

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

MEMORANDUM

TO: Board of Directors

DATE: October 16, 2020

FROM: General Manager

SUBJECT: Resolution in Opposition to the MTC Plan Bay Area 2050 Final Blueprint Strategy EN7: Institute Telecommuting Mandates for Major Office-Based Employers

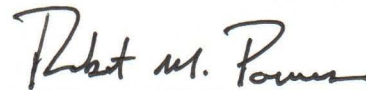
At the request of Directors Saltzman and Li, attached is a proposed resolution, In the Matter of Opposition to the MTC Plan Bay Area (PBA) 2050 Strategy EN7: "Institute Telecommuting Mandates for Major Office-Based Employers," is submitted for consideration at the October 22, 2020 BART Board meeting.

At the September 24, 2020 Board meeting, as part of the FY21 Budget item, directors discussed the Plan Bay Area 2050 Final Blueprint as adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) on September 23, 2020.

The attached resolution registers the BART Board's opposition to Strategy EN7 as currently written, while supporting the overall need to meet the region's GHG reduction target. It also encourages MTC to pursue strategies that achieve the needed GHG reduction target that is directly supported by increasing transit ridership.

For your reference, also attached is an October 13, 2020 letter on this matter from members of the Bay Area delegation of the California Legislature.

If you have any questions, please contact Val Menotti, Chief Planning & Development Officer, at (510) 287-4794.



Robert M. Powers

cc: Board Appointed Officers
Deputy General Manager
Executive Staff

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

In the Matter of Opposition to

Plan Bay Area (PBA) 2050 Strategy EN7: "Institute Telecommuting Mandates for Major Office-Based Employers"

Resolution No. _____

WHEREAS, The Metropolitan Transportation Commission (MTC), as the federally-designated Metropolitan Planning Organization (MPO) for the nine-county Bay Area (the Region), is required to develop in conjunction with the Association of Bay Area Governments (ABAG) a regional plan every four years in order to satisfy federal and state planning requirements; and

WHEREAS, MTC and ABAG are currently undertaking the process to develop and adopt the 2021 update to the plan, entitled Plan Bay Area 2050; and

WHEREAS, MTC is required by state law to include in this regional plan achievable strategies and investments to meet the Region's greenhouse gas (GHG) emissions reduction target (as defined by the California Air Resources Board) of 19% per-capita by 2035 relative to 2005 levels; and

WHEREAS, the Bay Area transit operators strongly believe that MTC (and the region) should continue to strive towards achieving our share of the state's GHG emission reduction targets; and

WHEREAS, on September 23, 2020 the Metropolitan Transportation Commission (MTC) voted to adopt MTC Resolution No.4437 and ABAG Resolution No.16-20 Plan Bay Area (PBA) 2050: Final Blueprint; and

WHEREAS, the Plan Bay Area 2050 Final Blueprint includes Strategy EN7: Institute Telecommuting Mandates for Major Office-Based Employers, which proposes to mandate that large employers have at least 60 percent of their employees telecommute on any given workday; and

WHEREAS, The Final Blueprint indicates that the inclusion of Strategy EN7 is necessary to achieve the required GHG emission targets, and Strategy EN7 includes as a primary objective the reduction of GHG emissions; and

WHEREAS, Strategy EN7 does not differentiate between the types of trips the strategy aims to reduce as a result of its proposed telecommute mandate, resulting in the suppression of both trips that contribute to regional GHG emissions, such as drive-alone, and trips that would be taken by zero-emission or low-emission modes, such as walking, cycling, and transit; and

WHEREAS, a possible geographic consequence of Strategy EN7 would be to encourage population shifts away from Priority Development Areas; and

WHEREAS, though the COVID-19 pandemic and subsequent Shelter-in-Place orders necessitated that employers and employees quickly transition to telecommuting where possible, the economic, environmental, equity, social, and health impacts of large amounts of telecommuting have yet to be fully understood; and

WHEREAS, the pandemic has revealed the economic and racial disparities in this country, and many low-income households and people of color do not have the facilities to enable them to conveniently work from home; and

WHEREAS, the Region's cities, counties and employment centers rely on the vibrancy and sales tax revenue from office workers, including small businesses; and

WHEREAS, sustainable reduction in GHG emissions in the Region requires fidelity to Plan Bay Area's goals to direct growth in population and employment to areas served by fast, frequent, and reliable transit; and

WHEREAS, the San Francisco Bay Area Rapid Transit District's (BART) work to increase housing and employment near BART has recently been acknowledged as effective at reducing GHG emissions by multiple Affordable Housing and Strategic Growth grants from the State of California; and

WHEREAS, the shift to telecommuting as a result of the COVID-19 pandemic response has resulted in significant ridership declines and budget shortfalls at all transit operators in the Region, necessitating the reduction of service frequency, capacity, hours, and coverage; and

WHEREAS, the San Francisco Bay Area Rapid Transit District (BART) relies heavily on farebox revenue to fund its operations; and

WHEREAS, on October 13, 2020, members of the Bay Area delegation of the California Legislature published a letter expressing concerns about the MTC Potential Work from Home Mandate.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District that it hereby opposes the inclusion of Strategy EN7: Institute Telecommuting Mandates for Major Office-Based Employers, as currently described, in the ultimate adoption of Plan Bay Area 2050; and

BE IT FURTHER RESOLVED, the Board of Directors of the San Francisco Bay Area Rapid Transit District reiterates its support for the Plan Bay Area 2050 Guiding Principles to ensure a more affordable, connected, diverse, healthy, and vibrant Bay Area, and the need to meet the Region's GHG emission reduction targets; and

BE IT FURTHER RESOLVED, the Board of Directors of the San Francisco Bay Area Rapid Transit District encourages MTC to pursue strategies that achieve the 19% GHG emission reduction target that is directly supported by increasing transit ridership.

Adopted on _____, 2020

California Legislature

October 13, 2020

The Honorable Scott Haggerty
Chair, Metropolitan Transportation Commission
375 Beale Street, #800
San Francisco, CA 94105

Re: Concerns about MTC Potential Work from Home Mandate

Dear Chair Haggerty:

We commend you and the Metropolitan Transportation Commission (MTC) staff for your work on Plan Bay Area 2050 (Plan) to make our region a more sustainable, prosperous and equitable place. We are writing to express our concern about the inclusion of a Work From Home Mandate in Plan Bay Area. While requiring or encouraging work from home during the pandemic makes sense, we do not agree that a Work From Home Mandate is a viable or appropriate long-term strategy for the Bay Area.

We understand that the Work From Home Mandate was included late in the process of developing the Plan, and is intended to help meet greenhouse gas emissions reduction goals set out by the State pursuant to SB 375 (Chapter 728, Statutes of 2008). We are concerned, however, that the Work From Home Mandate was not adequately vetted, may not achieve a reduction in transportation greenhouse gas emissions, and may have additional negative consequences for our constituents and our region as a whole.

In particular, we are deeply concerned about the inclusion of a blanket Work From Home Mandate because:

1. It is likely to meaningfully reduce fare revenue for our public transit systems — systems that are absolutely essential to the Bay Area's future prosperity — and further damage the financial health of these systems. As is clearly stated throughout the rest of the Plan, well-funded transit systems are of critical importance for equity, climate and our region's quality of life. Well-funded transit systems are particularly important for workers who cannot work from home, who are disproportionately low-income and people of color, as well as for seniors, the disabled, youth, and other transit-dependent groups. Draining funds from our transit systems will badly harm these low-wage workers, who simply cannot work from home.
2. A Work From Home Mandate is likely to dramatically reduce the number of office workers in our region's downtowns, threatening the livelihoods of non-

office downtown workers in service industries and causing severe impacts to local city budgets. In counties like San Francisco and Santa Clara, over 50% of workers are Work From Home-eligible. Additionally emphasizing working from home undermines other strategies in the Plan such as walkable urban neighborhoods and increased housing density near employment and transit centers, two data supported strategies proven to reduce transportation related GHG emissions.

3. This mandate doesn't acknowledge the difference between downtown offices in walkable neighborhoods near transit where the majority of workers commute by sustainable modes, and suburban office parks where almost everyone drives alone to work. In San Francisco, for instance, fewer than 30% of workers eligible to Work From Home drive to work. What would be the rationale for requiring office workers who walk to work to work from home?
4. The mandate fails to account for equity. Low wage and service workers are typically not able to work from home — their jobs simply don't allow it. Moreover, even for lower wage office workers whose job may allow work from home, they are more likely to live in smaller homes with large families or multiple roommates, and thus not be able, realistically, to work from home. They should not be required to do so.
5. This mandate would likely result in people leaving the region or moving further from their workplace or from transit that can transport them to their workplace. Such a mandate could also be used as a rationale for those who assert that building sufficient housing for all those who will live in our region is not necessary.
6. There is meaningful evidence that Work From Home mandates increase greenhouse gas emissions. While working from home may eliminate a commute trip, errands and other non-work trips can increase, increasing daily VMT. Additionally, teleworkers tend to live farther from job centers, in lower-density environments, leading to longer, more auto-dependent commutes when they do go into the office, and higher levels of greenhouse gas emissions from home energy usage. The region's efforts to avert deepening our climate crisis should not rely on a strategy that could actually worsen our climate crisis.

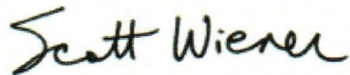
Instead of a blanket Work From Home mandate, we suggest MTC pursue efforts to reduce trips and VMT by adding to the existing PBA2050 strategies that:

- Locate more new housing near transit and jobs,
- Locate new office space near transit and housing,
- Invest more in transit rather than highway widening, and
- Implement aggressive but flexible policies that give Bay Area residents the option of shifting their commute and non-commute trips onto sustainable modes and reduce unnecessary commute and non-commute trips.

Policies that MTC pursues to enable employees to work from home must be designed to ensure that such policies do not result in an increase in GHG emissions, a decrease in transit ridership and transit funding, or inequitable outcomes.

We look forward to working together to move our region toward a more sustainable future. Thank you for your work, collaboration, and attention.

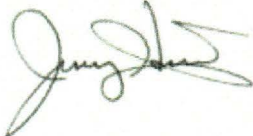
Sincerely,



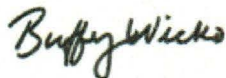
Senator Scott Wiener



Senator Nancy Skinner



Senator Jerry Hill



Assemblymember Buffy Wicks



Assemblymember Evan Low



Assemblymember Tim Grayson



Assemblymember David Chiu



Senator Mike McGuire



Assemblymember Philip Y. Ting



Assemblymember Marc Berman



Assemblymember Bill Quirk

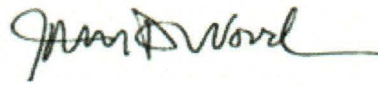


Assemblymember Cecilia Aguiar-Curry

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Assemblymember Kevin Mullin



Assemblymember Jim Wood



Assemblymember Kansen Chu



Assemblymember Rob Bonta

Cc: Therese McMillan, Executive Director, Metropolitan Transportation Commission