



**DATE:** June 24, 2021

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

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

**SUBJECT:** State Legislative Update (Discussion), Agenda Item No. 7

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## RECOMMENDATION

This is a discussion item only.

## BACKGROUND

In January 2021, TAM adopted a Legislative Platform in guiding policy decisions and communicating TAM's goals to the Legislature and other agencies. The TAM Board has also directed staff to monitor relevant legislative bills and adopted positions of support and opposition on bills pertinent to TAM. When appropriate, staff has proposed comment letters to convey TAM's positions on these bills and policies. These bills are arranged in TAM's Legislative Matrix for monitoring as the bills progress through the legislative process.

In addition to reporting on legislative bills, staff and Khouri Consulting, TAM's Legislative Consultant, have periodically provided the Board with updates on the state budget and other relevant state issues applicable to TAM. Since the Legislature has been focused on the state budget in recent weeks, there is little new activity to report with legislative bills since last month. Mr. Khouri will return next month with a report on legislative bill activities.

For the June TAM Board meeting, Mr. Khouri will provide an overview on activities with the FY 21/22 State Budget, an update on the latest state directive on conducting public meetings for public agencies, and recent developments with the Governor's proposed Climate Action Plan for Transportation Infrastructure (CAPTI).

## DISCUSSION

### FY 21/22 State Budget

On January 8, 2021, the Governor released the Proposed FY 21/22 State Budget to the State Legislature that includes the Governor's goals and objectives for the forthcoming year and highlights significant issues, policies, and initiatives of the Administration. As expected, the focus of the Proposed FY 21/22 State Budget was on the state's response on the COVID-19 pandemic. The fiscal outlook in January was not optimistic as widespread economic reports forecasted depressed overall revenue collection resulting from the COVID-19 pandemic.

On May 14, 2021, the Governor released the May Revision to the Proposed FY 21/22 State Budget. The May Revision is very different than the budget of one year ago and even different from the initial proposal released in January. Compared to a projected budget deficit of \$54 billion a year ago, the state now has a projected \$75.7 billion surplus.

The State Legislature passed the FY 21/22 State Budget by the constitutional deadline of June 15, 2021 but left many placeholders for the Governor and the State Legislature to settle in the coming weeks, if not months.

Mr. Khouri provided a report (Attachment A) that summarizes the FY 21/22 State Budget and the issues pertinent to transportation and to TAM.

### **Governor's Executive Order N-29-20 on Public Meetings**

On March 17, 2020, Governor Newsom issued Executive Order N-29-20 in response to the COVID-19 pandemic, allowing local or state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically without violating the open meeting laws found in the Bagley-Keene Act or the Brown Act.

The Governor recently announced California's reopen as of June 15, 2021, lifting many COVID-19 restrictions. However, there was some initial lack of clarity on what reopening would entail for public agencies, and many agencies and organizations sought clarification from the Governor's office regarding guidelines for reopening, in particular with conducting public meetings.

For this reason, the Governor responded to a coalition of local government entities in a letter on June 2<sup>nd</sup> (Attachment B) confirming that the provisions of N-29-20 on public meetings will remain in effect until further notice. Then, on June 11, 2021, the Governor issued Executive Order N-08-21 with clarifying language concerning N-29-20 on conducting public meetings, which states:

“Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.”

Based on Executive Order N-08-21, public agencies will be able to conduct remote public meetings until September 30, 2021.

### **Climate Action Plan for Transportation Infrastructure (CAPTI)**

On March 10, 2021, the California State Transportation Agency (CalSTA) unveiled the draft CAPTI that is intended to align State infrastructure investments with State climate, health, and social equity goals. 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 that are focused on rail and transit networks, bicycle and pedestrian infrastructure, zero-emission vehicle (ZEV) infrastructure, passenger vehicle travel reduction, and compact infill development, among others. While many of these concepts have been advocated by many over the years, CAPTI is a comprehensive approach that will invest billions of discretionary State transportation dollars annually to address climate change.

By the close of the public comment period on the proposed CAPTI, TAM transmitted a comment letter on May 18, 2021 to CalSTA Secretary, David Kim, sharing TAM's concerns and areas of support. Staff commented that the general principles of CAPTI are supportable, but concerns remain on how the State will implement CAPTI and its impacts on future state funding. Staff was particularly concerned that 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 with the CAPTI framework and could be in jeopardy. In the letter, TAM urged CalSTA to:

- Support the will of the Voters to complete projects and maximize investments;
- Allow flexibility in State funding programs to address safety, goods movement, and mobility needs; and
- Support additional strategies that reduce Greenhouse Gas emissions.

On June 10, 2021, CalSTA released the CAPTI Revisions Memo (Attachment C) that outlines a summary of public feedback received since the release of the March 10, 2021 draft and provides an explanation of how the feedback will be addressed in the final CAPTI document. CalSTA is expected to post the final version of CAPTI by July 15, 2021.

## **FISCAL IMPACTS**

There are no immediate fiscal impacts on TAM with the discussion from Mr. Khouri. Any potential fiscal impacts from the FY 21/22 State Budget to TAM will be reported to the TAM Board at a later meeting.

## **NEXT STEPS**

Continue to monitor bills under TAM's Legislative matrix and developments with the FY 21/22 State Budget, particularly with impacts to transportation funding, and any further directives on public meeting requirements.

## **ATTACHMENTS**

Attachment A: Khouri Consulting Report on State Legislative Update

Attachment B: Governor's June 2, 2021 Letter

Attachment C: CAPTI Revisions Memo (also downloadable from: <https://calsta.ca.gov/-/media/calsta-media/documents/capti-revisions-memo-final-061021.pdf>)

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June 11, 2021

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

**RE: STATE LEGISLATIVE UPDATE – FY 2021-22 BUDGET UPDATE**

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On May 14, Governor Newsom released his May Revision to the FY 2021-22 budget. The May Revision stands in stark contrast to the budget of one year ago. Compared to a projected budget deficit of \$54.3 billion a year ago, the state now has a projected \$75.7 billion surplus. The May Revision includes \$24.4 billion in reserves, which is the highest in state history. The forecast does not project large structural deficits; however, risks to the economic forecast remain—new coronavirus variants, vaccine hesitancy, higher inflation if disrupted supply chains cannot support increased consumer demand, and a stock market decline that would impact state revenues. These risks, together with the one-time nature of the federal funds and new revenue, constrain the state’s ability to significantly expand ongoing commitments.

**What does this mean for transportation?**

Senate Bill 1 (SB1) competitive programs are primarily funded by the vehicle registration fee, which provides for more predictable, stable funding as opposed to the volatility of the gas tax. The Governor however is proposing to provide an additional \$11 billion in funding, including \$4.4 billion from the General Fund to reduce greenhouse gas emissions, create jobs, and enhance mobility as follows:

- **Los Angeles Olympics**—\$1 billion General Fund to deliver critical projects in time for the 2028 Olympic Games.
- **Priority Transit and Rail Projects**—\$1 billion General Fund for transit and rail projects statewide that improve rail and transit connectivity between state and regional/ local services.
- **Active Transportation**—\$500 million General Fund to advance projects that increase the proportion of trips accomplished by walking and biking, increase the safety and mobility of non-motorized users, advance efforts of regional agencies to achieve greenhouse gas reduction goals, enhance public health, and benefit many types of users, especially in disadvantaged communities.
- **Regional SCS Implementation Grants** - \$500 million one-time federal funds for Housing and Community Development Agency to provide additional planning and implementation grants to regional entities for infill developments, targeted towards the state’s climate goals and reducing vehicle miles traveled.

- **High Priority Grade Separations and Grade Crossing Improvements**—\$500 million General Fund to support critical safety improvements throughout the state.
- **High-Speed Rail**—\$4.2 billion Proposition 1A to complete high-speed rail construction in the Central Valley, advance work to launch service between Merced and Bakersfield, advance planning and project design for the entire project, and leverage potential federal funds.
- **State Highway Rehabilitation and Local Roads and Bridges**—\$2 billion (\$1.1 billion special funds through 2028, and \$968 million federal funds) to support the advancement of priority State Highway Operation and Protection Program (SHOPP) projects, Interregional Transportation Improvement Program (ITIP) projects, and local road and bridge investments. This amount includes \$912 million from the Coronavirus Response and Relief Supplemental Appropriations Act that was enacted by Congress in March.
- **Zero-Emission Rail and Transit Equipment Purchases and Infrastructure**—\$407 million (\$100 million General Fund, \$280 million Public Transportation Account, and \$27 million federal funds) to demonstrate and purchase or lease state-of-the-art, clean bus and rail equipment and infrastructure that eliminate fossil fuel emissions and increase intercity rail and intercity bus frequencies.
- **Zero-Emission Buses and Trucks**—\$1.4 billion (\$1.3 billion General Fund, \$87 million Air Pollution Control Fund) to demonstrate and purchase or lease green buses and trucks. These funds are budgeted outside of the transportation budget and are included and described in the Climate Resilience Chapter.
- **Zero-Emission Vehicle Infrastructure**— \$826 million for a total of \$1.8B, and \$3.2B over three-years for ZEV infrastructure.
- **Litter Abatement** – One-time funding of \$1.5 billion General Fund will be used for a three-year effort to clean up garbage statewide, beautify the state’s transportation network, educate the public about the harms of litter, and create long-lasting litter deterrents.

On June 1, the legislature released its response to the May Revision. Both houses have agreed to fund the programs above with a few additions as follows:

- An additional \$250M in one-time General Fund money to support regional sustainable communities strategy implementation grants.
- \$400 million for the creation for state and local grants to begin addressing climate change impacts to transportation. Caltrans reports that increasing temperatures, larger wildfires, heavier rainstorms, and rising sea levels and storm surges associated with climate change are posing a significant risk to the State’s transportation infrastructure.

#### **Opportunities for Additional Funding for TAM**

The Governor’s budget contains \$2 billion (\$1.1 billion from interest earned in state transportation funds through 2028, and \$968 million federal funds) for the State Highway Operations and Protection Program (SHOPP), Interregional Transportation Improvement Program (ITIP), and local road and bridge investments. The portion that is derived from the earned interest does not have any traditional statutory obligation. Therefore, this represents an opportunity to acquire additional resources to address priorities for local transportation planning agencies and other local jurisdictions.

There is a proposal being considered to take the \$1.1 billion and redirect \$400 million (in addition to \$500 million proposed in the May Revise) to clear the backlog of projects received by the California Transportation Commission for Cycle 5 of the Active Transportation program (ATP); \$400 million for the

Solutions for Congested Corridors Program, and \$300 million for the SHOPP, which is the main account to address maintenance and rehabilitation of the state highway system.

Cycle 5 of the ATP resulted in the California Transportation Commission only being able to allocate roughly \$441 million, compared to nearly \$2.3 billion worth of requests. While the May Revisé proposes an additional \$500 million, this would only fund projects that scored 86 and above. An additional \$400 million, for a total of \$900 million, could result in projects scoring near 79 or 80 being funded.

The Metropolitan Transportation Commission funded the \$4.3 million Richmond-San Rafael Bridge Shared Use Path Gap Closure through the metropolitan planning organization pot in Cycle 5. If the additional \$900 million in ATP were to materialize, the county may be able to realize additional funding for the following projects:

- Central Marin Regional Pathways Gap Closure - \$1.3M (scored an 82)
- San Rafael Canal Crossing Project - \$1.5M (scored an 83)

On Monday, June 14, the Legislature met its constitutional obligation of presenting a balanced budget to the Governor by June 15 by approving AB 128 (Ting). Negotiations are ongoing however given several unresolved issues, including on high-speed rail. The Governor wants to exhaust the appropriation authority on the remaining \$4.2 billion from the 2010 Proposition 1A Bond Act, but the Legislature has been reluctant citing that investments into existing rail systems would be more beneficial. In addition, the Legislature is still entertaining members' request for funding projects in their districts. Several options exist, including passage of budget trailer bills to reflect a compromise. Governor Newsom must sign the budget prior to July 1, which is the start of FY 21-22. Given that funding for high-speed rail is being delayed, it is possible that items pertaining to transportation may not be reconciled until August. The Legislature will adjourn for Summer Recess between July 16 and August 16. Regular Session concludes on September 10.

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OFFICE OF THE GOVERNOR

June 2, 2021

**VIA EMAIL**

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RE: Transition Period Prior to Repeal of COVID-related Executive Orders

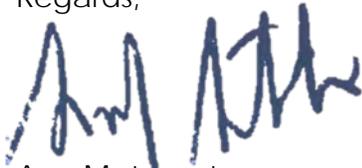
Dear Mr. Knaus, Ms. Miller, Ms. Hurst, Ms. Preston, Ms. Heaton, Ms. King, Ms. Coleman, Ms. Blacet-Hyden, Mr. McCormick, Mr. Anderson, and colleagues,

Thank you for your correspondence of May 18, 2021, inquiring what impact the anticipated June 15 termination of the Blueprint for a Safer Economy will have on Executive Order N-29-20, which provided flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic.

Please be assured that this Executive Order Provision will not terminate on June 15 when the Blueprint is scheduled to terminate. While the Governor intends to terminate COVID-19 executive orders at the earliest possible date at which conditions warrant, consistent with the Emergency Services Act, the Governor recognizes the importance of an orderly return to the ordinary conduct of public meetings of state and local agencies and boards. To this end, the Governor's office will work to provide notice to affected stakeholders in advance of rescission of this provision to provide state and local agencies and boards time necessary to meet statutory and logistical requirements. Until a further order issues, all entities may continue to rely on N-29-20.

We appreciate your partnership throughout the pandemic.

Regards,

A handwritten signature in blue ink, appearing to read 'Ana Matosantos', written in a cursive style.

Ana Matosantos  
Cabinet Secretary



**Gavin Newsom**  
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**David S. Kim**  
Secretary

## **CAPTI Revisions Memo**

June 10, 2021

### **Memo Purpose**

This document outlines a high-level summary of public feedback received since the release of the March 10, 2021, draft and, as appropriate, provides an explanation of how the feedback will be addressed in the final Climate Action Plan for Transportation Infrastructure (CAPTI) document. In addition to the following high-level summary of public feedback and anticipated revisions to the draft CAPTI, the California State Transportation Agency (CalSTA) has posted accessible versions of all written comments and formal comment letters received during the public review period on the CalSTA website. Once CAPTI is finalized, CalSTA will post a comment log that will detail how each comment was considered or addressed. The final CAPTI document will be posted by July 15, 2021.

### **Summary of Stakeholders**

Following 18 months of close collaboration, extensive outreach, and engagement with state agencies and hundreds of transportation stakeholders, the CalSTA unveiled the draft CAPTI on March 10, 2021, as a first step toward implementing Governor Gavin Newsom's Executive Orders N-19-19 and N-79-20. Over a 10-week public review period, 108 governmental, private, and non-governmental organizations and 15 individuals submitted nearly 800 comments for CalSTA's consideration, including 63 formal comment letters. CalSTA also received additional comments at public workshops during that 10-week period. These stakeholders included:

- Local, County, and Regional Governments and Transportation Agencies
  - Cities and Counties
  - Metropolitan Planning Organizations (MPO)
  - Regional Transportation Planning Agencies (RTPA)
  - County Transportation Commissions/Authorities
  - Councils of Government
- Transit and Intercity Rail Operators
- Private Sector
  - Business
  - Industry
  - Freight
  - Labor

- Technology
- Non-Governmental and Advocacy Organizations
  - Environmental and Climate Action
  - Public Health
  - Equity and Environmental Justice
  - Transit and Active Transportation

Additionally, an appendix to this memo catalogues the anticipated revisions to the draft CAPTI in response to public feedback received.

**Summary of Public Feedback**

Below is a summary of feedback stakeholders provided on the draft CAPTI, as well as an explanation of how we are addressing these comments.

Theme	What We've Heard	How We're Responding & Updating CAPTI
<p><b>Support for Transportation Sector's Role in Combatting Climate Change</b></p>	<ul style="list-style-type: none"> <li>• There is an overwhelming consensus to recognize the need for changes within the transportation sector to combat climate change. The vast majority of comments provided positive and constructive feedback in support of the actions outlined. A sizeable share of comments asked for CAPTI to better recognize the urgency of the climate crisis, and to do more, faster, and sooner.</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI emphasizes the urgency of the climate crisis in its introductory sections. This urgency was also considered when crafting the Investment Framework that identifies the focus of investments needed to address the climate crisis.</li> </ul>
<p><b>Broad Support for Centering Equity</b></p>	<ul style="list-style-type: none"> <li>• Stakeholders across the spectrum broadly supported CAPTI's work to center social and racial equity as part of its framework. Stakeholders requested that tools, such as the forthcoming Equity Index, and forums, such as the proposed Transportation Equity and Environmental Justice Advisory Committee(s), include participation from non-state agencies and representation from rural communities, local and regional governments at the forefront of equity work, community-based organizations and individuals with lived experiences, the business community, and organizations and individuals offering an accessibility and disability perspective.</li> <li>• Stakeholders also highlighted the need to ensure compensation for community-</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI will be updated to include exploration of compensation methods to community-based organizations and community members who participate in the proposed Transportation Equity and Environmental Justice Advisory Committee(s) under S3.1</li> <li>• CAPTI will provide further clarification around intended membership for Transportation Equity and Environmental Justice Advisory Committee(s) included in S3.1.</li> </ul>

	<p>based organizations who participate in these efforts.</p>	
<p><b>Need to Strengthen Metrics, Monitoring &amp; Reporting Activities</b></p>	<ul style="list-style-type: none"> <li>• There was broad consensus among stakeholders for CAPTI to strengthen its monitoring and reporting approach. Metrics of particular interest included quantification of GHG reductions, changes in vehicle miles traveled (VMT), criteria air pollutants, single occupant vehicle use, active transportation and transit, public health, equity, and job impacts of CAPTI actions. Stakeholders supported not only tracking implementation of CAPTI actions, but on how CAPTI actions are moving the needle on state climate, health, and equity goals.</li> <li>• Stakeholders also emphasized the need for CAPTI monitoring to include not only an analysis of impacts on job creation but also for CAPTI to proactively coordinate with the Governor’s Office on Planning and Research (OPR) and the California Workforce Development Board (CWDB) on Just Transition approaches to improve the quality and availability of jobs that flow from CAPTI implementation.</li> <li>• Numerous stakeholders urged the time scale of both implementation and reporting activities to align more closely with other state milestone dates (e.g., 2035, 2040, 2050).</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI will be updated to provide clarification and additional details on monitoring and reporting activities.</li> <li>• CAPTI will include an action to develop a set of quantitative evaluation metrics to measure progress on CAPTI implementation, as well as CAPTI’s contributions to meeting the state’s climate, health, and equity goals. Evaluation metrics will be developed in coordination with other Administration efforts, including, but not limited to, the ZEV Market Development Strategy and State Adaptation Strategy.</li> <li>• Beyond data and monitoring, CalSTA will continue to coordinate with OPR and CWDB on Just Transition issues to improve quality and availability of jobs.</li> </ul>
<p><b>Support for Strong Focus on Transit</b></p>	<ul style="list-style-type: none"> <li>• Many stakeholders expressed their appreciation in and support of the strong</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI has a strong focus on the importance of transit. This will be further strengthened through additional improvements to S1.1 to underscore</li> </ul>

	<p>focus on transit and transit recovery in CAPTI.</p> <ul style="list-style-type: none"> <li>• In particular, these stakeholders asked for a further focus of transit projects in the Solutions for Congested Corridors Program (SCCP).</li> <li>• They also urged consideration of actions that would tackle implementation barriers and statutory issues regarding implementation of transit priority projects such as bus on shoulder or bus only lanes.</li> </ul>	<p>how various highway projects (such as signal priority, priced managed lanes, etc.) can support transit implementation.</p> <ul style="list-style-type: none"> <li>• CalSTA acknowledges the importance of working through implementation barriers to various bus transit related solutions. In addition to the focus on bus transit placed in S1.1, Caltrans will work with transit and local agency partners on exploring pathways to delivering these types of projects, including bus on shoulder and bus only lane projects.</li> </ul>
<p><b>Need for Flexibility in Implementation due to Geographic Differences</b></p>	<ul style="list-style-type: none"> <li>• Stakeholders expressed concerns with the potential for “one-size-fits all” approaches in implementing specific CAPTI actions and requested regional flexibility in implementation.</li> <li>• Stakeholders from rural regions in particular communicated the need to recognize the disconnect between the applicability of current VMT research tools and VMT impacts in rural contexts.</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI will include clarifications around the applicability of induced travel and VMT metrics in different contexts, particularly highlighting how existing induced travel research and tools mainly apply to urbanized regions.</li> <li>• CAPTI will include further clarification on how it will consider highway capacity in different circumstances, highlighting the importance of context and project by project evaluation instead of a “one-size-fits-all” approach.</li> <li>• CAPTI will include additional clarification on rural applicability of the Investment Framework, and how transportation solutions may look different from one context to another while still aligning with climate, health, and equity goals.</li> <li>• Pending the adoption of the 21-22 California Budget, CAPTI will highlight the Governor’s California Comeback Plan proposal for a one-time \$500 million augmentation to the Regional Early Action Planning Program (REAP) to support a flexible “regions up” approach to increasing transportation and housing options for all and</li> </ul>

		<p>supporting implementation of Sustainable Communities Strategies (SCS).</p>
<p><b>Perceptions of Incompatibility of Reducing VMT and Intent and Purpose of Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017</b></p>	<ul style="list-style-type: none"> <li>• Many stakeholders expressed concerns with the policy priorities outlined in CAPTI as detracting from SB 1’s intent and purpose— particularly as it relates to the draft CAPTI’s guiding principle on VMT— and felt that the draft CAPTI overemphasizes the need for reducing VMT.</li> <li>• However, numerous stakeholders—including local and regional transportation and transit agencies, as well as climate, public health, and equity non-governmental organizations— communicated strong support for the draft guiding principle.</li> <li>• While some stakeholders viewed CAPTI’s framework as altering the purpose and use of SB 1 funding, other stakeholders viewed the CAPTI framework as living up to SB 1’s focus on deferred maintenance and a “fix-it-first” approach. Numerous stakeholders underscored how the CAPTI framework may help the state avoid creating additional unfunded maintenance obligations in the long-term.</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI does not in any way alter the statutory purpose of SB 1 or deviate from the statutory responsibility of maintaining the state’s highways, roads and bridges. CAPTI remains committed to the SB 1 “fix-it-first” approach. Under CAPTI, where feasible and within existing funding program structures, CalSTA will employ more strategic and thoughtful approaches when expanding the existing system as we cannot afford to invest in projects that ultimately run up our long-term maintenance costs without bringing an outsized benefit to climate, health, and equity goals.</li> <li>• CAPTI will remove reference in the Active Transportation Program (ATP) action to increasing ATP funding from existing funding programs in order to uphold the program distributions created under SB 1.</li> <li>• As such, the final CAPTI will not include any strategies or actions that require statutory changes to any SB 1 programs and will focus on actions that work within current statutory bounds.</li> </ul>
<p><b>Concern over Future of Local Sales Tax Highway Capacity Projects and Other Projects in the Pipeline</b></p>	<ul style="list-style-type: none"> <li>• Stakeholders expressed a range of views on whether capacity expansion projects could or should be eligible for state funding under the CAPTI framework, particularly those already under development or</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI will include further clarification on how it will consider highway capacity in different circumstances, highlighting the importance of context and project-by-project evaluation instead of a “one-size-fits-all” approach.</li> </ul>

	<p>identified in county sales tax expenditure plans.</p> <ul style="list-style-type: none"><li>• Numerous stakeholders—representing local and regional transportation agencies with transportation sales tax measures—expressed strong concerns with CAPTI’s potential impact on projects identified in sales tax expenditure plans. From their perspective, proposed CAPTI actions that may impact the chances of those projects being funded and delivered as interfering with the commitment made to their voters.</li><li>• Another set of stakeholders—generally representing more rural areas of the state—also expressed concerns with CAPTI’s potential impact on projects under development. For these stakeholders, project development may take longer due to limited dedicated funding streams in rural areas, and these stakeholders view the shift in policy priorities as undermining the years of work and funding these communities have committed to these projects. These stakeholders also communicated the importance of local context when discussing capacity expansion projects, citing that rural areas and conditions may necessitate expansion projects to deliver safety benefits.</li><li>• Another set of stakeholders—representing environmental justice, community-based, public health, equity, and climate action organizations, as well as some local transit and transportation agencies—are asking</li></ul>	<ul style="list-style-type: none"><li>• However, when factoring in the health, equity, and climate impacts of highway capacity expansion projects, in addition to the availability of many other tools in the toolbox to better address issues of congestion, safety, and improving access to destinations in much of the state, highway capacity expansion may not be the best solution to solve the transportation issues of the present and future. Caltrans will work with stakeholders on finding pathways to evolve projects to meet the state’s current and future transportation, climate, health, and equity needs, while maintaining the broader commitment to the public to address certain corridors and issues.</li></ul>
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	<p>CAPTI to take further actions on projects in the pipeline. Namely, these stakeholders urge CalSTA to include a review of state projects in the pipeline to ensure consistency with CAPTI's objectives.</p> <ul style="list-style-type: none"> <li>• Another set of stakeholders supported CAPTI adopting a nuanced view of capacity expansion projects, where certain types of expansion projects could be eligible under the CAPTI framework if their climate impacts could be appropriately mitigated (e.g., priced managed lanes with net operating revenues reinvested in transit, active transportation, and other VMT reduction strategies).</li> <li>• Another set of stakeholders expressed that continued support of highway expansion projects runs counter to CAPTI's goals to reduce greenhouse gas emissions, public health harms and reduce VMT.</li> <li>• Lastly, a number of stakeholders expressed concerns with CAPTI's potential impact on ITIP projects.</li> </ul>	
<p><b>Concerns about Economic Impact of VMT Reduction</b></p>	<ul style="list-style-type: none"> <li>• Numerous expressed concerns about the potential economic impact of VMT reduction strategies.</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI will provide additional clarification and resources to explain the positive economic impact of increasing accessibility via non-driving modes of transportation.</li> <li>• Pending the adoption of the 21-22 California Budget, CAPTI will highlight the Governor's California Comeback Plan proposal to create a \$750 million Community Economic Resilience Fund to support the transition to a carbon neutral economy through the local</li> </ul>

		<p>development and implementation of Regional High Road Transition Strategies.</p>
<p><b>Going Beyond Community Engagement to Ensure Community-Driven Investment Outcomes</b></p>	<ul style="list-style-type: none"> <li>• Numerous stakeholders expressed support for the guiding principle and strategy on community engagement. However, stakeholders are also seeking stronger language within the CAPTI to ensure that community engagement leads to community-driven investment outcomes through community involvement in transportation funding, programming, and planning decisions.</li> <li>• Numerous stakeholders urged CalSTA and the California Transportation Commission (CTC) to establish overarching minimum community engagement requirements for the programs they oversee. While robust community engagement has quickly become the norm for active transportation projects, stakeholders would like to see similar expectations and requirements applied to all discretionary transportation funding programs.</li> <li>• Stakeholders also urged state agencies to not reinvent the wheel in consulting community-based organizations and to respect their time and expertise.</li> <li>• Lastly, stakeholders urged CalSTA and CTC to consider clarifying eligibility for innovative local community-building and capacity-building initiatives in support of community engagement and community-driven investment outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI remains committed to advancing community input into transportation planning and investment decisions. The proposed Equity &amp; Environmental Justice Advisory Committee(s) (S3.1) provides a key opportunity for state transportation agencies to improve our community involvement processes and practices.</li> <li>• S3.1 will be further expanded upon and updated to commit to exploring the various suggestions from stakeholders around community engagement through the Advisory Committee process.</li> </ul>

<p><b>Identifying and Removing Statutory Barriers to Climate Action in the Transportation Sector</b></p>	<ul style="list-style-type: none"> <li>• While stakeholders were generally supportive of the strategies and actions identified in CAPTI, numerous stakeholders highlighted the need for CAPTI to identify and develop approaches to remove existing statutory barriers that make alignment of transportation infrastructure investments with state climate, health, and equity goals difficult.</li> </ul>	<ul style="list-style-type: none"> <li>• A number of CAPTI actions aim to identify barriers in specific topic areas (e.g., anti-displacement strategies, roadway pricing, etc.)</li> <li>• Proposed actions establishing workgroups to identify statutory barriers will work to provide recommendations for how to address these issues</li> </ul>
<p><b>Considering Broadband, Telework, and Other Transportation Demand Management (TDM) Strategies</b></p>	<ul style="list-style-type: none"> <li>• A large number of stakeholders communicated the need for CAPTI to proactively address and include strategies related to broadband, telework, and other TDM strategies.</li> <li>• Stakeholders also expressed the importance of dig once/smart policies to leverage transportation infrastructure for broadband installation and expansion, particularly in rural and low-income areas.</li> </ul>	<ul style="list-style-type: none"> <li>• The Administration recognizes the importance of broadband deployment, as evident in the Governor's California Comeback Plan 21-22 California Budget proposal that identifies large investments to support broadband deployment.</li> <li>• CalSTA and Caltrans have been working with state agency partners to support broadband deployment, where appropriate and feasible, and are currently working on creating a "Dig Smart" Policy. However, given the scope of EO N-19-19, this work is happening outside of CAPTI and is not appropriate for inclusion within the document.</li> <li>• Similarly, given the restrictions for use of funds of various transportation infrastructure programs, many TDM strategies are also outside of the scope of EO N-19-19, but are being pursued as part of other efforts.</li> </ul>
<p><b>Integrating a Health and Equity Analysis for Transportation Infrastructure Investments</b></p>	<ul style="list-style-type: none"> <li>• Numerous stakeholders called for CAPTI to include an action on partnering with the California Department of Public Health (CDPH) to evaluate the public health and equity impacts and benefits of transportation and land use planning and</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI will discuss the need to explore how to incorporate public health considerations in Caltrans tools, such as the California Life-Cycle Benefit/Cost Analysis Model (Cal-B/C) tool.</li> <li>• CDPH will be added as a supporting agency for Action S3.4.</li> </ul>

	<p>investment strategies in terms of air quality, safety, and physical activity.</p>	
<p><b>Consensus on Increasing ATP Funding and Supporting Climate Adaptation and Resilience Activities, with Different Preferences for Funding Pathways</b></p>	<ul style="list-style-type: none"> <li>• There continues to be broad consensus from a wide range of stakeholders that more funding is needed to match the needs and ambition of the ATP, as well as for the state to support climate adaptation and resilience efforts.</li> <li>• ATP             <ul style="list-style-type: none"> <li>○ While there is broad support from stakeholders for a one-time increase to the ATP from the current General Fund surplus and new federal funding, there are disagreements for how best to pursue a long-term funding augmentation to the program.</li> <li>○ While some stakeholders supported the concept of taking small continuous contributions from multiple programs to augment funding to the ATP, others explicitly opposed this concept.</li> </ul> </li> <li>• Climate Adaptation and Resilience             <ul style="list-style-type: none"> <li>○ Stakeholders disagreed about whether existing funding programs should make eligible or prioritize climate adaptation projects or whether a new funding stream would be needed to implement these types of projects.</li> </ul> </li> <li>• A number of stakeholders also cautioned against a potential overreliance on the existing Caltrans District Climate Change</li> </ul>	<ul style="list-style-type: none"> <li>• CAPTI will continue to include an action (S2.4) committed to determining implementation pathways for increasing funding for the ATP in both the short- and long-term.</li> <li>• CAPTI will refocus the ATP action on pursuing new future funding for the program and will remove the reference to increasing ATP funding from existing funding programs.</li> <li>• Pending the adoption of the 21-22 California Budget, CAPTI will highlight the Governor's California Comeback Plan proposal for one-time augmentation of the ATP by \$500 million General Fund.</li> <li>• CAPTI highlights the importance of integrating climate risk assessment as standard practice and will highlight the importance of building climate adaptation and resilience elements into projects from the outset.</li> <li>• Pending the adoption of the 21-22 California Budget, CAPTI will highlight the Governor's California Comeback Plan proposal for \$200 million over two years to support coastal resilience projects in the face of sea level rise, as well as for \$25 million over two years for Climate Adaptation and Resilience Planning Grants to support development and implementation of resilience plans and associated projects.</li> </ul>

	<p>Vulnerability Assessments and Adaptation Priorities Reports, as they may not accurately reflect the breadth of local communities’ risks and needs.</p>	
<p><b>Diverging Views on How to Approach VMT Mitigation</b></p>	<ul style="list-style-type: none"> <li>• Numerous stakeholders expressed support for the proposed CAPTI action to explore VMT mitigation mechanisms, including banks and exchanges.             <ul style="list-style-type: none"> <li>○ However, a large number of stakeholders expressed caution or opposition to VMT mitigation mechanisms, such as mitigation banks or exchanges. These stakeholders—including climate action, public health, equity, and environmental justice organizations—believe state and local efforts should be focused on direct VMT reductions and where necessary out of last resort, mitigations approaches should be highly locally constrained, carefully thought out, and directly informed by local communities.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• CalSTA will provide these implementation considerations to Caltrans as the lead agency.</li> </ul>

<p><b>Strong Interest to Further Coordinate Transportation and Housing Efforts</b></p>	<ul style="list-style-type: none"><li>• Stakeholders underscored the importance of coordinating CAPTI actions with cross-agency efforts to address the housing crisis and the state’s housing goals.</li><li>• The majority of stakeholders expressed strong support for leveraging transportation investments to incentivize infill housing production.</li><li>• A minority of stakeholders expressed concerns with prescriptive approaches to incentivizing infill housing production with transportation investments because transportation agencies usually do not have land use authority. Some stakeholders would support this action only if it is limited to new sources of transportation funding.</li><li>• A large number of stakeholders also support the proposed CAPTI action on incentivizing anti-displacement strategies but also cautioned CalSTA to review existing work so as to not reinvent the wheel.</li><li>• Numerous stakeholders discussed the need for CAPTI to address issues surrounding jobs-housing imbalance in communities around the state.</li></ul>	<ul style="list-style-type: none"><li>• CAPTI will further expand on how the Actions under Strategy 7 will directly support addressing the state’s housing crisis. Clarifications will also be added to directly link to and leverage ongoing initiatives, such as the Pro-Housing standards, Cycle 6 Housing Element compliance, and the Excess State Land for Affordable Housing Program.</li><li>• Regarding the issue of lack of employment opportunities in areas with greater housing affordability, economic diversification and the creation of quality jobs is key to addressing this issue. While these issues are important to the Administration, they are outside of the scope of CAPTI. As emphasized in the draft, CAPTI tackles the issue of how existing state transportation infrastructure investments should be leveraged to meet our state goals and is only one piece of the much larger puzzle to meet the state’s overall goals for climate, health, and social equity.</li></ul>
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<p><b>Strong Support and Implementation Considerations for Many Actions</b></p>	<ul style="list-style-type: none"><li>• Stakeholders broadly supported many CAPTI actions including:<ul style="list-style-type: none"><li>○ Advancing <b>zero-emission freight</b> and going further to prioritize ZEV infrastructure in both the Trade Corridor Enhancement Program (TCEP) and California Freight Mobility Plan (CFMP);</li><li>○ Centering equity, anti-displacement strategies, and multi-modal travel needs within the <b>Highway to Boulevards Pilot Program</b>;</li><li>○ Supporting the <b>Sustainable Rural Transportation Solutions Convening</b> to discuss both transportation and other systemic barriers in rural communities;</li><li>○ Supporting the <b>Roadway Pricing Workgroup</b> as a forum to discuss pricing barriers and implementation concerns;</li><li>○ Supporting <b>Rail and Transit Recovery</b> through the California Integrated Travel Project (Cal-ITP) and changes to the Transit and Intercity Rail Capital Program (TIRCP)</li></ul></li><li>• Stakeholders also provided a range of ideas to be considered during implementation of these actions.</li><li>• Stakeholders emphasized the need for cross-agency coordination and collaboration on many of these actions and asked to be included on various working groups.</li></ul>	<ul style="list-style-type: none"><li>• CalSTA will provide lead agencies for each action with the stakeholders' implementation considerations.</li></ul>
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<p><b>Continued Engagement on Implementation</b></p>	<ul style="list-style-type: none"> <li>• Stakeholders emphasized the need for cross-agency coordination and collaboration on many of these actions and asked to be included on various working groups.</li> <li>• Stakeholders asked for public forums for discussion of CAPTI implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• In order to continue engagement and involvement on implementation, stakeholders will be included in the various proposed working groups that will result from actions.</li> <li>• Additionally, CalSTA will release an Annual Report on CAPTI Implementation to provide an additional point of engagement for stakeholders.</li> </ul>
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**List of Anticipated Revisions**

Below is a detailed catalogue of the anticipated revisions to the draft CAPTI in response to public feedback received. These revisions will be included in the final document, to be posted by July 15, 2021.

*Overarching Revisions*

- Greenhouse Gas (GHG) & Vehicle Miles Traveled (VMT) Goals
  - Revisions will provide additional detail on the state's GHG and VMT goals and targets in background section.
- Impacts on Job Creation/Economy
  - Revisions will include a new background section on job creation and economic benefits of CAPTI.
  - Revisions will include commitment to coordinate with Governor's Office of Planning and Research (OPR) and the California Workforce Development Board (CWDB) on Just Transition issues.
  - Revisions will also include a discussion of the economic benefits of increasing accessibility via non-auto modes and reducing dependency on driving.
  - Addition of Governor's California Comeback Plan proposal for \$750 million Community Economic Resilience Fund to support the transition to a carbon neutral economy (pending adoption of the 21-22 California Budget).
- Applicability in Rural Contexts
  - Revisions will include an additional background section on the importance and applicability of the CAPTI framework to rural parts of the state, while also discussing how different approaches within the framework may be needed for rural contexts.
- Approach to Adding Highway Capacity/Induced Travel
  - Revisions will include additional background information to describe induced travel in different geographic contexts and how it mainly applies to urbanized regions.
  - Revisions will include further clarification on how CAPTI will consider highway capacity in different circumstances, highlighting the importance of context and project by project evaluation instead of a "one-size-fits-all" approach.
- Strengthening Progress Reporting and Metrics
  - Revisions will provide further explanation and expansion of commitments to progress reporting, as well as focus reporting on outcomes.
  - Revisions will also outline metrics planned for evaluating progress and outcomes.
  - Revisions will include a new action focused on developing quantitative outcome metrics and monitoring and reporting of those metrics. Evaluation metrics will be developed in coordination with other Administration efforts, including, but not limited to, the ZEV Market Development Strategy and State Adaptation Strategy.

*Revisions to Strategies and Actions*

- *S1.1 - Prioritize SCCP Projects to Enable Travelers to Opt Out of Congestion*
  - Revision of list of innovative sustainable transportation solutions to include priced managed lanes, particularly ones that directly support transit or dedicate revenue to VMT reduction.
  - Addition of dedicated transit lanes and transit signal priority to list of SCCP prioritized solutions.
  - Clarification that transit includes bus as well as rail transit.
  
- *S1.4 - Mainstream Zero-Emission Vehicle Infrastructure Investments within TCEP*
  - Addition of the Governor's Office of Business Development (Go-Biz) and the California Energy Commission (CEC) as support agencies for implementation.
  - Clarification that zero-emission infrastructure includes battery electric vehicle (BEV, EV) and fuel cell electric vehicle (FCEV, Hydrogen) charging and fueling infrastructure.
  
- *Strategy 2 - Support a Robust Economic Recovery by Revitalizing Transit, Supporting ZEV Deployment, and Expanding Active Transportation Investments*
  - Addition of Governor's California Comeback Plan proposals to increase investments in transit, rail, ZEV deployment, and active transportation (pending adoption of the 21-22 California Budget).
  
- *S2.3 - Accelerate TIRCP Cycles to Support Transit Recovery with Deployment of ZEV Transit/Rail Fleets and Transit/Rail Network Improvements*
  - Clarification of how proposed TIRCP budget increase will allow pursuing new project type without undermining current focus of investments.
  
- *S2.4 - Increase Funding to Active Transportation Program (ATP)*
  - Removal of reference to increasing ATP funding from existing funding programs.
  - Addition of Governor's California Comeback Plan proposal for one-time augmentation of the ATP by \$500 million General Fund (pending adoption of the 21-22 California Budget).
  - Reframing action to focus on pursuing new future funding for the program.
  
- *S2.5 - Convene Discussion on Sustainable Rural Transportation Solutions*
  - Addition of safety for vulnerable road users, maintenance needs, and ZEV deployment in rural areas to list of example discussion topics.
  - Move action to be under Strategy 6 to highlight local and regional partnership aspect of this action.
  
- *Strategy 3 – Elevate Community Voices in How We Plan and Fund Transportation Projects*
  - Addition of discussion of the need to explore how to incorporate public health considerations in Caltrans tools, such as the California Life-Cycle Benefit/Cost Analysis Model (Cal-B/C) tool

- *S3.1 - Establish Transportation Equity and Environmental Justice Advisory Committee(s)*
  - Clarification that membership is intended to focus on marginalized voices, such as community-based organizations and community members reflecting different geographies and areas of the state, statewide environmental justice and equity organizations, individuals or organizations offering an accessibility and disability perspective, as well as other organizations.
  - Add commitment to explore opportunities to provide compensation for advisory group members.
  - Add commitment to explore the following as topics with the committee(s): 1) overarching minimum community engagement requisites for transportation programs; and 2) how to implement innovative approaches to community-based planning and engagement efforts in planning and program funding guidelines.
  
- *S3.4 - Develop and Utilize Equity Index to Assist in Evaluation or Prioritization of Caltrans Projects*
  - Clarification and expansion of planned engagement process for creation of Equity Index tool.
  - CDPH will be added as a supporting agency for this action.
  
- *S4.4 - Refocus Caltrans Corridor Planning Efforts to Prioritize Sustainable Multimodal Investments in Key Corridors of Statewide and Regional Significance*
  - Clarification of the role of local and regional agencies in corridor planning efforts.
  
- *S4.5 - Develop and Implement Caltrans Climate Action Plan (CCAP)*
  - Removing references to VMT and GHG targets in the CCAP to allow for CCAP public process to determine scope of document.
  
- *S4.6 - Incorporate Zero-Emission Freight Infrastructure Needs in California Freight Mobility Plan (CFMP)*
  - Revision to action to acknowledge the need for the CFMP to also address impact environmental justice communities' needs beyond just air quality (such as pedestrian and bicycle safety, noise, etc.).
  - Addition of reference regarding the role of ports in this action.
  
- *Strategy 5 - Support Climate Resilience through Transportation System Improvements and Protections for Natural and Working Lands*
  - Addition of Governor's California Comeback Plan proposal for \$200 million over two years to support coastal resilience projects and \$25 million over two years for Climate Adaptation and Resilience Planning Grants (pending adoption of the 21-22 California Budget).

- *S5.2 - Update SHOPP and SB 1 Competitive Program Guidelines to Incentivize Climate Adaptation and Climate Risk Assessments/Strategies*
  - Addition of discussion on need to prioritize nature-based solutions.
  - Clarify that this action will look at both climate risk assessment and climate adaptation incorporation in guidelines.
- *S5.3 - Explore Incentivizing Land Conservation through Transportation Programs*
  - Clarification that action will need to look beyond Natural and Working Lands Climate Smart Strategy (NWLCS) since the NWLCS won't focus exclusively on conservation.
- *Strategy 6 - Support Local and Regional Innovation to Advance Sustainable Mobility*
  - Addition of further emphasis on need for strong coordination with regional and local agencies on these items.  
Addition of Governor's California Comeback Plan proposal for a one-time \$500 million augmentation to the Regional Early Action Planning Program (REAP) (pending adoption of the 21-22 California Budget).
- *S6.1 - Explore New Mechanisms to Mitigate Increases in Vehicle Miles Travelled (VMT) from Transportation Projects*
  - Provision of additional detail on early actions Caltrans is currently taking to implement mitigation banking.
  - Clarification of how intent of SB743/CEQA is first and foremost to directly reduce environmental impacts and that mitigation is reserved for projects that cannot do so.
- *S6.2 - Convene a Roadway Pricing Working Group to Provide State Support for Implementation of Local and Regional Efforts*
  - Added clarification about state pricing efforts being included for consideration, in addition to local and regional.
  - Added reference to supporting ongoing freight related pricing initiatives in addition to passenger vehicles.
- *S6.3 - Develop Interagency Framework for Project Evaluation Around Advancing Sustainable Communities Strategies*
  - Removal of action due to questions about CalSTA authority on this item and lack of direct leadership role from CalSTA.
- *S7.1 - Leverage Transportation Investments to Incentivize Infill Housing Production*
  - Clarification that action would be for initially for programs that already have a statutory linkage or scoring criteria to land use efficiency or GHG reductions.
  - Revision to programs impacted list in matrix to reflect programs with existing statutory linkage.

- Addition of discussion of linkage to HCD “Pro-Housing” work and Housing Element compliance.
- Reframing of language to be action-oriented.
- Clarification of statewide applicability of action and flexibility of “Pro-Housing” standards.
- *S7.2 – Create Working Group to Explore Potential Action to Address Direct and Indirect Displacement in Transportation Programs*
  - Mention intent to leverage existing available resources rather than recreating the wheel, where feasible.
- *S7.3 - Explore a “Highways to Boulevards” Conversion Pilot Program*
  - Clarification of partnership approach on this action to work with local governments and community-based organizations to advance locally-driven projects.
  - Addition of description of preliminary steps underway, including pursuit of federal funds to support action.
  - Refer to Excess State Land for Affordable Housing Program as something that can be leveraged in this effort.