



▶ State Legislative Update
BART Board of Directors – August 14, 2025



Today's Agenda

- Assembly Bill (AB) 476 (Mark González): For action
- Senate Bill (SB) 79 (Wiener): For information/action
- SB 63 (Wiener/Arreguín) and Related Legislative Matters: For information

AB 476 (Mark González) – Metal theft

- Requires junk dealers and recyclers to collect additional information from sellers when purchasing nonferrous (does not contain iron) metals.
- Expands prohibitions on the possession by a seller or recycler of specified metal items owned by a public agency, local government, or private utility, without proof of legal ownership.
- Raises the maximum fine on a junk dealer or recycler that is convicted of receiving metal that they knew or reasonably should have known belonged to a railroad, utility company, or public entity that furnishes public utility service, from \$1,000 to \$5,000.
- Creates a new crime of organized metal theft, punishable as a misdemeanor or felony.

District Impacts of Metal Theft

- Copper theft and related vandalism continues to pose operational, security, and financial challenges for the District.
- Vandalism to BART property has included damage to fencing, power substations, trackside cables, and cable spools stored in yards.
- Catalytic converter theft is prevalent among our non-revenue vehicle fleet.
- Financial impacts include costs associated with materials and labor to repair damaged infrastructure, staffing costs for service disruptions, and lost farebox revenue due to impacted service.
- Staff time must be spent away from other important maintenance or improvement projects to address metal theft-related damage.
- Potential negative public sentiment can result from delays or other service disruptions.

Proposed Motion:
Adopt a Support position on AB 476

Senate Bill 79
(For information/action)

SB 79 (Wiener) – Housing development: transit-oriented development

- Requires a housing development project to be an allowed use on any site zoned for residential, mixed-use, or commercial development located within a half-mile of a transit-oriented development (TOD) station or stop.
- Establishes statewide standards for height, density, and floor area ratio (FAR) for these TOD projects.
- Zoning standards would vary depending on:
 - Type and frequency of transit serving the station or stop, with stations and stops sorted into three tiers.
 - Proximity to a TOD station or stop.

SB 79 (Wiener), Continued

Recent amendments taken in the Assembly:

- Remove from the bill stops served solely by bus transit that is not bus rapid transit (BRT).
- Authorize a transit agency's board of directors to adopt TOD zoning standards that provide for at least as much density as SB 79 to apply to property they own within a half mile of a TOD stop, after following a specified process including California Environmental Quality Act (CEQA) analysis.
- Allow for local governments to fulfill SB 79 requirements by adopting a "TOD alternative plan:"
 - Alternative plans shall provide for the same total development capacity as SB 79.
 - Localities would have the flexibility to increase development capacity in any TOD stop area by up to 200% and decrease development capacity by a maximum of 50% in other TOD stop areas.
 - The alternative plan shall include an analysis of how it maintains the same development capacity as under SB 79.
 - The Department of Housing and Community Development (HCD) will review alternative plans to confirm compliance.

Background and Overview of AB 2923 (Chiu, 2018)

- Established a process for the BART Board to adopt transit-oriented zoning standards for AB 2923 parcels by July 1, 2020, or allowed AB 2923 Baseline Zoning Standards to become default standards.
- Applies only to BART-owned property within a half-mile of stations in Alameda, Contra Costa, and San Francisco counties.
- BART's zoning standards were to reflect diversity of station contexts.
- Localities were required to rezone non-conforming parcels by July 1, 2022, with BART standards to be default zoning for non-conforming parcels.
- Enabled projects developed by BART TOD developers to be eligible for expedited approval from localities as set out in SB 35 (Wiener, 2017), if the project meets certain standards.
- Requires BART to submit a report to the Legislature by July 1, 2027, assessing the law's effect in accelerating development and improving quality of TOD at its stations.
- Sunsets January 1, 2029.

SB 79 and AB 2923 Comparison

Topic	AB 2923	SB 79
Applicability	BART-owned land within ½ mile of BART stations in Alameda, Contra Costa, and San Francisco Counties	All lands zoned for residential, mixed use, or commercial within ½ mile of eligible TOD stations/stops statewide
Zoning Place Type	Standards vary based on station TOD Place Type: <ul style="list-style-type: none"> • Neighborhood Town Centers • Urban Neighborhood/City Centers • Regional Centers 	Standards vary based on: <ul style="list-style-type: none"> • Type of transit and frequency of service • Distance from the station/stop <p>All BART stations are considered Tier 1 TOD stops</p>
Density	Consistent across station TOD Place Types: 75 dwelling units (DU)/acre or more must be allowed	<ul style="list-style-type: none"> • Within ¼ mile of Tier 1 stop: 120 DU/acre or greater • If immediately adjacent to Tier 1 stop: 160 DU/acre, if certain conditions are met • Between ¼ and ½ mile of Tier 1 stop: 100 DU/acre or greater
Allowable Height	<ul style="list-style-type: none"> • 5 stories or greater in Neighborhood Town Centers • 7 stories or greater in Urban Neighborhood/City Centers • 12 stories or greater in Regional Centers 	<ul style="list-style-type: none"> • Within ¼ mile from Tier 1 stop: at least 75' or local height limit (if higher) • If immediately adjacent to Tier 1 stop: 95', if certain conditions are met • Between ¼ and ½ mile of Tier 1 stop: 65' or local height limit (if higher)
Floor Area Ratio (FAR)	<ul style="list-style-type: none"> • 3.0 or higher for Neighborhood Town Centers • 4.2 or higher for Urban Neighborhood/City Centers • 7.2 or higher for Regional Centers <p>Applies to residential and non-residential uses</p>	<ul style="list-style-type: none"> • Within ¼ mile of Tier 1 stop: at least 3.5 • If immediately adjacent to Tier 1 stop: 4.5 • Between ¼ and ½ mile of Tier 1 stop: at least 3 <p>Bill only addresses residential FAR</p>

District Considerations for SB 79

If SB 79 is passed and signed into law:

- Transit-oriented densities would be allowed around BART stations throughout the District beyond 2029, supporting long-term ridership growth.
- AB 2923 standards would continue to apply to BART-owned property within a half mile of stations in Alameda, Contra Costa, and San Francisco counties until Jan 1, 2029.
- SB 79 standards could allow for more dwelling units than AB 2923 standards.
- BART would need to engage with local jurisdictions as they develop a TOD alternative plan to support District interests, including maintaining a minimally acceptable development capacity on or near BART-owned land.
- If the BART Board chose to enact TOD standards for BART-owned land, the District would be responsible for following the process prescribed by SB 79, including CEQA analysis.

District Considerations for SB 79, Continued

If SB 79 does not pass:

- Current local zoning remains in effect.
- AB 2923 standards continue to apply to BART-owned land within a half mile of stations in Alameda, Contra Costa, and San Francisco counties until Jan 1, 2029.
- After Jan 1, 2029, all BART-owned land would be subject to local zoning standards.
- BART could consider pursuing legislation to extend AB 2923.

Senate Bill 79

Board Discussion/Action

Senate Bill 63 and
Related Legislative Matters
(For Information)

Revenue Measure Framework

Revenue Mechanism: Sales Tax

Geography: Five Counties (Alameda, Contra Costa, San Francisco, San Mateo, and Santa Clara)

Rates: One-half (1/2) cent in Alameda, Contra Costa, San Mateo, and Santa Clara and one (1) cent in San Francisco

Duration: 14 Years (Q4 of FY 2027 - FY 2040)

San Mateo County Opt-in Decision

- On August 6, the San Mateo County Transit District (SamTrans) Board voted (8-1) for San Mateo County to opt into the regional measure at a one-half ($\frac{1}{2}$) cent tax rate.
- SamTrans will continue discussions with the Bay Area State Legislative Delegation to address:
 - The county's proposed alternative expenditure plan
 - Oversight representation and accountability measures over county contributions
 - The county's contingent participation based on future bill amendments

Santa Clara County Opt-in Decision

- On August 7, the Santa Clara Valley Transportation Authority (VTA) Board voted (12-0) for Santa Clara County to opt into the regional measure at a one-half (½) cent tax rate.
- VTA will continue discussions with the Bay Area State Legislative Delegation to address:
 - The use of funds generated in Santa Clara County and return-to-source allocations
 - Membership of new governing or oversight bodies established by SB 63
 - Regional Cap-and-Trade funding priorities
 - The county's contingent participation based on future bill amendments

Operator Funding Targets

Operator Recipients	% of Measure	FY 2031\$
BART	31%	\$330M
Muni	16%	\$170M
Caltrain	7%	\$75M
AC Transit	5%	\$51M
Contra Costa County Small Bus Operators (County Connection, Tri Delta, WestCAT)	1.5%	\$15.75M
San Francisco Bay Ferry	0.7%	\$7M
Alameda County Small Bus Operators (LAVTA and Union City Transit)	0.5%	\$5.25M
Golden Gate Transit	0.1%	\$1M

Note: Allocations for small bus operators will be determined by county transportation entity on an annual basis

County Return-to-Source Funding

County Transportation Entities	% of Measure	FY 2031\$
Santa Clara Valley Transportation Authority	25.1%	\$264M
San Mateo County Transit District	4.7%	\$50M
Contra Costa Transportation Authority	2.5%	\$27M
Alameda County Transportation Commission	1.0%	\$10M
San Francisco County Transportation Authority	0%	\$0M

County funds must be used for public transportation expenses and cannot be withheld by the Transportation Revenue Measure District (TRMD) or the Metropolitan Transportation Commission (MTC).

Other Funding Categories

Transportation Revenue Measure District (TRMD): \$2.32M

- Annual allocation for administration by TRMD is 0.22% of total measure (0.25% of each county's ½-cent sales tax revenue generation).
- In addition to annual administrative allocation, one-time costs, taken off the top of the measure, for financial efficiency review and ballot-related expenses.

Rider-Focused Transit Improvements: \$46.40M

- Annual allocation to MTC is 4.4% of total measure (5% of each county's ½-cent revenue generation).
- **Fare programs (\$25.78M):** Funds to MTC for Clipper START discount program and free/discounted transfers.
- **Accessibility (\$10.31M):** Investments in streamlined paratransit eligibility and cross-jurisdictional paratransit.
- **Transit Priority and Navigation (\$10.31M):** Mapping and wayfinding upgrades at intermodal hubs and strategic transit priority investments.

Authors' Accountability Committee Proposal

- Applies to four operators receiving over \$50M for public transit operations expenses: BART, AC Transit, Caltrain, and Muni.
- Creates an Accountability Committee under MTC:
 - Composed of two commissioners from each participating county.
 - Ensures transit operators report regularly on performance metrics and apply their adopted policies, standards, or commitments consistently and fairly.
 - Provides participating counties a venue to raise concerns and seek redress while upholding regionwide standards of accountability and fairness.
 - May recommend up to 5% of measure funds be withheld from a subject operator if it is determined there is a breach of standards.
 - Committee recommendations to withhold funds shall be approved by the full MTC unless rejected by 2/3 supermajority of voting members.

Authors' Financial Efficiency Review Proposal

- Applies to same four operators receiving over \$50M from the regional measure.
- MTC shall contract with a third party to conduct a two-part efficiency review consisting of:
 - An early action phase, before the November 2026 election, to identify ways to increase or improve service using existing resources.
 - A more comprehensive phase, if the measure passes, to identify cost-saving measures and efficiencies that would reduce one-time and ongoing fixed and variable transit operator costs.
- An Oversight Committee is created by MTC:
 - Composed of a representative from MTC, a representative from each transit operator, and four public transit experts appointed by the State.
 - Operators shall submit draft implementation plans for efficiency and cost-savings to Oversight Committee for review, approval, or recommended revisions, with final operator board approval.
 - MTC shall review the implementation work of operators prior to an annual allocation of regional measure funds.

BART Financial Outlook

Five-Year Projection	FY26	FY27	FY28	FY29	FY30	FY31
Regular Sources	837	843	875	903	935	966
Regular Uses	1,152	1,218	1,251	1,266	1,292	1,312
SB 125 Emergency Assistance	315	0	0	0	0	0
Net Result	0	-376	-376	-363	-357	-346
SB 63 Sales Tax Proceeds (SB 63 Expenditure Plan Target)	0	77	312	317	323	330
Net Result with SB 63	0	-299	-64	-46	-34	-16

- SB 63 allocation to BART based on a % of revenue collected – could be higher or lower than forecast
- SB 63 authorizes one quarter of revenue collection in FY27; \$299M deficit forecast remains in that year
- ~\$64M deficit forecast in FY28 – more budget solutions needed
- Deficit projections after FY27 depend on rates of cost growth, ridership recovery, CPI-based fare increase policy, and sales tax

State Transit Loan

- AB 102, as part of the Budget Act of 2025, conditionally loans BART, AC Transit, Caltrain, and Muni a total of \$750 million from the General Fund for operating expenditures to maintain transit services.
- Only operative if future legislation is enacted during the 2025 session authorizing the passage of a Bay Area regional measure to support agencies' long-term financial stability and their ability to repay state loan.
- BART targeting up to \$300 million disbursement to bridge operating gap until regional measure funds start flowing in Quarter 4 of FY 2027.
- Desire for Legislature and Administration to finalize loan terms this legislative session.
- Current focus on negotiating favorable loan terms for the four agencies that includes repayment commitment to the state.

Legislative Look Ahead

- Legislature reconvenes from Summer Recess on August 18.
- Bill referred to the Assembly Appropriations Committee. Potential hearing dates of August 20 or 27.
- Bill likely to go to Suspense File. Suspense File hearing on August 29.
- Second hearing in Assembly Transportation Committee week of September 1.
- Last day to amend the bill on the floor is September 5.
- The bill must pass both the Assembly as well as the Senate on concurrence by September 12.
- Governor Newsom must act on the bill by October 12.

