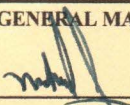
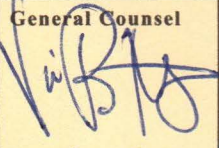
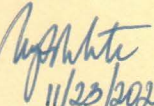
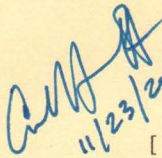
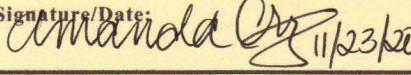
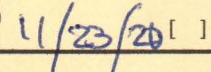
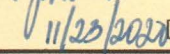




## EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  11/24/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 11/19/2020		BOARD INITIATED ITEM: No		
Originator/Prepared by: Amanda Cruz Dept: Gov't & Community Relations	General Counsel 	Controller/Treasurer 	District Secretary	BARC 
Signature/Date:  11/23/20	 11/23/20 [ ]	 11/23/2020 [ ]	[ ]	[ ]

### 2021 Federal and State Legislative Advocacy Program

#### PURPOSE:

To review, discuss, and seek approval of the District's 2021 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 2021.

#### PROPOSED FEDERAL ADVOCACY GOALS:

##### Emergency Relief Funding

COVID-19 and the Bay Area's shelter-in-place orders have impacted almost all sources of BART revenue including fares, sales tax, and parking. The Coronavirus Aid, Relief, and Economic Security (CARES) Act, helped to address BART's deficit for Fiscal Year (FY) 2019-20 and reduce the shortfall faced in FY 2020-21, but the District still projects catastrophic revenue losses in FY 2021-22 and out years. Without additional federal support, BART will almost certainly be required to drastically curtail service and/or reduce its workforce.

BART will continue to engage Congress, the Administration, and our transit partners in efforts to secure new emergency relief funding to address the impacts of COVID-19 on the



District's budget and operational capacity and to support broader economic recovery. BART will also support efforts to reverse the Federal Emergency Management Agency's (FEMA) new interim policy, which eliminated the ability of public transit agencies to seek reimbursement for certain COVID-19-related costs under the Public Assistance Program.

### **Transbay Corridor Core Capacity Program (TCCCP)**

On September 14, 2020, the Federal Transit Administration (FTA) issued a Full Funding Grant Agreement (FFGA), committing \$1.169 billion of FTA Section 5309 Capital Investment Grant (CIG) funds to BART's TCCCP. This funding represents a 43.2% federal share on CIG-eligible project costs, totaling \$2.7 billion. BART will work with Congress and the FTA to ensure the timely obligation of CIG funds for the TCCCP from FY 2018-2019 through FY 2021-2022 consistent with FTA's commitment in the FFGA. BART will also support additional funding being made available to the CIG program through an emergency relief package or reauthorization bill to assist project sponsors with their non-federal financial commitments.

### **Transit Safety and Security**

Transit security and safety remain a top priority for the District. Progress has been made towards a sustained increase in uniformed personnel through a Five-Year Strategic Patrol Staffing Plan and the creation of a Police Ambassador Program. BART will continue to educate members of Congress on the District's efforts to address homelessness, behavioral health and substance use issues and advocate for increased funding for all transit security programs. BART will also pursue available safety and security grant funding administered by the Departments of Homeland Security, Transportation, and Justice.

### **Housing, Job Centers, and Transit-Oriented Development**

Since FY 2019-20, BART has successfully applied for and been awarded nearly \$4 million in federal planning grants, including \$2 million through the FTA Pilot Program for Transit-Oriented Development Planning. These funds have been critical to ensuring projects on BART-owned land include robust community engagement, support multi-modal access, and attract jobs in a sustainable way. In addition to continuing to pursue available planning grants, BART will support efforts to expand federal housing production tools, such as the Low-Income Housing Tax Credit Program, California's largest source of federal funding for new affordable housing, and any emergency assistance to help keep renters and homeowners housed.

### **Police Reform and Racial Equity**

In the 116th Congress, BART supported the George Floyd Justice in Policing Act of 2020, which took a comprehensive approach to hold police accountable, end racial profiling,



change the culture of law enforcement, empower communities, and build trust between law enforcement and communities by addressing systemic racism and bias. The bill passed the House but failed to garner support of the Senate or Administration. In the 117th Congress, BART will continue to support efforts by Congress and the Administration to advance progressive and equitable policing practices and engage in national discussions regarding transit's role in advancing racial justice and equity.

### **Surface Transportation Reauthorization**

With the enactment of HR 8337, the Continuing Appropriations Act of 2021, the Fixing America's Surface Transportation (FAST) Act was extended through September 30, 2021. The Biden Administration has broadly committed to a long-term surface transportation reauthorization and will likely include climate change mitigation provisions. BART will work with national, state, and regional partners to advocate for increased multi-year investments in core transit programs, funded by new sustainable, user-based revenues to ensure solvency of the Highway Trust Fund. BART will also advocate for an authorization bill that focuses on transit's recovery, job creation, workforce development, reducing vehicle emissions, and strengthening the condition, performance, and safety of our transportation facilities.

### **Infrastructure Package**

With the incoming Biden Administration, national discussions regarding a robust infrastructure package have resumed. Depending on the size and scope, an infrastructure package could reduce pressure on BART's operating budget and provide support for the District's more than \$10 billion of capital investment needs for which no funding has been identified, including State of Good Repair (SOGR) projects necessary to maintain the safety and reliability of the system, additional capacity improvements to support future ridership growth, and investments in BART stations and station areas to improve access and passenger experience. Transformational projects such as Link21, formerly known as the New Transbay Rail Crossing, could also be supported by an infrastructure package that includes funding for projects still under development. In partnership with the American Public Transportation Association, BART will advocate for a comprehensive infrastructure package that tackles the growing backlog of transit SOGR needs, expands transit system capacity, improves transit riders' experience and funds new, transformative projects, while creating jobs, supporting American manufacturing, and reducing carbon pollution.

### **Climate Change and Resiliency**

President-elect Biden has put forth a broad and aggressive proposal to shift the nation to clean energy, achieving carbon neutrality by 2050, and creating millions of good-paying jobs through massive federal investment. BART will support federal investment strategies that prioritize nationally- and regionally-significant transit and rail projects in order to improve mobility, provide congestion relief, and build resiliency against extreme weather and climate



change.

## **PROPOSED STATE ADVOCACY GOALS:**

### **Transit Operations and Capital Funding**

With uncertainties surrounding the timing of additional federal emergency relief, BART will continue partnering with the Metropolitan Transportation Commission (MTC) and the California Transit Association (CTA) on efforts to seek state assistance for public transit operations. BART will educate the Legislature, Administration, and state agencies of our current and projected revenue shortfalls in addition to efforts to reduce costs, maximize efficiencies, rebuild ridership, and provide critical service for transit-dependent populations.

BART will also pursue various Senate Bill 1 and the Cap & Trade funded grants in the 2021 program cycle administered by the State Department of Transportation (Caltrans) and California Transportation Commission (CTC), as well as grants administered by the Air Resources Board, Department of Housing and Community Development, Strategic Growth Council, and Office of Emergency Services.

### **Regional Coordination**

Since the beginning of the pandemic, Bay Area transit operators, along with advocates and other stakeholders, have been working together in an unprecedented manner under the umbrella of the Blue Ribbon Transit Recovery Task Force (Task Force) established by MTC. By mid-2021, the Task Force plans to submit a Bay Area Public Transformation Action Plan (the Plan) to MTC for consideration and possible adoption. The Plan will identify actions needed to re-shape the region's transit system into a more connected, efficient, and user-focused mobility network. One specific goal within the Plan is for the Task Force to identify near-term actions to implement public transit network management and governance reforms that will achieve long-term transit transformation. To the degree these efforts involve state or regional policy and legislative actions, BART will work collaboratively with the Task Force, MTC, and state agencies to develop proposals that improve key functions of transit management and governance, while recognizing the financial realities facing agencies locally. BART will also support research efforts coordinated by the California Integrated Travel Project, which seeks to facilitate easy and accessible travel planning and payments across the state.

### **Homelessness and Related Quality of Life Issues**

In March 2020, Governor Newsom announced Project Roomkey, providing \$150 million to local governments and Continuums of Care for shelter support and emergency housing to limit the spread of COVID-19 among the state's homeless population. While this short-term



assistance successfully housed homeless individuals in the BART service area, the need to address encampments within the District's right-of-way is increasingly urgent. Between January 2019 and September 2020, 42 encampment fires damaged critical infrastructure, impacting operations and endangering the safety of passengers and employees. This legislative session, BART, in partnership with CTA, will work with the Legislature and Administration to identify funding models and state resources, which can be used by transit agencies to address homelessness and related system impacts. BART will also support policies and funding proposals aimed at reducing and preventing homelessness through improved regional coordination.

### **Housing, Jobs Centers, and Transit Oriented Development**

BART has made significant progress in implementing Assembly Bill 2923 (Chiu and Grayson, 2018), releasing a technical guide to zoning for local jurisdictions and a 10-year work plan outlining the District's ambitious development goals. BART will continue educating the Legislature and state agencies on the District's role in developing affordable housing and commercial/mixed-use space and seek to expand eligibility for state housing funds to special districts committed to developing affordable housing. BART will advocate to ensure transit-oriented development in the Bay Area is competitive for state funds, addressing recent concerns with state bonds and programs administered by the Housing and Community Development Department. BART may also wish to continue supporting legislation that reduces barriers to higher-density housing near transit and jobs-rich areas with reasonable local flexibility.

### **Climate Change and Transportation Investments**

Executive Order N-19-19 directs the State Transportation Agency (CalSTA) to invest its annual portfolio of \$5 billion to help reverse the trend of increased fuel consumption and reduce GHG emissions associated with the transportation sector. Executive Order N-79-20 requires sales of all new passenger vehicles in California be zero-emission by 2035 and further directs state agencies to identify near terms actions to support an integrated, statewide rail and transit network as well as bicycle, pedestrian, and micro-mobility options, particularly in low-income and disadvantaged communities. BART will actively engage with CalSTA, Caltrans, and the CTC to address the transit-specific goals outlined in the executive orders and seek opportunities to position BART as a key partner in efforts to reduce GHG emissions. BART will also participate in the state's efforts to draft a Climate Action Plan for Transportation Infrastructure, which is expected to be finalized in the spring of 2021.

### **Police Reform and Racial Equity**

In the wake of nationwide demonstrations against structural racism and systemic injustice, legislative leaders and the Governor focused a tremendous deal on advancing new policing and criminal justice reforms. Although several bills were enacted, it is likely the Governor



will continue to work with the Legislature and his advisors on additional reforms, including efforts to increase transparency in peace officer records and broader decertification measures to create accountability for officers with a history of misconduct. BART has actively focused on implementing progressive and equitable policing practices and will continue supporting administrative and legislative efforts that advance racial justice and equity, create a culture of police accountability and responsibility, and de-emphasize the use of sworn officers as first responders for handling mental health and socioeconomic issues.

**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.

**FISCAL IMPACT:**

Funding to support the Federal and State Legislative Program is within the Government and Community Relations Department operating budget and includes legislative advocacy agreements with CJ Lake, LLC and California Strategies & Advocacy, LCC (Department 0604366, Account 681300 - Professional and Technical Services).

**ALTERNATIVES:**

The Board could amend, or decline to support the 2021 Federal and State Legislative Advocacy Program.

**RECOMMENDATION:**

That the Board to approve the following motion.

**MOTION:**

The Board approves the 2021 Federal and State Legislative Advocacy Program as presented by staff.