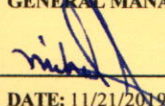
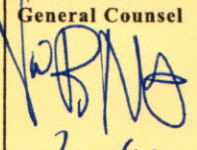
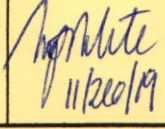
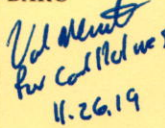
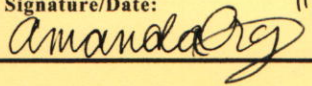




EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/26/19		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/21/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Amanda Cruz Dept: Gov't & Community Relations	General Counsel  11/26/19 []	Controller/Treasurer  11/26/19 []	District Secretary []	BARC  11.26.19 []
Signature/Date:  11/26/19				

2020 Federal and State Legislative Advocacy Program

PURPOSE:

To review, discuss, and seek approval of the District's 2020 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 guidance for the District's activities in Washington, D.C. and Sacramento. The following summarizes proposed federal and state goals BART plans to actively pursue in 2020.

PROPOSED FEDERAL ADVOCACY GOALS:

Ensure timely execution of a Full Funding Grant Agreement (FFGA) for BART's Transbay Corridor Core Capacity Project (TCCCP) within the Federal Transit Administration's (FTA) Capital Investment Grant (CIG) Program.

BART's TCCCP is eligible to receive a total of \$1.169 billion in CIG Core Capacity funding. This funding represents a 43.2% federal share on CIG-eligible project costs, totaling \$2.7 billion. BART received approval from the FTA for Entry into Engineering in June 2019 and was allocated \$300 million in Fiscal Year (FY) 2018 CIG Core Capacity funds. In 2020, BART will work with Congress and the FTA to secure a FFGA and ensure the timely obligation of CIG funds for the TCCCP.

Support FY 2020 appropriations for all federal surface transportation programs that meet, at a minimum, authorized spending levels within the Fixing America's Surface

Transportation (FAST) Act; advocate for the highest possible levels of funding for individual programs that support BART projects.

With respect to FY 2020 appropriations, BART will work to ensure Transportation, Housing and Urban Development (THUD) appropriations meet, at a minimum, levels authorized within the FAST Act. BART is opposed to the reduction of CIG funding proposed by both House and Senate THUD bills and will advocate for funding levels that can support current and outyear projects advancing through the program pipeline. BART also supports the inclusion of language within appropriations bills that directs the Department of Transportation to execute the CIG program as intended by Congress and prevents the FTA from imposing new criteria on projects seeking a grant agreement.

Pursue available grant funding to enhance BART's quality of life initiatives; Advocate for increased funding for all transit security and safety grant programs.

Transit security and safety remain a top priority for the District. Progress has been made towards a sustained increase in law enforcement presence through a Five-Year Strategic Patrol Staffing Plan and the BART Police have undertaken operations focused on crime prevention, increased visibility, and law enforcement. BART will continue efforts to educate members of Congress of ongoing quality of life initiatives and advocate for increasing funding for all transit security programs. BART may also pursue available grant funding administered by the Department of Homeland Security, Department of Transportation, and Department of Justice.

Advocate for robust transit funding in a federal surface transportation reauthorization bill.

The FAST Act will expire at the end of FY 2020 unless extended. To simply maintain current federal Highway Trust Fund spending levels, Congress will need to identify an additional \$114 billion for a six-year surface transportation reauthorization bill. At the same time, it is crucial that federal transportation programs provide long-term funding stability for projects that take multiple years to plan and construct. BART will work with national and statewide organizations to advocate for new sustainable, user-based revenues to ensure the long-term solvency of the Highway Trust Fund and provide for increased, multi-year direct federal investment.

Monitor the United States Department of Labor (USDOL) actions related to the certification of California transit grants.

In 2019, the Amalgamated Transit Union (ATU) objected to the certification of federal transit grants owed to California agencies by the USDOL. ATU claimed that California's Public Employees' Pension Reform Act (PEPRA) of 2013 precluded transit agencies from continuing the collective bargaining rights of their employees under the federal Urban Mass

Transportation Act of 1964. These objections were rejected by the USDOL in June 2019 through reference to an earlier District Court ruling. The USDOL continues to certify California transit agency grants and has expressed interest in limiting the department's role in the grant certification process in the future. Through participation in the California Transit Association's (CTA) Subcommittee on PEPR, BART will monitor future objections to the certification of federal transit grants for California as well as any litigation filed in response to USDOL's certifications. BART may also engage in efforts and strategies to permanently address this issue long-term.

Respond to federal legislation, proposed rule-making, and requests for comments that may impact BART programs or operations.

BART will ensure the District's interests are represented in federal policy making decisions that could have a direct impact on system operations, programs, or projects. This may include engagement with various congressional offices, professional committee staff, federal agencies and industry working groups as necessary.

PROPOSED STATE ADVOCACY GOALS:

Pursue state transit funding through formulaic and competitive grant programs; monitor the budget process to identify new funding opportunities that may support BART's operations or capital investment needs.

BART will pursue various Senate Bill 1 funded grants in the upcoming 2020 program cycle. The grants are administered by the State Department of Transportation and California Transportation Commission and will help finance key components of the TCCCP as well as other District initiatives. BART will seek to gain support for such projects within the Legislature, Administration, and state agencies. BART may also pursue additional grant opportunities administered by the Air Resources Board, Department of Housing and Community Development, Strategic Growth Council, Workforce Development Board, and Office of Emergency Services.

Seek state resources to assist BART in addressing homelessness and related quality of life issues; Support legislative proposals that seek to address the state's homelessness and housing crisis.

The FY 2019-20 State Budget created the Homeless Housing, Assistance and Prevention Program (HHAPP) and provided \$650 million in one-time block grants for local jurisdictions to support regional coordination and expand local capacity to address homelessness. This session, BART, in partnership with CTA, will work with the Legislature and Administration to secure direct funding for transit agency programs that seek to address homelessness and related system impacts. BART will also continue to support legislative efforts to address homelessness through improved regional coordination, data-sharing, and innovative housing

solutions.

Collaborate with key stakeholders seeking authorization to place on the ballot a Bay Area transportation revenue measure; advocate for BART's priority projects and investment needs within any legislative proposal.

For the past several months, BART has been working with Bay Area transit agencies and the proponents of FASTER Bay Area to develop a framework to prioritize projects and investments for a potential transportation mega-measure. The Legislature will need to authorize a regional entity, likely the Metropolitan Transportation Commission, to place a revenue measure on the ballot. Throughout this process, BART will actively participate in discussions with the Bay Area legislative delegation on any proposed expenditure plan to ensure the District's priority projects are included and funded at adequate levels.

Seek broader eligibility for state planning assistance and housing funds; update the Legislature and state entities on the implementation of AB 2923 (Chiu and Grayson, 2018); engage in ongoing policy discussions that look at the transit, housing, and jobs nexus.

The FY 2019-20 State Budget included significant funds to incentivize local governments to jump-start planning and housing production. This included \$500 million for capital improvement projects associated with housing production and \$250 million to support local and regional housing plans. Special districts are currently not eligible recipients for the majority of state housing funds. This session, BART will continue discussions with the Legislature and Administration to broaden funding eligibility to support AB 2923 implementation efforts as well as the District's overall TOD and affordable housing goals. BART may also wish to continue engaging in legislative proposals, such as SB 50 (Wiener), that seek to reduce barriers to higher-density housing near transit.

Educate the Legislature, Administration, and various state departments on BART's efforts to bolster transit security, improve rider safety, and address fare evasion.

Transit security, rider safety, and fare evasion are of top concern to many riders, and these sentiments are often expressed to members of the Bay Area legislative delegation. As BART continues to implement various quality of life initiatives, staff and advocates will seek to provide members of the Legislature with regular updates on the District's progress in these areas, seek input, and discuss potential opportunities in which the state may support such efforts.

Pursue and pass necessary BART-sponsored legislation.

As necessary, BART will seek to introduce and pass sponsored legislation that addresses a specific problem or goal as identified by the Board and/or staff.

Monitor and respond to legislation that directly impacts BART.

BART will ensure that the District's interests are represented in any legislative proposal that could directly impact system operations, projects, or funding. This may include bills introduced in the current session as well as bills that were recently enacted.

FISCAL IMPACT:

Funding to support the Federal and State Advocacy Program is within the Government and Community Relations Department operating budget (Dept 0604366, Account 681300 - Professional and Technical Services). The District's current legislative advocacy agreements are with Schott & Associates (state) and CJ Lake, LLC (federal) through April 2020.

ALTERNATIVES:

The Board could amend, or decline to support the 2020 Federal and State Legislative Advocacy Program.

RECOMMENDATION:

For the Board to approve the following motion.

MOTION:

The Board approves the 2020 Federal and State Legislative Advocacy Program, as presented by staff.