



RESOLUTION ADOPTING A SUPPORT POSITION ON ASSEMBLY BILL (AB) 659 (MULLIN) AND AN OPPOSE UNLESS AMENDED POSITION ON ASSEMBLY BILL 326 (MURATSUCHI) AND AN OPPOSE POSITION ON ASSEMBLY BILL 1112 (FRIEDMAN)

WHEREAS, The Transportation Authority approves a set of legislative principles to guide transportation policy advocacy in the sessions of the Federal and State Legislatures; and

WHEREAS, With the assistance of the Transportation Authority's legislative advocate in Sacramento, staff has reviewed pending legislation for the current Legislative Session and analyzed it for consistency with the Transportation Authority's adopted legislative principles and for impacts on transportation funding and program implementation in San Francisco and recommended adopting a new support positions on AB 659 (Mullin), an oppose unless amended position on AB 326 (Muratsuchi) and an oppose position on AB 1112 (Friedman); and

WHEREAS, At its May 14, 2019 meeting, the Board reviewed and discussed AB 659 (Mullin), AB 326 (Muratsuchi) and AB 1112 (Friedman); now, therefore, be it

RESOLVED, That the Transportation Authority hereby adopts a support position on AB 659 (Mullin), an oppose unless amended position on AB 326 (Muratsuchi) and an oppose position on AB 1112 (Friedman); and be it further

RESOLVED, That the Executive Director is directed to communicate this position to all relevant parties.

Attachment: Table 1

**State Legislation – May 2019 (Revised 05/10/19)**

To view documents associated with the bill, click the bill number link.

Staff is recommending a new support position on Assembly Bill (AB) 659 (Mullin), a new oppose unless amended position on AB 326 (Muratsuchi), and a new oppose position on AB 1112 (Friedman), as shown in **Table 1**, which also includes a watch position on AB 1487 (Chiu). The Board does not need to take an action on legislation recommended to watch.

**Table 2** provides updates on AB 147 (Burke), AB 1142 (Friedman), AB 1568 (McCarty), AB 1605 (Ting), Senate Bill (SB) 50 (Wiener) and SB 152 (Beall), on which the Transportation Authority has previously taken positions this session.

**Table 3** shows the status of bills on which the Board has already taken a position this session.

**Table 1. Recommendations for New Positions**

| Recommended Position  | Bill # Author   | Title and Description  |
|-----------------------|---|--|
| Oppose unless amended | <a href="#">AB 326</a><br><a href="#">Muratsuchi</a><br>D | <p><b>Vehicles: Motorized carrying devices.</b></p> <p>This bill would create a new class of vehicles, “motorized carrying devices,” as an electric-powered self-propelled device that does not transport a person, but is designed to transport a person’s property, and is controlled by a person in the immediate vicinity (within ten feet) of the device. It would authorize the use of a motorized carrying device on sidewalks and crosswalks. The motorized carrying devices would be required to yield to pedestrians and bicyclists, would be restricted to a speed limit of eight miles per hour, and would be required to have other safety features such as emergency breaking, lights, and reflectors. The author indicates his intent is to proactively create rules that allow the safe operation of these devices to facilitate pedestrian trips and create options for those who move with difficulty. The bill is sponsored by Piaggio Fast Forward, the creator of a mobile carrier that can follow a human operator or move autonomously through an environment previously mapped by the device.</p> <p>The bill would create a new vehicle class and prevent local governments from being able to manage the operation of these devices on sidewalks and in crosswalks. We recommend opposing the bill unless it is amended to authorize jurisdictions to enact regulations governing the local use of these devices. As of May 6, the bill unanimously passed Assembly Transportation Committee and has been referred to Assembly Appropriations.</p> |

| Recommended Position | Bill # Author                                      | Title and Description   |
|----------------------|--|---|
| Support              | <a href="#">AB 659</a><br><a href="#">Mullin</a> D | <p><b>Transportation: emerging transportation technologies: California Smart City Challenge Grant Program.</b></p> <p>This bill would establish a competitive California Smart City Challenge Grant Program to encourage municipalities to incorporate advanced data and intelligent transportation system technologies and applications into their transportation planning efforts. The California Transportation Commission would be required to develop guidelines on or before March 1, 2021, informed by a new California Smart City Challenge Workgroup. As written, it would be funded by up to \$10 million from Proposition 1B state bond program, contingent upon appropriation in the annual budget act.</p> <p>The Transportation Authority currently has a watch position on the bill, but we are recommending a support position after additional discussion with the San Francisco Municipal Transportation Agency (SFMTA) and internally. The City’s State Legislation Committee adopted a support position on the bill in April.</p> |

| Recommended Position | Bill # Author   | Title and Description  |
|----------------------|---|--|
| Oppose               | <a href="#">AB 1112</a><br><a href="#">Friedman D</a> | <p><del>Motorized scooters</del><b>Shared mobility devices: local regulation.</b></p> <p><del>As currently drafted,</del>Recent revisions to this bill, <u>which is</u> sponsored by Bird, would <del>authorize</del> <u>limit</u> a local <del>jurisdiction’s authority</del> <u>ability</u> to regulate <u>not just</u> scooter share operators <u>but all “shared mobility” operators including those of shared bicycles, electric bicycles, motorized scooters, electrically motorized boards, or other similar personal transportation devices.</u> This legislation would <u>prevent local regulations that include fees that by, among other things, requiring a scooter share operator to pay fees that do not</u> exceed the ‘reasonable cost’ [undefined] to the local authority of regulating the operator <u>and that would prohibit the local authority from imposing</u> ‘unduly restrictive requirements’ [undefined] on a <del>scooter share</del> <u>shared mobility</u> operator, <u>including any requirement that is more restrictive than those applicable to riders of personally owned similar transportation devices.</u> The bill would authorize a local authority to require a <del>scooter share</del> <u>shared mobility</u> operator to provide <u>certain types of the local authority trip</u> data for <u>all</u> trips starting <del>or</del> ending within <u>its</u> the jurisdiction, <u>but limited to what is specified in the bill of the local authority.</u> The bill furthermore finds that uniformity in regulation of <del>motorized scooters and commercial scooter share programs and operators</del> <u>shared mobility</u> is a matter of statewide concern rather than a municipal affair, <u>therefore preventing any additional local regulation beyond what is allowable under the language above.</u>—</p> <p><u>Without clarification about what a ‘reasonable cost’ or ‘unduly restrictive requirement’ means, it is difficult to determine how the bill would impact SFMTA’s ability to continue its current regulatory activities across all shared mobility modes, or its ability to adjust or enact regulations in the future.</u> SFMTA has determined that <u>under AB 1112, current</u> requirements such as providing a specified level of service in communities of concern and providing low-income plans would likely be unenforceable. <u>The bill also may restrict SFMTA’s current ability to cap the number of shared mobility devices available for use within the city. The parity provision would prevent SFMTA from imposing different requirements on operators deploying shared mobility devices for profit than personal users who are not using the devices for financial benefit.</u> Under the bill, SFMTA would not retain its ability to collect the level of data it currently uses to manage and evaluate the program. <del>Additional amendments are expected to be in print soon, but the SFMTA doesn’t anticipate that they will sufficiently address these concerns in conversation with the author about these concerns.</del></p> <p>The City’s State Legislation Committee adopted an oppose position on <u>an earlier version of the bill that just applied to shared scooters</u> in April, at the request of SFMTA. Other opponents <u>of that version of the bill</u> included California Walks (unless amended) and the League of California Cities. Supporters included <u>Bird, Uber (if amended), the Sierra Club, and the Bay Area Council.</u></p> |

| Recommended Position | Bill # Author                                     | Title and Description   |
|----------------------|---|---|
| Watch                | <a href="#">AB 1487</a><br><a href="#">Chiu</a> D | <p><b>San Francisco Bay area: housing development: financing.</b></p> <p>Building on the outcomes from the recent CASA effort, this bill would establish the Housing Alliance for the Bay Area (HABA), a new regional entity serving the nine Bay Area counties to fund affordable housing production, preservation and tenant protection programs. It would authorize HABA to place unspecified revenue measures on the ballot, issue bonds, allocate funds to the various cities, counties, and other public agencies and affordable housing projects within its jurisdiction to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs.</p> <p>The question of who will govern the new entity has been a focus of discussion locally and at the state level. The original language split membership between local representatives and Governor appointees. A subsequent amendment provided that HABA would be governed by a board composed of an unspecified number of voting members from the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) and be staffed by MTC. The most recent amendment removed MTC and ABAG from the bill and, for the time being, does not specify how HABA would be governed or staffed.</p> |

Table 2. Notable Updates on Bills in the 2018-2020 Session

| Adopted Positions  | Bill #<br>Author                                      | Title and Update   |
|--------------------|---|--|
| Support            | <a href="#">AB 147</a><br><a href="#">Burke</a> D     | <p><b>Use taxes: collection: retailer engaged in business in this state.</b></p> <p>This bill was sponsored by California State Treasurer Fiona Ma, and was intended to establish a set of tax collection rules consistent with the recent South Dakota v. Wayfair decision, whereby the U.S. Supreme Court established that states may charge taxes on purchases made from out-of-state sellers, even if the seller does not have a physical presence in the taxing state.</p> <p><b>On April 25, 2019, the Governor signed this bill into law, to take effect immediately.</b> We will work with the Office of the Treasurer &amp; Tax Collector to determine the impact of the bill on the local Prop K transportation sales tax revenues. Statewide, the California Department of Tax and Fee Administration estimates that the bill will result in annual net state and local revenue gains of \$297 million in FY 2019/20 and \$462 million in FY 2020/21.</p>   |
| Support if Amended | <a href="#">AB 1142</a><br><a href="#">Friedman</a> D | <p><b>Regional Transportation Plans.</b></p> <p>This bill would revise the required indicators that must be addressed by regional transportation plans (such as Plan Bay Area) to include the number of trips provided by transportation network companies (such as Uber and Lyft) if appropriate data is available, and to include measures of policies to increase transit usage, such as transit frequency, parking facilities near transit, and availability of microtransit options to supplement existing public transit.</p> <p>A previous version of the bill would have also created a pilot grant program for projects that reduce vehicle miles traveled to support the planning and development of sustainable communities, but this was deleted from the recent version of the bill. We originally recommended supporting the bill if it was amended to identify lack of transit-supportive land uses and lack of safe pedestrian and bicycle access as barriers to transit usage, which are not currently included. Our Sacramento advocate is in contact with the author’s office to convey our concerns.</p> |
| Watch              | <a href="#">AB 1568</a><br><a href="#">McCarty</a> D  | <p><b>Housing law compliance: prohibition on applying for state grants.</b></p> <p>Coauthored by Senator Wiener, a prior version of the bill would have required a city or county to meet its annual minimum housing production goal for that reporting period in order to remain eligible to receive its annual apportionment of its Senate Bill 1 local streets and roads funds.</p> <p>As amended, the bill would instead prohibit a local jurisdiction from applying for state grants after January 1, 2025, other than certain fuel taxes and fees protected by the California Constitution, if it is determined to be out of compliance with the state’s Housing Element Law. This law requires that all cities and counties engage in detailed planning for their fair share of housing, as determined through the Regional Housing Needs Assessment process, in the housing element of their comprehensive plan.</p>   |

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| <p>Support/<br/>Sponsor</p> | <p><a href="#">AB 1605</a><br/><a href="#">Ting D</a></p> | <p><b>City and County of San Francisco: Crooked Street Reservation and Pricing Program.</b></p> <p>This bill authorizes the San Francisco Board of Supervisors to implement a pilot reservation and pricing program on the Lombard Crooked Street, to provide congestion relief and revenues to manage one of San Francisco’s most popular tourist attractions, which is also a local residential street. Visitors would be required to make an advance reservation to drive down the street, and would be charged a fee to cover administration, maintenance, and other traffic management costs.</p> <p>We are planning to make an amendment to the bill that would clarify that while the Board of Supervisors would be granted the authority to implement the reservation program, the SFMTA would maintain their existing jurisdictions over traffic control devices, parking enforcement, etc. We are working with the SFMTA and City Attorney’s Office to finalize the language.</p> <p>The San Francisco Board of Supervisors unanimously adopted a resolution of support for AB 1605 on April 16. On April 22, the bill was successfully passed out of the Assembly Transportation Committee. On May 2, the bill passed off the Assembly Floor. It will be heard next at the Senate Transportation Committee. We continue to work with our legislators in Sacramento, Commissioner Stefani’s office, and local agency partners to advance the bill.</p>   |
| <p>Watch</p>                | <p><a href="#">SB 50</a><br/><a href="#">Wiener D</a></p> | <p><b>Planning and zoning: housing development: incentives.</b></p> <p>On May 1, this bill was substantially amended as a compromise with the authors of a competing bill, SB 4 (McGuire and Beall) that shared the intent of increasing statewide housing production but was more limited in the scope of what would be allowed to proceed under a streamlined local approval process. SB 50 now differentiates between counties under 600,000 in population and those over, with lower allowable height and density waivers in smaller counties and cities. However, fourplexes in any jurisdiction would be approved by right under most conditions. New exemptions were also introduced for coastal zones, fire hazard severity zones, and legislatively-adopted historic districts. The definition of high-frequency bus service that triggered the streamlining process was reduced from fifteen-minute headways to ten-minute headways. Finally, the bill provides additional protections for sensitive communities by allowing implementation to be delayed until 2026.</p> <p>The Planning Department is working to analyze the impact of these recent changes, but after an early review staff anticipates the reduction in required bus frequencies will shrink the areas identified as having high-quality transit, balanced with making fourplexes eligible for streamlined permitting by right throughout the city. Eligible sensitive communities, primarily in the southeast part of the city, would also be allowed to defer implementation for an additional five years.</p> |

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| Support | <a href="#">SB 152</a><br><a href="#">Beall</a> D | <p><b>Active Transportation Program.</b></p> <p>Sponsored by the MTC, the prior version of this bill would have delegated project selection for 75% of state Active Transportation Program to Metropolitan Planning Agencies (MTC for the Bay Area), with 15% available for small/rural regions, and leaving the remaining 10% to be administered by the California Transportation Commission (CTC) as a statewide competitive program.</p> <p>To address concerns from bicycle and pedestrian advocacy organizations that want to see a more robust statewide program, the bill has been amended the distribution to 60% for regions, 15% for small/rural areas, and 25% for the statewide competitive program, with a requirement that the CTC consider geographic balance in its grant awards. It also would require additional transparency on how disadvantaged communities are defined at the regional level, and additional reporting requirements for how disadvantaged communities perform in the project selection process.</p> <p>In April, the City’s State Legislation Committee adopted a support position on the bill. The bill passed out of the Senate Committee on Transportation and has been referred to Appropriations.</p> |
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**Table 3. Bill Status for Active Positions Taken in the 2019-2020 Session**

| Adopted Positions | Bill #<br>Author   | Bill Title   | Bill Status <sup>1</sup><br>(as of 5/7/2019) |
|-------------------|--|--|--|
| Support/Sponsor   | <a href="#">AB 1605</a><br><a href="#">Ting</a> D                                | City and County of San Francisco: Crooked Street Reservation and Pricing Program.            | Senate Transportation                        |
| Support           | <a href="#">AB 40</a><br><a href="#">Ting</a> D                                  | Zero-emission vehicles: comprehensive strategy.  | Assembly Transportation                      |
|                   | <a href="#">AB 47</a><br><a href="#">Daly</a> D and<br><a href="#">Frazier</a> D | Driver records: points: distracted driving.  | Assembly Appropriations                      |
|                   | <a href="#">AB 147</a><br><a href="#">Burke</a> D                                | Use taxes: collection: retailer engaged in business in this state: marketplace facilitators. | Chaptered                                    |
|                   | <a href="#">AB 252</a><br><a href="#">Daly</a> D                                 | Department of Transportation: environmental review process: federal program.                 | Assembly Appropriations                      |
|                   | <a href="#">AB 1286</a><br><a href="#">Muratsuchi</a> D                          | Shared mobility devices: agreements.   | Assembly Floor                               |
|                   | <a href="#">SB 127</a><br><a href="#">Wiener</a> D                               | Transportation funding: active transportation: complete streets.                             | Senate Appropriations                        |
|                   | <a href="#">SB 152</a><br><a href="#">Beall</a> D                                | Active Transportation Program  | Senate Appropriations                        |



|                    |   |   |                         |
|--------------------|---|---|-------------------------|
| Support if Amended | <a href="#">AB 1142</a><br><a href="#">Friedman</a> D | Strategic Growth Council: transportation pilot projects: regional transportation plans. | Senate Transportation   |
| Oppose             | <a href="#">AB 553</a><br><a href="#">Melendez</a> R  | High-speed rail bonds: housing.   | Assembly Transportation |
|                    | <a href="#">AB 1167</a><br><a href="#">Mathis</a> R   | Greenhouse Gas Reduction Fund: high-speed rail: forestry and fire protection.           | Assembly Transportation |

<sup>1</sup>Under this column, “Chaptered” means the bill is now law, “Dead” means the bill is no longer viable this session, and “Enrolled” means it has passed both Houses of the Legislature.