

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

**July 9, 2021**

**Agenda Item 4b**

**Washington D.C. Legislative Update**

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**Subject:** June 2021 Report from Washington, D.C. advocate.

**Recommendation:** Information

**Attachments:** **Attachment A:** Summit Strategies Team Report – June 2021

  
Therese W. McMillan



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**Memorandum**

**From:** Summit Strategies Team  
**To:** Therese McMillan, Executive Director  
**Date:** July 1, 2021  
**Subject:** Federal Policy Monthly Report

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- **Overview**
  - **Bipartisan Infrastructure Deal**
  - **House Passes Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST Act)**
  - **Senate Commerce Committee Moves Surface Reauthorization**
  - **Agency Confirmations**
  - **Agency Actions and Competitive Grants Update**
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Below is a status update on issues of interest to MTC, and actions we have taken.

### **Bipartisan Infrastructure Deal**

While both the House and Senate committees of jurisdiction have been moving their versions of surface transportation legislation through regular order this year, infrastructure negotiations between the White House and a group of bipartisan Senators have been ongoing. After months of negotiations, these Senators reached an agreement with President Biden last week. The White House announced support for a two-page framework calling for \$579 billion in additional infrastructure spending. This agreement to date contains only topline funding numbers, without any of the underlying policy provisions the different committees have been working on.

While it is unclear at this point how this bipartisan agreement will work with, or instead of the House and Senate surface transportation legislation, your team has remained in regular contact with USDOT, House and Senate leadership and the congressional committees with jurisdiction over aspects of the agreement, and the Bay Area congressional delegation advocating for MTC's policy objectives. Your team is also working with Senators from the bipartisan infrastructure group, as well as the California Senators, to ensure strong support for transit funding for the region and to help establish a resilience program to tackle comprehensive solutions to climate challenges.

### **House Passes Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST Act)**

On July 1, 2021, the House passed on a near party line vote the INVEST Act. The \$547 billion surface transportation bill includes major increases for public transit and passenger rail, adds climate and resilience programs to the highway portion of the federal program, and increases the amount of flexible highway funding that would be directed to MTC. Republican's arguments against the bill focused on the lack of a bipartisan process and concerns with the focus on climate change and resiliency.

Your team worked very closely with staff of the House Transportation and Infrastructure Committee to shape and develop policies and programs that benefit the Bay Area and provide technical assistance to the committee staff in drafting the legislation. We also worked to file an amendment to address regional resiliency issues, in line with the Resilient Communities Challenge concept that we have been working on in close coordination with the U.S. Department of Transportation. While the amendment was not incorporated into the bill, we are continuing conversations to advance resiliency issues as part of the larger infrastructure package.

The bill also includes funding for member designated projects. MTC secured three Bay Area regional projects in the legislation:

- \$3 million for the Bay Bridge Forward – I-80/Powell Street Transit Access and I-80 Westbound Bus Lane Extension;
- \$1.3 million for the Vista Point Bay Trail in Sausalito; and
- \$5 million for the San Francisco Bay Area Regional Advance Mitigation Program (RAMP).

We worked closely with the staff of Congresswoman Lee on the I-80 Bus Lane Extension, Congressman Huffman on the Vista Point Bay Trail, and Congresswoman Lofgren on the RAMP project. We also worked with the House Transportation & Infrastructure Committee staff to confirm that these projects were eligible for funding and ensure the staff had all the information they needed on the projects. While hurdles remain before this legislation can become law, Chairman Peter DeFazio (D-OR) suggested that House Democrats expect to use this bill to negotiate with the Senate.

### **Senate Commerce Committee Moves Surface Reauthorization**

The Senate Commerce Committee voted on the rail portion of the surface transportation reauthorization bill earlier in June. The legislation would allocate \$78 billion toward transportation programs under the committee's jurisdiction. The bill, which passed the Committee on an overwhelmingly bipartisan 25-3 vote, includes \$36 billion for rail, \$28 billion for multimodal and freight, and \$13 billion for safety initiatives.

Notable provisions include the following:

- Multimodal Discretionary Grants
  - \$10 billion for a multimodal Projects of National Significance Grant Program, including integrated intercity and passenger rail projects;
  - \$7.5 billion for the multimodal TIGER/BUILD/RAISE Grant Program which would fund important regional and local projects;
  - \$6 billion for a multimodal freight discretionary grant program
- Intercity and Passenger Rail
  - \$19 billion for Amtrak
  - \$7.5 billion for Intercity Passenger Rail grants (formerly called the Federal-State Partnership for State of Good Repair)
  - \$320 million for the Railroad Rehabilitation and Improvement Financing Program;
- Safety
  - \$5 billion for Consolidated Rail Infrastructure and Safety Improvements Grants;
  - \$2.5 billion for a new rail crossings safety program

We worked closely with the Committee to include significant funding increases for passenger rail and multimodal grant programs to fund projects of national and regional significance. This included work to clarify these programs to improve Bay Area competitiveness.

Senators Ted Cruz (R-TX), Mike Lee (R-UT), and Rick Scott (R-FL) voted against advancing the legislation after their amendments failed to pass. Senator Lee proposed language to remove a mandate that all new vehicles feature lane-keeping technology as well as increasing DOT's reporting requirements related to projects being evaluated under the National Environmental Policy Act. Senator Scott offered several amendments unrelated to rail and safety, such as repurposing unspent COVID relief funds and limiting the EV tax credit.

The Banking Committee with jurisdiction over transit programs has yet to act on their portion of the surface transportation bill.

### **Agency Confirmations**

On Tuesday, June 15, 2021, the U.S. Department of Transportation (DOT) announced that the Senate confirmed Nuria Fernandez as the 15th Administrator of the Federal Transit Administration (FTA). Fernandez brings a wealth of transit experience, including as General Manager and CEO of the Santa Clara Valley Transportation Authority (VTA) in San Jose, California. Before leading VTA, Fernandez served in leadership positions at some of the busiest transit agencies in America, including the New York Metropolitan Transportation Authority, Chicago Transit Authority, and the Washington Metropolitan Area Transit Authority.

On Monday, June 14, 2021, the U.S. Department of Housing and Urban Development (HUD) announced the swearing in of Adrienne Todman as Deputy Secretary. Most recently, Deputy Secretary Todman served as the CEO of the National Association of Housing and Redevelopment Officials. Previously, she served as Executive Director of the District of Columbia Housing Authority (DCHA) and served in several career positions at HUD.

### **Agency Actions and Competitive Grants Update**

#### **HUD Awards \$1.1 Billion in American Rescue Plan Funds for Emergency Housing Vouchers**

On Thursday, June 10, 2021, HUD announced the awarding of the first round of American Rescue Plan Act (ARPA) funds for Emergency Housing Vouchers (EHVs) for individuals and families who are experiencing homelessness or at risk of homelessness. Specifically, HUD is awarding 70,000 vouchers for 626 public housing authorities.

#### **DOT Releases Spring Regulatory Agenda**

On Friday, June 11, 2021, the DOT announced upcoming regulation proposals:

- **Safer and More Equitable Roadways & Vehicles-** This includes requiring heavy and light vehicles to include Automatic Emergency Braking and revising the manual on Uniform Traffic Control Devices for Streets and Highways.
- **Safer Workers and Workplaces-** DOT's spring regulatory agenda includes actions such as requiring a safe minimum train crew size and ensuring that flight attendants on certain flights receive a scheduled rest period.
- **Climate and Environmental Justice-** DOT is advancing enhance pipe safety and reducing environmental impact and re-establishing a Greenhouse Gas Emissions Performance Measure for state and metropolitan planning.

#### **Transportation Secretary Buttigieg Announces the Allocation of \$250 Million in American Rescue Plan Funding**

On Friday, June 11, 2021, DOT Secretary Pete Buttigieg announced the allocation of \$250 million in [federal funding allocations](#) to help communities across the country protect the jobs of workers involved in constructing transit projects, ensuring the continued advancement of those critical facets of infrastructure, despite the COVID-19 pandemic. This includes \$21.9 million in Capital Investment Grant (CIG) Small Start funding for the San Francisco Van Ness Bus Rapid Transit project, which is currently under construction.

#### **Secretary Fudge Outlines HUD Actions to Address Reentry Housing Needs and Increase Public Safety**

On Wednesday, June 23, 2021, HUD released an outline of actions they are taking to improve public safety programs by addressing the housing needs of formerly incarcerated individuals and people with criminal records. The American Rescue Plan, through the emergency housing vouchers, provided HUD the opportunity to assist people who are at risk of facing homelessness due to their lack of sufficient resources.

HUD is also taking additional steps to meet the housing needs of the formerly incarcerated:

- Developing additional tools and guidance to assist private landlords, PHAs, and multifamily housing owners to ensure that their applicant screening and tenant selection practices avoid unnecessarily overbroad denial of housing to applicants based on criminal records that could lead to Fair Housing violations;

- Reviewing existing HUD policies and regulations that limit access to housing and HUD assistance among people with criminal conviction histories; and
- Publishing findings regarding best and promising practices on reentry housing, including through HUD's existing programs and demonstrations like the [Juvenile Reentry Assistance Program](#) and the [Pay for Success Permanent Supportive Housing Demonstration](#).

### **National Transportation News Roundup**

- 4 Ways Transit Can Lure Back Post-Covid Commuters. [Bloomberg CityLab](#)
- Infrastructure plan calls for fixing the nation's existing roads. Some states are still focused on expansion. [Washington Post](#)
- Senate committee approves bipartisan \$78 billion rail and transportation safety bill. [Washington Post](#)
- How Climate-Proofing Mass Transit Can Make Cities More Equitable. [Bloomberg](#)
- White House mounts full-court press on infrastructure deal. [The Hill](#)
- Final EIR/EIS released for California High-Speed Rail Authority's Bakersfield to Palmdale project section. [Mass Transit](#)
- Governors praise bipartisan deal on infrastructure. [Progressive Railroading](#)
- Biden Administration Continues Fair Lending Efforts as HUD Announces Proposal to Restore the Discriminatory Effects Rule. [National Law Review](#)