



RESOLUTION ADOPTING A SUPPORT POSITION ON SENATE BILL (SB) 339 (WIENER), AND AN OPPOSE UNLESS AMENDED POSITION ON ASSEMBLY BILL (AB) 859 (IRWIN)

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 position on SB 339 (Wiener), and a new oppose unless amended position on AB 859 (Irwin), as shown in Attachment 1; and

WHEREAS, At its May 11, 2021 meeting, the Board reviewed and discussed AB 859 (Irwin) and SB 339 (Wiener); now, therefore, be it

RESOLVED, That the Transportation Authority hereby adopts a new support position on SB 339 (Wiener) and a new oppose unless amended position on AB 859 (Irwin); and be it further

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

Attachment:

1. State Legislation - May 2021

San Francisco County Transportation Authority

State Legislation - May 2021

(Updated May 4, 2021)

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

Staff is recommending a new support position on Senate Bill (SB) 339 (Wiener), and an oppose unless amended position on Assembly Bill (AB) 859 (Irwin) as show in **Table 1**.

Table 2 provides an update on AB 550 (Chiu) on which the Transportation Authority has previously taken a support position.

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

Table 1. New Recommended Position

Recommended Positions	Bill # Author	Title and Update
Oppose Unless Amended	AB 859 Irwin D	<p>Mobility devices: personal information</p> <p>This bill would significantly restrict a public agency’s authority to collect anything but anonymized, aggregated, deidentified data from shared bicycles, scooters, transportation network companies (TNCs), and autonomous vehicles (AVs).</p> <p>The San Francisco Municipal Transportation Agency (SFMTA) has developed data-driven permit programs for bikeshare and e-scooters to address key safety, consumer protection, and equity concerns, and integrate emerging mobility modes with the city’s transportation infrastructure. It requires access to individual device data from permittees to enforce geographic distribution requirements, ensure adherence to the permitted number of devices on our streets, and monitor coverage of required service areas. San Francisco does not collect any personally identifiable information about riders of shared mobility devices, only data about the device itself. Under AB 859, SFMTA (nor any other public agency) would no longer be able to collect this critical data.</p> <p>Further, AB 859 expands these data sharing limitations to TNCs and AVs. This broad limitation would hinder what little regulation exists today for TNCs and would preemptively tie the City’s and state’s hands from having any information about AVs in the future. These restrictions would leave regulatory agencies in the dark when it comes to understanding how these for-profit services operate on the public right of way, while potentially increasing congestion, safety, and environmental concerns.</p> <p>The City’s State Legislation Committee has adopted an oppose unless position on this bill, and we are recommending the Transportation Authority adopt a similar position. We will join SFMTA and other cities such as Oakland, San Jose and Los Angeles on amendments that ensure our ability to collect information needed to effectively manage our streets while ensuring personal data privacy.</p>

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Recommended Positions	Bill # Author	Title and Update
Support (Currently Watch)	SB 339 Wiener D	<p>Vehicles: road usage charge pilot program</p> <p>The state’s existing Road Usage Charge (RUC) Technical Advisory Committee is currently working to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax, which has been declining in revenues as fuel efficiency increases and as the state moves toward electric and other clean fuel alternatives. This bill would extend the operation of the provisions for the RUC Technical Advisory Committee and require the California State Transportation Agency (CalSTA) to implement a pilot program to identify and evaluate issues related to the collection of revenue for a road charge program.</p> <p>The bill was amended in April to include deadlines for reporting to the Legislature, requiring an interim status report by January 1, 2024 and a final report with the findings of the pilot by July 1, 2016. The original bill required the pilot to be designed as revenue-neutral, and as amended the pilot program would now require one group in the pilot to charge all vehicles the same mileage-based fee regardless of their fuel efficiency in order to evaluate how much revenue the state is currently losing due to electric vehicles not currently paying gas taxes.</p>

Table 2. Notable Updates on Bills in the 2021-2022 Session

Adopted Positions	Bill # Author	Title and Update
Support	AB 550 Chiu D	<p>Vehicles: speed safety system pilot program.</p> <p>At the time of the April 27 Board meeting, this bill would have authorized six jurisdictions, including San Francisco, Oakland, and San Jose, to implement a pilot program after approving a Speed Safety System Use Policy and Speed Safety System Impact Report. The bill limited the locations as to where they could be implemented to streets on a high injury network or within 2,500 feet of a school, senior zone, public park, or recreational center. Subsequently, the bill has been amended to eliminate one of the Southern California pilot locations and to further restrict the number of sites based on the jurisdiction’s population. Jurisdictions with a population between 800,000 and 3,000,000 would be limited to no more than 33 systems.</p> <p>Securing authorization for a speed safety camera pilot program has been a top priority for SFMTA and the Transportation Authority for years. Mayor Breed and the Board of Supervisors are on record supporting AB 550. SFMTA continues to work closely with the author to improve some parts of the language.</p>

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Table 3. Bill Status for Active Positions Taken in the 2021-22 Session

Updates to bills since the last Board meeting are italicized.

Adopted Positions	Bill # Author	Bill Title	Update to Bill Status ¹ (as of 5/3/2021)
Support	AB 43 Friedman D	Traffic safety. Authorizes local jurisdictions or the state to further reduce speed limits than currently allowable, when justified.	Assembly Transportation to <i>Assembly Floor</i>
	AB 117 Boener Horvath D	Air Quality Improvement Program: electric bicycles. Creates statewide Electric Bicycle Incentive Pilot Program to provide consumer rebates for the purchase of electric bicycles, with priority given to low-income households.	Assembly Transportation to <i>Assembly Appropriations</i>
	AB 455 Bonta D Coauthors: Chiu D Wicks D Wiener D	Bay Bridge Fast Forward Program. Authorizes the Bay Area Toll Authority to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge.	Assembly Transportation to <i>Assembly Appropriations</i>
	AB 550 Chiu D	Vehicles: speed safety system pilot program. Authorizes speed safety camera pilot program, subject to conditions, in San Francisco and four other cities. See Table 2 for additional detail.	<i>Assembly Transportation to Assembly Appropriations</i>
	AB 917 Bloom D	Vehicles: video imaging of parking violations. Authorizes the use of forward-facing cameras on buses to enforce parking violations in transit-only lanes and in bus stops statewide.	Assembly Privacy and Consumer Protection to <i>Assembly Floor</i>
	AB 1238 Ting D	Pedestrian access. Removes prohibition on pedestrians entering the roadway outside of a crosswalk, as long as no immediate hazard exists.	Assembly Transportation to <i>Assembly Appropriations</i>
	AB 1499 Daly D	Transportation: design-build: highways. Removes January 1, 2024 expiration of authority to use design-build method of contract procurement.	Assembly Transportation to <i>Assembly Appropriations</i>
Oppose	AB 5 Fong R	Greenhouse Gas Reduction Fund: High Speed Rail Authority: K-12 education: transfer and loan. Suspends appropriation of cap and trade funds to the HSRA for two years and transfers moneys collected for use on K-12 education.	Assembly Transportation

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¹Under 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. "Two-year" bills have not met the required legislative deadlines and will not be moving forward this session but can be reconsidered in the second year of the session which begins in December 2021. Bill status at a House's "Desk" means it is pending referral to a Committee.