Everyone Program Grants

On Wednesday, October 7, the U.S. Department of Transportation's Federal Transits Administration (FTA) announced the award of \$8.5 million in FY2020 Helping Obtain Prosperity for Everyone (HOPE) grants to 25 projects in 17 states. All the selected projects are in Opportunity Zones, and 19 of the projects are in rural areas, which is consistent with the Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative. There were three California grant recipients but none in the Bay Area. The full list of the awarded projects can be found [here](#).

### **National Transportation News Roundup**

The impact of transit service cuts on 9 major cities. [Smart Cities Dive](#)

Occupancy Data: A Real Crowd Pleaser. [Mass Transit Magazine](#)

Effects of Climate Change on Transportation Are Not Always Obvious, Immediate. [NPR](#)

As cities around the world change, one expert stresses the importance of ‘smart mobility.’ [CNBC](#)

The Pandemic Bike Boom Hits in Some Unexpected American Cities. [Bloomberg CityLab](#)

Halted stimulus talks undercut already ailing airlines and transit systems. [Washington Post](#)

The Americans Who Could Be Stranded by Transit Cuts. [Bloomberg CityLab](#)

Amtrak: Additional funds needed to avoid more service, job cuts. [Progressive Railroading](#)

Rep. Rodney Davis Introduces Highway Funding Measure. [Transport Topics](#)

No More Rush Hour? A Look at the Pandemic’s Impact on Traffic. [RouteFifty](#)

Public transportation industry urges return to stimulus negotiations for Congress, White House.  
[TransportationToday](#)