



METROPOLITAN  
TRANSPORTATION  
COMMISSION

**Agenda Item 4a**

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## *Memorandum*

TO: Legislation Committee

DATE: March 3, 2017

FR: Executive Director

W. I. 1131

RE: H.R. 824 (Smith): No Transportation Funding for Sanctuary Cities Act

### **Background**

The *No Transportation Funding for Sanctuary Cities Act* (H.R. 824) is authored by U.S. Representative Jason Smith (R-MO). H.R. 824 would prohibit federal highway funding and Transportation Investment Generating Economic Reform (TIGER) grants from being obligated to projects located in “sanctuary jurisdictions.” The prohibition would be retroactively applied to encompass FY 2015-16 grants, which included a \$6.3 million award for BART’s 19<sup>th</sup> Street Station upgrades in Oakland. In 2016, a number of bills were introduced that would restrict sanctuary jurisdictions from receiving federal funding from programs ranging from law enforcement to Community Development Block Grants (CDBG). Staff anticipates that proposals targeting transportation funding will continue to emerge this year given the ongoing discussions regarding sanctuary cities as well as federal infrastructure funding.

### **Recommendation: Oppose**

### **Discussion**

H.R. 824 defines a “sanctuary jurisdiction” as a state or political subdivision of a state that does not fully cooperate with federal immigration enforcement efforts, including through non-compliance with Immigration and Customs Enforcement (ICE) detainer requests. There is no formal federal list identifying such jurisdictions and thus it is not yet clear which Bay Area jurisdictions are at risk of losing access to federal highway and TIGER funds. However, approximately 300 jurisdictions are included in a commonly-cited list referencing “sanctuary jurisdictions,” as outlined in H.R. 824. That list includes the entire state of California as well as seven Bay Area counties (excluding Marin and Solano) and the City of Berkeley.

The Bay Area directly receives approximately \$170 million annually in federal highway funding, most of which is used to fund the One Bay Area Grant (OBAG) program. The region also receives an average of \$23 million annually in federal highway funding for bicycle and pedestrian projects awarded through the competitive Active Transportation Program (ATP). In addition to MTC-programming, Caltrans funds highway and bridge safety, preservation, and construction projects throughout California with federal highway dollars.

The charts on the following page provide additional details on federal highway funds estimates for the Bay Area as well as a breakdown demonstrating prior use of these funds.

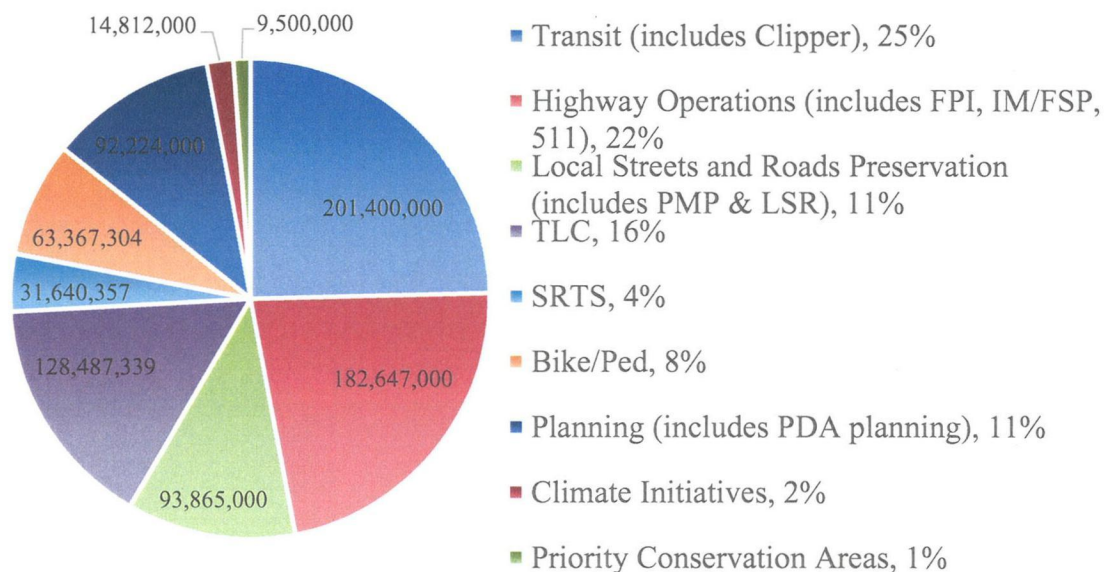
### Federal Transportation Funding in the Bay Area

Federal Highway Formula Funding	Bay Area Program	MTC/Bay Area Annual Funding (2020)
Surface Transportation Block Grant Program (STBG)	OBAG	\$98 million
Congestion Mitigation and Air Quality (CMAQ)	OBAG	\$74 million
STBG Transportation Alternatives set-aside	ATP	*\$ 23 million
<b>Total</b>		<b>\$195 million</b>

\*Annual average funding from fiscal year 2014-2020

Federal Funding in 2017 TIP	Bay Area Funding 2017 - 2020
State and Regional Transportation Funds (Federal Highway Programs)	\$4.7 billion

### STBG and CMAQ in the Bay Area (2013-2017 OBAG 1 Programming)



Withholding federal transportation funds from jurisdictions that have adopted certain immigration enforcement policies is not only legally questionable, it would also be extremely harmful to Bay Area residents and businesses, as well as the state's ability to achieve its air quality and climate change goals. For these reasons, staff recommends an oppose position.

### No Known Positions

  
Steve Heminger

SH: ggd

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