



Memorandum

TO: Joint MTC Legislation Committee and
ABAG Legislation Committee

DATE: November 2, 2018

FR: Deputy Executive Director, Policy

RE: Draft 2019 Joint Advocacy Program

Attached is the first draft of a joint ABAG/MTC advocacy program for 2019, the first year of a two-year state legislative session and the first year for the state's next governor. In addition, there will be a new Congress in Washington, D.C. with potentially new members holding leadership positions as well as committee chairs. Given this draft advocacy program was finalized a few days before the November 6th election, there are components of the document that will be revised pending the outcome of certain state ballot measures, as well as who holds the balance of power in Washington. Broadly speaking, the 2019 draft advocacy program seeks to advance the key goals of the *Plan Bay Area 2040's* [Action Plan](#), which include housing (the focus area of CASA), economic development, and resilience which includes:

- **Housing:** Lower the share of income spent on housing and transportation costs, lessen displacement risk, and increase the availability of housing affordable to low- and moderate-income households.
- **Economic Development:** Improve transportation access to jobs, increase middle wage job creation, and maintain the region's infrastructure.
- **Resilience:** Enhance climate protection and adaptation efforts, strengthen open space protections, and protect communities against natural hazards.

The first item on the advocacy program is implementation of the CASA Compact. Later this month, the CASA Compact – which is still under development – will be discussed at a Commission retreat and at the Executive Board's meeting.

Staff will return to the respective agencies' legislation committees to seek approval for specific bill positions that will subsequently be presented for approval to the Commission and Executive Board. Staff is in the early stages of seeking input on this document, but intends to do so over the next two months. Specifically, over the next three weeks, staff will convene MTC's Partnership Legislative Committee comprised of legislative staff from cities, transit agencies and congestion management agencies and other interested parties as well as host an annual meeting with staff from Regional Transportation Planning Agencies across the state to share our draft program and hear about what other organizations are prioritizing next year. Staff also intends to present the draft to the Policy Advisory Council and the ABAG Regional Planning Committee at their meetings in November and January. Based on discussion at your meeting and additional feedback received, staff will prepare a final 2018 Advocacy Program for your consideration at another joint ABAG/MTC Legislation Committee meeting in January, prior to final approval by the Commission and Executive Board. We look forward to hearing your feedback.


Alix A. Bockelman

Attachments:

- Attachment A: Draft 2019 Joint Advocacy Program

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STATE		
Issue	Goal	Strategy
1. Housing Crisis	Implement the CASA Compact's 3Ps & 3Rs	Lead the Bay Area's efforts to enact legislation to make substantial progress on the "3 Ps" of the upcoming CASA Compact, which focuses on three core areas: 1) Production of additional housing, including affordable and market rate; 2) Preservation of existing affordable housing; and 3) Protection of current residents from displacement. Implementation of these core goals will be through various bills that aim to deliver the "3 Rs," namely Reform, Revenue and Regional Leadership . The Commission and ABAG Executive Board will be briefed on the CASA Compact later this month.
2. Transportation Funding	A. Defend and expand state investment in transportation	Scenario 1 (Prop 6 Fails): With SB 1 funds remaining intact, staff will focus our legislative efforts related to transportation funding on ensuring that statutes and guidelines for existing funds continue to be structured in a manner that recognizes the Bay Area's disproportionate contributions to the state's economy, our significant traffic congestion and public transit system needs, and seek opportunities to expand funding through one-time opportunities, such as Cap and Trade. Scenario 2 (Prop 6 Passes): Staff will actively participate in regional and statewide conversations about next steps to replace SB 1 funding.
	B. Transportation Development Act (TDA) Performance Standards Review	Participate in a subcommittee to be convened by the California Transit Association to evaluate the appropriateness of California's current TDA (Transportation Development Act) fare-box requirements in an era of disruptive on-demand transportation options that are contributing to declining transit ridership nationwide. Explore development of alternative measures that are focused on incentivizing transit agency actions that increase ridership for enactment in 2020.

Issue	Goal	Strategy
2. Transportation Funding (cont'd)	C. Active Transportation Program Reform	Support legislation to streamline the administration of the Active Transportation Program (ATP) so that the projects do not require an allocation by the California Transportation Commission and a larger share of the funds are suballocated to regional transportation planning agencies to expand their competitive ATP programs, similar to the federal Surface Transportation Block Grant Program and Congestion Mitigation and Air Quality.
	D. Capturing Sales Tax from Internet Sales	In June 2018, the Supreme Court ruled 5-4 in <i>South Dakota v. Wayfair</i> that internet retailers can be required to collect sales taxes even in states where they have no physical presence if a seller's gross revenue exceeds a reasonable threshold of value or quantity. The decision was hailed as a victory for brick-and-mortar businesses and for states that have expressed concern about losing out on tax revenue as internet sales comprise an increasingly larger share of all sales. The Legislature has recently begun to explore next steps to implement this ruling through informational hearings. Staff will engage in legislative and regulatory efforts in 2019 to conform state law to this ruling in order to expand the sales tax base, which holds promise to increase transportation funding from local-option sales taxes and TDA funding across the region, as well as local county and city resources.
3. Climate Change & Resilience	A. Accelerate the transition to a low carbon future	Support legislation to accelerate the transition to a low carbon future through electrification of the vehicle fleet as well as incentives for low carbon buildings. Advocate for consideration of resilience and redundancy in electric vehicle charging infrastructure deployment. Seek additional funding to help transit operators meet the state's ambitious zero emission bus (ZEB) targets.
	B. Improve the Bay Area's resilience to various hazards	Support legislation aimed at increasing the Bay Area's resilience, including increased funding for mitigation of multiple hazards including seismic, fire and earthquake as well as funding for local and regional hazard mitigation planning and policy implementation.

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4. Toll Collection & Enforcement	Technical clean-up to toll statutes related to enforcement and interoperability	Co-sponsor clean-up legislation with other California toll operators related to authorizing the sharing of information about toll transactions necessary for the collection of tolls and toll penalties. The bill would retain current privacy protections (and penalties for violations thereof) for customers, while ensuring that toll agencies can comply with federal requirements (known as “interoperability”) which mandate the sharing of toll transaction information across toll agencies so that tolls can be seamlessly processed across toll agencies nationwide. Specifically, the legislation would: 1) affirm toll agencies’ ability to share information with the DMV and third parties necessary to place a hold on a vehicle’s registration for unpaid toll violations; and 2) affirm toll agencies’ authority to share relevant information related to toll transactions with other toll agencies for the purpose of processing a transaction by a customer with an account from another toll agency.
5. HOV Lanes	Improve HOV and Express Lane performance	Support efforts to improve the performance of high-occupancy vehicle (HOV) and express lanes through enhanced enforcement of vehicle passenger occupancy requirements. Potential components of a legislative effort include: (1) Authorization to deploy technology, on a pilot basis, to enforce vehicle occupancy requirements on HOV and express lanes. (2) Enhanced funding of and/or establishment of a dedicated vehicle occupancy enforcement unit within California Highway Patrol (CHP).
6. Bus Service	Authorize “bus-on-shoulder”	Support efforts by the California Transit Association and Bay Area operators to expand authorization of buses to use the highway shoulder, known as “bus-on-shoulder” during periods of heavy traffic. This is currently allowed in the Santa Cruz/Monterey area and 12 other metropolitan areas in the U.S., (including Seattle, Miami, Minneapolis/ St. Paul, Atlanta, and the Washington, D.C. area), to help speed up bus service in highly-congested corridors. Require collaboration with the California Highway Patrol in the development of guidelines to determine which roadways qualify to ensure public safety.
7. Active Transportation	Improve roadway safety for all users	Monitor and support legislation aimed at increasing bicycle and pedestrian safety. Oppose legislative efforts to reduce funding for active transportation or roll back other measures designed to enhance pedestrian and bicycle safety. See also Item 2C.

Issue	Goal	Strategy
8. Shared Mobility	Support policies that enable technological innovations to improve mobility, while protecting the public's interest	Monitor and support legislation and regulations related to shared mobility, such as transportation network companies and real-time carpooling, to ensure that mobility benefits are maximized, and access to critical data for transportation and land-use planning and operational purposes is assured.
9. Connected and Autonomous Vehicles	Monitor and engage in legislation and regulations to facilitate deployment of connected vehicles and autonomous vehicles	In partnership with Bay Area cities and counties, transit agencies, the business community, and other transportation organizations, engage in regulatory and legislative efforts related to facilitating the deployment of connected and autonomous vehicles with the goal of accelerating their safety, mobility, environmental, equity and economic benefits, including opportunities to support improved transit access. Similar to the "shared mobility" strategy, support access to critical data for transportation and land use planning and operational purposes. In addition, support Bay area jurisdictions' efforts to test and deploy these new technologies.

FEDERAL

Issue	Goal	Strategy
1. FAST Act Reauthorization	Engage in national deliberations prioritizing the funding and policy framework for the next surface transportation act	Work with partners across the country to support a long-term, fully funded transportation authorization with funding and financing tools that work for metropolitan regions, including Build America Bonds. Advocate for increased funding for existing authorized programs, including the Surface Transportation Block Grant and Congestion Mitigation and Air Quality Improvement programs. Support new revenues for major transit, congestion relief and goods movement projects, and a new flexible metro-mobility formula program to assist regions in improving near-term mobility and preparing our most heavily trafficked population and job centers for a connected and autonomous future. Additionally, work state, local and national partners to identify planning and funding needs to support the transition to an autonomous and connected transportation system.
1. Infrastructure Initiative	Increase federal transportation and housing investment in metropolitan regions under any new infrastructure funding initiative	In the event that Congress takes up an infrastructure initiative outside of reauthorization of the FAST Act, urge that the nation's metropolitan regions receive priority for funding and that funds be invested in housing as well as transportation. Work with partners across the country to support an investment package with funding and financing tools that work for metropolitan regions, including Build America Bonds. Support new revenues for major transit, congestion relief and goods movement projects, a new metro-mobility formula program and increased funding for existing authorized programs, including the Surface Transportation Block Grant and Congestion Mitigation and Air Quality Improvement programs. In conjunction, support growing federal resources for affordable housing, including augmenting the Low Income Housing Tax Credit program and expanding federal tools for housing-supportive infrastructure investments.
2. Transportation and Housing Appropriations	A. Defend fiscal year (FY) 2019 and FY 2020 transportation appropriations	Partner with local, regional and statewide transportation agencies as well as national stakeholders to ensure that Congress appropriates, at a minimum, amounts authorized in the Fixing America's Surface Transportation (FAST) Act for highway and transit formula programs. If Congress proposes to increase appropriations above FAST Act-authorized levels, seek to maximize Bay Area funding in revenue allocations.

	B. Advocate for Capital Investment Grant funding for Resolution 3434/ <i>Plan Bay Area 2040</i> Projects	Work with regional, state and national partners to advocate for both funding and 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 project. Seek to advance through the CIG process the Bay Area's next generation of transit expansion projects, namely: San Francisco Transbay Transit Center (Phase 2)/Downtown Extension (DTX), BART to Silicon Valley: Phase 2, and the Transbay Corridor Core Capacity project. Support transit operator requests for Small Starts funding for projects consistent with <i>Plan Bay Area 2040</i> .
	C. Support robust FY 2019 and FY 2020 housing appropriations	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. Work with national coalitions to identify opportunities to advocate for new tools to support affordable housing, address homelessness, and invest in housing-supportive infrastructure.
3. Connected Vehicles and Autonomous Vehicles (CV/AV)	Monitor and engage in legislation and regulations to facilitate CV/AV deployment	In partnership with Bay Area cities and counties, the business community, state and national transportation organizations, engage in regulatory and legislative efforts with the goal of accelerating safety, mobility, environmental, equity and economic benefits associated with CV/AV deployment, including deployment in the transit sector. Support 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.