RESILIENTSR37

STATE ROUTE 37 POLICY COMMITTEE

9:30 a.m., Thursday, March 5, 2020
Foley Cultural Center, Lakeside Conference Room
1499 N. Camino Alto, Vallejo, CA 94590
MEETING AGENDA

1. **CALL TO ORDER AND INTRODUCTIONS** — **Chair David Rabbitt**

2. **OPPORTUNITES FOR PUBLIC COMMENT**

3. **CONSENT CALENDAR**

   3.1. Minutes of the December 5, 2019 SR 37 Policy Committee Meeting* — **Drew Nichols, SCTA**
   Recommendation:
   Approve December 5, 2019 SR37 Policy Committee Meeting Minutes

4. **ACTION ITEMS**

   4.1. FASTER Bay Area* — **Suzanne Smith, SCTA**
   4.2. SR 37 toll legislation – SB1408* — **Andrew Fremier, MTC**

5. **DISCUSSION/INFORMATION ITEMS**

   5.1. Plan Bay Area 2050 update — **Adam Noelting, MTC**

6. **COMMITTEE MEMBER COMMENTS / STAFF UPDATES** — **All**

7. **FUTURE TOPICS**
   BATA Expenditure Plan
   FASTER Expenditure Plan
   Ridesharing program
   AA for the Bay – restoration projects in San Pablo Bay
   MTC/Caltrans – Ultimate Environmental Phase Discussion and Segmentation
   Caltrans SHOPP Project Updates
   SB-1 Planning and Adaptation Grant work underway
   Alternative Modes and TDM - Implementation

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8. ADJOURNMENT

Next SR 37 Policy Committee Meeting: 9:30, Thurs., June 4, 2020 at a location to be determined.

* Materials included

Future Meeting Schedule
9:30AM, June 4, 2020
9:30AM, October 1, 2020

SR 37 Policy Committee Members:

SCTA	NVTA	TAM	STA
David Rabbitt, Sonoma County Board of Supervisors	Alfredo Pedroza, MTC Commissioner	Damon Connolly, MTC Commissioner	Erin Hannigan, Solano County Board of Supervisors
Jake Mackenzie, MTC Commissioner	Belia Ramos, Napa County Board of Supervisors	Judy Arnold, Marin County Board of Supervisor s	Bob Sampayan, Mayor, City of Vallejo
Susan Gorin, Sonoma County Board of Supervisors	Leon Garcia, Mayor City of American Canyon	Eric Lucan, Councilmember, City of Novato	Jim Spering, MTC Commissioner

MTC	Caltrans
Therese McMillan, Executive Director	Tony Tavares, District 4 Director

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State Route (SR) 37 Policy Committee Meeting
Minutes 9:30 a.m., Thursday, December 5, 2019
Napa Valley Transportation Authority
JoAnn Busenbark Board Room
Napa, CA

1. Call to Order/Introductions

Chairman David Rabbitt called to order the State Route 37 Policy Committee at 9:33 a.m.

Policy Committee Members Present:

David Rabbitt, Chair	Supervisor, County of Sonoma
Judy Arnold	Supervisor, County of Marin
Leon Garcia	Mayor, City of American Canyon
Eric Lucan	Mayor, City of Novato
Jake Mackenzie	MTC Commissioner, Councilmember, City of Rohnert Park
Bob Sampayan	Mayor, City of Vallejo
Jim Spering	MTC Commissioner, Supervisor, County of Solano

Policy Committee Members Absent:

Erin Hannigan, Vice Chair	Supervisor, County of Solano
Damon Connolly	MTC Commissioner, Supervisor, County of Marin
Susan Gorin	Supervisor, County of Sonoma
Alfredo Pedroza	MTC Commissioner, Supervisor, County of Napa
Belia Ramos	Supervisor, County of Napa

Executive Directors Present:

Daryl Halls, Solano Transportation Authority
Kate Miller, Napa Valley Transportation Authority
Anne Richmond, Transportation Authority of Marin

Executive Directors Absent:

Suzanne Smith, Sonoma County Transportation Authority

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2. Opportunities for Public Comment

Joe Green-Heffera, resident of Fairfield, expressed appreciation and the importance for transit connectivity between Napa and Solano Counties.

3. Consent Calendar

3.1. Minutes of the June 6, 2019 SR 37 Policy Committee Meeting

The minutes for the June 6, 2019 State Route 37 Policy Committee were recommended, and approved unanimously, following a motion by Mayor Bob Sampayan, and a second by Jake Mackenzie.

4. Discussion/Information Items

4.1. Bay Area Toll Authority (BATA) 8th Toll Bridge legislation

Andy Fremier presented to the Policy Committee on the 8th Toll Bridge legislation.

Mr. Fremier recalled an MOU that was signed by the four North Bay Counties and Caltrans. An element of that MOU explores that idea of an 8th Toll Bridge from Mare Island to Sears Point.

In July, an additional $20 million was provided by BATA, in addition to RM3 funding, to help advance the project.

Mr. Fremier further discussed the risks and caveats that must be understood in exploring this opportunity via the BATA enterprise.

The tolling structure would be consistent with the other existing state-owned toll bridges and the Expenditure Plan will be developed and approved by BATA.

Mr. Fremier further spoke on the down payment and investment in the ultimate project, noting the total cost is $4 billion for the entire corridor. The schedule in relation to the costs were described, although recognizing there is a shortfall that BATA cannot fully cover.

In regards the estimated tolling revenue, Mr. Fremier stated this figure was estimated based on the existing toll structure for other state-owned bridges in the San Francisco Bay Area.

BATA will continue to encourage legislation with the support from the Policy Committee for this project.

Supervisor Judy Arnold commented on the hope that the proposed legislation will provide flexibility for bridges in Segment A and C.

Mr. Fremier responded the approaches to the proposed bridge would make Segments A and C eligible, however will have to compete against other funding resources.

Chair Rabbitt opened for Public Comment.

Steve Schmitz commented that Highway 37 is the only roadway in the Bay Area that has not been expanded since 1926 and encouraged for more temporary fixes in the short-term.

Mr. Schmitz further comments on the absence in the discussions the effects of climate change via emissions from congestion.

4.2. FASTER Bay Area

Executive Director Daryl Halls provided a brief update on the FASTER Bay Area initiative.

The group behind this initiative is seeking input and feedback on this Bay Area-wide tax measure by January.

This is a one-cent tax for the entire Bay Area to fund specific transportation-related projects.

There is no endorsement on this initiative yet and uncertainty remains with the direction. A decision must be made by the end of January on whether to move forward with the initiative.

This is an informational item.

Supervisor Jim Spering urged caution to think ask for a number that would be received well, is achievable, and expressed hope to have discussion on the threshold on the request to be made.

Executive Director Halls responded that staff will bring forward more details in January.

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Chair Rabbitt expressed agreement with the comments by Supervisor Spering and added that these numbers be reasonable and should be aspirational. The group is looking for transformational projects for this initiative, however highlighted the challenges with specific/unique projects versus regional transportation improvement projects.

Andy Fremier added the work is going on right now in relation to Highway 37 is currently in project development and environmental phase. This initiative will help understand the deliverable elements of the project.

4.3. Plan Bay Area 2050 update

Ashley Nguyen provided an update to the Plan Bay Area 2050 (PBA2050) update.

Ms. Nguyen recalled the MTC *Horizon's* work that has been ongoing for the past 18 months and the transition to the long-range transportation plan.

In the upcoming months, revenue projections and project priorities will be worked on.

MTC/BATA, on behalf of Caltrans and the four North Bay agencies, submitted the Resilient SR 37 program for consideration in the Plan.

This is viewed as a multidimensional and multibeneficial project that looks at traffic congestion, ecological enhancement opportunities, sea-level rise adaption, and multi modal opportunities with the combination of public transport and bicycle and pedestrian pathways.

This first milestone reached was the submittal of this program to undergo a project performance assessment. The price of this projects is significant and did not fare well in the project performance evaluation. Staff will continue work refining the project to position the project in the financial constraint plan.

The goal is to look at opportunities to include this program in the Plan.

The PBA2050 update is aimed to have a final investment plan adopted in the fall of 2020 and Staff are well equipped to move fast and furious to have SR 37 identified as a priority. There is need for support from the agencies and Policy Committee members.

Supervisor Jim Spering expressed appreciation for the emphasis on the importance of this corridor and asked if the future potential of the corridor, the movement of goods and services avoiding traffic, was looked at.

Ms. Nguyen responded the future potential is part of the evaluation and have looked at the movements throughout the corridor.

The cost of this project is so large that the benefits become diluted in the benefit-cost assessment and are not able to be fully captured.

Supervisor Spering further asked if the total $4 billion cost was considered, or if the consideration was done by each segment separately.

Ms. Nguyen responded the entire program was considered, not by segments.

Supervisor Spering encouraged Staff to consider the segment approach.

Executive Director Daryl Halls added the interim project would not have to go through the assessment analysis and can submit the project anyway.

Ms. Nguyen responded in the affirmative.

Jake Mackenzie expressed the importance of the of this east-west connector in the Bay Area, given the fragility of these connections, the overall transportation network, jobs, and housing that is dealt with in the PBA2050 update.

Chair David Rabbitt echoed the aforementioned comments, adding the vulnerability of the existing east-west connections and the environmental benefits not being weighed as much as they could in future terms.

Mayor Bob Sampayan commented on the proposed legislation to rebuild the San Rafael-Richmond Bridge and the cost of several billion

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to do so. The concern, if this legislation comes to fruition, is how that will change the funding sources for the SR 37 project.

Mayor Sampayan expressed agreement with the environmental concerns of emissions from congestion and further added the Bay Area's focus on the South Bay instead of addressing the challenges in the North Bay.

There is concern this proposed legislation may divert funding away from Highway 37 for the retrofit/rebuild of the San Rafael-Richmond Bridge.

Andy Fremier responded the work for the San Rafael-Richmond Bridge by Assembly member Levin is on his own; relative to the BATA responsibility, however, the financial plan considered replacing the bridges at some time when needed and the Richmond Bridge is likely the next one.

Mr. Fremier further added that this will come back to BATA in the spring for an aggressive asset management. Our goal is to bring this to perpetuity and to function for a long time.

The question of whether the San Rafael-Richmond Bridge needs to be replaced is early and to take the time to look at the replacement strategy.

Ms. Nguyen further added that MTC is working with the Planning staff to have an understanding of the environmental benefits.

Supervisor Judy Arnold asked about United Bridge Partners, recalling two studies that explored a toll road or causeway through the corridor.

Chair Rabbitt responded that United Bridge Partners is still around, however they have not be in direct contact regarding this project.

Chair Rabbitt opened for Public Comment.

A member of the pubic commend the multi-vision element by Caltrans and spoke to the more global idea to embrace emergency issues and to provide more resources go to supporting the train in regards to east-west travel.

A second member of the public commented on the interest to have United Bridge Partners attend a public meeting to see if a toll road would actually be possible.

Dane McCullough commented on recent meeting with United Bridge Partners and the continued interest to discuss this option.

4.4. Status of 2020 SHOPP and beyond

Dina El-Tawnsay reported on the draft 2020 SHOPP.

The current SHOPP is being finalized. Mandates that are not funded still need to be addressed.

On Highway 37, the 2020 SHIPP is permitted to deliver five projects along the corridor. The construction year is set to start in 2023 and will be improvements and maintenance.

There was a Director's Order issued to help in the interim measures and these will be discussed in further detail by Kelly Hirschberg in the following item.

4.5. Segment A Caltrans work

Kelly Hirschberg presented an update to the Segment A interim improvements.

Segment A1 has experienced flooding in the past few years near the Novato Creek. Ms. Hirschberg outlined the Director's Orders plan for this winter.

In 2017, Highway 37 was closed for 15 days due to flooding. An emergency Director's Orders were issued and allowed funding to raise the highway by two feet and constructed flood walls.

In February 2019, there were two separate occurrence that closed Highway 37. A levee breached from a storm event in conjunction with high tides.

The completed improvements in 2019 included assistance from Marin County (and SMART?) to identify an option to address the access road and

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repair the levees that were breached. A temporary flood wall was also constructed.

Ms. Hirschberg further presented on the work that has been done for 2019/20 winter season.

Drainage improvements were installed, the westbound roadway was raised pavement elevation by one foot and installed a temporary "rubber bladder" to be deployed when is completely necessary to allow the flooding to be pumped off the highway.

Caltrans reported in June that the Segment A PID was completed and allows for an environmental document to begin for the ultimate measure.

The Segment A ultimate improvements include two viable alternatives: (A1) Typical causeway section, and (A2) Typical embankment section. This is anticipated to be completed in early 2022.

Eric Lucan expressed appreciation to Caltrans for the work to have these measures in place before the winter.

4.6. Segment B Interim improvements

Kevin Chen reported on the Segment B improvement updates. The PAED phase has begun and are looking at options to address the vehicle congestion, such as an HOV lane instead of a general purpose lane.

Caltrans is in the process of confirming details before finalizing what type of Environmental Document will be required. A public scoping meeting will be scheduled.

In terms of the project alternatives, a three lane facility with a moveable lane barrier is considered and will provide two lanes during peak travel hours, similar to moveable barrier on the Golden Gate Bridge.

The second alternative considers four lanes that includes use of the shoulder.

The third alternative includes four lanes. The additional lanes will be HOV lanes.

Work is aimed to stay within the existing footprint to avoid additional environmental impacts.

The project is aimed to be completed by 2025 for vehicle traffic.

Mayor Bob Sampayan requested to incorporate the Mare Island interchange and to have conversations with the developer on that project to ensure their vision compatible with the Highway 37 project.

Mayor Sampayan further commented on the three lane "zipper" approach and the concept of tolling and its effects on equity.

5. Presentations Items

5.1. Grand Bayway – SR 37 Public Access Study Update

Allison Brooks, BARC, and Eric Prince, Atlas Lab, presented on the SR 37 Public Access Study.

This project emerged through Resilient by Design and ties the ecological assets in the region. This project was able to secure the SB-1 Adaption Grant with matching grant support from BATA.

The objectives focuses on public access and create opportunity to bring residents of the Bay Area into this ecological asset through increased public access.

Eric Prince provided an overview of work completed in the last nine months. Meetings and focus groups on the active transportation were conducted and site walks with local residences were completed.

The key takeaways from the current outreach include a strong desire to include public access in the planning of the four county sub-region, and advancing public access through larger, regional and policy discussions. However, not all forms of public access are understood as equal and there are legitimate limitation for public access in sensitive habitat areas.

Mr. Prince outlined the framework for the long-, mid-, and near-term for the entire corridor.

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The potential projects for Skaggs Island, SR37 & 121, and Mare Island were described.

Mayor Bob Sampayan thanked Ms. Brooks and Mr. Prince for the presentation and added the excitement of the project to enhance the open areas and the trails that will lead from Vallejo, through American Canyon, and into Napa.

Mr. Prince added the next work is trying to determine what connections are available on Highway 37 to connect to Mare Island.

Jake Mackenzie clarified the vision, as the capital interim improvements are made at Mare Island and Sears Point, is the actual construction of trails and access spots will be done at the same time.

Mr. Prince responded in affirmative and are advocating that when the near term improvements happen to consider the active projects that can actually be construction and to further build a constituency of shared benefit for more advocacy.

Mayor Leon Garcia was impressed with the trail system map displayed and noted there is a shared interested between American Canyon and Vallejo for the trail access from the Vallejo Ferry Terminal upward to Napa.

Chair Rabbitt opened for Public Comment.

Maureen Gaffney thanked all the groups that are supporting the Bay Trail Alignment and noted support the two projects identified in the presentation.

Ms. Gaffney further thanked Mayor's Sampayan and Garcia for their support and commented on the ATP grant, upcoming environmental review document and the 65% of the design is completed.

Patricia Turtle Brown commented that Mare Island should be considered a historic site.

Barbara Salzmann commended the consultants for listening to the concerns regarding the wildlife habitat and the protection thereof. Secondly, Ms. Salzmann raised the question on not having a line through Skaggs Island and reminded consultant the concern trail in the vicinity of Deer Island that could affect Marin Audubon property.

5.2. Segment A1 (Marin County) Corridor Adaptation Study

Nick Nguyen, Transportation Authority of Marin, introduced Dan Dawson, Marin County Transportation and Public Works.

The Marin County Transportation and Public Works received a Caltrans planning grant to study the effects of sea level rise and to address the flooding.

Dan Dawson outlined the scope of the study was to look at the multitude of other studies to identify common themes, information gaps, and develop guidance for a preferred approach to Caltrans and MTC.

The Study studies the area from Atherton Avenue to Lakeville Highway (Segment A1)

The key findings were described. Segment A1 has the lowest roadway elevation in the entire corridor. Caltrans High Risk Design standards require raising the roadway by 18-22 feet and interchanges will require reconfiguration.

In terms of the habitat, the Baylands area is a priority for restoration and expanded watershed connectivity.

The key challenges were described. These include urgent public interest to prevent flooding, increased frequency of flooding, highly-sensitive environmental setting, and the lack of mobility options available in this corridor.

There is an urgent public interest to prevent Highway 37 from flooding.

Mr. Dawson described the study options presented.

<u>Vision 1: Hold the Line</u>

This vision will raise and expand the Novato Creek crossing by Highway 37 and to reconstruct

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the levees for sustainability. However, this vision does not identify habitat improvements.

Vision 2: Move the Line

This vision looks at moving levee locations. Novato Creek Bridge would be raised and the remainder of the roadway and the SMART rail will be protected by a levee that would be on the south side of the highway corridor.

The existing levees would be removed or modified for restoration.

Vision 3: Multi-Beneficial

This vision includes reconstruction of the entire Highway 37 corridor with combination of a viaduct structure and levee.

Mr. Dawson reference the diagram from a previous study of the viaduct option and noted that the SMART rail tracks were not included when that study was completed. Questions remain on how to incorporate all elements – given maintenance access to the rail lines and the land below – in this structure.

Vision 4: Buying Time

This vision permits flood protection through 2050, following assumption of the sea level rise, and allows time for more detailed design of an ultimate solutions. A flood wall would also be constructed to enclose the current roadway.

Mr. Dawson further spoke on the comparison of all four options and noted that a draft study will be released for review and comments.

A final report is anticipated in January 2020.

6. Committee Member Comments/Staff Updates

N/A

7. Future Topics

- BATA Expenditure Plan
- FASTER expenditure Plan
- Plan Bay Area 2050 Project Performance
- AA for the Bay – restoration projects in San Pablo Bay
- MTC/Caltrans – Ultimate Environmental Phase Discussion and Segmentation
- Caltrans SHOPP Project Updates
- SB1 Planning and Adaption Grant work underway
- Alternative Modes and TDM - Implementation

Included for the committee's interest.

8. Adjournment

The committee adjourned at 11:06 a.m.

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FASTER Bay Area: The Time is Now

The Bay Area is facing an unprecedented transportation and affordability crisis. Many longtime residents now "drive until they qualify" for a home, moving far from jobs and enduring ever-longer commutes. Our highways and many public transit systems are at the breaking point. Most commuters lack fast, reliable transit options and have no choice but to drive.

FASTER Bay Area — group of policy, government, business, transportation and community leaders — has developed a comprehensive framework to create a world-class transit system that is fast, seamless, reliable and affordable. It will greatly improve access to opportunities, especially for people living in communities of concern, while giving a great choice to attract people who currently drive.

FASTER's 4 Big Moves

To create this system, FASTER Bay Area has developed a holistic plan with 4 Big Moves:

1. A strategic $100 billion investment in a Regional Transit Network.
2. Fundamental changes that allow us to make transit seamless across the Bay Area and deliver projects cheaper and on-time.
3. A mandate that large employers must help solve the problem — requiring a $30 billion investment to support transit use and get traffic off the roads.
4. A first-in-California program to make sure low-income Bay Area residents do not pay for these improvements combined with a 50% discount on all Bay Area transit.

During Winter and Spring 2020, FASTER Bay Area is seeking legislative authority to enable Bay Area voters to support this plan on the November 2020 ballot with a one-cent sales tax.

What Will the FASTER Transit Network Include?

A transit system that works at the regional scale.

- Transit in the FASTER network will come **every 15 minutes or less** in most places with cost-effective BART, rail, ferry and bus projects.
- Transit will be **out of traffic and fast**, as we expedite the completion of the Bay express lanes network and deliver fast, frequent express bus service.
- **A network of hub stations** will make transfers fast and easy.
- Vulnerable parts of the system **will be made resilient** to rising sea levels and extreme weather events.

To ensure every county is part of this network, the vast majority of funds that are generated in each county will be for projects that benefit those counties. While this coordinated network will make better transit for everyone, FASTER is committed to making sure that low-income residents and families see the most dramatic benefits. FASTER's guidelines prioritize transit investments that serve communities of concern.

Fast, safe and healthy local transportation connections.

FASTER investments will also ensure more people can connect to regional transit as well as local destinations.

- Each county will receive a massive infusion of funds to support safe walking, biking, scooters and other active modes.
- Each local transit operator will receive investments to expand service and make transit faster and more reliable.
- Investments in carpool, vanpool and innovative shared mobility strategies will leverage the network of express lanes to fill empty seats and get more cars off the road.
- Each city will get funds to repave and rebuild local streets and make them safe for all users.

These investments will also primarily return to their source — the counties and cities in which they were generated.

Fundamental Changes to Make Transit Seamless and Effective

FASTER would create a first-ever Regional Transit Network Planner, housed at MTC, whose role is to integrate the Bay Area's 26 transit agencies into a single, seamless network. Operators would come together to **standardize fares, coordinate schedules, develop common signs** and more. FASTER will also invest to grow the transportation construction and operations workforce of the future. Programs will be focused on training people from communities of concern to fill in-demand unionized jobs.

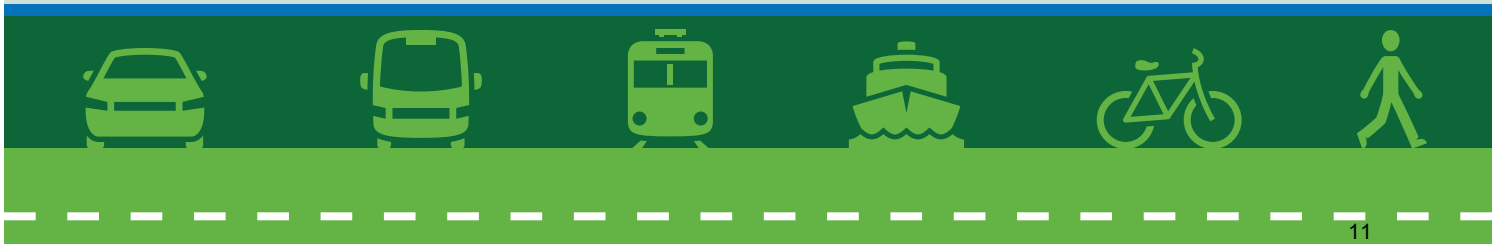
Large Employers Will Be Required to Help Pay for Commutes of their Workers

FASTER's measure would enlist Bay Area employers in fixing our transportation system by subsidizing transit passes, carpooling, bicycling or other sustainable commutes for their workers, including lower-wage employees. This will encourage over 2 million workers to reduce their reliance on solo driving and will help bolster transit agency revenues, meaning more service for everyone. The anticipated cost would be $240 per employee per year for companies of 100-250 employees and that would scale as high as $420 per year for large companies. This program, combined with the portion of the sales tax that is paid for by businesses, means **companies will pay for half of the overall FASTER program**.

Creating affordability for those who need it most

A fairness credit would refund to low-income residents the estimated additional tax burden created by the FASTER one-cent sales tax. Recipients would be eligible for over $150 credit per year, depending on household size. FASTER would also subsidize 50% discounts on transit fares for low-income riders — on every operator for the life of the measure. A separate program will expand projects providing free transit for students.

Together we can make sure the Bay Area provides more affordable transportation options, improves access to jobs and economic opportunity for low- and middle-income residents, helps the Bay Area meets it climate targets and improves our quality-of-life.



SENATE BILL No. 1408

Introduced by Senator Dodd

February 21, 2020

An act to add Chapter 4.1 (commencing with Section 30925) to Division 17 of the Streets and Highways Code, relating to state highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1408, as introduced, Dodd. State Route 37 Toll Bridge Act.

The California Toll Bridge Authority Act makes the California Transportation Commission, together with the Department of Transportation, responsible for building and acquiring toll facilities and related transportation facilities.

This bill would require an unspecified authority, on behalf of the state, to operate and maintain tolling infrastructure, including by installing toll facilities, and charge and collect tolls for the use of the Sonoma Creek Bridge, and to be responsible for the design and construction of improvements on the bridge and a segment of State Route 37 between its intersections with Route 121 in the County of Sonoma and Walnut Avenue in the County of Solano in accordance with programming and scheduling requirements adopted by the authority. The bill would authorize the authority to issue bonds payable from the revenues derived from those tolls. The bill would authorize those toll and bond revenues to be used for specified purposes, including near-term and long-term improvements to the segment of State Route 37 and the bridge to improve the roadway's mobility, safety, and long-term resiliency to sea level rise and flooding. The bill would require the authority to update and approve an expenditure plan for those toll and bond revenues on an annual basis beginning on July 1 following implementation of a toll. The bill would require the authority to develop

and implement an equity program for the toll bridge to reduce the impact of the toll on low-income drivers.

This bill would make legislative findings and declarations as to the necessity of a special statute for State Route 37 and the Sonoma Creek Bridge.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4.1 (commencing with Section 30925) is added to Division 17 of the Streets and Highways Code, to read:

Chapter 4.1. State Route 37 Toll Bridge Act

Article 1. General Provisions

30925. (a) The Legislature finds and declares all of the following:

(1) State Route 37 serves as a vital connection between the Counties of Marin, Napa, Sonoma, and Solano, providing an indispensable link between the North Bay and the rest of the state. State Route 37 is the northernmost nonmountainous east-west link between United States Highway 101 and Interstate 5 in the state, and serves as a recovery route for the Richmond-San Rafael Bridge in the event of an emergency closure.

(2) Traffic congestion on State Route 37 is degrading the quality of life for those living and commuting along the corridor, and shows no signs of abating. Average annual daily trips are projected to increase from 45,000 in 2013 to 58,000 by 2040.

(3) State Route 37 is protected by a complex system of interconnected levees, which makes the corridor vulnerable to sea level rise inundation and flooding now and in the future. Flooding in 2017 forced full or partial closures of a westbound segment of State Route 37 in the County of Marin for a total of 27 days, and

recurring inundation in 2019 resulted in closures for another 8 days.

(4) Adaptive action is needed to ensure State Route 37 remains a viable transportation artery. According to a University of California, Davis project entitled, "Adaptive Planning for Transportation Corridors Threatened by Sea Level Rise," without action, all segments of State Route 37 could be exposed to storm surge flooding from a 5- to 10-year coastal storm event by 2050, and by 2100 sea level rise is likely to render State Route 37 completely impassable.

(5) State Route 37 runs through an ecologically rich area that provides habitat for nine special status species, is a principal stop for migratory birds on the Pacific Flyway, and includes many acres of wetlands and baylands. There are numerous environmental benefits conjunctive to addressing the segment of State Route 37 between State Route 121 and Mare Island.

(6) The Bay Area Toll Authority, District 4 of the Department of Transportation, the Sonoma County Transportation Authority, the Solano Transportation Authority, the Transportation Authority of Marin, and the Napa Valley Transportation Authority entered into a memorandum of understanding in February 2019 to cooperatively determine mutual responsibilities in delivering the State Route 37 Resilient Corridor Program.

(7) This act will improve the resiliency of transportation infrastructure from sea level rise, flooding, and traffic congestion, and increase opportunities for ecological enhancements, transit, multimodal use, and public access along the State Route 37 corridor.

(8) Tolling a portion of the State Route 37 corridor for a limited number of years is necessary to provide the resources, including leveraging state and federal funding, required to help realize the above-mentioned improvements and enable work to begin in a timely manner.

(b) It is the intent of the Legislature that this chapter authorize the imposition of tolls only for so long as is necessary to achieve the chapter's goals.

30925.1. This chapter shall be known, and may be cited, as the State Route 37 Toll Bridge Act.

30925.5. For purposes of this chapter, the following definitions apply:

(a) “Act” means the State Route 37 Toll Bridge Act.

(b) “Authority” means ____.

(c) “Bonds” means any bonds, notes, variable rate and variable maturity securities, and any other evidence of indebtedness issued pursuant to this chapter.

(d) “Corridor” means a segment of State Route 37, including the toll bridge, from the State Route 37 interchange with Route 121 to Walnut Avenue at Mare Island, and related facilities.

(e) “Department” means the Department of Transportation.

(f) “Improvements” means those improvements described in subdivision (a) of Section 30926.1.

(g) “Toll bridge revenue bonds” means bonds issued pursuant to Article 3 (commencing with Section 30927).

(h) “Toll bridge” means the Sonoma Creek Bridge, together with necessary approaches. The approaches to the bridge shall include, but not be limited to, from immediately east of the State Route 37 intersection with Route 121 in the County of Sonoma to immediately west of the State Route 37 intersection with Walnut Avenue in the County of Solano.

Article 2. Powers and Duties

30926. The authority, on behalf of the state, shall operate and maintain tolling infrastructure, including by installing toll facilities, and charge and collect tolls for the use of the toll bridge, and shall be responsible for the design and construction of improvements on the toll bridge and corridor in accordance with programming and scheduling requirements adopted by the authority. This chapter does not limit the authority or responsibility of the state, including the Department of Transportation, to maintain State Route 37.

30926.1. Revenues from the toll bridge, and any related toll bridge revenue bonds, may be used for any of the following purposes:

(a) Near-term and long-term improvements to the corridor and toll bridge to improve the roadway’s mobility, safety, and long-term resiliency to sea level rise and flooding.

(b) Payments pursuant to bonds and resolutions, indentures, and other constituent instruments defining the rights of the bondholders and any repayment or reimbursement obligations of the authority

to any providers of bond insurance or letters of credit or lines of credit related to bonds.

(c) Costs incurred by the authority pursuant to this chapter for its operations, toll collection, and administration.

(d) Reimbursement to federal, state, and local agencies for costs incurred by those agencies for services provided for purposes of this chapter that are reimbursable pursuant to a written agreement between the authority and the respective agency.

(e) Costs for capital improvements to repair or rehabilitate the toll bridge, to expand toll bridge or corridor capacity, to improve toll bridge or corridor operations, to reduce the demand for travel in the corridor, or to increase public transit and nonmotorized options on the toll bridge or in the corridor.

(f) Other costs incurred pursuant to this chapter.

30926.2. The authority shall be reimbursed for administrative costs in an amount that shall not exceed 3 percent of toll bridge revenues.

30926.3. The authority shall have, and may exercise, all rights and powers, expressed or implied, that are necessary to carry out the purposes and intent of this chapter, including the power to do all of the following:

(a) Consult with counties, cities, towns, and other agencies and political subdivisions of this state regarding plans and projects authorized by this chapter.

(b) Acquire by dedication, gift, purchase, or eminent domain, and hold and dispose of any interests in property whether real or personal in the exercise of its powers and the performance of its duties under this chapter.

(c) Establish and enforce policies, rules, and regulations for the administration, operation, and maintenance of the toll bridge and corridor.

(d) Do all acts necessary and convenient for the full exercise of the powers granted pursuant to this chapter.

30926.4. (a) The authority shall update and approve an expenditure plan for the revenues of the toll bridge, and any related toll bridge revenue bonds, on an annual basis beginning on July 1 following implementation of a toll.

(b) The authority shall approve the initial and annual expenditure plan at a public meeting held by the authority following a notice of at least 30 days to the public.

(c) The authority shall arrange for a postaudit of the revenues expended pursuant to this chapter to be made at least annually by a certified public accountant.

30926.5. The authority shall consult with, and consider recommendations from, the Sonoma County Transportation Authority, Solano Transportation Authority, Napa Valley Transportation Authority, and Transportation Authority of Marin regarding plans and projects authorized by this chapter.

Article 3. Revenue Bonds

30927. (a) The authority may issue bonds payable from the revenues derived from the tolls imposed on the toll bridge.

(b) The authority may pledge all or any part of the revenues of the toll bridge to secure bonds and any repayment or reimbursement obligations of the authority to any provider of bond insurance or letter of credit or line of credit facility determined to be appropriate by the authority to provide for the payment of debt service on any authority bonds issued pursuant to this chapter.

(c) The state hereby pledges to, and agrees with, the holders of the toll bridge revenue bonds that the state will not limit, alter, or restrict the rights hereby vested in the authority to fulfill each pledge of revenues and any other terms of any agreement made with or for the benefit of the bondholders or in any way impair the rights or remedies of the bondholders or the providers of bond insurance or letter of credit or line of credit facilities.

(d) Nothing in this chapter shall be deemed to pledge the full faith and credit of the State of California.

(e) Any toll bridge revenue bond shall contain on its face a statement to the following effect: “Neither the full faith and credit nor the taxing power of the State of California is pledged to the payment of principal of, or the interest of this bond.”

(f) The authority shall include the pledges made pursuant to this section in its revenue bonds.

30927.2. The toll bridge revenue bonds are legal investments for all trust funds, the funds of all insurance companies, banks, trust companies, executors, administrators, trustees, and other fiduciaries. The toll bridge revenue bonds are securities that may legally be deposited with, and received by, any state or municipal officer or agency or political subdivision of the state for any

purpose for which the deposit of bonds or obligation of the state is now, or may hereafter be, authorized by law, including deposits to secure public funds.

30927.4. (a) Except as provided in subdivision (d), toll bridge revenue bonds shall be issued in accordance with the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code).

(b) The authority shall constitute a "local agency" within the meaning of Section 54307 of the Government Code.

(c) The operation of the toll bridge shall constitute an "enterprise" within the meaning of Section 54309 of the Government Code.

(d) Article 3 (commencing with Section 54380) of Chapter 6 of Part 1 of Division 2 of Title 5 of the Government Code shall not apply to the issuance and sale of toll bridge revenue bonds.

30927.6. (a) The authority may issue toll bridge revenue bonds pursuant to a resolution it adopts by a majority vote of its governing board.

(b) A resolution to issue toll bridge revenue bonds shall specify all of the following:

(1) The purposes for which the bonds are to be issued.

(2) The maximum principal amount of the bonds.

(3) The maximum term for the bonds.

(4) The maximum rate of interest to be payable on the bonds. That interest rate shall not exceed the maximum rate specified in Section 53531 of the Government Code. The rate may be either fixed or variable and shall be payable at the times and in the manner specified in the resolution.

(c) Before issuing any new or increased toll bridge revenue bonds, the authority shall conduct at least one public meeting following at least 30 days' notice to the public at which public testimony shall be taken regarding the proposed bond issuance.

30927.8. (a) The revenues from the tolls on the toll bridge shall be subject to a statutory lien in favor of the bondholders to secure all amounts due on the bonds and in favor of any provider of credit enhancement for the bonds to secure all amounts due to the provider with respect to those bonds. The lien shall immediately attach to the toll revenues and be effective, binding, and enforceable against the authority, its successors, creditors, and all others asserting the rights therein, irrespective of whether those

parties have notice of the lien and without the need for any physical delivery, recordation, filing, or further act. The toll revenues shall remain subject to the lien until all bonds are paid in full or provisions are made therefor. Consistent with Section 30928, the toll bridge shall not become a free public bridge until that time.

(b) The liens on toll revenues created by this chapter shall be subject to expenditures for operation and maintenance of the toll bridge, including toll collection, and the corridor, unless those expenditures are otherwise provided for by statute.

Article 4. Toll Rates

30928. (a) The authority shall establish and maintain the toll rates at amounts sufficient to generate revenue sufficient to meet the requirements of this chapter, including any obligations to the holders of the toll bridge revenue bonds.

(b) At least 30 days before setting the initial toll rates for the toll bridge, and thereafter when a revision to the toll rates is proposed, the authority shall do both of the following:

(1) Provide a public comment period regarding the proposed toll rates.

(2) Take public testimony at one or more public meetings.

(c) Collection of tolls shall cease following repayment of any toll bridge revenue bonds and other costs in full unless an extension of the time for toll collection is approved by a two-thirds vote of the authority at a public meeting following a notice of at least 30 days to the public.

30928.2. Within two years following the imposition of the initial toll rates and at least biennially thereafter, the authority shall review the adequacy of the toll rates to cover costs incurred pursuant to this chapter, including for improvements.

30929.4. (a) The authority's toll rates may include discounts and premiums to reduce congestion and the emissions of greenhouse gases, including, without limitation, discounts for high-occupancy vehicles, electronic toll collection, and off-peak travel, and premiums for on-peak travel.

(b) The authority may vary the toll rate applicable to a vehicle operated on the bridge for the carriage of passengers by any municipal or public corporation, transit district, public utility district, political subdivision, or transportation company operating

under a certificate of public convenience and necessity. The authority shall consult with the affected operators before adopting any toll rate pursuant to this subdivision.

30929.6. The authority's toll structure may include adjustments to toll rates to reflect economic factors, including, but not limited to, the Consumer Price Index or other cost indices.

30929.8. (a) The authority shall develop and implement an equity program for the toll bridge to reduce the impact of a toll imposed pursuant to this chapter on low-income drivers.

(b) The authority shall develop and implement the equity program in consultation with the Sonoma County Transportation Authority, Solano Transportation Authority, Napa Valley Transportation Authority, and Transportation Authority of Marin, and shall consider comments from those entities.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because sea level rise and flooding uniquely threaten State Route 37 and the Sonoma Creek Bridge.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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