



Memorandum

AGENDA ITEM 10

DATE: January 20, 2023
TO: Transportation Authority Board
FROM: Maria Lombardo – Chief Deputy Director
SUBJECT: 2/14/23 Board Meeting: Approval of the 2023 State and Federal Legislative Program

<p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <p>Approve the 2023 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 2023 State and Federal Legislative Program (Attachment 1) was developed in coordination with local, regional, and statewide partners. It focuses on securing transportation funding, in particular to address the upcoming transit fiscal cliff. Other areas of focus include advancing San Francisco’s priority projects, engaging in the regulation of new transportation technologies, and expanding innovative programs to support the city’s equity, mobility, climate, and Vision Zero goals.</p>	<p><input type="checkbox"/> Fund Allocation</p> <p><input type="checkbox"/> Fund Programming</p> <p><input checked="" type="checkbox"/> Policy/Legislation</p> <p><input type="checkbox"/> Plan/Study</p> <p><input type="checkbox"/> Capital Project Oversight/Delivery</p> <p><input type="checkbox"/> Budget/Finance</p> <p><input type="checkbox"/> Contract/Agreement</p> <p><input type="checkbox"/> Other: _____</p>
--	---

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 consultants in Sacramento and Washington, DC, will use this program to plan strategy and communicate positions to the city’s legislative delegations in addition to other transportation agencies and advocates, as well as to develop recommended to bring to the Board, as appropriate.

The proposed 2023 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, other 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 2023 State and Federal Legislative Program continues many themes from prior years 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.

Transportation Funding. One of the biggest efforts we will be undertaking in 2023, in partnership with SFMTA, Caltrain, BART, and MTC, will be to seek ongoing, multi-year funding for transit operations to address the looming fiscal cliff facing many transit agencies once federal COVID relief funds are expended. A challenge in any year, it will be an even greater one in 2023 due to the recent forecast of a \$22.5 billion deficit in the Fiscal Year (FY) 2023/24 state budget. One of the strategies the Governor has proposed to address the deficit is to withdraw some of the transportation funding commitments made as part of the FY 2022/23 budget. From the \$10.8 billion committed last year to transportation, he has proposed eliminating \$2 billion from the Transit and Intercity Rail Capital Program (TIRCP), \$200 million from the Active Transportation Program, and \$350 million from the Rail Grade Crossings program.

Another key component of our legislative advocacy will be to reverse these proposed cuts, in particular those to the TIRCP program. Maintaining or increasing the amount of TIRCP available is critical to help close the funding gaps for the Caltrain Electrification and BART Core Capacity projects as well as advance other priorities like the Downtown Rail Extension (Portal) and SFMTA Core Capacity projects. One potential solution we will explore to increase the availability of multi-year TIRCP funding commitments will be to extend the cap-and-trade program past its 2030 expiration date. Unfortunately, we have heard there is little appetite to pursue this effort in 2023. We will also be advocating for the California High Speed Rail Authority (CaHSRA) to collaborate with us and the Transbay Joint Powers Authority to identify state and federal funding opportunities for CaHSRA's prior commitment of \$550 million to the Downtown Rail Extension project. Securing multi-year TIRCP and/or CaHSRA funding commitments is critical for the project to meet near-term deadlines that, if met, would secure billions in federal funding for the project.

Finally, as the state continues to make decisions about how to distribute the formula funding it received through the Infrastructure Investment and Jobs Act (IIJA), we will continue to participate in various ongoing working groups, led by the California State Transportation Agency (CalSTA). These groups advise on development of policies such as the share of funding split between the state and priorities for funding



within each category (e.g. for the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) climate adaptation grant program).

Bay Area Transit Coordination and Regional Revenue Measure. In 2022, MTC began implementing the region's Transit Transformation Action Plan, which identified goals to improve the connectivity and customer-facing features of Bay Area transit and actions for the region to pursue in the near-term. MTC will also soon adopt a structure for future regional transit network management. We will continue to engage with our partner agencies and local and regional stakeholders to provide input into any legislation stemming from these efforts.

The region is also kicking off early stakeholder engagement on a potential future regional revenue measure for transportation. MTC may seek legislation to authorize a future ballot measure, but at this time we do not anticipate a measure being placed on the ballot until after November 2024. As the region explores a possible measure beyond that time frame, we will advocate for it to support San Francisco's priorities such as BART and Muni Core Capacity Programs, transit state of good repair, as well as other key projects such as the Downtown Rail Extension (Portal).

Climate Goals. In 2021, CalSTA approved the state's Climate Action Plan for Transportation Infrastructure (CAPTI), which established a state direction for reducing greenhouse gas emissions from the transportation sector. Several CAPTI-related bills advanced in the last legislative session that would have removed local and regional authority over a number of different planning and funding activities, and similar bills have already been introduced this year. We will continue to advocate for the adjustment of state transportation investment strategies to better align with CAPTI while maintaining flexibility for local and regional jurisdictions to implement context sensitive greenhouse gas reduction strategies and retaining oversight of locally generated and state formula funding.

We will also work to support legislation that advances San Francisco's Hazards and Climate Resilience Plan and Climate Action Plan. This includes supporting SFMTA's and other transit operators' efforts to secure state and federal support as they work to transition their fleets to clean vehicles, consistent with the state's Innovative Clean Transit rule that requires public transit bus fleets to be 100% zero-emissions by 2040.

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 2020's findings from the state's Zero Fatalities Task Force, we will support efforts that advance roadway safety, potentially including the authorization of speed safety cameras. We will also support efforts to sustain or increase local authorization to set speed limits.

Emerging Mobility and Innovative Strategies. With respect to new transportation technology and innovative strategies, such as Transportation Network Companies (TNC) and autonomous vehicles, we will continue to 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. We will also continue to seek authorization for additional local regulation of certain aspects of emerging mobility, where appropriate, and advocate for updated state regulations and traffic codes to address issues related to the deployment of autonomous vehicle services.



Federal Advocacy.

Transportation Funding and Appropriations. The 2021 approval of IIJA included a five-year reauthorization of the federal transportation bill at around a 50% higher level than prior bills. In 2023 our focus will continue to be on securing transportation appropriations at or exceeding the authorized levels, ensuring outstanding commitments are met (such the final Federal Transit Administration Capital Investment Grant (CIG) appropriations for the Caltrain Electrification project), and positioning priority projects for major future grant appropriations (e.g. the Downtown Rail Extension (Portal), which is seeking to enter the CIG program this year). We also anticipate submitting projects for consideration through any annual earmark distribution process.

Emerging Mobility and Technology. The federal government will likely 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). In 2023, we anticipate an effort to advance national autonomous vehicle policy and regulatory frameworks. In our engagement, we will advocate for a strong local role in their testing, deployment, and regulation. We will advocate that those regulations set clear goals; perform data-driven research to evaluate the public benefits and impacts of these services; maintain or increase local and state regulatory roles; and mandate access to critical data for local and regional governments to ensure their safety, equity, and accessibility.

CAC POSITION

The CAC will consider this item at its January 25, 2023 meeting.

FINANCIAL IMPACT

The recommended action does not have an impact on the adopted Fiscal Year 2022/23 budget.

SUPPLEMENTAL MATERIALS

Attachment 1 – Draft 2023 State and Federal Legislative Program

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

STATE		
Area	Goal	Strategy
1. Funding	a. Secure new revenue and financing measures for transportation	<ul style="list-style-type: none"> • With regional and state partners, seek a new, ongoing, multi-year source of supplemental funding to address transit operators’ pending fiscal cliffs (operating shortfalls) due to the COVID-19 pandemic and slower-than-expected ridership increases. Funding could also be used to support efforts to attract riders back to transit. • Monitor and potentially support efforts to establish other new state or regional transportation revenue mechanisms or to otherwise raise additional dedicated revenue to address ongoing funding shortfalls for transportation capital projects, including for transit state of good repair. • Monitor discussions on a new windfall profit tax on the state’s oil companies, as proposed by Governor Newsom, and seek utilization of a portion of funding to transportation expenditures (e.g., transit operations to address the upcoming fiscal cliff). • Monitor and advocate for San Francisco interests in the state implementation of federal Infrastructure Investment and Jobs Act (IIJA) funding programs, including participation in California State Transportation Agency (CalSTA) working groups and in the development of grant guidelines (e.g. for the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program focused on climate adaptation). • Partner with MTC, local agencies, and other stakeholders to advance San Francisco’s priorities in the development of legislation to authorize the placement of a regional transportation funding measure on a future ballot. • Seek cost recovery fees for addressing new mobility (e.g. Transportation Network Companies (TNC) and autonomous vehicles) regulatory and policy activities in state rulemakings and hearings.

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

	b. Protect transportation funding	<ul style="list-style-type: none">• Advocate for General Fund investments at levels consistent with commitments in the \$10.8 billion multi-year, multimodal transportation package that was approved in the Fiscal Year (FY) 2022/23 state budget.• Advocate against the elimination or redirection of other funds dedicated to transportation (e.g., express lane revenue).
	c. Secure cap-and-trade revenues for transportation	<ul style="list-style-type: none">• Extend the state cap-and-trade program past 2030 to, among other things, increase the availability of funding for the Transit and Intercity Rail Capital Program (TIRCP) and other programs funded with this revenue source.• Maintain cap and trade funding for current transportation programs (e.g., transit operations, electric vehicle (EV) buses and infrastructure, transit expansion such as the Downtown Rail Extension (Portal)) and seek discretionary grants for San Francisco priorities.
	d. Modify allocation formulas for state transportation funds	<ul style="list-style-type: none">• Support transit agencies' efforts to secure statutory relief with respect to transit formula funding, including reforming the Transportation Development Act (TDA) transit formula calculations and, until that occurs, continuing to use pre-COVID data inputs.• Support efforts to delegate decision-making over the state's IJIA formula funds to local and regional transportation agencies, e.g., for the PROTECT climate adaptation program.• Advocate to use factors in formula distribution calculations that better tie transportation funding to the true demands placed on the system, such as daytime population or transit usage.• Advocate to modify the state definition of disadvantaged communities to better align with MTC's Equity Priority Communities.

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

	e. 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 projects for funding.
	f. 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 and affordable housing 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, including the authorization of automated enforcement and speed safety cameras. • Support efforts to improve safety for all road users, including supporting bills that advance complete streets, local speed limit setting, and best practices in safe roadway design. • Advocate for the California Public Utilities Commission (CPUC) and the Department of Motor Vehicles (DMV) to provide timely reporting and due diligence in regulatory requirements for autonomous vehicle passenger service permits.
	b. Support the Treasure Island Mobility Management Agency's (TIMMA) work for sustainable mobility on Treasure Island	<ul style="list-style-type: none"> • Seek funding and update authorizing legislation, as needed, for implementation of the Treasure Island Transportation Improvement Program, including tolling infrastructure and operations, integrated payment (tolling and multi-operator transit pass systems), transportation equity and affordability programs, bike and car share initiatives, and autonomous shuttle pilot.

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

	<p>c. Improve reliability and efficiency of San Francisco’s roadway network, transit network, and other transportation demand management (TDM) strategies</p>	<ul style="list-style-type: none">• Consider supporting new legislation that promotes innovative TDM strategies such as authorizing area-wide congestion pricing pilot programs as recommended in the city’s Vision Zero Action Strategy and Climate Action Plan (2021).• Continue to monitor and, as appropriate, provide input into the next phase of the California Road Charge Pilot Program, the State Road Pricing Working Group, and other working groups regarding roadway pricing strategies.• Support efforts to prioritize and speed up transit, such as authorizing a pilot program for bus-on-shoulder freeway operations and High Occupancy Toll lanes on local roads on the state highway system.• Support MTC’s efforts to improve compliance with occupancy requirements in High Occupancy Vehicle lanes.
--	---	---

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

	<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 emerging mobility is regulated and deployed in a way that balances benefits and impacts and ensures safety, equity, and accessibility. Ensure local authority is preserved as it relates to San Francisco’s local pilot and permit programs. • Advocate for updated state regulations and state traffic codes, as appropriate, to ensure the safety, operational efficiency, and effective deployment of autonomous vehicle services. • Seek authorization for additional local regulation of certain aspects of emerging mobility, where appropriate (e.g., operational standards, local mitigation fees). Seek delegated authority to perform evaluation and oversight of emerging mobility, which could include a local agency role as a subcontractor. • Advocate to require emerging mobility providers to provide access to critical data for local and regional governments for planning and monitoring purposes as well as integrate these into CPUC/DMV autonomous vehicle permit application and approval processes. • 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 CPUC’s TNC Access for All initiatives).
	<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) 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 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.

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

	<p>f. Advance legislative actions in support of other city policy goals</p>	<ul style="list-style-type: none">• Support efforts to advance a more affordable, seamless public transit system in the Bay Area with integrated and/or discounted transit fares to benefit both low-income transit riders and attract new riders to the system, provided a sustainable fund source is identified, informed by the regional Transit Transformation Action Plan.• Work with state and local partners to advance the implementation of the CalSTA's Climate Action Plan for Transportation Infrastructure (CAPTI) that seeks to align state investments with policies to reduce greenhouse gas emissions and to provide clean transportation options. This includes ensuring that any new state policies do not unduly restrict the ability of local jurisdictions to implement county-specific greenhouse gas emission (GHG) and vehicle miles traveled (VMT) reduction strategies, do not limit a local or regional jurisdiction from implementing voter-approved transportation expenditure plans, and ensures that the state meets any outstanding commitments to projects.• Support funding programs and policies that support San Francisco's Hazards and Climate Resilience Plan and Climate Action Plan. This includes engaging in any legislative effort to consolidate engagement in these areas across state agencies or to guide state expenditure on climate resiliency and adaptation projects.• 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, congestion management and funding.
--	---	--

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

3. High-Speed Rail (HSR)	a. Strengthen state commitment to a blended HSR and electrified Caltrain system from San Francisco to San Jose	<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 Memorandum of Understanding to develop a blended system, including achieving level boarding at all shared Caltrain/High Speed Rail facilities.• Advocate for the California High Speed Rail Authority to prioritize funding or to collaborate with the Transbay Joint Powers Authority (TJPA) on federal and state funding opportunities for its commitment of \$550 million to the Downtown Rail Extension/Portal.
--------------------------	--	---

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

FEDERAL		
Area	Goal	Strategy
1. Transportation Funding	a. Sustain or increase federal transportation funding	<ul style="list-style-type: none"> • Advocate for the approval of federal transportation spending at the higher levels authorized in the Bipartisan Infrastructure Law, including robust funding for the Federal Transit Administration’s Capital Investment Grant program (i.e. New Starts, Small Starts, and Core Capacity programs). • Secure directed funding (i.e. earmarks) for San Francisco’s priority transportation projects. • Advocate for the programming of funding from the Inflation Reduction Act to transportation-related projects and programs, such as funding designated for low-emission transportation technologies. • Advocate for increasing the federal gasoline tax, and for indexing it to inflation to help close the Highway Trust Fund funding deficit. • Support the study and piloting of grant programs for innovative approaches to transportation challenges such as congestion management, implementing public transit affordability programs, technology demonstrations, and alternative project delivery methods. • Support state and regional partners in efforts to prevent transit funding from being withheld due to the U.S. Department of Labor’s recent interpretation of a 2010 state pension law known as PEPPRA.
	b. Secure additional COVID relief funding for transportation, particularly for transit operations	<ul style="list-style-type: none"> • Advocate for additional COVID relief funding for transit operators to sustain services that are critical to economic recovery and disproportionately provide mobility for low income, minority, and transit dependent persons. • Support 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).

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

	<p>c. Secure federal approvals for San Francisco’s Capital Investment Grant program priorities</p>	<ul style="list-style-type: none"> • Advocate that Congress approves annual Core Capacity appropriations consistent with the Full Funding Grant Agreement for the Caltrain Electrification project and support the TJPA’s anticipated Capital Investment Grant (CIG)/New Starts funding application for the Downtown Rail Extension(Portal) 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, the Downtown Rail Extension(Portal), and additional Caltrain railcars. • Seek additional CIG program funding to assist with the current funding gaps for the BART Core Capacity project.
<p>2. Transportation Policy Initiatives</p>	<p>a. Advance autonomous vehicle regulations that improve safety and facilitate local evaluation of their performance</p>	<ul style="list-style-type: none"> • Advocate for a strong local role in federal efforts to develop a policy framework for autonomous vehicle testing, deployment, and regulation. • Participate in public-private forums to develop a national autonomous vehicle framework that ensures safe, efficient, and effective deployment of autonomous vehicle services. • 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.
	<p>b. Address the impacts of shared mobility services (e.g. TNCs, private transit shuttles, scooters) and ensure their safety, equity and accessibility</p>	<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.

Attachment 1

San Francisco County Transportation Authority
Draft 2023 State and Federal Legislative Program

	c. Advance regulatory actions in support of other city and regional policy goals	<ul style="list-style-type: none"> • Support equitable policies to achieve greenhouse gas emissions reduction goals and to shift travel to affordable low-carbon modes, consistent with San Francisco’s Climate Action Plan. • Monitor other potential regulation activities (e.g. mobile applications, privacy protection) that would impact San Francisco’s range of transportation services. • Support policies and programs that advance San Francisco’s climate adaptation and resiliency priorities, such as the Embarcadero Seawall.
--	--	--

STATE AND FEDERAL (Project Delivery and Administration)		
Area	Goal	Strategy
1. Project Delivery	a. Expand use of innovative strategies for efficient delivery of transportation infrastructure	<ul style="list-style-type: none"> • Advocate for additional opportunities to use alternative delivery methods to manage risk and improve implementation of transportation infrastructure projects. • Advocate for retention and expansion of innovative financing programs such as Transportation Infrastructure Finance and Innovation Act (TIFIA), as well as additional flexibility. • Support efforts to increase the efficiency of Caltrans and the Federal Highway Administration in reviewing and approving project documents and permits.
2. General Administration	a. Ensure efficient and effective Transportation Authority and TIMMA operations	<ul style="list-style-type: none"> • Advocate for the streamlining of administrative requirements. • Oppose legislation and regulations that constrain the Transportation Authority’s and TIMMA’s ability to efficiently and effectively contract for goods and services and conduct business. Support legislation and regulations that positively affect our effectiveness and limit or transfer our risk of liability.