



**DATE:** March 25, 2021

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

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

**SUBJECT:** Adopt Positions on 2021 State Legislative Bills (Action), Agenda Item No. 7

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## **RECOMMENDATION**

TAM Board reviews and adopts positions on 22 bills in the 2021 State Legislative Bills as shown in Attachment A.

On March 8, 2021, the Funding, Programs & Legislation (FP&L) Executive Committee reviewed the proposed positions on 20 bills in the 2021 State Legislative Bills as shown in Attachment A and voted unanimously to refer the item to the TAM Board for review and adoption. Since the meeting, staff has also added AB 703 and AB 745 to Attachment A based on comments received from the FP&L Executive Committee. Attachment A now totals 22 bills.

Staff originally proposed support positions for AB 117 and the federal e-Bike Tax Credit bill and an oppose position for SB 771. The FP&L Executive Committee instead adopted watch positions for AB 117 and the federal e-Bike Tax Credit bill with the caveat that the positions could be changed later to support positions if the bills were amended to benefit low-income residents and disadvantage communities. The position for SB 771 was changed to an oppose unless amended position in an effort to include amendments that would restore local reimbursement from lost revenues caused by the proposed exemption.

## **BACKGROUND**

In January 2021, TAM adopted a Legislative Platform in guiding policy decisions and communicating TAM's goals 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 Consultant, use the platform to determine pertinent legislative bills to bring forth to the TAM Board for review during the 2021 Legislative Session.

The deadline to introduce legislative bills for the 2021 State Legislative Session was February 19, 2021. September 10, 2021 is the last day for the Legislature to pass bills and October 10, 2021 is the last day for the Governor to sign or veto bills. Bills passed in 2021 take effect on January 1, 2022.

## DISCUSSION

The 2021 Legislative Session is the first year of a two-year session. Bills introduced in the first year of a two-year session may be moved to the second year if these bills do not generate sufficient interest.

Attachment A contains the initial set of 21 state bills and one federal bill that are being monitored by staff and Mr. Khouri. Bills may be added to the chart in the coming months as they become relevant to TAM or Marin. Staff also adds bills that have been requested by TAM Commissioners for discussion or action. Positions of other agencies, such as MTC, League of California Cities, and California State Association of Counties (CSAC), will be added to the matrix as they become available.

TAM does not typically track federal bills but a proposed federal bill to create a tax credit for the purchase of electric bicycles (e-bikes) has generated extensive interest in the bicycle communities. This federal bill is also related to TAM's effort to study the impacts of e-bikes in Marin. This federal tax credit bill is awaiting introduction from the authors (Panetta and Blumenauer) but details on the bill have been made available. Staff is requesting to adopt a watch position for this tax credit when the federal bill is introduced.

Since the Executive Committee on March 8, 2021, AB 703 and AB 745 have been added to the bill matrix. AB 703 provides for an exemption from the Brown Act for local jurisdictions to meet remotely, even in non-emergency situations, provided that public access is provided. Legislators may combine efforts to address exemptions to the Brown Act. AB 745 would require the California Air Resources Board to provide vouchers for the purchase of zero-emission vehicles to persons of low or moderate income, as defined, living in disadvantaged communities to replace those persons' vehicles that have failed a smog check inspection. "Persons and families of low or moderate income" means persons and families whose income does not exceed 120 percent of area median income.

Of the 22 bills listed in Attachment A, staff is recommending the following positions as listed in the below table:

Position	# of Bills	Bills
Support	5	AB 43, AB 703, AB 745, AB 361, SB 551
Watch	15	AB 11, AB 34, AB 41, AB 51, AB 67, AB 72, AB 117, AB 786, AB 1049, AB 1069, AB 1499, SB 261, SB 339, SB 643, federal e-bike tax credit bill
Oppose	2	SB 542, SB 771
	<b>22</b>	<b>Total</b>

Letters of support or opposition may be developed at the appropriate time and TAM's Legislative Consultant, Mr. Khouri, may be requested to testify at Legislative hearings, if warranted, to convey TAM's positions on specific legislation.

### Climate Action Plan for Transportation Infrastructure

In October 2020, the Governor's Office of Planning and Research (OPR) and the California State Transportation Agency (CalSTA) introduced the Climate Action Plan for Transportation Infrastructure (CAPTI) as an intent for aligning State infrastructure investments with State climate, health, and social equity goals. CAPTI includes a suite of proposed changes to State transportation planning, project scoping and programming, and mitigation activities to align with the CAPTI framework. CAPTI hopes to leverage state transportation spending to help meet state climate goals by:

- aligning planning and programming with objectives of California Climate Change Scoping Plan;
- reducing vehicle miles traveled (VMT) by directing investments in a way that support infill development, especially housing near jobs;
- reducing congestion through innovative strategies that encourage people to shift from cars to other modes of travel;
- funding infrastructure that encourages transit use, walking, and biking; and
- mitigating for any increases in transportation costs incurred on lower income residents.

More specifically, CAPTI proposes a suite of changes to State transportation planning, project scoping and programming, and mitigation activities, including:

- building towards an integrated, statewide rail and transit network;
- investing in networks of safe and accessible bicycle and pedestrian infrastructure;
- including investments in light, medium, and heavy duty zero-emission vehicle (ZEV) infrastructure;
- reducing public health harms and maximizing benefits to disproportionately impacted disadvantaged communities;
- making safety improvements to reduce fatalities and severe injuries;
- assessing physical climate risk;
- promoting projects that do not increase passenger vehicle travel;
- promoting compact infill development;
- developing a zero-emission freight transportation system; and
- protecting natural and working lands.

The next steps for CAPTI include the following:

- Full Draft Plan Release & Start of Public Comment Period: 03/10/21
- Public Workshop: 03/18/21
- CTC Meeting Presentation on Draft Plan: 03/24/21
- CTC-CARB-HCD Joint Meeting Presentation on Draft Plan: 04/08/21
- Public Comment Period Closes: 04/16/21
- Final CAPTI Release: June 2021
- Submittal of Plan to Governor and Legislature by July 15, 2021

On its face, it is hard to argue against the principles set forth by CAPTI, but there are concerns with County Transportation Agencies (CTAs) on how the State will implement CAPTI and its impacts on future State funding. State funding that has been anticipated and planned for many years in coordination with local funding on state-local collaborative projects may be deemed to be inconsistent to the CAPTI framework and could be in jeopardy.

Concerns have also arisen regarding the SB1 Program approved by voters that provided funds to annual local street and road maintenance projects to every county or the State Highway Operation and Protection Program (SHOPP) that Caltrans uses on critical maintenance projects statewide. CTAs have voiced concerns at various workshops that funding for these programs could be diverted for other purposes deemed consistent to CAPTI.

Furthermore, many CTAs have expressed that California is a diverse state with dense urban cities to rural agricultural communities that cannot be shoehorned into a one size fits all model. CTAs have voiced these and other concerns to the Governor's office. Staff will continue to monitor developments and participate in workshops on CAPTI before its adoption.

SHCC is anticipated to prepare a letter to the Governor to convey the need to respect the will of the voters and execute on locally adopted sales tax measures programs that make improvements on the state highway system, particularly where transit investments are not feasible. The letter would also emphasize the need to provide flexibility with state funding programs to address all modes, rather than assign priority to investments made into various modes aimed at reducing congestion and addressing safety. Depending on whether the SHCC's letter is aligned with TAM's positions and concerns, TAM will either be a signatory of the SHCC letter or submit its own letter.

Mr. Khouri will be participating at the March 25, 2021 TAM Board meeting to discuss the bills and proposed positions. In addition, Mr. Khouri will have a further discussion on CAPTI. Mr. Khouri's report for March is enclosed as Attachment C.

### **FISCAL IMPACTS**

There are no immediate fiscal impacts to TAM by taking positions on these bills or by commenting on the draft CAPTI framework.

### **NEXT STEPS**

Continue to review proposed bills relevant to TAM and convey TAM's positions to our partner agencies and pertinent Legislators when warranted. Consider whether TAM would submit comments, or support comments of other affiliate groups such as SHCC, on the draft CAPTI framework during the comment period.

### **ATTACHMENT**

Attachment A – TAM Bill Matrix – March 2021  
Attachment B – CAPTI Implementation: From Plan to Action  
Attachment C – Khouri State Legislative Update – March 2021

TAM Bill Matrix – March 2021

Measure	Status	Bill Summary	Recommended Position
<b>AB 11 (Ward)</b>  <b>Climate Change: Regional Climate Change Authorities</b>	1/25/21  Assembly Natural Resources	This bill would require the Strategic Growth Council to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 34 (Murasutchi)</b>  <b>Communications: Broadband for All Act of 2022</b>	12/7/20  Introduced	This is a spot bill for the Broadband for All Act of 2022, to place a ballot measure on the November 8, 2022 statewide general election, to authorize the issuance of state general obligation bonds to fund increased access to broadband services to rural, urban, suburban, and tribal unserved and underserved communities.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 41 (Wood)</b>  <b>Communications: Broadband Infrastructure</b>	12/7/20  Introduced	This bill would improve California’s “Dig Once” policy and expedite the deployment of broadband infrastructure in communities that are currently unserved and underserved.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 43 (Friedman)</b>  <b>Traffic Safety: Vision Zero</b>	1/11/21  Assembly Transportation	This bill would require Caltrans to convene a committee of external design experts to advise on revisions to the Highway Design Manual to balance integrated mass transportation, highway, aviation, maritime, railroad, and other transportation facilities and services in support of statewide and regional goals. The bill would require the California Traffic Safety Program to include a traffic safety monitoring program that identifies and addresses locations with pedestrian- and bicyclist-related crashes. The bill would allow for the recalibration of speed limits of order to eliminate fatalities for motorists, bicyclists, and pedestrians.	<b>SUPPORT</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>

TAM Bill Matrix – March 2021

Measure	Status	Bill Summary	Recommended Position
<p><b>AB 51 (Quirk)</b></p> <p><b>Climate Change: Regional Climate Adaptation Planning Groups and Plans</b></p>	<p>1/11/21</p> <p>Assembly Natural Resources</p>	<p>Existing law establishes the Integrated Climate Adaptation and Resiliency Program, administered by the Office of Planning and Research, to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change. This bill would require the Strategic Growth Council to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council to develop criteria for regional climate adaptation plans.</p>	<p><b>Watch</b></p> <p><b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b></p>
<p><b>AB 67 (Petrie-Norris)</b></p> <p><b>Climate Change: Sea-Level Rise Working Group</b></p>	<p>1/11/2021</p> <p>Assembly Natural Resources</p>	<p>This bill would require a state agency to consider the current and future impacts of sea level rise when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds for those purposes. The bill would require the Ocean Protection Council to establish a multiagency working group to provide recommended policies, resolutions, projects, and other actions to address sea level rise, the breadth of its impact, and the severity of its anticipated harm. The bill would require the council to develop a standardized methodology and template for conducting economic analyses of risks and adaptation strategies associated with sea level rise.</p>	<p><b>Watch</b></p> <p><b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b></p>
<p><b>AB 72 (Petrie-Norris)</b></p> <p><b>Natural Resources Agency: Coastal Adaptation Projects: Sea Level Rise: Regulatory Review and Permitting: Report</b></p>	<p>1/11/2021</p> <p>Assembly Natural Resources</p>	<p>This bill would enact the Coastal Adaptation Permitting Act of 2021. The bill would require the Natural Resources Agency to explore and authorize the implementation of options within the agency’s jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects. The bill would require the agency to submit a report to the Legislature with recommendations for improving and expediting the regulatory review and permitting process for coastal adaptation projects.</p>	<p><b>Watch</b></p> <p><b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b></p>

## TAM Bill Matrix – March 2021

Measure	Status	Bill Summary	Recommended Position
<b>AB 117 (Beorner Horvath)</b>  <b>Electric Bicycles</b>	1/11/21  Assembly Transportation	The bill would require the California Air Resources Board (CARB) to establish and implement and administer the Electric Bicycle Rebate Pilot Project to provide rebates for purchases of electric bicycles. The bill would require the state board to submit to the Legislature a midcycle evaluation of the pilot project and an end-of-program evaluation of the pilot project. The bill would appropriate from the Greenhouse Gas Reduction Fund \$10,000,000 to the state board for purposes of the pilot project.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 361 (Rivas, Robert)</b>  <b>Open Meetings: Local Agencies: Teleconferences</b>	2/12/2021  Assembly Local Government	This bill provides exemptions from the Ralph M. Brown Act's meeting requirements to allow local jurisdictions to meet virtually during emergencies, provided the legislative body makes certain determinations by majority vote, publishes proper notice, and provides opportunity for public comment.	<b>Support</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 703 (Rubio, Blanca)</b>  <b>Open meetings: local agencies: teleconferences</b>	2/25/2021  Assembly Local Government	This bill is similar to AB 361 except that it would allow local jurisdictions to continue using teleconference capabilities provided that access is granted to the public without an emergency being called.	<b>Support</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 745 (Gipson)</b>  <b>Clean Cars 4 All Program</b>	2/25/21  Assembly Transportation	This bill would require the California State Air Resources Board, as a part of the Clean Cars 4 All Program, to provide vouchers for the purchase of zero-emission vehicles to persons of low or moderate income, as defined, living in disadvantaged communities to replace those persons' vehicles that have failed a smog check inspection. Persons and families of low or moderate income means persons and families whose income does not exceed 120 percent of area median income, adjusted for family size.	<b>Support</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 786 (Cervantes)</b>  <b>CTC Executive Director</b>	2/16/21  Introduced	This bill would require the Governor, rather than the California Transportation Commission (CTC), to appoint the Commission's Executive Director.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>

## TAM Bill Matrix – March 2021

Measure	Status	Bill Summary	Recommended Position
<b>AB 1049 (Davies)</b>  <b>Public Transportation Account: Loan Repayment</b>	2/18/21  Introduced	The Budget Act of 2013 and the Budget Act of 2014 require the Controller, upon the order of the Director of Finance, to transfer specified amounts totaling up to \$55,515,000 as loans from the Public Transportation Account to the High-Speed Passenger Train Bond Fund.  This bill would require \$54,000,000 from these loans to be repaid to the Public Transportation Account and would provide that these repaid funds are available, upon appropriation by the Legislature, to help offset the loss of revenues incurred by transit operators during the COVID-19 pandemic.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 1069 (Lackey)</b>  <b>Zero-Emission Vehicles for Underrepresented Communities</b>	2/18/21  Introduced	This bill would set a goal of having 60% of all zero-emission vehicles to be purchased by underrepresented communities, which is defined as an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native, or who self-identifies as gay, lesbian, bisexual, or transgender.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>AB 1499 (Daly)</b>  <b>Design-Build Contracts</b>	2/19/21  Introduced	This bill would remove the sunset date of January 1, 2024, for the ability to utilize the design-build project delivery system for up to 10 projects on the state highway system.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>SB 261 (Allen)</b>  <b>Regional Transportation Plans: Sustainable Communities Strategies</b>	2/3/21  Double referred to Senate Housing and Transportation	This bill would require that the sustainable communities' strategy be developed to achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the Air Resources Board.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>



## TAM Bill Matrix – March 2021

Measure	Status	Bill Summary	Recommended Position
<b>SB 339 (Wiener)</b>  <b>Road Usage Charge Pilot Program</b>	2/8/21  Introduced	This bill extends by four years the Road Usage Charge (RUC) Technical Advisory Committee (TAC). The purpose of the TAC is to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system, gather public comment on issues and concerns related to the pilot program, and make recommendations to the Secretary of Transportation on the design of a pilot program.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>SB 542 (Limón)</b>  <b>Zero-emission Vehicles: Fees</b>	2/18/21  Introduced	This bill would repeal the road improvement fee of \$100 to be paid to the Department of Motor Vehicles for registration or renewal of registration of every zero-emission motor vehicle with a model year of 2020 or later.	<b>Oppose</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>SB 551 (Stern)</b>  <b>California Electric Vehicle Authority</b>	2/18/21  Introduced	This bill would establish the California Electric Vehicle Authority within the Governor’s office. The bill would require the authority to coordinate activities among state agencies to advance electric vehicle and zero-emission charging infrastructure deployment as well as ensure related equity, workforce development, and economic development.	<b>Support</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>SB 643 (Archuleta)</b>  <b>Fuel Cell Electric Fueling Infrastructure</b>	2/19/21  Introduced	This bill would require the California Air Resources Board, in consultation with the Energy Commission and the Public Utilities Commission, to prepare a statewide assessment of the fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the state to meet specified goals and requirements relating to vehicular air pollution.	<b>Watch</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>
<b>SB 771 (Becker)</b>  <b>Sales Tax on Zero-Emission Vehicle Exemption</b>	2/19/21  Introduced	This bill would provide a sales tax exemption on the purchase of an electric or a hybrid electric vehicle valued at \$25,000 or less. The bill specifies that there would be no local reimbursement to cities and counties for the lost revenue attributable to the exemption.	<b>Oppose Unless Amended</b>  <b>MTC: None</b> <b>CSAC: None</b> <b>League: None</b>

TAM Bill Matrix – March 2021

Measure	Status	Bill Summary	Recommended Position
<p><b>HR ____ (Panetta, Blumenauer)</b></p> <p><b>Federal Tax Credit for E-Bikes</b></p>	<p>Awaiting introduction</p>	<p>This federal bill creates a tax credit that covers 30% of the cost of an electric bike (e-bike), up to \$1,500 (or \$3,000 for joint returns), applicable to e-bikes costing under \$8,000, and is fully refundable, allowing lower-income workers to claim the credit. Credit can be applied to e-bikes that have pedals, a saddle, a motor of less than 750 watts and that meet one of the three-class definitions: class 1 (20 mph max with no throttle), class 2 (20 mph max with throttle), or class 3 (28 mph max with no throttle). The credit can only be used on new e-bikes.</p>	<p><b>Watch</b></p> <p><b>MTC: None</b>  <b>CSAC: None</b>  <b>League: None</b></p>



## Implementation: From Plan to Action

The Matrix in Appendix A provides a detailed list of responsible agencies, both in lead and support roles, that will need to take action to bring this plan to fruition. Below is a description on how CalSTA plans to track progress on the plan, as well as continually re-evaluate this living document, to ensure progress is being made to meeting the objectives outlined in the CAPTI Guiding Principles.

### Tracking Progress

To ensure that progress is made towards implementation the State Interagency Working Group will continue to meet on a quarterly basis to report on and discuss progress of CAPTI action item implementation. Additionally, the group will generate an annual progress report, which will document key accomplishments made to implement the actions listed in the plan. Since CAPTI is a living document, the progress reports will also provide recommendations for new or revised actions that should be undertaken as necessary in response to changing conditions and evolving needs of the state. CalSTA proposes to provide formal public status updates on these annual progress reports at the Joint Meeting of CTC, CARB, and HCD.

**Strategy S1. Cultivate and Accelerate Sustainable Transportation Innovation by Leading with State Investments**

These actions are intended to find opportunities where the State can begin to clearly signal its commitment to funding innovative, sustainable transportation projects, while being mindful of previous commitments and projects that are well underway.

<i>Action</i>	<i>Description</i>	<i>Program(s) Impacted</i>	<i>Lead Agency</i>	<i>Support Agencies</i>	<i>Time Frame</i>
<b>S1.1</b> <b>Prioritize SCCP Projects to Enable Travelers to Opt Out of Congestion</b>	<ul style="list-style-type: none"> <li>Pursue update of SCCP Guidelines to further prioritize innovative sustainable transportation solutions.</li> <li>Innovative solutions should focus on reducing VMT and could include investments in transit, rail, active transportation, and highway solutions that improve transit travel times and reliability or generate revenue for VMT reducing projects.</li> </ul>	SCCP	CTC	CalSTA, CARB	Short-Term
<b>S1.2</b> <b>Promote Innovative Sustainable Transportation Solutions in SCCP by Requiring Multimodal Corridor Plans</b>	<ul style="list-style-type: none"> <li>Pursue requirement that all projects be a part of a multimodal corridor plan consistent with the CTC's Comprehensive Multimodal Corridor Plan Guidelines.</li> </ul>	SCCP	CTC	CalSTA	Short-Term
<b>S1.3</b> <b>Fast Track New CAPTI-Aligned Projects in Early Planning Phases by Adding Them to ITIP</b>	<ul style="list-style-type: none"> <li>New ITIP projects that are in alignment with the CAPTI will be added with a portion of future funding capacity.</li> <li>This will be done in collaboration with local and regional partners and be in addition to the need to continue funding for existing ITIP projects.</li> </ul>	ITIP	Caltrans	CTC, CalSTA	Short-Term
<b>S1.4</b> <b>Mainstream Zero-Emission Vehicle Infrastructure Investments within TCEP</b>	<ul style="list-style-type: none"> <li>Pursue update TCEP Guidelines to prioritize projects that improve trade corridors by demonstrating a significant benefit to improving the movement of freight and also reduce emissions by creating or improving zero emissions infrastructure either within the project.</li> </ul>	TCEP	CTC	CalSTA, CARB	Short-Term

*Note: All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.*

**Strategy S2. Support a Robust Economic Recovery by Revitalizing Transit, Supporting ZEV Deployment, and Expanding Active Transportation Investments**

Following the devastating impact of the COVID-19 pandemic on transit, these actions seek to enable transit's recovery and revitalize the transit system, including the deployment of ZEV transit fleets, which will ultimately be critical to our success in combatting the climate crisis. These actions also intend to expand State investments in active transportation infrastructure, the demand for which has significantly increased in many communities throughout California during the pandemic.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S2.1 <b>Implement the California Integrated Travel Project (Cal-ITP)</b>	<ul style="list-style-type: none"> <li>Update TIRCP Guidelines to support transit providers with implementation of contactless payment and coordination of services via Cal-ITP.</li> </ul>	TIRCP	CalSTA	Caltrans, CARB	Short-Term
S2.2 <b>Identify A Long-Term Strategic Funding Pathway Across All Funding Opportunities to Realize the State Rail Plan</b>	<ul style="list-style-type: none"> <li>Lead process to prioritize rail investments statewide for major state funding programs and future federal grant opportunities.</li> </ul>	TIRCP, SCCP, ITIP, TCEP	CalSTA	Caltrans, CTC	Short-Term
S2.3 <b>Accelerate TIRCP Cycles to Support Transit Recovery with Deployment of ZEV Transit/Rail Fleets and Transit/Rail Network Improvements</b>	<ul style="list-style-type: none"> <li>Develop new Clean Fleet/Equipment and Network Improvement Project Category in the TIRCP.</li> <li>Explore allocation strategies to accelerate TIRCP cycles.</li> </ul>	TIRCP	CalSTA	CARB, Caltrans, CTC	Short-Term
S2.4 <b>Increase Funding to Active Transportation Program (ATP)</b>	<ul style="list-style-type: none"> <li>Explore potential for additional funding for the ATP from various sources, including flexing federal funds into the Surface Transportation Block Grant Program–Transportation Alternatives Set-Aside, or redirecting funds from multiple sources.</li> </ul>	ATP	CalSTA	Caltrans, CTC	Short-Term
S2.5 <b>Convene Discussion on Sustainable Rural Transportation Solutions</b>	<ul style="list-style-type: none"> <li>Convene discussion to explore actions CalSTA can take to advance rail, transit, active transportation, and ZEV deployment in rural communities</li> </ul>		CalSTA	Caltrans	Short-Term

*Note: All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.*

Strategy S3. Elevate Community Voices in How We Plan and Fund Transportation Projects

This strategy aims to create more transparent transportation planning processes, while also coordinating across state agencies to develop standards and practices for meaningful engagement and provision of technical assistance resources to those most impacted by projects, including disadvantaged communities, low-income communities, and Black, Indigenous, and People of Color (BIPOC) communities.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S3.1 Establish Transportation Equity and Environmental Justice Advisory Committee(s)	<ul style="list-style-type: none"> <li>Establish advisory committee(s) focused on transportation equity and environmental justice issues stemming from transportation planning and programming.</li> <li>Coordinate with other state agency advisory bodies, including but not limited to CTC Equity Advisory Roundtable, CARB EJAC, CEC/CPUC SB 350 Disadvantaged Communities Advisory Group.</li> <li>Designate staffing and resources to support committee's work.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, ATP, LPP, TCEP	CalSTA	Caltrans, CTC, CARB, HCD, SGC	Short-Term
S3.2 Strengthen and Expand Coordinated, Targeted Technical Assistance on State Transportation Funding Programs	<ul style="list-style-type: none"> <li>Caltrans to evaluate existing technical assistance portfolio and identify opportunities for targeted expansion.</li> <li>Caltrans to cultivate partnerships with and build capacity of community-based organizations and residents to engage in the SHOPP and ITIP project development.</li> <li>CTC to provide ongoing technical assistance to applicants on tools, methods, and practices required for CTC funding programs.</li> <li>CTC to explore structures for ad hoc in-house TA for program applicants.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, ATP, LPP	Caltrans, CTC	CalSTA, SGC, CARB	Short-Term
S3.3 Lift Up and Mainstream Community Engagement Best Practices	<ul style="list-style-type: none"> <li>Caltrans to create community engagement playbook for planning and project development work.</li> <li>Caltrans to review existing programs, processes, and procedures to identify opportunities to strengthen community engagement.</li> <li>Caltrans to explore leveraging existing contracts to strengthen partnerships with community-based organizations.</li> <li>CTC to host workshops to identify best practices for meaningful community engagement for inclusion in program guidelines.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, ATP, LPP	Caltrans, CTC	CalSTA, SGC, CARB	Short-Term

Note: All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

Strategy S3. Elevate Community Voices in How We Plan and Fund Transportation Projects  
 (Continued)

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S3.4	<b>Develop and Utilize Equity Index to Assist in Evaluation or Prioritization of Caltrans Projects</b>	SHOPP, ITIP, TIRCP, SCCP	Caltrans	CalSTA, CTC, CARB, CDPH, SGC, OPR	Short-Term

**Note:** All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.

**Strategy S4. Advance State Transportation Leadership on Climate and Equity through Improved Planning & Project Partnerships**

These actions outline Caltrans' commitment to change the types of projects it will fund, nominate, and sponsor, as well as how it analyzes project benefits and impacts. This fundamental shift will advance critical climate considerations in transportation, while also working towards eliminating inequities in the transportation system. These actions intend to align the department's planning efforts with the CAPTI Investment Framework, while lifting up regions in the state with fewer resources.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S4.1	<p><b>Develop and Implement the Caltrans Strategic Investment Strategy (CSIS) to Align Caltrans Project Nominations in with the CAPTI Investment Framework</b></p> <ul style="list-style-type: none"> <li>Develop CSIS to guide project nominations.</li> <li>Implement CSIS for Caltrans-only and Caltrans-partnered project nominations.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP	Caltrans	CalSTA, CTC	Short-Term
S4.2	<p><b>Align Interregional Transportation Strategic Plan 2021 (ITSP) with CAPTI Investment Framework</b></p> <ul style="list-style-type: none"> <li>Update 2021 ITSP with meaningful integration of CAPTI Investment Framework and Administration's Regions Rise Together effort.</li> </ul>	ITIP	Caltrans	CaISTA	Short-Term
S4.3	<p><b>Update the 2023 State Highway System Management Plan (SHSMP) to Meaningfully Advance CAPTI Investment Framework</b></p> <ul style="list-style-type: none"> <li>Update 2023 SHSMP with meaningful integration of CAPTI Investment Framework.</li> <li>Update the 2023 SHSMP's SHOPP and Maintenance Investment Strategies and Performance Outcomes to align with CAPTI Investment Framework.</li> <li>Update will include following approaches or considerations, at a minimum: active transportation, climate resiliency, nature-based solutions, greenhouse gas emission reduction, climate smart decision-making.</li> <li>Incorporate roadside land management activities related to wildfire prevention into the SHSMP, such as prescribed and managed fire, and other strategies aligned with the California Forest Carbon Plan and the Draft Natural and Working Lands Implementation Plan.</li> </ul>	SHOPP	Caltrans	CaISTA	Medium-Term

*Note: All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.*



**Strategy S4. Advance State Transportation Leadership on Climate and Equity through Improved Planning & Project Partnerships**  
 (Continued)

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S4.4 <b>Re-focus Caltrans Corridor Planning Efforts to Prioritize Sustainable Multimodal Investments in Key Corridors of Statewide and Regional Significance</b>	<ul style="list-style-type: none"> <li>• Provide direction to Caltrans Districts on identifying key corridors of statewide and regional significance.</li> <li>• Require corridor planning efforts to prioritize sustainable multimodal investments.</li> <li>• Update Caltrans Corridor Planning Guide and CTC Comprehensive Multimodal Corridor Plan Guidelines accordingly.</li> <li>• Support the development of innovative safety solutions based on the safe systems approach that advance sustainable transportation modes, particularly for rural communities.</li> </ul>	SHOPP, ITIP, SCCP	Caltrans	CalSTA, CTC	Medium-Term
S4.5 <b>Develop and Implement Caltrans Climate Action Plan (CCAP)</b>	<ul style="list-style-type: none"> <li>• Develop Caltrans Climate Action Plan aligned with CAPTI Investment Framework.</li> <li>• Establish baseline and reduction targets from all sources—including from use of the state highway system and internal operations—for greenhouse gas emissions (GHG).</li> <li>• Establish baseline and reduction targets from all sources—including from use of the state highway system and internal operations—for vehicle miles traveled (VMT).</li> <li>• Establish mode share targets for passenger travel.</li> <li>• Explore use of Sustainability Rating System for use on all Caltrans projects.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, ATP	Caltrans	CalSTA	Medium-Term
S4.6 <b>Incorporate Zero-Emission Freight Infrastructure Needs in California Freight Mobility Plan (CFMP)</b>	<ul style="list-style-type: none"> <li>• Update CFMP and project list to incorporate zero-emission freight infrastructure needs.</li> <li>• Analyze CFMP project impacts and mitigations for environmental justice communities.</li> </ul>	TCEP	Caltrans	CalSTA, CARB	Short-Term

*Note: All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.*

**Strategy S5. Support Climate Resilience through Transportation System Improvements and Protections for Natural and Working Lands**

Impacts from climate change have the potential to restrict or impede travel in the state and have huge monetary implications for the state's fix-it-first approach. This strategy's actions will incorporate climate risk assessment as a standard practice in the transportation project development process in order to proactively work toward creating a more resilient transportation system.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S5.1 <b>Develop Climate Risk Assessment Planning and Implementation Guidance</b>	<ul style="list-style-type: none"> <li>Update OPR Climate Risk Assessment Guidance.</li> <li>Collaborate to integrate climate risk guidance into Caltrans planning and project delivery processes.</li> <li>Integrate Caltrans' District Climate Change Vulnerability Assessments and District Adaptation Priorities Reports in implementation guidance.</li> </ul>	SHOPP, ITIP	Caltrans/ when multiple lead agencies, OPR	CalSTA CNRA	Short-Term
S5.2 <b>Update SHOPP and SB 1 Competitive Program Guidelines to Incentivize Climate Adaptation and Climate Risk Assessments/ Strategies</b>	<ul style="list-style-type: none"> <li>CalSTA and CTC will evaluate OPR/Caltrans Climate Risk Assessment Planning and Implementation Guidance and pursue inclusion in SHOPP, TIRCP, and SB 1 Competitive Program Guidelines.</li> </ul>	SHOPP, SCCP, TCEP, LPP	CTC	CalSTA Caltrans	Medium-Term
S5.3 <b>Explore Incentivizing Land Conservation through Transportation Programs</b>	<ul style="list-style-type: none"> <li>Evaluate Natural and Working Lands Climate Smart Strategy concepts for inclusion in next scheduled updates to Regional Transportation Plan and SB 1 Competitive Program guidelines.</li> </ul>	SCCP, TCEP, LPP	CTC	CalSTA, CNRA, CARB, OPR, SGC	Medium-Term

*Note: All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.*

**Strategy S6. Support Local and Regional Innovation to Advance Sustainable Mobility**

To address the various challenges and barriers to the implementation of Sustainable Community Strategies, this strategy identifies key actions to support the implementation of regional and local planning efforts that align with the framework, with a focus on finding a pathway to implementation for roadway pricing efforts and SB 743 VMT mitigation.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S6.1 Explore New Mechanisms to Mitigate Increases in Vehicle Miles Travelled (VMT) from Transportation Projects	<ul style="list-style-type: none"> <li>Collaborate with local and regional transportation agencies to develop new mechanisms for viable VMT mitigation options for highway capacity projects, particularly with equity and land conservation in mind.</li> <li>Explore statewide and regional VMT mitigation bank concept.</li> <li>Evaluate feasibility and explore potential expansion of Advanced Mitigation Program to include GHG/VMT mitigation.</li> </ul>		Caltrans	CalSTA, CARB, CTC, HCD	Medium-Term
S6.2 Convene a Roadway Pricing Working Group to Provide State Support for Implementation of Local and Regional Efforts	<ul style="list-style-type: none"> <li>Convene a working group consisting of state agencies and local and regional partners to provide state support to local and regional efforts already underway.</li> <li>Create an inventory of various ongoing efforts across the state</li> <li>Outline state and federal statutory and administrative opportunities and barriers to equitable implementation of various roadway pricing applications currently under consideration by local and regional partners, including but not limited to cordon pricing, congestion pricing, and other dynamic pricing tools.</li> </ul>		CalSTA/Caltrans	CTC, CARB, OPR, SGC	Short-Term
S6.3 Develop Interagency Framework for Project Evaluation Around Advancing Sustainable Communities Strategies	<ul style="list-style-type: none"> <li>Convene interagency working group of state and regional agencies, including the State Agency MPO Workgroup.</li> <li>Develop a framework (e.g., rubric, checklist, or other guidance) for assessment of a projects ability to advance the SCS</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, TCEP, LPP, ATP	CARB, SGC	CalSTA, Caltrans, CTC, HCD, OPR	Medium-Term

*Note: All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.*

**Strategy S7. Strengthen Transportation-Land Use Connections**

In order to simultaneously address California's housing crisis while reducing VMT, these actions seek to ensure that transportation programming dollars help incentivize smart housing and conservation policies and decisions, while also supporting the creation of infill development.

Action	Description	Program(s) Impacted	Lead Agency	Support Agencies	Time Frame
S7.1 <b>Leverage Transportation Investments to Incentivize Infill Housing Production</b>	<ul style="list-style-type: none"> <li>Explore and identify opportunities in transportation funding programs to incentivize pro-infill housing policies and to expand upon recent successes of programs such as the Affordable Housing and Sustainable Communities (AHSC) program</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, TCEP, LPP, ATP	CalSTA	CTC, Caltrans, HCD, CARB	Short-Term
S7.2 <b>Create Working Group to Explore Potential Action to Address Direct and Indirect Displacement in Transportation Programs</b>	<ul style="list-style-type: none"> <li>Convene interagency working group to explore actions to enable transportation programs to incentivize anti-displacement strategies within their funding frameworks.</li> </ul>	SHOPP, ITIP, TIRCP, SCCP, TCEP, LPP, ATP	CalSTA	Caltrans, CTC, CARB, HCD, SGC, OPR	Short-Term
S7.3 <b>Explore a "Highways to Boulevards" Conversion Pilot Program</b>	<ul style="list-style-type: none"> <li>Identify locally nominated candidate locations for pilot program.</li> <li>Develop feasibility study for Highway to Boulevards Conversion Pilot Program.</li> <li>Integrate anti-displacement strategies as part of pilot program concept.</li> </ul>	SHOPP, ITIP	CalSTA	Caltrans, HCD, OPR, SGC	Medium-Term

*Note: All actions related to the CTC are recommendations that would be introduced into the appropriate CTC program guidelines development process for consideration.*



March 25, 2021

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

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

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On January 8, Governor Newsom released his proposed FY 2021-22 State Budget, which contains \$164 billion in General Fund spending (\$227 billion total when including special funds). The elimination of net operating loss tax credits in the FY 2020-21 enacted State Budget combined with a record amount of capital gains receipts has resulted in an additional \$34 billion of revenue, helping close the \$54.3 billion deficit due to the COVID-19 pandemic induced recession. The state also has reserves including: \$15.6 billion 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. In addition, over \$10 billion in federal assistance is anticipated during the FY 2021-22 State Budget cycle.

While the state unemployment rate has dropped from 16.4% last May to about 8% this January, a structural deficit of \$7.6 billion is projected for FY 2022-23, and 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 (CRRSAA) Act, the state is expected to receive \$105.5 billion, with \$42 billion going to individuals and families.

The FY 2021-22 State Budget also 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.

On February 23, Governor Newsom signed a package of bills that provides nearly \$6.8 billion in relief for small businesses, families, and individuals to help ease the economic burden of the COVID pandemic. This includes \$3.4 billion in payments of \$600 to 5.7 million Californians (those making below \$75,000), \$2.1 billion for grants of up to \$25,000 to small businesses, \$740 million to waive license fees to bars, restaurants, and cosmetology establishments, \$400 million for childcare, and \$100 million for low-income community college students.

### **Impact on Transportation Funding**

The reduction in fuel consumption due to the pandemic shelter in place 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 focuses 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 CRRSAA federal stimulus package will provide California with some much-needed relief for public transportation operations (\$2 billion) and highway projects (\$912 million). 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 Coronavirus Aid, Relief, and Economic Security (CARES) Act to help transit agencies.

The California Transportation Commission (CTC) is currently in the process of holding workshops to determine the distribution of the \$912 million in federal stimulus funds. The purpose of the money is to backfill shortfalls attributable to the shelter in place order, which resulted in less gas consumption. Traditionally, these funds have been split 60/40 between the state and local transportation agencies, respectively. If maintained, this would result in roughly \$365 million being transferred to local agencies, and \$547 million going to the state. The state funds will most likely go towards the SHOPP to help maintain the state highway system and provide active transportation linkages.

Several regions have expressed a preference that the local share be distributed through the Surface Transportation Block Grant, which provides a direct, flexible allocation to help expedite project delivery. The CTC has suggested that distributions go through the STIP process, in order to help with the 2022 STIP, which is expected to have a shortfall of \$100 million for the cycle. The CTC is expected to address the item at its March 24 meeting.

### **Governor's Climate Action Plan for Transportation Infrastructure (CAPTI)**

The California State Transportation Agency (CalSTA) in collaboration with the Governor's Office of Planning and Research (OPR) and California Air Resources Board (CARB) is in the process of adding guidance to implement 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 plan being developed is named the Climate Action Plan for Transportation Infrastructure (CAPTI).

The current CAPTI draft encourages investments to be made that account for improvements for disadvantaged communities, making safety improvements that reduce fatalities on roadways and transit systems, factor in climate risk for transportation infrastructure projects, prioritize projects that reduce vehicle miles traveled, and favor investments into passenger rail over highways, particularly capacity projects. While the adopted TAM 2021 State Legislative Platform is supportive of many of these objectives, it may be problematic for many small urban/rural areas to refrain from making highway capacity project improvements, particularly where reductions in vehicle miles traveled may not be possible due to the lack of rail infrastructure or density to support those systems.

This results in a need to plan, fund, and deliver projects that may increase passenger vehicle travel that addresses safety, congestion, and freight movement, particularly along lifeline routes, such as Highways 1, 37 or 101 where in some cases there is limited or no passenger rail service or transit service. Many regions are asking the state to consider geographic areas where capacity expansion is necessary to address climate adaptation and resiliency or completing gap closures on evacuation or parallel routes, and east-west connectors, such as SR 37 or I-580/80, in case of natural disasters or other climate events.

The draft CAPTI policy could require TAM to reassess its ability to leverage voter-approved investments as articulated in the expenditure plan for Measure AA since CAPTI implies there will be less state investment 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 to deliver certain projects.

TAM's 2021 State Legislative Platform articulates several solutions to consider that are designed to improve air quality, reduce congestion, and provide greater mobility options. Suggested strategies include operational investments such as the increase of broadband access to encourage telecommuting, ability of transit agencies to utilize vanpools and high-occupancy vehicle lanes to provide more frequent and cost-effective service, shipment of more freight via rail to ease congestion and enhance safety, creation of greater incentives for businesses to expand or relocate to help reduce vehicle miles traveled, and accelerating the installation of zero-emission charging stations and providing incentives for zero-emission vehicle purchases.

CalSTA will be holding a workshop on March 18 to discuss further with the hope of adoption of the CAPTI in June.

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