



Memorandum

AGENDA ITEM 10

DATE: January 19, 2021
TO: Transportation Authority Board
FROM: Maria Lombardo - Chief Deputy Director
SUBJECT: 2/9/21 Board Meeting: Approval of the 2021 State and Federal Legislative Program

<p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <p>Approve the 2021 State and Federal Legislative Program</p> <p>SUMMARY</p> <p>Every year the Transportation Authority adopts high level goals and strategies to guide legislative strategy and advocacy while still providing the necessary flexibility to respond to specific bills and policies over the course of the legislative sessions. The 2021 State and Federal Legislative Program (Attachment 1) was developed in coordination with local, regional, and statewide partners. It focuses on securing COVID relief and other new revenues, advancing San Francisco’s priority projects, engaging in the regulation of new transportation technologies, expanding the use of pricing and other innovative programs to support the city’s equity, mobility, and climate goals, and advancing the City’s Vision Zero goals.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Fund Allocation <input type="checkbox"/> Fund Programming <input checked="" type="checkbox"/> Policy/Legislation <input type="checkbox"/> Plan/Study <input type="checkbox"/> Capital Project Oversight/Delivery <input type="checkbox"/> Budget/Finance <input type="checkbox"/> Contract/Agreement <input type="checkbox"/> Other: _____
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BACKGROUND

The State and Federal Legislative Program, adopted annually by the Board, establishes a general framework to guide our legislative and funding advocacy efforts at the state and federal levels. Transportation Authority staff and our legislative advocacy consultant in Sacramento will use this program to plan strategy and communicate positions to the City’s legislative delegations in Sacramento and Washington D.C. in addition to other transportation agencies and advocates.

The proposed 2021 State and Federal Legislative Program reflects key principles gathered from our common positions with the San Francisco Municipal Transportation Agency



(SFMTA), the Mayor's Office, city agencies, transit operators serving San Francisco, other local transportation sales tax authorities around the state, and the Metropolitan Transportation Commission (MTC), as well as our understanding of the most pressing issues facing the city, the region, and our partner agencies. It is presented in the form of principles rather than specific bills or legislative initiatives to allow staff the necessary flexibility to respond to legislative proposals and policy concerns that may arise over the course of the session. Throughout the year we will be reporting on the status of bills that are of significance to the Transportation Authority and developing recommendations for positions as appropriate.

DISCUSSION

Our 2021 State and Federal Legislative Program continues many of the themes from the previous year and builds on them to address new opportunities and legislation currently being discussed at the federal, state, and regional level. Highlights are below.

State Advocacy.

COVID-19 Recovery. A major focus of the Governor and Legislature this year will be relief and recovery efforts in response to the pandemic. While the bulk of our advocacy will be at the federal level, there are still measures the state can take to provide relief for transit operators. For instance, state agencies could continue to relax project delivery deadlines and increase local flexibility for transit operators to use state funding to deliver essential services. Under new federal leadership, we are optimistic about the prospects of additional relief funding. However, if Congress and the Administration fail to provide sufficient support in a timely manner, we would advocate for emergency funding relief from the state.

Transportation Funding. Similar to 2020, we do not anticipate proposals for any significant new state transportation funding measures this year. However, we will continue looking for ways to better align existing state funding programs with San Francisco's priorities. This includes supporting SFMTA's and other transit operators' effort to secure state and federal funds to help transit operators transition to clean vehicles, consistent with the state's Innovative Clean Transit rule that requires public transit bus fleets to be 100% zero-emission by 2040.

Climate Goals. In October 2019, Governor Newsom issued an executive order calling for transportation funding to align with state goals on climate and the environment, specifically to help reduce driving. At the end of 2020, he issued another order setting a statewide goal that all new in-state vehicle sales are zero-emission by 2035. We will engage in the development of the California State Transportation Agency's Climate Action Plan this year, and in any subsequent legislative efforts, particularly with respect to establishing new funding programs and setting new priorities for existing funding.

Vision Zero. This year we will continue to work with the SFMTA and other city agencies to advance San Francisco's Vision Zero goals. Building on last year's findings from the state's



Zero Fatalities Task Force, we anticipate the introduction of bills advancing roadway safety, in particular around speed limit setting, complete streets, and other safety measures, which could include speed safety cameras.

Emerging Mobility and Innovative Strategies. With respect to new transportation technology and innovative strategies, we expect that the rise of emerging mobility services will continue to produce legislation. We will advocate for policies that balance their benefits and impacts; ensure safety, equity, and accessibility; and secure local access to data to support local planning and regulation, where appropriate. Pending the outcome of the Downtown Congestion Pricing study and if directed by our Board, we may also seek renewal of prior years' efforts to authorize a congestion pricing pilot program.

Bay Area Legislation - Transit Agency Coordination and Regional Revenue Measure. In 2020, Assemblymember Chiu convened the Blue Ribbon Transit Recovery Task Force (BRTF) and charged it with developing an action plan by mid-2021 that would move the Bay Area's 27 transit systems into a more seamless and connected network. We anticipate that some of the recommendations may require state legislation. Assemblymember Chiu may also renew last year's effort to establish a transit network manager or advance an alternate strategy to facilitate coordination among the existing transit agencies. We will continue to engage with our partner agencies and local and regional stakeholders to provide input into any legislative proposal.

In light of the pandemic, the effort to authorize a regional transportation revenue measure was put on hold. Given the uncertainty of the Bay Area's economic recovery, we do not know if this effort will be revived in 2021 or, perhaps more likely, in a subsequent year. If it is, we will advocate for it to support San Francisco's priorities such as a regional means-based fare program, BART and Muni Core Capacity Programs, transit operations, as well as other key projects such as the Downtown Extension and US 101/I-280 Express Lanes and Bus project.

Federal Advocacy.

COVID-19 Relief Funding. The most immediate focus of our 2021 federal advocacy efforts will be to seek new COVID-19 relief funding for transit operators. Similar to our approach at the state level, we will also support measures to increase flexibility of funding restrictions during the current fiscal crisis. In addition, we will support emergency federal funding to address the impacts of the pandemic on state, regional, and local governments by helping backfill lost transportation revenues and support recovery (e.g. job retention and creation). Concurrently, we will work with San Francisco partners to establish transportation priorities for any forthcoming federal economic stimulus bill.

Reauthorization of the Federal Transportation Bill. Since the Fixing America's Surface Transportation (FAST) Act now expires on September 30, 2021, our other primary focus will be to advocate for San Francisco's priorities in the next federal transportation bill. In 2020,



reauthorization of the FAST Act (at higher funding levels) was embedded in a larger economic recovery package approved by the House that did not receive consideration in the Senate.

We are currently coordinating priorities with the SFMTA, MTC, ITS America, and others.

Primary objectives include:

- Provide additional near-term funding to support transit operators' economic recovery;
- Increase funding for formula programs (e.g. transit state of good repair, Surface Transportation Program) and capital investment grant programs (e.g. the transit Capital Investment Grant program);
- Provide new funding for demonstration programs that pilot innovative policies, new technology, and new approaches to improving mobility such as congestion pricing;
- Identify new, sustainable, user-based revenues, such as an increase in the federal gas tax;
- Seek new policies and grant programs consistent with the city's Vision Zero goals; and
- Ensure new and existing programs take into consideration climate change impacts.

Transportation Appropriations. Regardless of whether a new bill or a continuing resolution is passed, we will work to secure funding that is consistent with or exceeds the amounts authorized in the FAST Act. Our advocacy will include ensuring the outstanding commitments to the Caltrain Modernization and BART Core Capacity projects are met, seeking additional funding for innovative programs such as the Mobility on Demand Sandbox, and positioning priority projects for future federal funding, including the Muni Core Capacity Program, Geary Bus Rapid Transit and the Caltrain Downtown Extension.

New Policy-Based Funding Strategies. We will also monitor any introduction of new programs such as the \$10 billion program introduced in the Senate in late 2020 to helping communities tear down urban highways and rebuild the surrounding neighborhoods with the needs of underserved communities in mind, or the Freedom to Move Act which would have established a \$5 billion competitive grant program to support state and local efforts to implement fare-free public transportation systems.

Emerging Mobility and Technology. We anticipate the federal government will continue to establish its role in regulating and funding emerging mobility and technologies, including autonomous vehicles and mobility on demand (e.g. TNCs, private transit shuttles, and shared scooter and bike services). Our focus will be on advocating that the implementation of such programs first set clear goals, perform data-driven research to evaluate the public benefits and impacts of these emerging mobility services, maintain local and state regulatory roles, and mandate access to critical data for local and regional governments to ensure their safety, equity, and accessibility.



Vision Zero. In 2019, House Representative Earl Blumenauer introduced the Vision Zero Act that would allow federal transportation funding to be made available for communities to design and implement Vision Zero programs. We will look for any introduction of similar legislation and will partner with the SFMTA to advocate for policies consistent with San Francisco's Vision Zero efforts.

FINANCIAL IMPACT

The recommended action does not have an impact on the adopted Fiscal Year 2020/21 budget.

CAC POSITION

The CAC will consider this item at its January 27, 2021 meeting.

SUPPLEMENTAL MATERIALS

Attachment 1 - Draft 2021 State and Federal Legislative Program

Attachment 1

San Francisco County Transportation Authority
Draft 2021 State and Federal Legislative Program

STATE		
Area	Goal	Strategy
1. Funding	a. Secure COVID relief funding, particularly for transit operations	<ul style="list-style-type: none"> • Advocate for emergency transit operating funding if Congress fails to provide sufficient support in a timely manner. • Support measures to increase local flexibility to direct funding to transit operations to address the current fiscal crisis.
	b. Protect transportation funding	<ul style="list-style-type: none"> • Advocate that funds dedicated to transportation not be eliminated or diverted to other purposes. • Engage in any process to revise existing fund distribution formulas to ensure it does not disbenefit San Francisco.
	c. Enact new revenue and financing measures for transportation	<ul style="list-style-type: none"> • Support efforts to raise additional dedicated transportation revenue to address ongoing funding shortfalls for both capital projects and operations. • Support efforts to establish new transportation revenue mechanisms that local and regional entities can choose to implement to fund capital projects and operations. • Partner with local agencies and other stakeholders to advance San Francisco’s priorities in the development and implementation of potential regional transportation funding measures. • Continue to monitor and, as appropriate, provide input into the next phase of the California Road Charge Pilot Program.
	d. Secure cap-and-trade revenues for transportation	<ul style="list-style-type: none"> • Maintain funding for current transportation and affordable housing programs and seek opportunities to direct additional cap-and-trade funds to them. • Advocate for the dedication of a significant portion of future cap-and-trade expenditure plans to transportation and to San Francisco’s investment priorities (e.g. transit operations, electric vehicle (EV) buses and infrastructure, transit expansion eg DTX).

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	e. Modify allocation formulas for state transportation funds	<ul style="list-style-type: none"> • Advocate for using factors that better tie transportation funding to the true demands placed on the system, such as daytime population or transit usage. • Advocate to either broaden the state definition of disadvantaged communities to better align with San Francisco’s communities of concern or allow use of alternative definitions such as a regional transportation planning agency’s (e.g. MTC’s) instead.
	f. Improve implementation of state grant programs (e.g. cap-and-trade, Active Transportation Program, Senate Bill 1 program)	<ul style="list-style-type: none"> • Advocate for grant application and allocation processes that are clear, streamlined, and flexible. • Advocate for a stronger role for regional and local governments in prioritizing local and regional projects for funding.
	g. Lower the 2/3 supermajority voter approval requirement for transportation taxes	<ul style="list-style-type: none"> • Support a constitutional amendment to lower the voter approval requirement for special taxes dedicated to local transportation projects from 66.67% to 55% or a simple majority.
2. Policy Initiatives	a. Advance San Francisco's Vision Zero goals, improving safety for all users	<ul style="list-style-type: none"> • Work with local partners to identify and secure state and federal funding for Vision Zero projects. • Advocate to implement recommendations from the state Zero Traffic Fatalities Task Force, specifically authorizing local control of speed limit setting and speed safety cameras. • Support efforts to improve safety for all road users, including supporting bills that advance complete streets and best practices in safe roadway design.
	b. Support the Treasure Island Mobility Management Agency’s (TIMMA) work for sustainable mobility on Treasure Island	<ul style="list-style-type: none"> • Support funding and authorization, as needed, for study, piloting, and implementation of innovative mobility management such as tolling infrastructure, transportation and housing affordability programs, bike and car share initiatives, and autonomous shuttle pilot.

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	<p>c. Improve reliably and efficiency of San Francisco’s roadway network and other transportation demand management (TDM) strategies</p>	<ul style="list-style-type: none"> • Support new legislation that promotes innovative TDM strategies such as authorizing area-wide congestion pricing pilot programs. • Support MTC’s efforts to improve compliance with occupancy requirements in High Occupancy Vehicle lanes.
	<p>d. Ensure the implementation of emerging mobility innovations (e.g. Transportation Network Companies (TNCs), scooters, autonomous vehicles) is consistent with new mobility principles</p>	<ul style="list-style-type: none"> • Continue efforts to ensure they are regulated and deployed in a way that balances their benefits and impacts and ensures safety, equity, and accessibility and ensure local authority is preserved as it relates to San Francisco’s local pilot and permit programs. • Seek authorization for additional local regulation of certain aspects of emerging mobility, where appropriate (e.g. operational standards, local mitigation fees). • Advocate to require access to critical data for local and regional governments for planning and monitoring purposes. • Continue to support efforts to develop and implement requirements for TNCs’ greenhouse gas emissions and accessibility (e.g. The California Air Resources Board’s Clean Mile Standard and the California Public Utilities Commission’s TNC Access for All initiatives). • Participate in state rulemaking regarding the testing, deployment, and regulation of autonomous vehicles to ensure they improve safety, mobility, and accessibility and avoid or minimize increase congestion or greenhouse gas emissions.
	<p>e. Advance the adoption and integration of EVs in a manner consistent with other city priorities</p>	<ul style="list-style-type: none"> • Advocate for EV legislation to be equitable and consistent with San Francisco’s other mobility policies (e.g. transit-first, emerging mobility) and that addresses some of the unique challenges facing San Francisco’s deployment of EV infrastructure (e.g. installing EV chargers in multi-family dwellings). • Support funding opportunities for EV infrastructure planning, promotion, and deployment. This includes expanding eligibility of existing or new state funds

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		<p>to help transit operators meet the state’s Innovative Clean Transit rule that requires public transit bus fleets to be 100% zero-emission by 2040.</p> <ul style="list-style-type: none"> • Support financial incentives for replacing combustion engine vehicles with EVs or non-auto modes such as ebikes, especially for low income individuals.
	f. Advance measures to increase production of affordable housing as well as supportive planning, infrastructure, and services	<ul style="list-style-type: none"> • Support efforts to revive the authority of local governments to use tax-increment financing for affordable housing and related improvements including transportation. • Support efforts to establish new, dedicated state and regional funding for affordable housing. • Support legislative efforts to incentivize and reduce barriers to the construction of new housing, in particular affordable and moderate rate housing, that are consistent with San Francisco’s growth strategy and provides necessary support for related infrastructure and transit service needs.
	g. Advance legislative actions in support of other city policy goals	<ul style="list-style-type: none"> • Support efforts to advance a more seamless public transit system in the Bay Area with integrated transit fares to benefit both low-income transit riders and attract new riders to the system, informed by recommendations of the Blue Ribbon Transit Recovery Task Force Action Plan, anticipated in mid-2021. • Work with state and local partners to affect the implementation of the Governor’s Executive Orders N-19-19 and N-79-20 that seek to align state investments and policies to reduce greenhouse gas emissions and to provide clean transportation options. • With other County Transportation Agencies (CTAs), work to modernize Congestion Management Program regulations to support key policies and reinforce CTAs’ role in state, regional, and local transportation planning and funding.
3. High-Speed Rail (HSR)	Strengthen state commitment to a blended HSR and electrified Caltrain system	<ul style="list-style-type: none"> • Work with partner agencies to advance the HSR project, oppose redirection of existing funds, and advocate that the HSR early investment projects are implemented in a manner consistent with the northern California

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	from San Francisco to San Jose	<p>Memorandum of Understanding to develop a blended system, including achieving level boarding at all shared Caltrain/High Speed Rail facilities.</p> <ul style="list-style-type: none"> • Advocate for funding of the Caltrain Downtown Extension and advance the Caltrain Modernization Program.
FEDERAL		
Area	Goal	Strategy
1. Transportation Funding	a. Secure COVID relief funding for transportation, particularly for transit operations	<ul style="list-style-type: none"> • Advocate for new COVID relief funding for transit operators to sustain services that are critical to economic recovery and provide mobility for essential workers and transit dependent persons. Support measures to increase local flexibility to direct federal funding to transit operations during the current fiscal crisis. • Support emergency federal funding to address the impacts of the COVID-19 pandemic on state, regional, and local governments, help backfill lost transportation revenues, and support recovery (e.g. job retention and creation).
	b. Sustain or increase federal transportation funding	<ul style="list-style-type: none"> • Advocate for Congress maintain or increase the amounts authorized in the Fixing America’s Surface Transportation (FAST) Act until a new surface transportation bill is approved (the latest continuing resolution expires on September 30, 2021). • Work with local, state, and national partners to advocate for a long term, fully funded reauthorization of the federal surface transportation bill with a higher level of investment in San Francisco priority projects and programs and new resources to improve equity and respond to climate change. • Advocate for increasing the federal gasoline tax, and for indexing it to inflation to help close the Highway Trust Fund funding deficit. • Support study and piloting of grant programs for innovative approaches to transportation challenges such as road usage charges, implementing public

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		transit affordability programs, highway removal, technology demonstrations, and alternative project delivery methods.
	b. Secure federal approvals for San Francisco’s Core Capacity and New and Small Starts priorities	<ul style="list-style-type: none"> • Advocate that Congress approves annual Core Capacity appropriations consistent with the Full Funding Grant Agreement for the Caltrain Modernization project and the BART Core Capacity project. • Work with local and regional partners to position San Francisco’s priority projects for these and other competitive federal funding programs, including the Muni Core Capacity Program, Geary Boulevard Bus Rapid Transit, and the Caltrain Downtown Extension.
2. Transportation Policy Initiatives	a. Advance autonomous vehicle regulations that improve safety and facilitate local evaluation of their performance	<ul style="list-style-type: none"> • Participate in efforts to develop a policy framework for their testing, deployment, and regulation. • Partner with state and local governments to advocate for evidence-based regulations that preserve the ability of jurisdictions to appropriately oversee their safe operation and ensure the availability of collected data.
	b. Address the impacts of shared mobility services (e.g. TNCs, private transit shuttles, scooters) and ensure their safety, equity and accessibility	<ul style="list-style-type: none"> • Contribute to the development of legislation and funding programs that balance their benefits and impacts, provide for state and local regulation, and secure access to critical data. • Support new federal funding for pilot projects that include a robust analysis of outcomes to inform future investment and regulation.
	c. Advance regulatory actions in support of other city policy goals	<ul style="list-style-type: none"> • Support state agencies’ advocacy efforts to reinstate California’s ability to set the state’s own vehicle fuel efficiency standards, independent of federal standards. • Monitor other potential regulation activities (e.g. mobile applications, privacy protection) that would impact San Francisco’s range of transportation services.

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STATE AND FEDERAL (Project Delivery and Administration)		
Area	Goal	Strategy
1. Project Delivery	a. Expand use of innovative project delivery strategies for transportation infrastructure	<ul style="list-style-type: none"> • Advocate for additional opportunities to use alternative delivery methods to manage risk and increase local control for transportation infrastructure projects. • Advocate for retention and expansion of financing programs such as Transportation Infrastructure Finance and Innovation Act (TIFIA), as well as additional flexibility.
	b. Seek integrated state and federal environmental impact studies and streamlined permitting	<ul style="list-style-type: none"> • Advocate for more efficient environmental processes (both CEQA and NEPA) to reduce administrative inefficiencies, expedite project delivery, and reduce costs. • Support efforts to increase the efficiency of Caltrans in reviewing and approving documents and permits.
2. General Administration	Ensure efficient and effective Transportation Authority operations	<ul style="list-style-type: none"> • Advocate for the streamlining of administrative requirements when multiple fund sources are used on a single project. • Oppose legislation and regulations that constrain our ability to efficiently and effectively contract for goods and services, conduct business. Support legislation and regulations that positively affect our effectiveness and limit or transfer our risk of liability.