



# EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...	<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 11/22/2024		11/27/2024	<b>BOARD INITIATED ITEM:</b> No		
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<b>Signature/Date:</b> 11/26/2024	11/27/2024 [ ]	11/26/2024 [ ]	[ ]	11/27/2024 [ ]	

## 2025 Federal and State Legislative Advocacy Program

### PURPOSE:

To review, discuss, and seek approval of the San Francisco Bay Area Rapid Transit District's (BART) 2025 Federal and State Legislative Advocacy Program.

### DISCUSSION:

BART's federal and state advocacy efforts are guided by annual goals adopted by the Board of Directors. The goals reflect BART's legislative priorities and provide direction to staff and BART's advocates as they seek to influence funding and policy decisions in Washington, D.C. and Sacramento. The following summarizes proposed federal and state advocacy goals for the 2025 legislative session:

### 2025 FEDERAL ADVOCACY GOALS

#### Federal Appropriations

With a new Administration and the 119th Congress taking power in Washington, BART will advocate for federal appropriations levels that are consistent with those authorized in the Bipartisan Infrastructure Law (BIL)/Infrastructure Investment and Jobs Act (IIJA) and that programs funded through advance appropriations are not cut during negotiations between the two houses. BART will also submit Community Project Funding/Congressionally Directed Spending requests to members of its federal delegation.

#### Surface Transportation Reauthorization

As the BIL/IIJA authorizes surface transportation programs through Fiscal Year (FY) 2026, BART will participate in early discussions with local, regional, state, and national partners on reauthorization principles.

BART will advocate that funding levels for existing transit and passenger rail programs be maintained at levels no less than those approved under the BIL/IIJA, plus inflation. BART will engage with the American Public Transportation Association, California Transportation Association, California's federal delegation, authorizing committees and other industry partners to advocate for new formula funding for transit operations and state of good repair capital investments. This may include supporting stand-alone legislation introduced in the 119th Congress to create new opportunities for federal support of transit operations.

Additionally, BART will advocate for the inclusion of programs and policies favorable to the District, such as exemptions from duplicative permitting requirements and making transit systems connected to railroads eligible for Railroad Rehabilitation & Improvement Financing (RRIF) credit assistance through the Department of Transportation's Build America Bureau.

### **Regional Transportation Revenue Measure Discussions**

As BART continues to engage in the process of developing a regional transportation revenue measure for the November 2026 ballot, staff and advocates will educate Bay Area member offices on the District's specific priorities including sustainable operations, regional connectivity, and equity. We will also update our federal delegation as enabling legislation for a regional measure makes its way through the California State Legislature, be it in the form of a Metropolitan Transportation Commission (MTC)-sponsored bill or one sponsored by the District.

Additionally, BART will educate members on our responsible stewardship of emergency relief funding and more recent efforts to increase revenue, trim costs, and operate more efficiently.

### **Transit Safety and Security**

BART will continue to update federal stakeholders on the activities of our Progressive Policing and Community Engagement Bureau, progress on the Next Generation Fare Gates project, and ongoing needs for transit security funding.

BART also will seek funding for additional cybersecurity measures and support increased appropriations for the Transit Security Grant Program under the Federal Emergency Management Agency (FEMA) as well as the continuation of the Transportation Security Administration's (TSA) Visible Intermodal Protection and Response Program.

### **Grants Advocacy, Eligibility, and New Programs**

BART will engage its federal delegation and agency staff in support of grant applications to programs within the Department of Transportation (DOT), Federal Transit Administration (FTA), the Department of Justice (DOJ), and Federal Emergency Management Agency (FEMA).

The District will also explore opportunities to improve BART's eligibility and competitiveness under existing and any potential new programs for priority projects and to address the District's backlog of urgent state of good repair needs. For example, we will advocate for expanded eligibility under the Federal Aviation Administration's (FAA) Airport Improvement Program to allow for transit improvements on airport property.

BART will continue to keep our federal delegation and the Administration updated on the status of the Transbay Core Capacity Project as it continues under its Full Funding Grant Agreement with the FTA. As BART begins the process of drawing down on its Transportation Infrastructure Finance and Innovation Act (TIFIA) loan, we will keep the Build America Bureau and our federal delegation apprised of our use of funds.

### **Federal Transit Grants – California Public Employees' Pension Reform Act of 2013 (PEPRA)**

BART will continue to monitor and engage the Administration and Congress on ongoing litigation related to the Public Employees Pension Reform Act of 2013 (PEPRA). In the fall of 2024, the States Court of Appeals for the Ninth Circuit remanded the case back to the District Court for dismissal. As a result, the United States Department of Labor (DOL) is anticipated to deny certifications of federal transit grants awarded to California transit agencies. BART will support efforts to ensure that grant funds will continue to flow to the District and other California transit agencies unimpeded.

## **2025 STATE ADVOCACY GOALS**

### **Enabling Legislation for a Regional Transportation Revenue Measure**

With the pause of Senate Bill (SB) 1031 in the 2024 legislative session and subsequent MTC Transportation Revenue Measure Select Committee process, BART will continue to engage with fellow transit operators, transit advocates, business leaders, labor partners, and our state legislative delegation in the development and eventual passage of enabling legislation for a regional transportation funding measure to be placed on the November 2026 ballot. In this process, BART will advocate for its priorities, including sufficient levels of operating assistance to address projected agency deficits. Parallel to a bill led by MTC, BART will work to secure additional legislative authority for new funding mechanisms within future BART District measures.

### **State Budget Advocacy**

Within the FY 2026 State Budget, BART will advocate that state transit funds, including those from the General Fund and Cap and Trade revenues previously appropriated for transit, are not eliminated, shifted, or otherwise used for non-transit purposes. If the state's budget situation allows, BART will pursue member budget requests and work with individual member offices to identify projects submissions that align with BART priorities.

Additionally, the District will update our state legislative delegation and the Administration on progress of the Next Generation Fare Gates project, as it relates to requirements set forth by MTC to receive SB 125 state operating assistance.

### **Transit Transformation Task Force**

SB 125 required the California State Transportation Agency (CalSTA) to establish and convene a Transit Transformation Task Force on or before January 1, 2024, and include representatives from CalSTA, transit agencies, academic institutions, non-governmental organizations, labor, the business community, and other stakeholders. BART was selected to be a member of the Task Force and has participated in seven meetings over the course of the year.

As the Task Force is required to provide a report of findings and recommendations to the Legislature on or before October 31, 2025, BART will provide subject matter expertise and input within the areas of growing transit ridership, improving the rider experience, and increasing opportunities for transit operations funding.

### **Cap and Trade Reauthorization**

As legislative leaders have expressed the desire to reauthorize the state's Cap and Trade program in 2025, five years before its expiration in 2030, BART will engage in this process and work with transit agency partners and the California Transit Association to unlock additional opportunities for operating support from the Greenhouse Gas Reduction Fund.

BART will also advocate for the continuation of programs funded by Cap and Trade revenues that it currently benefits from, specifically the Transit and Intercity Rail Capital Program (TIRCP), the Affordable Housing and Sustainable Communities program (AHSC), the Low Carbon Transit Operations Program (LCTOP), and the Solutions for Congested Corridors program. During the reauthorization process, the District will advocate for making projects that maintain ridership, such as investments in the state of good repair of the core of the BART system, eligible and competitive for funding.

### **Transit Worker and Rider Safety Initiatives**

BART will engage in legislative efforts concerning transit worker and rider safety, such as enhanced penalties for crimes against transit workers and expansion of prohibition order authority. The District will also continue to update the Legislature and Administration on

activities of the Progressive Policing and Community Engagement Bureau as well as the progress of the Next Generation Fare Gates program.

### **Transit-Oriented Development**

BART's 250 acres of developable land is amongst the most strategically located in the Bay Area. With the support of our local, regional, state and federal partners, we are committed to building 20,000 units of housing on BART land by 2040, with 7,000 of these units designated as affordable. With ambitious Regional Housing Needs Assessment (RHNA) targets and climate goals being set by the state, transit-oriented development (TOD) on BART property is an essential part of meeting these goals.

BART will support state legislation to incentivize density of housing and jobs near transit. The District will also support grant applications and other funding opportunities for housing developments built near our stations as well as infrastructure and station access improvements in preparation for TOD.

### **Permitting Reform**

BART will engage in efforts to refine California Environmental Quality Act (CEQA) exemptions for transit projects and explore other opportunities for permitting reform. The goal of these efforts is to provide greater certainty to BART and other transit agencies in the development of project budgets and schedules in order to deliver projects that reduce vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions.

### **FISCAL IMPACT:**

Funding to support the Federal and State Legislative Program is within the Government and Community Relations Department Fiscal Year 2025 operating budget and includes legislative advocacy agreements with CJ Lake, LLC and California Strategies & Advocacy, LLC (Department 0604366, Account 681369 – Lobbying Expenses) totaling \$432,000.

### **ALTERNATIVES:**

The Board could amend or decline to support the 2025 Federal and State Legislative Advocacy Program.

### **RECOMMENDATION:**

That the Board approve the following motion.

### **MOTION:**

The Board approves the 2025 Federal and State Legislative Advocacy Program as presented by staff.