



**DATE:** January 28, 2021

**TO:** Transportation Authority of Marin Board of Commissioners

**FROM:** Anne Richman, Executive Director *Anne Richman*  
David Chan, Programming and Legislation Manager

**SUBJECT:** Adopt the 2021 Legislative Platform (Action), Agenda Item No. 9

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### **RECOMMENDATION**

Recommend that the TAM Board reviews and adopts the proposed 2021 Legislative Platform as shown in Attachment A.

On January 11, 2021, the Funding, Programs and Legislation Executive Committee reviewed and suggested amendments to the proposed 2021 Legislative Platform that are reflected in Attachment A.

### **BACKGROUND**

At the beginning of each year, staff recommends, and the TAM Board adopts, a Legislative Platform in guiding policy decisions and communicating TAM's goals and the County's transportation needs to the Legislature and other agencies, such as the Metropolitan Transportation Commission (MTC) and the Self-Help Counties Coalition (SHCC).

Staff and Khouri Consulting, TAM's legislative consulting team, use the platform to guide communications on critical legislation that impacts how TAM achieves its goals and funding needs during the year. Staff and Khouri Consulting will bring recommendations on pending legislation to the TAM Board for review during the year.

To further Marin's transportation interests, TAM has historically worked in concert with other agencies and associations, and in support of its member jurisdictions, in supporting legislation, and will continue this practice. It should be noted that TAM's past legislative advocacy and successes have usually been accomplished by working with the North Bay Counties, Bay Area County Transportation Agencies (BACTA), SHCC, Regional Transportation Planning Agencies (RTPA), and MTC.

### **DISCUSSION**

The COVID 19 pandemic made for a very different 2020 Legislative Session. Because of the pandemic, the California State Legislature suspended its session from March 16, 2020 to May 4, 2020. The 2020 Legislative Session eventually resumed before ending on August 31<sup>st</sup> with far less legislation passed than ever before. Bills that were considered prominent early in the year simply did not move forward because of the Shelter in Place (SIP) Order and the need for the Legislature to focus on the pandemic and the state's fiscal situation.

With the Governor's continuation of SIP Order and Stay at Home Order, the State Legislature anticipates another altered Legislative Session for 2021. This may be exacerbated by the fact that the 2021 Legislative Session is the first year of a two-year session. Any bill that is introduced in the first year that does not pass is eligible to continue through the legislative process in second year without needing to be re-introduced. The urgency to pass bills in the first year of a two-year session is typically less when bills can be carried into the second year.

Nevertheless, TAM continues to develop its annual Legislative Platform to address ongoing transportation issues and emerging issues resulting from the pandemic. The proposed 2021 Legislative Platform (Attachment A) is presented in a new format compared to the adopted 2020 Legislative Platform (Attachment B). Staff believes that the new format can better examine pertinent contemporary transportation issues, establish goals to be attained, and develop strategies in reaching those goals. The new format approaches the legislative platform from a strategic viewpoint and is anticipated to allow staff to show how new ideas or legislation may fit with TAM's objectives.

The proposed 2021 Legislative Platform continues to capture the ongoing policy elements that TAM has adopted from prior years' platforms. MTC and the County of Marin's Draft 2021 Legislation Platforms were also reviewed to avoid unwarranted contradictory proposals.

Key features of the Proposed 2021 Legislative Platform are described below.

Building on the success of the \$40 million Senate Bill 1 (SB1) funds awarded from the Solutions for Congested Corridors Program (SCCP) by the California Transportation Commission (CTC) in December 2020, TAM will continue to be vigilant and competitive for funds from other SB1 Programs. TAM staff has been participating and will continue to participate in SB1 Guideline workshops held by the CTC to ensure proposed projects from Marin are positioned well for funding opportunities from these SB1 Programs.

In addition to state funding, the incoming federal administration has mentioned on several occasions the need to invest in the nation's infrastructure, leading many to think that a new federal infrastructure bill may be proposed. TAM will coordinate with MTC to position Marin projects for federal funding that may materialize in a new infrastructure or stimulus bill with the new administration.

The pandemic has severely impacted transit agencies across the nation. In 2021, transit agencies, County Transportation Agencies (CTAs), Metropolitan Planning Organizations (MPOs), and transit advocate groups such as the California Transit Association (CTA) will be advocating for additional state and federal funding assistance to prevent mass layoffs and to shore up transit service.

Along with transportation funding, the 2021 Legislative Platform also addresses other key areas of interest to TAM, including but not limited to the following:

- support legislation that encourages efforts to mitigate climate change and promote resilience;
- support legislation that encourages multi-modal transportation options;
- support legislation that extends the sunset for the cap on indirect costs rate assessed by Caltrans for capital outlay support;
- support legislation that updates the Brown Act for increased flexibility needed to address problems caused the pandemic; and
- increase funding under the Cap-and-Trade program for transit, climate change strategies, and local bike/pedestrian needs.

The Executive Committee supported the platform and directed staff to add or expand language related to supporting an extension of tax credits for purchase of alternative fuel vehicles; support for equity across programs; support for planning and funding for infrastructure at risk from sea level rise; and support for “seamless transportation” related opportunities.

The deadline to introduce legislative bills for the 2021 state legislative session is February 19, 2021. Staff and Khouri Consulting anticipate returning to the Board in March to highlight relevant bills for monitoring and taking positions.

Notable dates for the 2021 Legislative session include:

- February 19, 2021      Last day for bills to be introduced
- September 10, 2021      Last day for the Legislature to pass bills
- October 10, 2021      Last day for the Governor to sign or veto bills
- January 1, 2022      Statutes take effect

## **FISCAL IMPACTS**

There are no immediate fiscal impacts with the adoption of the 2021 Legislative Platform.

## **NEXT STEPS**

Upon TAM Board’s approval, staff will communicate TAM’s 2021 Legislative Platform to our partners, review proposed 2021 legislative bills for relevance to TAM, and present relevant legislative bills to the TAM Board for action.

## **ATTACHMENT**

Attachment A – Proposed 2021 Legislative Platform  
Attachment B – Adopted 2020 Legislative Platform  
Attachment C – Khouri State Legislative Update – January 2021

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**Proposed TAM 2021 Legislative Platform  
(Revised January 11, 2021)**

Issue and Background Information	Goals	Strategies
<p><b>I. Acquiring State Funding for TAM’s Priority Projects</b></p> <p>In 2017, the legislature enacted SB 1 (Beall), Chapter 5, statutes of 2017, which provides \$5.2 billion in annual revenues to fund traffic congestion relief, highway rehabilitation and safety, local streets and roads repair, and multi-modal options through investments into public transportation, commuter and intercity rail, and bicycle and pedestrian programs. In 2020, TAM was successful in acquiring \$40 million for the completion of the Marin-Sonoma Narrows. The California Transportation Commission will commence workshops in 2021 for the SB 1 Cycle 3 competitive programs.</p> <p>On September 23, 2020, Governor Newsom issued Executive Order N-76-20, which prohibits the sale of gasoline-powered passenger vehicles by 2035, promotes zero-emission vehicles for future mobility needs. Given that transportation is predominantly funded through the gas tax, a successor funding mechanism will eventually be needed.</p>	<p>A. Aggressively pursue funds through the State Budget, California Transportation Commission allocation process or any other state sources.</p> <p>B. Ensure predictability and stability of transportation revenue should the state move away from diesel or gasoline powered vehicles and the gas tax.</p>	<p><b>1. TAM will remain diligent in competing for additional state funds, including any COVID-stimulus relief, for countywide priorities, with an emphasis on addressing safety, congestion, and mobility on State Route 37 and the 580/101 connector, as well as rehabilitating roads and bridges, such as the Richmond-San Rafael Bridge. This includes supporting efforts to increase the appropriation authority/programming capacity for the SB 1 competitive programs.</b></p> <p><b>2. TAM supports a revenue-neutral conversion from the gas tax to a source that ensures equity in revenue collection that does not disadvantage those that must drive further to job centers.</b></p> <p><b>3. In partnership with local transit operators and jurisdictions, TAM will monitor and support appropriate efforts to encourage and provide resources for “seamless” transportation that enhances connections to transit, advances equitable mobility, and enhances the safety and extent of the bicycle and pedestrian networks.</b></p>
<p><b>II. Addressing Mobility and Meeting State Climate Change Mandates</b></p> <p>The California Transportation Commission, California Air Resources Board, and California Department of Housing and Community Development are required to convene twice a year to coordinate transportation policies, with a focus on reducing vehicle miles traveled and greenhouse gas emissions. Concurrently, the legislature continues to work on providing resources to develop additional affordable housing and assess job creation opportunities to help mitigate vehicle miles</p>	<p>A. Monitor activities regarding greenhouse gas emission reduction, the jobs-housing imbalance and the impact on vehicle miles traveled.</p> <p>B. Support state funding to expand infrastructure and</p>	<p><b>1. TAM will support efforts to secure resources to expand infrastructure and incentives, such as rebates and tax credits particularly for low-income individuals and families, for electric vehicle conversion by minimizing concerns over range, cost, and infrastructure. An evaluation of the cost of increased usage of electricity, as well as availability should be considered.</b></p> <p><b>2. TAM will work with the Self-Help Counties Coalition, the California Association of Councils of Governments, and other partners, to develop additional revenue sources at the state, regional and local level to support the planning required by SB 375,</b></p>

Issue and Background Information	Goals	Strategies
<p>traveled to reduce greenhouse gas emissions.</p> <p>On September 20, 2019, Governor Newsom issued Executive Order N-19-19, directing the California State Transportation Agency to leverage \$5 billion in state funding to encourage mode shift with an emphasis on reducing greenhouse gases and vehicles miles traveled. Regional transportation planning agencies face greater challenges in addressing mobility and congestion management while accounting for local land use planning and complying with state mandates to reduce greenhouse gas emissions and vehicle miles traveled.</p> <p>Given the unique geography of Marin County and the travel patterns associated with the jobs-housing nexus, and lack of passenger rail connectivity, reducing vehicle miles traveled can be challenging. The prospects for reducing greenhouse gas emissions however could be realized through investments made to improve the availability of charging station infrastructure (including grid availability and pricing) and providing incentives for converting from gas-powered to electric passenger vehicles, where feasible.</p>	<p>incentives for conversion to electric vehicles to reduce greenhouse gas emissions.</p> <p>C. Support climate resilience policies and funding opportunities.</p>	<p><b>and making transit-oriented development more viable, where feasible.</b></p> <p><b>3. TAM will also seek to modify the definition of disadvantaged communities so that resources can be used in underprivileged communities within the county but also provide a regional benefit.</b></p> <p><b>4. TAM will also work with organizations such as the California League of Cities, California State Association of Counties, and Self-Help Counties Coalition, among others, to pursue funding from Cap-and-Trade revenues or other means to help comply with the statewide mandate to reduce greenhouse gas emissions. This includes supporting operational improvements such as telecommuting, vanpools, shipping more freight via rail, and promoting opportunities to generate revenue for providing multi-modal options, including bus and ferry service. TAM will also work with these groups to understand the impact of any new requirements on local, voter-approved transportation measures.</b></p> <p><b>5. TAM will support efforts to mitigate climate change and support adaptation to climate-related impacts, including wildfire risk and infrastructure that would assist in adaptation to sea-level rise, such as wetlands restoration, levee construction or other resilience measures to mitigate against threats to the local transportation network, particularly major arterials or evacuation routes.</b></p>
<p><b>III. Leveraging Regional Partnerships</b></p> <p>Even with the availability of state resources, regional coordination and funding is needed to expedite project delivery to improve air quality, mobility and maintain system integrity. TAM will educate our delegation and state funding partners, such as the California State Transportation Agency, California Transportation Commission, Caltrans, and the Newsom Administration, about the Bay Area’s transportation network and mobility needs.</p>	<p>A. Coordinate with MTC and Bay Area Congestion Management Agencies to protect and acquire resources to address transportation infrastructure and mobility needs.</p>	<p><b>1. TAM will coordinate with MTC to position Marin projects for funding from potential new infrastructure or stimulus bill that may be proposed.</b></p> <p><b>2. TAM will monitor conversations and legislation regarding the development of a regional ballot measure to address congestion and mobility options in the Bay Area (similar to prior “FASTER” effort). TAM will collaborate with stakeholders to ensure that county priorities are reflected in a prospective expenditure plan should a proposal move forward.</b></p>

Issue and Background Information	Goals	Strategies
		<p><b>3. MTC intends on collaborating with Caltrans and the four North Bay Counties (Marin, Napa, Solano, Sonoma) to seek legislation to authorize tolls on State Route 37 to help fund congestion relief and sea level rise/flood prevention projects on the route. TAM will work with stakeholders to ensure that the potential legislation supports Marin’s priorities of addressing segments within the county.</b></p> <p><b>4. TAM will support the California Transit Association’s (CTA’s) effort to pursue statewide legislation to allow for transit buses to use shoulders along routes such as Highway 101.</b></p> <p><b>5. TAM will also support legislation sponsored by the Self-Help Counties Coalition to extend the sunset for the cap on indirect cost rates assessed by Caltrans for capital outlay support.</b></p> <p><b>6. TAM will advocate for the expansion of cost-savings provisions for MTC and the Bay Area Toll Authority (BATA) that were incorporated into the FY 2020-21 State Budget with respect to local agencies in order to reduce BATA administrative costs and free up funding for key bridge maintenance and increased capacity to support counties with bridge toll revenues.</b></p>
<p><b>IV. Enhancing Multi-Modal Options</b></p> <p>The Transportation Development Act dedicates a statewide ¼-cent sales tax for each county for local transportation purposes. That 1/4 cent sales tax, known as the Local Transportation Fund, generates over \$1.7 billion annually, primarily for public transit. Some operators statewide have had difficulty in meeting the farebox recovery ratio requirements (20% for urban operators) that are necessary in order to qualify to use funds for operational purposes. AB 90, Chapter 17, Statutes of 2020, provides farebox recovery relief through FY 21-22, resulting in continued access to various transit funding programs.</p> <p>The recent cycles of the State’s Active Transportation Program (ATP) have left many viable applications unfunded</p>	<p>A. Support potential changes to the Transportation Development Act to assist local public transportation with funding eligibility.</p> <p>B. Seek funding to maintain transit operations.</p> <p>C. Pursue opportunities to expand active transportation network and improve bicycle</p>	<p><b>1. TAM will support legislation that creates flexibility within the Transportation Development Act to allow public transportation systems access to locally generated revenues to maintain existing service.</b></p> <p><b>2. TAM will support efforts by Marin Transit and Golden Gate Bridge, Highway and Transportation District to acquire funds from Cap and Trade and Transit and Intercity Rail Capital Program for operations and capital needs for bus, rail and bicycle and pedestrian programs, ferries, and transit hubs, such as the San Rafael Transit Center.</b></p> <p><b>3. In partnership with the region’s transit operators and the CTA, support efforts to seek state and federal assistance to provide emergency transit operating funding to prevent mass layoffs and major reductions in transit service.</b></p>

Issue and Background Information	Goals	Strategies
<p>due to the lack of funds. In addressing climate changes, broad based support for more funding for active transportation and safety improvements on existing roadways (i.e., “complete streets”) have been advocated by various organizations.</p>	<p>and pedestrian safety.</p>	<p><b>4. TAM will also continue to pursue revenue made available through the Active Transportation Programs, and any other funding made available to enhance bicycle and pedestrian safety and infrastructure to encourage mode shift, which includes use of e-bikes, as well as support to implement Vision Zero to eliminate fatalities.</b></p> <p><b>5. TAM will monitor recommendations emerging from the Blue-Ribbon Transit Recovery Task Force and assist local transit agencies in seeking funding opportunities to implement those recommendations applicable to Marin.</b></p>
<p><b>V. Seeking Efficiencies</b></p>	<p>A. Support efforts to streamline and expedite project delivery</p> <p>B. Support flexibility for local agencies to conduct virtual public meetings</p>	<p><b>1. TAM will support efforts to streamline the permitting process, delivery methods or additional administrative steps necessary to deliver projects in a timely and cost-effective manner.</b></p> <p><b>2. TAM will monitor and engage in legislation, in coordination with other local agency associations and regional agencies, related to updating the Ralph M. Brown Act (Brown Act) to incorporate some of the increased flexibility provided for during COVID-19 into the long-term provisions of the Brown Act, particularly in relation to remote participation in meetings.</b></p>
<p><b>VI. Pursuing Federal Opportunities</b></p> <p>The Fixing America’s Surface Transportation (FAST) Act was enacted in 2015 and authorized federal surface transportation programs for highways, highway safety and transit. It expired September 30, 2020; however, a one-year extension was approved to provide certainty to states and local governments under the strain of the COVID-19 pandemic.</p> <p>In 2019, the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule proposed to amend existing Corporate Average Fuel Economy (CAFE) and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and to establish new standards covering model years 2021 through 2026. The</p>	<p>A. Support federal efforts to approve stimulus funding for multi-modal priority projects, and continuation/reauthorization of traditional federal transportation programs.</p> <p>B. Support climate resilience policies</p>	<p><b>1. TAM will work with our regional and national partners to support a long-term, fully funded transportation authorization that supports states and regions in achieving national goals related to infrastructure condition, safety, mobility, and air quality. Ensure that the next authorization bill retains discretion for MTC to invest funds in ways that further our region’s goals to improve equity, respond to a changing climate, and advance multi-modal options. TAM also seek new resources to support climate adaptation and the deployment of new transportation technology to address the Bay Area’s mobility challenges.</b></p> <p><b>2. TAM also supports examining revenue solutions for the Highway Trust Fund that keeps up with inflation.</b></p>



Issue and Background Information	Goals	Strategies
<p>Trump Administration threatened to revoke California’s Clean Air Act waiver, devising its own emissions standards.</p>		<p><b>3. TAM will continue to advocate that federal transportation programs fund and advance the following priorities:</b></p> <p><b>a. Highway 101 Multi-Modal Corridor Projects.</b> TAM will <u>support</u> the Sonoma Marin Area Rail Transit’s (SMART’s) efforts to seek or maintain funding for its project, including extension north to Cloverdale, and potential extension east to the Capital Corridor near Interstate 80. <u>Support</u> efforts to construct a new Bettini San Rafael Transit Center to ensure safe and efficient multimodal operations for SMART, bus operations, pedestrians, and motor vehicles. Support other emerging multi-modal improvements along the corridor.</p> <p><b>b. Nonmotorized Transportation/Active Transportation Program.</b> <u>Seek</u> funds dedicated to nonmotorized transportation projects and programs, including Safe Routes to Schools.</p> <p><b>c. State Highway 37.</b> <u>Support</u> funding for sea level rise adaptation/resilience projects for the State Route 37 Project including Segment A in Marin County.</p> <p><b>d. Transit Funding.</b> <u>Support</u> maintaining or increasing funding for transit operations and capital programs, including immediate pandemic-related relief funding.</p> <p><b>4. TAM will advocate for mitigating climate change and will support adaptation in order to protect transportation infrastructure from climate-related impacts, including wildfire risk and sea-level rise.</b></p> <p><b>5. TAM will monitor litigation and any potential actions pertaining to SAFE rule enactment and compliance.</b></p> <p><b>6. TAM will support an extension of federal tax credits for zero emission vehicles. Federal law provides a credit for qualified plug-in electric drive motor vehicles including passenger vehicles and light trucks.</b></p>

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**Attachment B**

**Adopted 2020 Legislative Platform**

<b>Issue</b>	<b>Goal</b>	<b>Funding/Programs Involved</b>
<p>A. Transportation Funding</p>	<p>1. In 2017, the legislature enacted SB 1 (Beall), Chapter 5, Statutes of 2017, which provides \$5.2 billion in annual revenues to fund traffic congestion relief, highway rehabilitation and safety, local streets and roads repair, and multi-modal options through investments in public transportation, commuter and intercity rail, and bicycle and pedestrian programs.</p> <p>SB 1 provides opportunities through various competitive programs. Options for TAM to secure funding include:</p> <ul style="list-style-type: none"> <li>• Pursuing funding from the new competitive programs such as the Active Transportation Program (ATP), Local Partnership Program (LPP), Solutions For Congested Corridors Program (SCCP), which can fund transit capital, bicycle and pedestrian projects, and projects to alleviate highway traffic congestion, such as the Marin-Sonoma Narrows (MSN) and Bettini Transit Center.</li> <li>• Continuing to seek funding to provide multi-modal options in the county. TAM will also support local transit agencies seeking funding from programs such as the Low Carbon Transit Operations Program (LCTOP) and Transit and Intercity Rail Capital Funding Program (TIRCP) for capital investments (maintenance facilities, rail) and rolling stock purchases (buses, train cars).</li> </ul>	<ul style="list-style-type: none"> <li>• State Highway Account</li> <li>• Public Transportation Account</li> <li>• Highway Users Tax Account</li> <li>• Transportation Development Act</li> <li>• Cap and Trade Program</li> </ul>
	<p>2. TAM will monitor conversations and legislation regarding the development of a November 2020 regional ballot measure to address congestion and mobility options in the Bay Area (“FASTER”). TAM will collaborate with stakeholders to ensure that Marin’s priorities are reflected in a prospective expenditure plan should a proposal move forward.</p>	<ul style="list-style-type: none"> <li>• Local Sales Taxes</li> </ul>

Issue	Goal	Funding/Programs Involved
	<p>3. MTC intends on sponsoring legislation in collaboration with Caltrans and the four North Bay Counties (Marin, Napa, Solano, Sonoma) to authorize tolls on SR 37 by adding it as the 8<sup>th</sup> bridge in the state-owned toll bridge system administered by the Bay Area Toll Authority (BATA). TAM will work with stakeholders to ensure that the legislation supports Marin’s priorities.</p>	<ul style="list-style-type: none"> <li>• Bridge Toll revenue used to enhance safety and congestion management.</li> </ul>
	<p>4. At the state level, the Safe Routes to School (SRTS) program has been merged into the ATP. Support efforts to acquire funding from the ATP for items such as complete streets and other bicycle and pedestrian projects. Work with the California Transportation Commission (CTC) and MTC to provide equitable geographic distribution of ATP funds.</p>	<ul style="list-style-type: none"> <li>• State-Funded ATP Projects</li> <li>• Regional-Funded ATP Projects</li> </ul>
	<p>5. The Transportation Development Act (TDA) dedicates a statewide ¼-cent sales tax for local transportation purposes. TDA, also known as the Local Transportation Fund (LTF), generates over \$1.5 billion annually primarily for public transit. Some operators statewide have had difficulty in meeting the farebox recovery ratio requirements (20% for urban operators) in order to qualify to use funding for operational purposes. The California Transit Association (CTA) hosted a working group to look at potential changes throughout 2019 with the goal of having a draft legislative solution available for 2020 to ensure that operators who cannot meet the farebox recovery requirement continue to receive LTF funds without penalty in order to maintain service. TAM will closely monitor and participate in the process as appropriate.</p>	<ul style="list-style-type: none"> <li>• Local Transportation Fund (local sales tax) used for public transportation operations purposes</li> </ul>
<p>B. FY 2020-21 State Budget</p>	<p>Work with organizations such as the California League of Cities (CLC), California State Association of Counties (CSAC), North Bay Counties Coalition, among others, to protect transportation funding from being withheld or diverted, while working with stakeholders to find alternatives to address jobs-housing imbalance and reduce greenhouse gas emissions.</p>	<ul style="list-style-type: none"> <li>• Funding for dedicated projects such as MSN, STIP transit projects, and annual allocations for streets and roads</li> <li>• Funding for transit operating (PTA/STA)</li> <li>• Protection of SHA, SHOPP, and STIP</li> </ul>
<p>C. Environment</p>	<p>1. Monitor the work of the Roadway User Charge Committee on the feasibility of implementing a mileage-based user fee as a supplemental or successor fee to the gas tax. While the enactment of SB 1 has delayed the</p>	<ul style="list-style-type: none"> <li>• Activities associated with SB 375</li> <li>• Strategies to reduce VMT</li> </ul>

Issue	Goal	Funding/Programs Involved
	conversation, the issue is certain to rise to the forefront in the near future due to the prevalence of alternative fuel and electric vehicles, which do not pay at the pump.	
	2. Per AB 179 of 2017, the CTC and California Air Resources Board (CARB) are required to convene twice a year to coordinate transportation policies, with a focus on reducing vehicle miles traveled and greenhouse gas emissions. Support funding for local and regional agency support to carry out SB 375 requirements by attempting to acquire funding from the various existing pots made available through the Cap and Trade programs or the creation of new programs to provide multi-modal options for county residents.	<ul style="list-style-type: none"> <li>• Activities associated with SB 375</li> </ul>
	3. Oppose efforts to implement the federal government’s Safer Affordable Fuel Efficient (SAFE) vehicles Rule. The rule proposes a "50 state solution" that repeals California's higher fuel efficiency standards, which were originally allowed to address California's unique air quality challenges. If finalized, the rule would revoke California's authority to implement the Advanced Clean Cars and Zero Emission Vehicle mandates. TAM supports California’s existing air quality emission standards and will proactively look for opportunities to work with the state to achieve targets for additional reductions.	<ul style="list-style-type: none"> <li>• Activities associated with AB 32</li> <li>• Fleet procurements and emission standards</li> </ul>
	4. Support the highest possible level of sub-allocation of Cap and Trade funds to the regional and local levels to fund multimodal projects including local streets and roads, bicycle-pedestrian, transportation demand management (TDM) programs, rail, and transit projects.	
	6. Support legislation that mitigates climate change and support adaptation to climate-related impacts, including wildfire risks and sea-level rise.	<ul style="list-style-type: none"> <li>• Infrastructure projects that address climate change impacts</li> </ul>
D. Alternative Modes/ Technology	1. Support maintaining and enhancing the current levels of state and federal funding for bicycle/pedestrian and electric vehicle/infrastructure programs. This includes investments to make charging stations more readily available along the state highway system, credits to incentivize the conversion to electric vehicle or bicycle usage, and flexibility in allowing	<ul style="list-style-type: none"> <li>• Safe Routes to School Programs</li> <li>• TDA Article 3 Funds</li> <li>• Active Transportation Program (ATP) Funds</li> </ul>

Issue	Goal	Funding/Programs Involved
	transit operators to convert to zero-emission buses. TAM will also support MTC's effort to pursue statewide legislation to allow for transit buses to use shoulders along routes such as Highway 101.	
	2. Several legislators have historically introduced legislation to relax requirements for using high-occupancy vehicle (HOV) lanes. TAM opposes additional expansion of HOV lanes to usage by other than high-occupancy vehicles and those vehicles currently allowed by law to use such lanes.	<ul style="list-style-type: none"> <li>• Highway 101 HOV Lanes</li> </ul>
	3. Support funding and implementation of first mile and last mile solutions and alternative mode pilots with new technology where appropriate.	<ul style="list-style-type: none"> <li>• Transportation Demand Management</li> <li>• Transit Projects</li> </ul>
	4. Support increased regional and state funding for systemic road safety programs	<ul style="list-style-type: none"> <li>• Program for Arterial System Synchronization (PASS)</li> <li>• Highway Safety Improvement Program (HSIP)</li> </ul>
E. Project Delivery	1. Seek opportunities to increase flexibility to deliver projects, such as supporting alternative contracting methods that include design-build and public private partnership.	<ul style="list-style-type: none"> <li>• Future Major Capital projects</li> </ul>
	2. Oppose efforts to require local agencies to reimburse Caltrans for its costs related to the preparation and/or review of project initiation documents (PIDs) for locally sponsored projects on state highway system.	<ul style="list-style-type: none"> <li>• All Locally Sponsored Projects on the State Highway System</li> </ul>
	3. Preserve the flexibility for local transportation agencies to be designated as the lead agency for California Environmental Quality Act (CEQA) actions, project development work and construction management for state highway projects. This includes supporting the streamlining of the CEQA process for projects within the existing right of way.	<ul style="list-style-type: none"> <li>• Future Major Capital projects</li> </ul>
	4. Support the continuation of Grant Anticipation Revenue Vehicle (GARVEE) bonds and AB 3090 arrangements by the CTC for State Transportation Improvement Program (STIP) projects that are programmed in the out-years but are ready for implementation.	<ul style="list-style-type: none"> <li>• All STIP-Funded Projects</li> </ul>
	5. Support efforts to allow regional transportation agencies to utilize procurement methods that will expedite project delivery and reduce cost.	<ul style="list-style-type: none"> <li>• STIP Projects</li> </ul>

Issue	Goal	Funding/Programs Involved
F. Federal Priorities	1. Collaborate with transportation stakeholders to advocate for the reauthorization of a federal Surface Transportation Programs to replace the Fixing America's Surface Transportation (FAST) Act that will provide greater investment into public transportation and regional mobility. Support new revenue for the Highway Trust Fund and advocate for the highest possible level of funding at the county level.	<ul style="list-style-type: none"> <li>• STP, CMAQ, and ATP Funds</li> <li>• Regional Programs such as Local Streets and Roads (LSR), Lifeline, and Freeway Performance Initiative (FPI)</li> </ul>
	2. Support and enhance current flexibility in allowing dedication of funds locally to the most urgent needs and the meeting of statewide goals, such as those under AB32 and SB375.	<ul style="list-style-type: none"> <li>• STP, CMAQ, and ATP Funds</li> </ul>
	3. Support dedicated funding for bicycle/pedestrian projects at the federal level.	<ul style="list-style-type: none"> <li>• Bicycle/Pedestrian projects</li> <li>• Safe Routes to School projects</li> </ul>
	4. Support the continuation of maintaining pre-tax commuter benefits to an equivalent amount allowed for pre-tax parking with cost of living adjustments (COLA).	<ul style="list-style-type: none"> <li>• Local and Regional Commuter Benefits Programs</li> </ul>
	5. Support the continuation of the federal Internal Revenue Service (IRS) tax credit for the purchase of a new electric vehicle (EV).	<ul style="list-style-type: none"> <li>• Local Vehicle Registration Fees</li> </ul>

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January 8, 2020

TO: Board Members, Transportation Authority of Marin  
 FROM: Gus Khouri, President  
 Khouri Consulting LLC

RE: **STATE LEGISLATIVE UPDATE – JANUARY 2021**

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**2020 ELECTION RESULTS**

Similar to results nationally, both political parties can claim victories within California.

In the 40-member State Senate, Democrats will pick up 2 seats. The balance of power in the Senate will be 31 Democrats and 9 Republicans. A special election will need to be called once Senator Holly Mitchell vacates her current seat, District 30 (a safe Democratic seat) for the Los Angeles Board of Supervisors. Senator McGuire’s seat was not up for election this cycle.

In the 80-member State Assembly, Republicans will pick up at least one seat as a result of a Democrat not making the runoff in Assembly District 38 (was held by Christy Smith, who lost a tight race for Congressional District 25). The composition of the Assembly will be 60 Democrats, 19 Republicans, and one Independent. Of the 53 Congressional seats in California, Democrats have lost four seats (Congressional Districts 21, 25, 39, and 48). Democrats will make up 42 seats, whereas Republicans will hold 11 seats. New members of the California Legislature were sworn into office on December 7, 2020. The Legislature will reconvene on January 11, 2021 to begin the new session.

With the election of Senator Kamala Harris as Vice President, Governor Gavin Newsom will fill the US Senate vacancy with, Secretary of State Alex Padilla, who ran Governor Newsom’s initial bid for Governor in 2010. San Diego Assembly Member, Shirley Weber, has been appointed to succeed Padilla as Secretary of State. Governor Newsom will also have an opportunity to appoint a new Attorney General given Xavier Becerra’s appointment by President-elect Biden to serve as secretary for Secretary of Health and Human Services.

**Marin County Delegation**

U.S House of Representatives District 2	<b>Jared Huffman (D)*</b> Dale K. Mensing (R)	<b>293,275 – 75.8%</b> 91,690 – 24.2%
Assembly District 10	<b>Marc Levine (D)*</b> John P. McDonnell (R)	<b>158,249 – 65.7%</b> 82,630 – 34.3%

## **Governor's Proposed FY 2021-22 State Budget**

On January 8, Governor Newsom released his proposed FY 2021-22 State Budget. The 2021-22 Budget, which contains \$164 billion in General Fund spending (\$227 billion with special funds) is projected to have a healthy one-time surplus of \$34 billion. Of this amount, the reserves include: \$15.6 from the Proposition 2 Rainy Day Fund; \$450 million from the Safety Net reserve; \$3 billion from the Public School System Stabilization Account; an \$2.9 billion from the state's operating reserve, which helps to solve a \$54.3 billion deficit due to the COVID-19 pandemic induced recession. In addition, over \$10 billion in anticipated federal assistance is to close the deficit. While unemployment rates have dropped from 16.4% last May to about 8% this January, the Governor projects a structural deficit of \$7.6 billion for FY 2022-23, and that is expected to grow to \$11 billion by FY 2024-25. Of the \$887 billion available nationally from the Coronavirus Response and Relief Supplemental Appropriations Act, the state is expected to receive \$105.5 billion, with \$42 billion going to individuals and families.

Governor Newsom also released a \$4.5 billion Equitable Recovery for California's Businesses and Jobs plan, the business and workforce recovery elements of his 2021-22 State Budget that will help California through the COVID-19 pandemic recovery. In recognition of the devastating impacts of the COVID-19 pandemic, the Governor proposes \$3 billion of relief to low-income workers who eligible to receive the earned income tax credit (\$2.4 billion), small business and non-profit assistance (\$575 million), and waiving fees for restaurants and personal services (\$800 franchise tax). This includes \$300 million in one-time General Fund revenues for the most critical statewide deferred maintenance, including greening of state infrastructure. This proposal is intended to create jobs in California while achieving the state's climate goals. Projects include the installation of electric vehicle charging stations at state-owned facilities. An additional \$1.5 billion investment is included to accelerate the state's progress toward these goals while creating jobs. The proposal will support jobs and economic growth and provide air quality benefits and support for low-income Californians to purchase cleaner vehicles. Funds will support purchases of clean trucks, buses and off-road freight equipment and Clean Cars 4 All programs. It will also support job-creating construction of electric charging and hydrogen fueling stations necessary to accelerate zero-emission vehicle adoption. The package builds upon Executive Order N-79-20, which mandates no gas-powered passenger vehicle sales by 2035, which will force a conversion to an alternative fuel source.

## **Transportation Funding**

The lack of fuel consumption due to the Governor's shelter in place executive order has resulted in an estimated \$1.5 billion reduction of gas tax receipts through FY 2024-25, which will undoubtedly impact funding for local streets and roads, the State Highway Operations and Protection Program (SHOPP), which focus on maintaining our state highway system, and the State Transportation Improvement Program (STIP), which provides funding for future multi-modal transportation improvements throughout California. For FY 2020-21 through FY 2023-24, \$17.4 billion is programmed for the SHOPP and \$2.4 billion for the STIP.

The federal stimulus package will provide some much-needed relief for public transportation operations (\$2 billion) and highway projects (\$900 million). There will be pending legislation to determine the distribution of federal funds. The state has also received over \$500 million in the redistribution of unused funding from other states. This is in addition to the \$3.7 billion that was received last year through the CARES Act to help transit agencies.

The State Transit Assistance Program is estimated at \$667 million for FY 21-22, a decrease of \$127 million (\$696 million) from the FY 2020-21 January figure (revised to \$414 million in May), and \$107

million for the Low Carbon Transit Operations Program, which is down \$8 million (\$125 million) from FY 2020-21.

### **Governor's Transportation Action Plan**

The California State Transportation Agency in collaboration with the Governor's Office of Planning and Research (OPR) and California Air Resources Board (CARB) is in the process of adding additional guidance to supplement Governor Newsom's Executive Order, N-19-19, to reduce greenhouse gas emissions and vehicle miles traveled through limiting capacity projects along the state highway system, discouraging the use of single-occupant, gas powered vehicles, while encouraging mode shift through accelerated investments into public transportation, bicycle and pedestrian programs, and electric vehicle infrastructure. The policy could require TAM to reassess its ability to leverage voter-approved investments as articulated in the expenditure plans for Measure AA since CARB and OPR wants to have the final say on capacity-inducing projects and the availability of state investments made on the state highway system. While the state clearly cannot adjust locally approved sales tax expenditure plans, it is the owner/operator of the state highway system, and it reserves the right to place local funds on a state-owned asset and authorize the availability of state resources, which could call into the question the leveraging power of local sales tax revenues, as well as the ability to deliver certain projects. While tolling/congestion pricing is identified as a continued strategy, this may impact or require innovation for addressing Highway 37 or the I-580/101 connector project.

On September 23, Governor Newsom announced Executive Order N-76-20, which would require all vehicle sales by 2035 be zero-emission vehicles (passenger cars and trucks). The order builds on the previous memorandum of understanding that was established with four car manufacturers last September to increase fuel economy. Governor Newsom alluded to more forthcoming details with respect to the investments into electric vehicle infrastructure and rebates for electric vehicle purchases. A successor funding source to the gas tax would need to be examined since transportation funding is heavily dependent on petroleum consumption. Expanding upon the vehicle registration fee in SB 1 merits consideration given that it is progressive, agnostic on fuel source, and would provide predictable, stable funding.

On October 20, CalSTA held a workshop to discuss the Climate Action Plan for Transportation Infrastructure (CAPTI). The plan is a confluence of objectives that builds on previous executive orders to reduce vehicle miles traveled and make additional investments into multi-modal options without capacity improvements to the state highway system. The Governor's goal is to have a plan adopted by Spring of 2021. CARB and OPR, in particular, have expressed concern that local sales tax measure plans are too reliant on passenger vehicle usage.

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