

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

**November 12, 2021**

**Agenda Item 4a**

**Draft 2022 Joint Advocacy Program**

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**Subject:**

Draft 2022 Joint Advocacy Program for MTC and ABAG, expressing the agencies' state and federal legislative priorities.

**Discussion:**

Attachment A is the first draft of the Joint Advocacy Program for 2022, the second year of the 2021-22 state legislative session. This draft program contains many provisions that were also contained in 2021, with some exceptions. Notably, we are not seeking a General Fund earmark to launch the Bay Area Housing Finance Authority since we succeeded in that effort this year, having secured \$20 million to launch five pilot programs across the 3Ps of protection, preservation and production. We also propose to stop pursuing clean-up legislation related to toll agencies and the handling of personally identifiable information that we had sought to stem litigation challenging BATA's ability to perform basic toll collection functions such as issuing toll violation notices. While clearly meritorious, this effort has proven unsuccessful several years in a row due to the challenge of enacting legislation related to pending litigation. We are in alignment with the toll agencies in Southern California on preferring not to pursue legislation on this item at this time. After the litigation is resolved, we may recommend we revisit the issue. Lastly some provisions of the program may become moot or need revision if Congress reaches agreement on the long-awaited infrastructure and reconciliation deal over the next month!

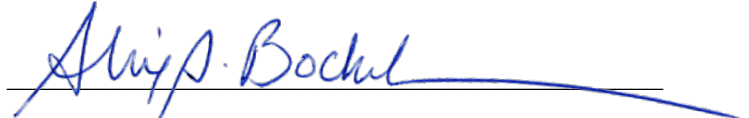
**Next Steps:**

Staff will seek additional feedback from Bay Area stakeholders and partner agencies over the next month. We are also sharing this draft with MTC's Policy Advisory Council on November 10, 2021. Based on discussion at your meeting and additional feedback received over the next month, staff will prepare a final 2022 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 hearing the Committee's feedback and answering any questions you may have.

**Attachments:**

- Attachment A: 2022 Draft Advocacy Program



Alix A. Bockelman



## 2022 DRAFT ADVOCACY PROGRAM

**Note:** New or substantially changed items or wording shown in *italics*.



State Advocacy Goals and Objectives	
<b>1. Transportation Funding:</b> <i>Maximize funding to the Bay Area from new revenues that may be authorized through the federal infrastructure bill as well as through the State Budget.</i>	
<p><i>A. Maximize the Bay Area's share of any General Fund surplus revenues invested in local/regional transportation</i></p>	<p><i>Pursue a unified Bay Area advocacy strategy for General Fund support of transportation through the state budget in partnership with the region's transit operators, county transportation agencies, as well as transportation, business and other advocacy organizations. Advocate for policy provisions that maximize the chances that the Bay Area's public transit priorities will be competitive for receiving funding and pursue the use of regional targets (instead of earmarks) to help ensure the region receives funding commensurate with its needs. Oppose use of the State Transportation Improvement Program (STIP) formula as the mechanism for funding public transit.</i></p>
<p><i>B. High Speed Rail Funding</i></p>	<p><i>Support the Newsom Administration's budget request for the California High-Speed Rail Authority to fund the current phase of the project from Bakersfield to Merced. Oppose legislative efforts to divert Prop 1A funds to local rail priorities in Los Angeles or elsewhere. However, if the Legislature pursues redirection of funds to local priorities, ensure the region's needs are addressed and that any Bay Area transit projects included in a final agreement assist with bringing the High-Speed Rail project to the Bay Area, are consistent with Plan Bay Area 2050 and are eligible for Prop 1A funding.</i></p>
<p><i>C. Maximize Bay Area funding from any new programs established by a future federal surface transportation bill</i></p>	<p><i>Assuming enactment of a new federal surface transportation bill, partner with Bay Area and statewide partners on implementing legislation with the aim of maximizing funding to the Bay Area and in a manner that supports implementation of Plan Bay Area 2050, enabling continued flexibility.</i></p>

D. Transit operating funding	<i>Explore potential sources of supplemental, ongoing state funding for transit operations to address long-term structural deficits forecast as a result of ridership changes due to COVID-19 and the shift to remote work.</i>
E. Regional revenue ballot measure	<i>Convene key Bay Area stakeholders and engage with the public regarding a regional revenue ballot measure in 2024. Central to the discussion will be determining whether there is broad support for a regional transportation measure in 2024, including consensus around the purpose/goals of the measure, expenditure plan priorities and the source of new revenue. Any voter-approved transportation funding measure would require state authorizing legislation to be approved by the Legislature. A key topic of discussion will be the interplay between a regional transportation measure and a potential regional housing measure—which could be pursued by the Bay Area Housing Finance Authority (BAHFA) and ABAG pursuant to AB 1487 (Chiu, 2019)—as well as the option to develop a combined “quality of life” measure to address both affordable housing and transportation, as well as climate resilience and potentially other regional priorities.</i>
F. State Route 37 improvements	Pursue legislation 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.
G. Reduce Caltrans Administrative Overhead Charges to MTC and the BATA	Expand to MTC and the Bay Area Toll Authority (BATA) cost-savings provisions associated with Caltrans administrative overhead charges that have been approved for local agencies and the High Speed Rail Authority in order to reduce BATA administrative costs and free up more toll revenues for critical bridge maintenance and other BATA priorities.
H. Zero-emission bus mandate and ferry regulations	Building on <a href="#">Executive Order N-79-20</a> , support additional funding to help transit operators convert their bus fleets and ferries to zero-emission in order to meet the state’s Innovative Clean Transit rule and ferry regulations and accelerate the decarbonization of the transportation system.

I. Equitable access to transportation and supporting infrastructure/Disadvantaged Communities	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). 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.
J. 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. <i>Transit Transformation Action Plan Implementation</i>	<i>Pursue legislation to help ensure timely implementation of the Transit Transformation Action Plan adopted by the Blue Ribbon Transit Recovery Task Force and MTC. Prioritize inclusion of provisions to help accelerate the early action items, namely transit fare integration, mapping and wayfinding, and transit priority.</i>
B. <i>Get Buses Out of Traffic</i>	<i>Consistent with the recommendations of the Transit Transformation Action Plan, support part-time transit lanes (on shoulders) and other transit priority improvements. Support an extension of Senate Bill 288 (Wiener, 2020) exempting transit priority lanes (as well as active transportation projects) from the California Environmental Quality Act (CEQA).</i>
C. Transportation Development Act (TDA) performance standards update	Monitor legislation related to any updates to the TDA's (Transportation Development Act) eligibility requirements. While the Legislature has enacted legislation to waive minimum farebox requirements in the short-term (next two years), a new approach to performance measures is needed over the long run that is focused on incentivizing transit agencies to pursue actions aimed at increasing ridership versus measures focused on efficiency. Ensure discount

	fares aimed at boosting ridership and improving social equity do not negatively impact an operator's share of state transit funding.
<b>3. 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.	
<p>A. <i>Statewide ballot measure to lower vote threshold for affordable housing bonds/new regional revenue measure</i></p>	<p><i>Engage in regional and statewide efforts to pursue a statewide ballot measure in November 2024 to amend California's State Constitution to enable local and regional affordable housing bonds to be approved by less than 2/3 vote, similar to Proposition 39 (2000), which authorized local school bonds to approved by 55 percent. MTC/ABAG's role would be to provide technical assistance to the proponents crafting the measure and to provide public information on the measure's potential benefits should it qualify for the ballot. The most direct benefit to MTC/ABAG would be to increase the likelihood of passage for a future regional housing bond pursuant to AB 1487 (Chiu, 2019), as well as local affordable housing bonds.</i></p> <p><i>As noted in 1E, MTC/ABAG will facilitate conversations during 2022 regarding the relationship and sequencing of a regional housing measure with a regional transportation measure (or a broader "quality of life" measure), which would require legislative authorization in 2023 in order to be placed on the ballot in November 2024.</i></p>
<p>B. Increase funding available for affordable housing, homelessness prevention, and other supportive infrastructure while also reducing the cost of housing production.</p>	<p>Support efforts to provide additional state resources for housing, homelessness prevention, 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. Support proposals to drive down the cost of affordable housing production.</p>
<p>C. Pursue a range of strategies to increase housing production and preservation to help meet the Bay Area's Regional Housing Needs Allocation (RHNA) across all income levels</p>	<p>Support legislation to boost housing density and accelerate the production of housing near jobs-rich, high-quality transit, and high-resource areas with reasonable local flexibility provided. Support proposals to authorize housing as a permitted use in certain commercial zones, such as shopping malls, office parks and major commercial corridors, subject to local approval, but without requiring zoning changes. Advocate for the inclusion of anti-displacement provisions in bills aimed at incentivizing new construction and prioritize the construction of affordable housing.</p>

<b>4. 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	Support legislation aimed at expediting project delivery, including by increasing flexibility in the Caltrans design review process and providing broad authorization of 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)	Support an extension of SB 288 (Wiener, 2020) which provides CEQA exemption for active transportation and certain transit projects and explore opportunities to broaden its provisions to include additional bus transit priority projects. Monitor and engage on other CEQA-related legislation with the goal of accelerating transportation and housing development projects that are consistent with Plan Bay Area 2050 goals as well as local and regional plans while maintaining an opportunity for public review and environmental safeguards.
<b>5. 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.	
<b>6. System Effectiveness:</b> Advocate for policies that improve the effectiveness and service delivery of the Bay Area’s transportation system, including improved compliance with traffic laws while protecting user’s privacy. Expand the ability of transportation agencies to 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. Toll bridge and toll road operations	Monitor legislation related to toll operations to protect the independence of toll agency operations. Seek opportunities to expand the ability of toll agencies to communicate with their customers about mobility options in the corridor,

	including public transit (e.g., allow communication about Clipper START in FasTrak® communications as strategy to encourage mode shift to transit.)
B. High-Occupancy Vehicle Lanes (HOV) and Express Lanes Performance	Oppose legislation that could impede the operation and/or performance of HOV- or express lanes. Support legislation that could authorize the piloting of technology to enforce vehicle passenger occupancy requirements and other strategies to improve performance of the lanes.
<p><b>7. 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 (SOV) 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.</p>	
<p><b>8. Climate Change, Energy Efficiency, Resilience &amp; Estuary Health:</b> 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. Support proposals for increased funding to improve the health of the San Francisco Estuary.</p>	
A. SB 375 implementation and reform	<p><i>While continuing to support ambitious regional GHG reduction targets, continue to engage in legislative activity related to revisions to the now 12-year old law, SB 375 (Steinberg, 2008), including SB 475 (Cortese) and SB 261 (Allen), both of which were made two-year bills in 2021.</i></p> <p><i>Pursue changes to incentivize near-term, real-world progress on GHG emission reduction over the current approach, which places too great an emphasis on long-term modeling, and seek changes to provide greater alignment, rather than competition between regional and state GHG reduction strategies.</i></p> <p><i>Explore an expansion of the scope of the Sustainable Communities Strategy (SCS) to incorporate climate resilience and social equity goals to better harmonize policy directives from the state and provide regions with greater flexibility to balance these multiple, important goals.</i></p>



<p><i>B. Climate adaptation</i></p>	<p><i>Pursue funding for regional and local climate adaptation funding in the FY 2022-23 State Budget, including at least \$125 million for the new regional climate resilience planning and implementation grant program established in the FY 2021-22 State Budget and consistent with the FY 2022-23 funding level specified in SB 155 (2021), the multi-year climate adaptation trailer bill.</i></p> <p><i>Engage in the development of guidelines by the Strategic Growth Council and Office of Planning and Research established in the FY 2021-22.</i></p> <p><i>Advocate for a new transportation climate adaptation funding grant program from the General Fund. This would build on the inclusion of \$300 million for this purpose in this year's budget bill, AB 128, which divided the funds 50/50 for state and local needs. Unfortunately, the funds reverted to the General Fund in October 2021 due to the collapse of negotiations over high-speed rail.</i></p>
<p><b>9. Safety:</b> Improve transportation system safety for all users</p>	
<p>A. Zero traffic fatalities goal (Vision Zero)</p>	<p>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. Continue to support authorization of automated speed enforcement technology to enforce speed limits.</p>
<p><b>10. Governance:</b> Brown Act Reforms</p>	<p><i>Support legislative clean-up of AB 361 (Rivas) to provide greater flexibility to local and regional agencies to hold meetings virtually without the requirement to renew findings every 30 days. Monitor and support legislation to provide long-term flexibility for regional agencies to conduct their business remotely outside of emergency conditions as a means of increasing board member and public participation while also reducing the time and expenses associated with travel, vehicle miles traveled and the greenhouse gas and other tailpipe emissions from driving.</i></p>

<b>Federal Advocacy Goals and Objectives</b>	
<b>1. Transportation and Housing Funding:</b> Support robust federal investment in Bay Area transportation and housing infrastructure	
<i>A. Infrastructure Investment and Jobs Act</i>	<i>If not enacted by January 1, 2022, continue partnering with local, state, and national partners to advocate for passage of the Infrastructure Investment and Jobs Act (IIJA), the \$1 trillion bipartisan physical infrastructure bill that would invest in transportation, water, broadband, energy, and resilience infrastructure. See 2 for more detail on surface transportation advocacy priorities within the IIJA.</i>
<i>B. Build Back Better climate and social spending budget reconciliation bill</i>	<i>Support the inclusion of affordable housing, vehicle electrification, and other sustainable transportation investments in the climate and social spending budget reconciliation package—also referred to as the Build Back Better plan—under consideration in Congress.</i>
C. Fiscal Year 2023 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 consistent with levels authorized by the surface transportation bill and to maintain continued flexibility of suballocated programs. Additionally, work to defend and expand federal affordable housing funds and programs, including Section 8 housing vouchers, the HOME Investment Partnership Program (HOME) and the Community Development Block Grant Program (CDBG).
<i>D. Advocate for discretionary transportation grant awards, including for priority projects consistent with Plan Bay Area 2050</i>	<p><i>In the case that the IIJA is signed into law, engage with the Biden Administration during discretionary grant development to advocate for program policies and funding eligibilities that enhance Bay Area competitiveness. Work with Bay Area transportation agencies to secure discretionary funding for projects consistent with Plan Bay Area 2050.</i></p> <p><i>With regard to Capital Investment Grants (CIG), support efforts to secure full funding grant agreements (FFGA) for the Bay Area's next generation of transit projects and sufficient annual appropriations to meet the funding needs of Bay Area projects with existing FFGAs.</i></p>

<p><i>E. Affordable housing tax incentives</i></p>	<p><i>Work with our regional and national partners to support provisions in the reconciliation bill referenced in 1B to expand federal housing production and preservation tax tools, including the Low-Income Housing Tax Credit Program, California's largest source of federal funding for affordable housing construction and rehabilitation. Prioritize policy changes to increase California's LIHTC financing capacity, including lowering to 25 percent from 50 percent the required state match of bond allocations and increasing California's tax credit allocation.</i></p>
<p><i>F. Increase funding to local governments to invest in housing and community development</i></p>	<p><i>Consistent with 1B, work with our partners to advocate for affordable housing spending to be a part of any final reconciliation bill. Support the inclusion of funding directed to local governments, including HOME and CBDG and new discretionary grants for which local governments can compete.</i></p>
<p><i>G. Bay Area Housing Finance Authority</i></p>	<p><i>Lead efforts to enable BAHFA to compete for Department of Housing and Urban Development discretionary grant funding to support BAHFA's ability to pursue affordable housing and/or homelessness prevention projects. Seek to include regional planning agencies as eligible recipients of new HUD discretionary grants proposed in the reconciliation bill and, in the case that the bill is enacted, work with HUD on grant development.</i></p>
<p><b>2. Surface Transportation Reauthorization:</b> <i>If not enacted by January 1, 2022, continue to work with our regional and national partners to support passage of Infrastructure Investment and Jobs Act (IIJA), which includes a long-term transportation authorization that reflects the following priorities:</i></p> <ul style="list-style-type: none"> <li><i>Increased formula funding to support Bay Area progress on national goals related to infrastructure condition, safety, mobility, and air quality.</i></li> <li><i>Continued discretion for MTC and the state 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.</i></li> <li><i>A performance-oriented approach to discretionary funding; new grant programs should support state of good repair, mobility, safety, and other national goals and to the extent practicable, be mode-neutral. Ensure discretionary grant eligibilities and criteria position Plan Bay Area 2050 projects to compete well.</i></li> <li><i>New resources to support climate adaptation and the deployment of new transportation technology to address the Bay Area's mobility challenges.</i></li> </ul> <p><i>In the case that the IIJA is enacted, work with the U.S. Department of Transportation to ensure the law is implemented consistent with MTC and ABAG reauthorization and Plan Bay Area 2050 priorities.</i></p>	

<b>3. 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. Advocate for passage of legislation to improve the health of the San Francisco Estuary.	
A. Climate change mitigation	Advocate for the federal government to take bold action to reduce greenhouse gas emissions and limit the magnitude of the climate crisis. Consistent with 1A and 1B, support investments in transit, rail, complete streets, and other sustainable transportation options in spending bills being debated in Congress. Additionally, support investments in charging infrastructure and tax incentives to accelerate the transition to a zero-emission transit, passenger, and commercial vehicle fleets.
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. Support policies to break down federal silos and encourage coordination of federal resources to support communities and regions in comprehensively addressing a climate threat.
C. San Francisco Estuary	Advocate for increased funding aimed at improving the health and resilience of the San Francisco Estuary.
<b>4. Transportation Innovation and Shared Mobility:</b> Support policies that enable technological innovations to improve mobility, including connected and automated vehicle (CV/AV) deployment and mobility on demand, while protecting the public’s interest. Additionally, support expanding the pre-tax transportation fringe benefit to restore bicycle commuting eligibility, including costs associated with commuting on shared bicycle systems.	