



# Agenda

## TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

June 8, 2020 09:00 AM Pacific Time (US and  
Canada)

To slow the spread of COVID-19, the Health Officer's Shelter Order of April 29, 2020, prevents public gatherings ([Health Officer Order](#)). In lieu of a public gathering, the Transportation, Water & Infrastructure meeting will be available via remote access per Governor's Executive Order N29-20.

Supervisor Candace Andersen, Chair  
Supervisor Karen Mitchoff, Vice Chair

### Meeting Process:

Items may be taken out of order based on the business of the day and preference of the Committee

*Persons who wish to address the TWI Committee during public comment or with respect to an item that is on the agenda may submit public comments before or during the meeting by email, voicemail or online participation as described below:*

- 1) Email to [transportation@dcd.cccounty.us](mailto:transportation@dcd.cccounty.us) In the subject line, please include "TWIC" and enter the agenda item number and description.
  - 2) Voicemail at (925) 674-7833. The caller should start the message by stating "TWIC public comments – not on the agenda" or "TWIC public comments – agenda item #", followed by the caller's name and comments.
  - 3) To participate directly in the meeting please click the following link:  
<https://zoom.us/j/92146895572>  
Request to speak by using the "raise hand" function.
  - 4) To participate directly in the meeting by phone call: 888-278-0254 (US Toll Free) Enter code: 198675, request to speak by dialing #2.
- \* Commenters will be limited to three (3) minutes each;  
\* Comments submitted by email or voicemail will be included in the record of the meeting but will not be read or played along during the meeting.

### Transportation, Water, and Infrastructure Committee Agenda

Please click the link to join the webinar: <https://zoom.us/j/92146895572>

Or by Telephone, dial: USA 888-278-0254 (US Toll Free) Conference code: 198675

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. **REVIEW record of meeting for February 10, 2020, Transportation, Water and Infrastructure Committee Meeting.** This record was prepared pursuant to the Better Government Ordinance 95-6, Article 25-205 (d) of the Contra Costa County Ordinance Code. Any handouts or printed copies of testimony distributed at the meeting will be attached to this meeting record. (John Cunningham, Department of Conservation and

Development).

4. **RECEIVE staff report and RECOMMEND that the Board of Supervisors authorize the Public Works Director, or designee, to submit grant applications to the State Department of Transportation and the Metropolitan Transportation Commission under the Active Transportation Program.** (Jeff Valeros, Public Works Department)
5. **CONSIDER report on Local, State, Regional, and Federal Transportation Related Legislative Issues and take ACTION as appropriate.** (John Cunningham, Department of Conservation and Development)
6. **RECEIVE Communication, News, Miscellaneous Items of Interest to the Committee and DIRECT staff as appropriate.** (John Cunningham, Department of Conservation and Development)
7. The next meeting is currently scheduled for July 13, 2020, 9:00 a.m.
8. Adjourn

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*The Transportation, Water & Infrastructure Committee (TWIC) will provide reasonable accommodations for persons with disabilities planning to attend TWIC meetings. Contact the staff person listed below at least 72 hours before the meeting.*

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*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the TWIC less than 96 hours prior to that meeting are available for public inspection at the County Department of Conservation and Development, 30 Muir Road, Martinez during normal business hours.*

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*Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

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For Additional Information Contact:

John Cunningham, Committee Staff

Phone (925) 674-7833

[john.cunningham@dcd.cccounty.us](mailto:john.cunningham@dcd.cccounty.us)

**Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):** Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in meetings of its Board of Supervisors and Committees. Following is a list of commonly used abbreviations that may appear in presentations and written materials at meetings of the Transportation, Water and Infrastructure Committee:

AB Assembly Bill	HOT High-Occupancy/Toll
ABAG Association of Bay Area Governments	HOV High-Occupancy-Vehicle
ACA Assembly Constitutional Amendment	HSD Contra Costa County Health Services Department
ADA Americans with Disabilities Act of 1990	HUD United States Department of Housing and Urban Development
ALUC Airport Land Use Commission	IPM Integrated Pest Management
AOB Area of Benefit	ISO Industrial Safety Ordinance
BAAQMD Bay Area Air Quality Management District	JPA/JEPA Joint (Exercise of) Powers Authority or Agreement
BART Bay Area Rapid Transit District	Lamorinda Lafayette-Moraga-Orinda Area
BATA Bay Area Toll Authority	LAFCo Local Agency Formation Commission
BCDC Bay Conservation & Development Commission	LCC League of California Cities
BDCP Bay-Delta Conservation Plan	LTMS Long-Term Management Strategy
BGO Better Government Ordinance (Contra Costa County)	MAC Municipal Advisory Council
BOS Board of Supervisors	MAF Million Acre Feet (of water)
CALTRANS California Department of Transportation	MBE Minority Business Enterprise
CalWIN California Works Information Network	MOA Memorandum of Agreement
CalWORKS California Work Opportunity and Responsibility to Kids	MOE Maintenance of Effort
CAER Community Awareness Emergency Response	MOU Memorandum of Understanding
CAO County Administrative Officer or Office	MTC Metropolitan Transportation Commission
CCTA Contra Costa Transportation Authority	NACo National Association of Counties
CCWD Contra Costa Water District	NEPA National Environmental Protection Act
CDBG Community Development Block Grant	OES-EOC Office of Emergency Services-Emergency Operations Center
CEQA California Environmental Quality Act	PDA Priority Development Area
CFS Cubic Feet per Second (of water)	PWD Contra Costa County Public Works Department
CPI Consumer Price Index	RCRC Regional Council of Rural Counties
CSA County Service Area	RDA Redevelopment Agency or Area
CSAC California State Association of Counties	RFI Request For Information
CTC California Transportation Commission	RFP Request For Proposals
DCC Delta Counties Coalition	RFQ Request For Qualifications
DCD Contra Costa County Dept. of Conservation & Development	SB Senate Bill
DPC Delta Protection Commission	SBE Small Business Enterprise
DSC Delta Stewardship Council	SR2S Safe Routes to Schools
DWR California Department of Water Resources	STIP State Transportation Improvement Program
EBMUD East Bay Municipal Utility District	SWAT Southwest Area Transportation Committee
EIR Environmental Impact Report (a state requirement)	TRANSPAC Transportation Partnership & Cooperation (Central)
EIS Environmental Impact Statement (a federal requirement)	TRANSPLAN Transportation Planning Committee (East County)
EPA Environmental Protection Agency	TWIC Transportation, Water and Infrastructure Committee
FAA Federal Aviation Administration	USACE United States Army Corps of Engineers
FEMA Federal Emergency Management Agency	WBE Women-Owned Business Enterprise
FTE Full Time Equivalent	WCCTAC West Contra Costa Transportation Advisory Committee
FY Fiscal Year	WETA Water Emergency Transportation Authority
GHAD Geologic Hazard Abatement District	WRDA Water Resources Development Act
GIS Geographic Information System	
HBRR Highway Bridge Replacement and Rehabilitation	



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

3.

**Meeting Date:** 06/08/2020

**Subject:** REVIEW record of meeting for February 10, 2020, Transportation, Water and Infrastructure Meeting.

**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,

**Department:** Conservation & Development

**Referral No.:** N/A

**Referral Name:** N/A

**Presenter:** John Cunningham, DCD

**Contact:** John Cunningham  
(925)674-7833

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#### **Referral History:**

County Ordinance (Better Government Ordinance 95-6, Article 25-205, [d]) requires that each County Body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

#### **Referral Update:**

Any handouts or printed copies of testimony distributed at the meeting will be attached to this meeting record. Links to the agenda and minutes will be available at the TWI Committee web page: <http://www.cccounty.us/4327/Transportation-Water-Infrastructure>

#### **Recommendation(s)/Next Step(s):**

Staff recommends approval of the attached Record of Action for the February 10, 2020, Committee Meeting with any necessary corrections.

#### **Fiscal Impact (if any):**

N/A

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#### **Attachments**

2-10-20 TWIC Sign In Sheet

AIA Letter Re: Iron Horse Trail

DRAFT Meeting Record: Feb 2020 TWIC

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# Transportation, Water and Infrastructure Committee Meeting

## February 10, 2020

### SIGN-IN SHEET

Signing in is voluntary. You may attend this meeting without signing in. (If front is filled, please use back.)

Name	Representing	Phone	EMAIL
John Cunningham	TWIC/DCCD	674-7833	
MARK WATTS	"	916-813-1107	
Smitty Schmidt	Self	925-784-8886	orety@comcast.net
Wade Finison	IPM Program	925-335-3214	on file
Bruce Carrier	Self	415-305-9603	RECarrier@familyofficialservices.net
Jill Ray	BOS 01872		
Sandra Fink	Self	925-933-6813	sfink@comcast.net
Chris Lee	PLD	925 313 - 7002	clay@pccounty.us
Michael Gibson	Alameda Assn	925-934-9975	majib@verizon.net
Sara			

# ALAMO IMPROVEMENT ASSOCIATION

SERVING ALAMO SINCE 1955

P.O. BOX 156 • ALAMO, CALIFORNIA 94507

DATE: February 10, 2020

SUBJ: Iron Horse Trail Active Transportation Corridor Study

It is our understanding that in response to the need for alternatives to commuting by automobile or bus along the 680 Corridor, CCCounty is proposing, through the Iron Horse Trail Active Transportation Corridor Study, to modify the existing Iron Horse Trail from its current more recreational use to a more commuter friendly use.

AIA scheduled a 9:00 AM Saturday Conference call for discussion of the study. Comments included concerns about the Community Outreach Process (no property owners in Alamo along the Iron Horse Trail were noticed and Countywide, of the 425,000 people living within 3.0 miles of the trail, only 260 people attended the three 2019 meetings and only 407 responded online with comments); changing the character and nature of the Iron Horse Trail from Suburban Recreational Parklike use to a more Urban Commuter Use will create impacts of cross street traffic/Right of Way changes, lighting, privacy, hours of use, crime/policing needs and pedestrian/equine safety.

In summary, our comments are:

1. The public participation process is fatally flawed. To the best of our knowledge no property owner abutting the trail received any personal notice of the pendency of these studies. The clear thrust of the study is to dramatically change what has been a casual recreational trail used primarily by local residents for walking and biking into a regional transportation facility to include among other things electric vehicles. This increased utilization of the trail, change in the variety of users, lighting, noise and other intrusive behaviors will surely have a direct and demonstrable impact on adjacent residents. They should have been informed of a planning study having direct and perhaps negative consequences to them. AIA was unaware of the study through this organization represents thousands of Alamo residents and again, to the best of our knowledge, the MAC was similarly uninformed as to this matter. *We are asking for a more appropriate notice process to nearby property owners, community and advisory organizations and that there be another comment period of at least 60 days after notices are given.*

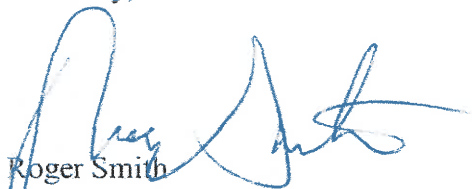
2. The inspiration, creation and operation of the Iron Horse Trail for the past thirty years has been to provide casual recreation. Seniors utilize the trail for low impact physical training, animal lovers enjoy walking the trail with their companions, toddlers learn to walk, children learn to bicycle, and nature lovers enjoy the sylvan setting the trail provides through Alamo and Danville. This stealth plan dramatically changes the nature of this facility to a transportation/commute corridor. While we recognize the advantages of offsetting local and freeway vehicle traffic for alternative pedestrian and bicycle commuting to office nodes in Walnut Creek, Pleasant Hill and San Ramon, it is essential for matters of public safety and sanity that there be a physical separation between casual recreational users and high speed bikers, electric scooters and electric vehicles. *At least in residential areas and adjacent*

*to residential uses, the character of the trail corridor should remain informal, natural and arboreal with a minimum of hardscape to accommodate the uses.*

3. This plan is grand in scale but fails to appreciate perhaps the single most critical element of a successful non-automobile corridor, namely grade separations. As currently configured the Iron Horse Trail is severely deficient to serve as even a decent recreational corridor because of the absence of arterial grade separations. Nothing in this plan should be undertaken without the reprioritization of grade separations at key arterials such as Danville/Rudgear, Broadway/ Newell, Crow Canyon and Bollinger Canyon. *Traffic light preemption is a poor and ill-advised idea that leads to more congestion.*

4. Urban style trail amenities such as lighting, artificial landscaping, bollards, rumble strips etc., should be limited to trail segments that traverse zones of multifamily, commercial and office uses. We appreciate the opportunity to offer these comments for the record.

Sincerely,



Roger Smith  
President

# DRAFT



## TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

RECORD OF ACTION FOR  
February 10, 2020

Supervisor Candace Andersen, Chair  
Supervisor Karen Mitchoff, Vice Chair

Present: Candace Andersen, Chair  
Karen Mitchoff, Vice Chair

Attendees: Smitty Schmidt; Sandra Fink; Bruce Carrier; Michael Gibson, Alamo Improvement Assoc.; Jill Ray, BOS; Chris Lau, PWD; Wade Finlinson, PWD; Mark Watts, TWIC; John Cunningham, TWIC/DCD

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. Staff recommends approval of the attached Record of Action for the November 14, 2019 Committee Meeting with any necessary corrections.

***The Committee unanimously APPROVED the meeting record.***

4. REVIEW, REVISE as appropriate, and ADOPT the 2019 Calendar.

***The Committee unanimously approved the 2020 Committee calendar.***

***Staff Note:*** After the February meeting staff was informed of a conflict with the April meeting date and is working to establish a new day/time.

5. CONSIDER recommendations on referrals to the Committee for 2020, REVISE as necessary, and DIRECT staff to bring the list to the full Board of Supervisors for approval.

***The Committee unanimously approved the TWIC referral list.***

6. CONSIDER report on Local, Regional, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate.

***The Committee RECEIVED the report from the County's transportation advocate.***

7. CONSIDER the report, provide COMMENT and DIRECT staff as appropriate including.

***The Committee RECEIVED the report and DIRECTED staff to continue implementation of SB 743 as described and consistent with state requirements, and bring it to the Board of Supervisors prior to the statutory deadline.***

8. RECEIVE update on the Iron Horse Corridor Active Transportation Study, CONSIDER the report, provide COMMENT and DIRECT staff as appropriate including 1) bringing the Iron Horse Corridor Active Transportation Study to the full Board of Supervisors for consideration, and 2) coordinate with Corridor stakeholders to pursue funding opportunities for implementation, as directed by the Committee.

***The Committee RECEIVED the update, APPROVED the staff recommendations, and further DIRECTED staff to distribute a link to the draft study through the Supervisor newsletters, distribute the letter from the Alamo Improvement Association, bring the item to the March Municipal Advisory Committee meeting, and then bring the study to the full Board of Supervisors.***

***The following members of the public testified (Letter from the Alamo Improvement Association is attached):  
Smitty Schmidt, Sandra Fink, Bruce Carrier, Michael Gibson***

9. ACCEPT Integrated Pest Management report, and take ACTION as appropriate.

***The Committee RECEIVED the report and provided feedback to staff.***

10. The next meeting is currently scheduled for March 9, 2020.

11. Adjourn

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For Additional Information Contact:

John Cunningham, Committee Staff  
Phone (925) 674-7833, Fax (925) 674-7250  
john.cunningham@dcd.cccounty.us





# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

4.

**Meeting Date:** 06/08/2020

**Subject:** Grant applications to the State Department of Transportation and the Metropolitan Transportation Commission under the Active Transportation Program.

**Submitted For:** Brian M. Balbas, Public Works Director/Chief Engineer

**Department:** Public Works

**Referral No.:** 2

**Referral Name:** REVIEW applications for transportation, water and infrastructure grants to be prepared by the Public Works and Conservation and Development Departments.

**Presenter:** Jeff Valeros, PWD (925)313-2031      **Contact:** Mary Halle, PWD (925)313-2327

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#### **Referral History:**

The Public Works Department has historically submitted grant applications for the State Department of Transportation (Caltrans) Active Transportation Program (ATP).

#### **Referral Update:**

The Board of Supervisors authorized submission of applications to the State Department of Transportation (Caltrans) and Metropolitan Transportation Commission (MTC) for the Active Transportation Program (ATP) in 2014, 2015, 2017, and 2018 for Cycles 1, 2, 3, and 4 respectively. Similar to past years, the Public Works Department (PWD) provides the following staff report with recommendations for candidate projects and requests authorization to submit these applications to compete for both Statewide and Regional funding awards.

The call for projects for ATP was released on March 26, 2020, for Cycle 5 funding, with applications due on June 15, 2020. On April 29, 2020, the California Transportation Commission approved the amendment to the ATP schedule to move the applications deadline to July 15, 2020, for quick-build projects and September 15, 2020, for all other project types in light of the COVID-19 State of Emergency.

Cycle 1 of this program was highly competitive with 771 applications submitted statewide with less than 20% awarded funding. The County was awarded \$800,000 in Cycle 1 funds. Cycle 2 was competitive with over 600 applications. Approximately 20% of the applications in Cycle 2 were awarded funding with the County receiving \$4,700,000 in Cycle 2 funds. Cycle 3 had 447 submitted applications with the County receiving \$3,917,000 in Cycle 3 funds. Cycle 4 had 554 submitted applications with the County not receiving any funds.

The competitive rating criteria for the ATP program emphasizes the following goals:

Increase proportion of trips accomplished through walking and biking;

- Increase safety and mobility for non-motorized users;
- Advance active transportation efforts to achieve green-house gas reduction goals as established pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) and Senate Bill 391 (Chapter 585, Statutes of 2009);
- Enhance public health, including reduction of childhood obesity through the use of programs including, but not limited to, project eligible for Safe Routes to School Program funding;
- Ensure that disadvantage communities fully share in the benefits of the program; and
- Provide a broad spectrum of projects to benefit many types of active transportation users.

Competitive projects must also demonstrate the ability to deliver the project within the required time constraints and must provide the California Conservation Corps with an opportunity to partner on the project during the construction phase.

### **RECOMMENDED CANDIDATE PROJECTS:**

Staff recommends the following candidate projects be submitted for ATP funding consideration. These projects are recommended based upon their competitiveness, project readiness, available funding source to provide the local match, and staff availability to complete each application. The projects recommended below are all within disadvantaged communities or provide a benefit to a service population within a disadvantaged community to assure competitiveness. The following projects are being resubmitted from the 2018 call for projects: Appian Way Complete Streets, Bailey Road Bicycle and Pedestrian Improvements, Market Avenue Complete Streets, and San Pablo Avenue Complete Streets. Although these previous applications were not awarded in the previous cycle, staff has received feedback from the review committee and has improved the applications accordingly. A description of each project is included below.

#### ***Appian Way Complete Streets – El Sobrante***

Staff has worked with the El Sobrante community and City of Pinole staff on planning studies for Appian Way over the past six years. Staff has developed the complete streets concept for Appian Way that was first identified in a study conducted by the Contra Costa Transportation Authority (CCTA) in collaboration with the County and the City of Pinole. This study was approved by the Board in December 2013, which included adoption of the Complete Streets Alternative as the preferred alternative. This planning study was an initial step towards implementation of the El Sobrante General Plan Amendment. Preliminary layouts have been prepared to identify the scope and location of proposed bicycle and pedestrian improvements on Appian Way. The plans were presented at two public workshops and to the El Sobrante Municipal Advisory Council. During the most recent workshop, community members identified a priority for improvements at the intersection of Appian Way at Valley View Road as well as the segment of Appian Way from Valley View Road to San Pablo Dam Road.

The planning efforts included the full extent of Appian Way from San Pablo Dam Road to the City of Pinole; however, this grant application is focused on improvements from the Appian Way and Valley View Road intersection to San Pablo Dam Road. The project scope is to construct a roundabout at the intersection of Appian Way and Valley View Road, which includes pedestrian crossings with refuge islands, sidewalks, and striping for bicycle lanes. The proposed enhancements along Appian Way between Valley View to San Pablo Dam Road include

sidewalk-related ADA improvements, traffic calming bulb-outs, and crosswalk safety flashing beacons. This project is located adjacent to a Priority Development Area. Staff will continue to work with the El Sobrante Municipal Advisory Council in moving these efforts forward.

### ***Bailey Road Bicycle and Pedestrian Improvements – Bay Point***

The goal of the Bailey Road Bicycle and Pedestrian Improvement Project is to improve the pedestrian and bicycle environment along Bailey Road in Bay Point in accordance with the 2010 Bailey Road Pedestrian and Bicycle Improvement Plan (Plan). The Plan provides design concepts that fulfill the community's desire for Bailey Road to be safer and more walkable, bikeable, and transit-oriented. The Plan is the result of numerous meetings and community discussions. Various stakeholders were involved with the creation of the Plan, including the Bay Point Municipal Advisory Council, Contra Costa County, City of Pittsburg, Caltrans, East Bay Regional Park District (EBRPD), Tri-Delta Transit, BART, and other concerned individuals.

This project proposes to narrow the four travel lanes and median to accommodate Class II bicycle lanes and expanded sidewalks with a buffer zone for enhanced pedestrian safety. Americans with Disabilities Act (ADA)-compliant curb ramps, expanded sidewalks, crosswalk enhancements, and Class II bicycle lanes will improve accessibility for all modes of active transportation.

This project is preceded by three complementary projects. The completed Delta-De Anza Trail Gap Closure/Crossing Signalization project installed signalized improvements at the Bailey Road crossing to provide a safer crossing for pedestrians and bicyclists. The Bay Point Utility Undergrounding project, which began construction in 2019, includes relocation of utilities and removes joint poles that are barriers to mobility. The State Route 4 and Bailey Road Interchange project, located immediately south of this project and funded through a previous ATP cycle, will begin construction in 2021 and will install ADA pedestrian access, Class II bicycle lanes, and remove an off ramp to reduce conflict points for bicyclists or pedestrians.

### ***Carquinez Middle School Trail Connection – Crockett***

The Public Works Department is partnering with the John Swett Unified School District (JSUSD), to close a 1,000-foot gap on the multi-use Carquinez Strait Scenic Loop Trail (CSSLT). This trail connection will provide safe access for pedestrians along the west side of Crockett Boulevard from Pomona Street to Carquinez Middle School, Willow High School, and beyond to the East Bay Regional Park District (EBRPD) Crockett Hills Regional trail.

The trail connection will serve residents of the community of Crockett, regional visitors, and students who attend either of the two schools. Currently, students who attend Carquinez Middle School access the campus from the southwest corner of Pomona Street and Crockett Boulevard down a staircase. The school site is located approximately twenty feet below the elevation of the roadway. There is currently no direct access for mobility-impaired individuals. In addition, the students of Willow High School who depart the Regional transit bus at the intersection of Crockett Boulevard and Pomona Street must walk 1,200 feet along the roadway shoulder of Crockett Boulevard to access their school.

The project will include grading and paving an ADA-compliant separated path that runs parallel to Crockett Boulevard through Carquinez Middle School to Willow High School and beyond to the EBRPD staging area. The JSUSD will maintain the trail, potentially in partnership with the EBRPD. Since this project serves students of Carquinez Middle School and Willow High School as well as closes a gap in a regional trail, this project is expected to be competitive.



### ***Market Avenue Complete Streets – North Richmond***

The Market Avenue Complete Streets project is located along Market Avenue between Fred Jackson Way and 7th Street. Market Avenue is a minor arterial commonly utilized to travel between residences, community facilities, Verde Elementary school, and the neighboring City of San Pablo. The existing condition of Market Avenue includes wide travel lanes, substandard sidewalk conditions, and substandard curb ramps. The overall purpose of the project is to increase accessibility and support safer routes for users of active transportation. In July 2018, staff from the Public Works Department presented multiple multi-modal alternatives for Market Avenue between Fred Jackson Way and 7th Street to the North Richmond Municipal Advisory Council, and there was overwhelming support for widened, ADA-accessible sidewalks.

The proposed project includes construction of ADA-compliant curb ramps, bulb-outs, sidewalk widening, and Class III shared-lane markings for bicyclists. The ADA-compliant curb ramps and sidewalk widening will improve accessibility for people with disabilities. The bulb-outs will reduce the crosswalk travel distance at the intersection of Market Avenue and Giaramita Street, where students typically cross on their commute to Verde Elementary School. The addition of shared-lane markings is intended to alert drivers to share the road with bicyclists and encourage the use of active modes of transportation.

The improvements to Market Avenue will connect to nearby similar improvement projects. Wider sidewalks and buffered Class II bicycle lanes are planned for Fred Jackson Way between Grove Avenue and Pittsburg Avenue. Wider sidewalks have already been constructed on both sides of Giaramita Street, from Market Avenue to Verde Elementary School and on Market Avenue, from 7th Street to 300 feet past Soto Street. The Market Avenue Complete Streets project will connect to these adjacent improvement projects to establish a multi-modal corridor for the local community. This project is anticipated to be competitive for funding due to the location within a Community of Concern and a Priority Development Area.

### ***San Pablo Avenue Complete Streets – Rodeo/Crockett***

The San Pablo Avenue corridor between Rodeo and Crockett has been recognized in numerous prior planning documents as a key route and targeted for multi-modal improvements. The County's 2005 General Plan designates this portion of the corridor as a Scenic Route, given its surrounding landscape and views of San Pablo Bay, the Carquinez Strait, and the Briones Hills. The 2009 Countywide Bicycle and Pedestrian Plan proposes a Class II bicycle facility on this portion of San Pablo Avenue and noted that this facility is part of the county's larger bicycle and pedestrian network. The West Contra Costa Transportation Advisory Committee 2017 Action Plan designated the San Pablo Avenue corridor as a Route of Regional Significance and has identified an action to implement a complete streets/Bay Trail project connecting Rodeo and Crockett.

In 2014, a feasibility study was commissioned by the County through a Priority Development Area planning grant from MTC and CCTA for this segment of San Pablo Avenue to identify a preferred complete street alternative and set of improvements for the roadway. The study incorporated a series of technical studies, field work, public outreach, and engineering analysis, which provided the basis for the recommended alternative. A shared use path on the northern side with a road diet was determined as this recommended alternative. On June 5, 2018, the Board of Supervisors approved the feasibility report for the San Pablo Avenue Complete Streets Study and authorized the Public Works Director to seek funding.

This project aims to provide a shared bicycle and pedestrian path on the northern side of the corridor, separated by a physical barrier. This will be accomplished by reducing the existing four travel lanes to one travel lane in each direction with center left-turn lanes, dedicated left-turn pockets, and truck climbing lanes. The addition of a shared bicycle and pedestrian path will close a 3-mile gap of the San Francisco Bay Trail, further connecting these two towns as well as the other amenities tied to the San Francisco Bay Trail. The anticipated benefits are numerous as the new infrastructure will not only provide an option for local residents to use an active mode of transportation for their commute but also extends well beyond these two towns to provide to the existing San Francisco Bay Trail, a 29-mile connection between Vallejo and Oakland.

### ***San Pablo Dam Road Pedestrian Crossing – El Sobrante***

San Pablo Dam Road is a route of regional significance, as it connects West County to Central County, and it experiences high volume and high-speed traffic. In the two-mile section between May Road and Castro Ranch Road, there is only one pedestrian crossing along this four-lane segment. The lone crossing creates a challenge for pedestrians to access the many businesses, schools, and bus stops on either side of the street. Due to high average daily traffic (ADT), and high vehicle speeds, pedestrian safety enhancements are proposed at two locations and will include Pedestrian Hybrid Beacons (PHB). PHBs are proposed to address this barrier to accessibility that many residents face. Both PHB crossings would include advanced warning signs, overhead mast arms with signal lights over each lane, yield markings, and a marked crosswalk. Providing the community with these two PHBs will create a safer environment for residents of all levels of mobility.

This project originated with several request from residents who identified this as a primary need for their community, which includes a number of multi-family residential developments. The implementation of two PHBs will provide the residents with the desired crossing points to reach their destinations in a safer and more efficient way. The first site for installation is located east of Leisure Lane in front of Creekside Terrace Apartments. This location is an ideal spot for a pedestrian crossing due to multi-family complexes and bus stops on both sides of the street. The second site identified for a PBH is located approximately 0.4 miles east of Valley View Road, linking together four bus stops and multiple residential communities.

### **NEXT STEPS:**

If authorized to proceed, staff will submit the recommended projects to the State and MTC for potential funding.

### **Recommendation(s)/Next Step(s):**

RECEIVE staff report and RECOMMEND that the Board of Supervisors authorize the Public Works Director, or designee, to submit grant applications to the State Department of Transportation and the Metropolitan Transportation Commission under the Active Transportation Program.

### **Fiscal Impact (if any):**

The ATP program does not require a local match for funding; however, one of the scoring categories is based upon leverage of local funds. In order to be competitive, the County should consider pledging local funds in the range of 10-15%, using Area of Benefit Funds when applicable. During preparation of the grant application, staff will determine the appropriate local match that can be financially supported by the road fund account to create a competitive application package. In the event that a candidate project is awarded ATP Cycle 5 funds but local

road fund revenue has been severely impacted due to COVID-19, the County may not be able to accept the grant award as we may not be able to satisfy the pledge to leverage local dollars.

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**Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

5.

**Meeting Date:** 06/08/2020

**Subject:** CONSIDER report: Local, Regional, State, and Federal Transportation Issues: Legislation, Studies, Miscellaneous Updates, take ACTION as Appropriate

**Department:** Conservation & Development

**Referral No.:** 1

**Referral Name:** REVIEW legislative matters on transportation, water, and infrastructure.

**Presenter:** John Cunningham, DCD

**Contact:** John Cunningham  
(925)674-7883

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#### **Referral History:**

This is a standing item on the Transportation, Water, and Infrastructure Committee referral list and meeting agenda.

#### **Referral Update:**

In developing transportation related issues and proposals to bring forward for consideration by TWIC, staff receives input from the Board of Supervisors (BOS), references the County's adopted Legislative Platforms, coordinates with our legislative advocates, partner agencies and organizations, and consults with the Committee itself.

This report includes four sections, 1: LOCAL, 2: REGIONAL, 3: STATE, and 4: FEDERAL.

#### **1. LOCAL**

##### **Bike Share Ordinance**

During 2018-2019 the Committee provided direction to staff to develop and adopt an ordinance to govern how bike and scooter share vendors would operate in the County. Staff was prepared to bring the ordinance to the Board just prior to the COVID related shelter in place. Recently, CCTA began developing a model ordinance for the entire County and agreed to use the County's draft as a starting point.

Staff is recommending that we suspend our adoption effort until CCTA completes their model ordinance development project and then adopt their final version. This consistency may be critical as we work maximize usage of the Iron Horse and other multi-use corridors in the County. CCTA staff has raised concerns about the negative impact on attempts to implement micromobility solutions if individual jurisdictions along a corridor has different rules.

However, TWIC has previously directed staff to move to adoption of the County's ordinance, we are seeking a suspension of that direction for the reasons cited above.

## **Measure J Revenue Reduction**

The COVID-19 pandemic and ensuing “Shelter-in-Place” Order will have an impact on Measure J sales tax revenues. The Contra Costa Transportation Authority is implementing a series of actions to ensure financial stability and cash flow over the life of Measure J. The actions are detailed in the attached staff report, some measures include suspension of new appropriations of Measure J funds to start new capital projects, retain projected Measure J savings on completed and/or ongoing capital projects, delay programming of Transportation for Livable Communities and Ped/Bike/Trail Facilities funds, among others.

## **2. REGIONAL**

The Metropolitan Transportation Commission has convened the "Blue Ribbon Task Force to Guide Recovery Of Bay Area Transit Network in Post-Pandemic Future". The Task Force has numerous charges:

- Assist MTC in understanding the scale of the crisis facing all Bay Area transit systems as a result of the COVID-19 pandemic,
- Guide MTC in an effort to expedite distribution of CARES Act Phase 2 funds.
- By mid-2021, the Task Force shall submit a Bay Area Public Transit Transformation Action Plan to the Commission for its consideration and possible adoption. The Plan should identify actions needed to re-shape the region’s transit system into a more connected, more efficient, and more user-focused mobility network across the entire Bay Area and beyond.

Discussion: TWIC doesn't typically weigh in on regional transit issues, staff assumes that some of these issues are addressed at the Contra Costa Transportation Authority. This item is being provided for the following reasons:

- To inform the Committee, and potentially the Board of Supervisors if warranted.
- Provide TWIC the opportunity to weigh in if they wish.
- Rick Ramacier (County Connection General Manager) recommended that the Task Force reach out to local elected officials to get their input.
- Discussions include references to consolidating "suburban operators" which staff assumes will include Contra Costa County's three local transit districts.
- A significant amount of comments were related to service to vulnerable populations, see the attached welcome packet. **Staff recommends sending a letter on this particular point.**

## **3. STATE**

Mr. Watts will attend the June Committee meeting to provide a verbal report. Two written reports are attached, the typical broad legislative report and a second report received just prior to posting of this packet which details actions by the state to shore up transit operations.

## **4. FEDERAL**

On June 3rd, just prior to posting this packet, the Transportation & Infrastructure Committee of the United States House of Representatives released the text for the transportation reauthorization act, the "Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act. A, overall summary, a section by section summary and a fact sheet are attached.

## **Recommendation(s)/Next Step(s):**

CONSIDER report on Local, Regional, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate.

**Fiscal Impact (if any):**

There is no fiscal impact.

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**Attachments**

M.Watts: June 2020 Leg Report

M.Watts: Leg Report: TRANSIT Supplement

CCTA Staff Report: Measure J Reduction Strategy

Blue Ribbon Transit Task Force: Welcome Packet

INVEST Summary

INVEST Section by Section Summary

INVEST Fact Sheet

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June 2, 2020

TO: Transportation, Water, and Infrastructure Committee

FROM: Mark Watts

SUBJECT: Legislative Report – June TWIC Meeting

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This report provides a brief status update on legislative or specific state budget activities.

### **Legislature**

The Assembly reconvened following their shelter-based recess on May 4. Upon their return, they conducted a series of modest policy committee hearings, with several more to go by the end of the month. The Transportation committee has rescheduled a long-awaited hearing to later this month that will cover the High-speed Rail Business Plan Update.

The Senate reconvened from its similar recess on May 11 and proceeded to conduct policy hearings, as well.

In both instances, each house has had their chairs work with bill authors to pare down the workload greatly; the intent is to leave time to focus work on COVI-19 response and recovery matters as a high priority.

### **Governor Newsom**

The Governor released his new, updated state budget proposal on Thursday, May 14. The new budget reflects his plan for dealing with the \$54.3 billion budget deficit created by the ongoing pandemic crisis.

#### *Overview*

While the January 2020-21 State Budget was built on a nearly \$6 billion budget surplus with more than \$16 billion in the Rainy-Day Fund, the pandemic response has significantly reduced California's three main sources of revenue – sales tax, personal income, and corporate.

The Governor's May Revision proposes to close the gap between revenues and expenditures by (1) drawing down on reserves, (2) canceling new budget initiatives proposed as part of the January Budget, (3) reducing spending in the current year, and (4) borrowing from special funds

and temporary revenue increases (but not transportation special funds, as emphasized by recent email communications from the Department of Finance).

### **Transportation Funding**

The gasoline excise and other transportation taxes have been impacted by the reduced travel by motorists responding to strict stay at home orders. The May Revise reports that gas tax receipts will be reduced by \$1.8 billion in total over the next five years (budget year through 2024-25).

The Department of Finance reports the following more specific revenue and program impacts, over the January Budget:

- Gasoline excise taxes are projected to generate \$1.108 billion *less* during the remainder of the current year and 2020-21 and that is for all three increments of gas tax including the base, the sales tax replacement, and the SB 1 increment.
- Transportation Improvement Fee (TIF) levied by SB 1 is projected to *increase* over January estimates by \$275 million.
- In terms of programmatic impacts, the State Highway Operations and Protection Program (SHOPP) will see a reduction of \$556 million, cities and counties will lose \$282 million in local streets and roads revenues, and the State Transportation Improvement Program (STIP) which funds state highway improvements, intercity rail, and regional highway and transit improvements will see a reduction of \$91 million over the current and 2020-21 fiscal years.

Finally, it is worth noting that during a call with CalSTA after the release of the May Revision, agency staff reported that the proposal does assume \$160 million from supposedly, non-Article XIX-protected transportation funds are to be transferred to the General Fund. This specific proposal consisted of \$130million in State Highway Account (SHA) interest earnings, and \$30 million from unallocated TCRP funds.

In a most positive development regarding this proposed diversion of SHA interest earnings, the budget subcommittees found this to be an unpopular alternative revenue source and ultimately both Assembly Sub #3 and Senate Sub #2 took action to reject the proposal.

### **Transportation Tax Rate Increases**

As a reminder, as a result of the special adjustment language in SB 1, beginning in 2020-21, any estimated decreases in fuel consumption will be partially offset by CPI-based increases in the



fuel excise tax rates and the TIF, as required by SB 1. The projected increases, which will go into effect on July 1, and which have been revised slightly upward since January, are as follows:

*Gasoline Excise Tax (3.2-cent increase)*

- 12 cents added by SB 1 increases to 12.8 cents
- 17.3-cent increment increases to 18.5 cents
- 18-cent base increases to 19.2 cents

*Cap and Trade*

Given the reduction in economic activity and vehicle miles traveled related to the responses to the pandemic, it is quite possible that cap-and-trade revenues will be lower than assumed in the May Revision.

Additionally, the administration in the May Revision has withdrawn January proposals to (1) send to voters a \$4.8 billion climate bond and (2) provide \$250 million from the General Fund for a new Climate Catalyst Fund.

## John Cunningham

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**From:** Mark Watts <mark@whstrat.com>  
**Sent:** Tuesday, June 2, 2020 9:51 AM  
**To:** Linsey Willis; John Cunningham  
**Subject:** Budget transit language

Good morning,

Attached is the language that is intended to proceed in the budget process.

I did review the document circulated by CTA on this issue, and the first three proposals are what is included in the language summarized here:

1 - Institute hold harmless provision for calculation and allocation of **State Transit Assistance Program, STA-State of Good Repair** and **Low Carbon Transit Operations Program** allocations (Local Revenue Basis Only).

This proposal provides transit agencies predictability, by directing the State Controller to: “freeze” for the budget year and the year after that the local revenue allocation factors used most recently before the pandemic; and, to allocate to transit agencies funds under these three programs using those exact same allocation factors (i.e. as opposed to updating the factors each year, which would redistribute the funds in unanticipated ways).

2 - Temporarily suspend the financial penalties associated with the **Transportation Development Act’s** requirements that transit agencies obtain specified fixed percentages of their operating budgets from passenger fares. PUC 99268.9, amended.

Given the COVID-19 pandemic, this requirement, which was originally established to ensure transit agencies deliver cost-effective transit service, will instead penalize transit agencies that are experiencing – through no fault of their own – unprecedented declines in transit ridership and fare revenue or that are eliminating fares entirely to facilitate social distancing between transit operators and riders.

3 - Temporarily suspend the financial penalties associated with the **State Transit Assistance Program’s** requirement that transit agencies’ operating cost per revenue vehicle hour may not exceed operating cost per revenue vehicle hour adjusted by regional CPI, year over year. PUC 99314.6, amended.

Given the COVID-19 pandemic, this requirement, which was originally established to ensure transit agencies deliver cost-effective transit service, will instead penalize transit agencies that are experiencing – through no fault of their own – sudden increases in maintenance and sanitation costs for transit vehicles to protect public health

Mark Watts

925 L Street, Suite 220  
**Mobile:** 916-813-1107  
**Office:** 916-446-5508

Sent from [Mail](#) for Windows 10

## *Administration and Projects Committee **STAFF REPORT***

**Meeting Date:** May 07, 2020

<b>Subject</b>	<b>Proposed Interim Measures to Prepare for Measure J Sales Tax Revenue Reduction Due to the COVID-19 Pandemic</b>
<b>Summary of Issues</b>	The COVID-19 pandemic and ensuing “Shelter-in-Place” Order No. HO-COVID19-03 will likely have a significant impact on Measure J sale tax revenues, beyond the anticipated slowdown assumed in the <i>2019 Measure J Strategic Plan</i> . Staff proposes a series of interim actions to ensure the Authority has the financial resources to meet its commitments over the life of Measure J, while maintaining positive cash flow.
<b>Recommendations</b>	Staff seeks approval of Resolution 20-09-P, which will adopt the proposed interim measures to address the impacts of anticipated reduction in Measure J revenues.
<b>Financial Implications</b>	Measure J sales tax revenues were estimated to total \$2.588 billion over the life of Measure J in the adopted <i>2019 Measure J Strategic Plan</i> . However, due to the COVID-19 pandemic Measure J revenues will likely be less. Proposed actions in Resolution 20-09-P would reduce appropriations of Measure J funds in Fiscal Year (FY) 2020-21.
<b>Options</b>	The Authority Board could defer any action pending further deliberations.
<b>Attachments (See APC Packet dated 5/7/20)</b>	<b>A.</b> Resolution 20-09-P
<b>Changes from Committee</b>	<i>None</i>

## Background

Measure J – a continuation of the half-percent countywide sales tax for transportation was passed by the Contra Costa County voters in November 2004. The Measure started on April 1, 2009 and will be in effect through March 31, 2034. The Measure J Strategic Plan guides the timing of Measure J expenditures based on assumptions about future sales tax revenues, debt service costs on proposed bonds, and project schedules. The underlying assumptions in the financial plan and the resultant cash flow estimates are critical to ensuring that the Authority will have the financial resources to deliver its project and program commitments.

The *2019 Measure J Strategic Plan* anticipated a slowdown in economic activities in the next 24 months, by adopting a lower new sales tax revenue forecast that projects no growth for the next three years. Measure J sales tax revenues were estimated in the *2019 Measure J Strategic Plan* to total \$2.588 billion over the life of Measure J. This was approximately \$136 million less than the revenue projection used in the *2016 Measure J Strategic Plan*.

The majority of the reductions were absorbed by savings on completed projects such as the State Route 4 (SR4) widening and Caldecott Tunnel Fourth Bore, unused construction reserves programmed in Southwest County and East County, and future reserves in East County set aside for unidentified projects under the East County Corridors, Major Streets, and Transportation for Livable Communities (TLC) funding categories. In addition, Measure J funding set aside for unidentified projects under the Bay Area Rapid Transit (BART) Parking, Access and Other Improvements category in Southwest, Central and West County were reduced.

The *2019 Measure J Strategic Plan* projected a constrained cash flow period in three to four years due to the revenue reduction. To address this issue, the Authority planned to develop a new policy to allow for internal borrowing from Measure J programs that have sufficient reserves. In addition, the programming of the next cycle of TLC and the Pedestrian, Bicycle and Trail Facilities (PBTF) programs were proposed to be delayed until the completion of the next update to the strategic plan when the revenue forecast is reviewed again.

## Recommended Interim Measures

The COVID-19 pandemic and ensuing “Shelter-in-Place” Order will likely have a significant impact on Measure J sales tax revenues, beyond the anticipated slowdown assumed in the *2019 Measure J Strategic Plan*. Staff proposes a series of interim actions and funding principles, listed below, to ensure the Authority has the financial resources to meet its commitments over the life of Measure J while maintaining a positive cash flow.

- Suspend new appropriations of Measure J funds to start new capital projects in the Measure J Strategic Plan. New capital projects are referred to as projects that have not received any Measure J appropriations to date. Exceptions will be considered on a case-by-case basis, considering factors such as potential loss of other funding sources if Measure J funds are not appropriated, ability to leverage federal stimulus funds, etc. The suspension will apply to capital projects, part of the Program of Projects in the *2019 Measure J Strategic Plan*, as well as all programmed TLC and PBTF projects.
- Retain all projected Measure J savings on completed and/or ongoing capital projects in the Measure J reserve to soften the impact of revenue reductions.
- Manage allocations for operating programs, in accordance with the voter-approved Transportation Expenditure Plan (TEP), to maximize fund flow to operators as-needed while protecting the Authority's cash flow. This would apply to the following Measure J Programs:
  - Program 14 – Bus Transit
  - Program 15 – Countywide Transportation Programs for Seniors and People with Disabilities
  - Program 16 – Countywide Express Bus
  - Program 17 – Commute Alternatives
  - Program 19 – Subregional Additional Bus Services
  - Program 20 – Subregional Additional Transportation Programs for Seniors and People with Disabilities
  - Program 21 – Subregional Safe Transportation for Children Programs
  - Program 22 – West County Ferry
- Continue to delay the programming of the next cycle of TLC and PBTF programs until the completion of the next update to the *2019 Measure J Strategic Plan*, when a new revenue forecast is developed.
- Increase frequency of reimbursement requests for State and Federal funds, as delays in processing the invoices by our partner funding agencies will place additional demand on Measure J cash flow.

In addition, staff is taking the following actions:

- Urge our funding partners to accept electronic invoices in lieu of hard copies and expedite payment of invoices.
- Request Federal Highway Administration (FHWA) to waive and/or reduce the local match requirement on the Mobility-On-Demand (MOD) Grant received by the Authority.
- Request that pre-award costs be eligible for reimbursement for the Automated Driving System (ADS) Grant.
- Monitor opportunities to refinance issued bonds and reduce interest costs.
- Monitor opportunities to secure a subordinate line of credit to the outstanding sales tax bonds up to the necessary amount to maintain positive cash flow.
- Identify any grant opportunities including future State and Federal stimulus funds to supplant Measure J funds programmed for projects and programs.
- Advocate for Federal and State stimulus funding for transportation projects.

### **Potential Future Actions**

Additional actions may be taken by the Authority if the “Shelter-in-Place” Order remains in effect for an extended time. These actions include the development of an “allocation plan” and “fund exchange program”, as described below:

### **Measure J Funds Allocation Plan**

Staff may develop an allocation plan to preserve remaining Measure J funds and prioritize projects for potential stimulus funding. The allocation plan could include one or more of the following actions:

- Identify potential Authority-sponsored Measure J projects and/or contracts that can be suspended or delayed.
- Review with project sponsors all appropriation requests approved by the Authority

Board for on-going Measure J projects that are not in the right-of-way or construction stage to identify if reductions can be implemented.

- Develop a prioritized list of projects for future Measure J fund appropriations based on readiness, leveraging, ability to utilize federal stimulus funds, and other factors.
- Review non-project related contracts approved by the Authority Board to determine if they can be suspended, terminated, or reduced.

### **Fund Exchange Program**

Staff can also begin working with project sponsors and funding partners to develop a fund exchange program. The goal of such a program is to ensure better utilization of limited Measure J funds by reducing project costs and maximizing the use of other fund sources in a timely manner. For example, should federal stimulus funds become available, the Authority could decide to prioritize programming federal funds to bundled projects (e.g. pavement rehabilitation projects) in return for an agreed upon reduction in participating jurisdictions Measure J return to source funds (to cover match requirements and administration cost of the program). In addition, opportunities may present themselves to exchange State Transportation Improvement Program (STIP) funds programmed for future Authority-sponsored project(s) with flexible local funds from other jurisdictions or counties. Other fund exchange opportunities might arise in the future if State and/or Federal stimulus funds become available.

Staff seeks approval of Resolution 20-09-P, which will adopt the proposed interim measures to address the impacts of anticipated reduction in Measure J revenues. These measures will allow accumulation of Measure J funds to address short-term cash flow needs and ensure the Authority has the financial resources to meet its commitments over the life of Measure J, while maintaining a positive cash flow. Staff will continue to monitor the COVID-19 dynamic situation and recommend additional measures if needed.

May 27, 2020

Dear Task Force members:

Please accept my appreciation for your willingness to serve as a member of MTC's Blue Ribbon Transit Recovery Task Force. I expect our Task Force's work to be carried out over the next year, so each of you has made a serious commitment of time and energy that deserves recognition right from the start.

Before I see you on May 29 at 1:30 pm, I encourage you to review the attached background information and Task Force meeting materials. These and additional resources will be posted for you and the public on the MTC website at: <https://mtc.ca.gov/blue-ribbon-transit-recovery-task-force>. The material for Friday's meeting includes interview summaries, Bay Area transit financial background, service status, and transit demographic profiles. We have also provided some preliminary safety survey information which will be used by operators and MTC staff to prepare a full discussion of that critical priority issue in our second meeting. Please review ahead of time as we do not plan to formally present the materials during our short time together on Friday -- but sharing these resources now will help to develop the mutual understanding that is the foundation of our work.

In the meantime, allow me to share some initial thoughts about our upcoming journey together.

The COVID-19 pandemic and its associated economic disruption have created the most serious and complex crisis the Bay Area has had to face during my 34 years as an elected official. The Task Force's work will be both significant and complicated.

To break things down into manageable chunks, I see our journey consisting of three separate stages. First will be the immediate challenge of developing and recommending to the Commission a fair and thoughtful distribution of the Bay Area's remaining federal CARES Act dollars to transit agencies. This is something our Task Force needs to complete by the end of June so that the Commission can act, ideally in July. This will be the central focus of our next two meetings. During those meetings, I will be eager to hear what you think should be the most important considerations for the Commission in this Phase 2 allocation; and if and how you see these allocations influencing transit agencies' recovery strategies.

Our second stage, which will overlap in timing with the first stage, will center on the transit agencies' near-term recovery strategies. Their strategies will form the public transit system we will have for the next year or more. As Task Force members, we will all learn about the difficult trade-offs and different approaches taken by various operators and assess whether their individual strategies reflect a safe,



connected, financially sustainable, and equitable system as we transition back to a new and different reality. These recovery plans will be critical to bringing Bay Area residents safely back onto our transit systems. The Task Force priority in this stage will be to recommend regional priorities and collaborative practices transit providers should incorporate into a cohesive recovery effort, beginning with robust safety measures.

The final stage of our journey is where the Task Force has a unique opportunity to foster long-term improvements in the Bay Area transit network despite the very serious funding shortages that transit operators will be facing for years to come. The future of Bay Area transit necessarily will be different. Let's seize this opportunity to make it better: leaner, cleaner, faster, easier, friendlier, better connected, and more affordable. Members of the state Legislature—including some Task Force members—are highly interested in the future of Bay Area transit as well, and we will welcome partnering with them to turn our planning into action.

I very much look forward to (virtually) seeing each of you on Friday afternoon as the Task Force assembles for the first time, and to working in partnership with each of you during the months to come.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Sperring", with a stylized, cursive script.

Jim Sperring  
Chair, Blue Ribbon Transit Recovery Task Force



# TASK FORCE MEMBERS

May 29, 2020

## Commisioners

Jim Spering  
*Task Force Chair*

Scott Haggerty  
*MTC Chair*

Alfredo Pedroza  
*MTC Vice Chair*

Dave Cortese

Nick Josefowitz

Gina Papan

David Rabbitt

Amy Worth

Therese W. McMillan  
*MTC Executive Director*

## Operators

Nuria Fernandez, VTA

Jim Hartnett, SMCTD

Michael Hursh, AC Transit

Denis Mulligan, GGBHTD

Robert Powers, BART

Rick Ramacier, CCCTA

Michael Tree, LAVTA

Jeffrey Tumlin, SFMTA

Nancy Whelan, Marin Transit

## State Representatives

State Senator Jim Beall

Assemblymember David Chiu

CalSTA Secretary David S. Kim

## Stakeholders

Hayley Currier, TransForm

John Ford, Commute.org

Ian Griffiths, Seamless Bay Area

Carl Guardino, SVLG

Daryl Halls, BACTA Chair

Randi Kinman, MTC Policy  
Advisory Council

James Lindsay, ATU

Stacy Murphy, Teamsters

Susan Rotchy, Independent  
Resource Center

Ellen Wu, Urban Habitat

Jim Wunderman, Bay Area Council



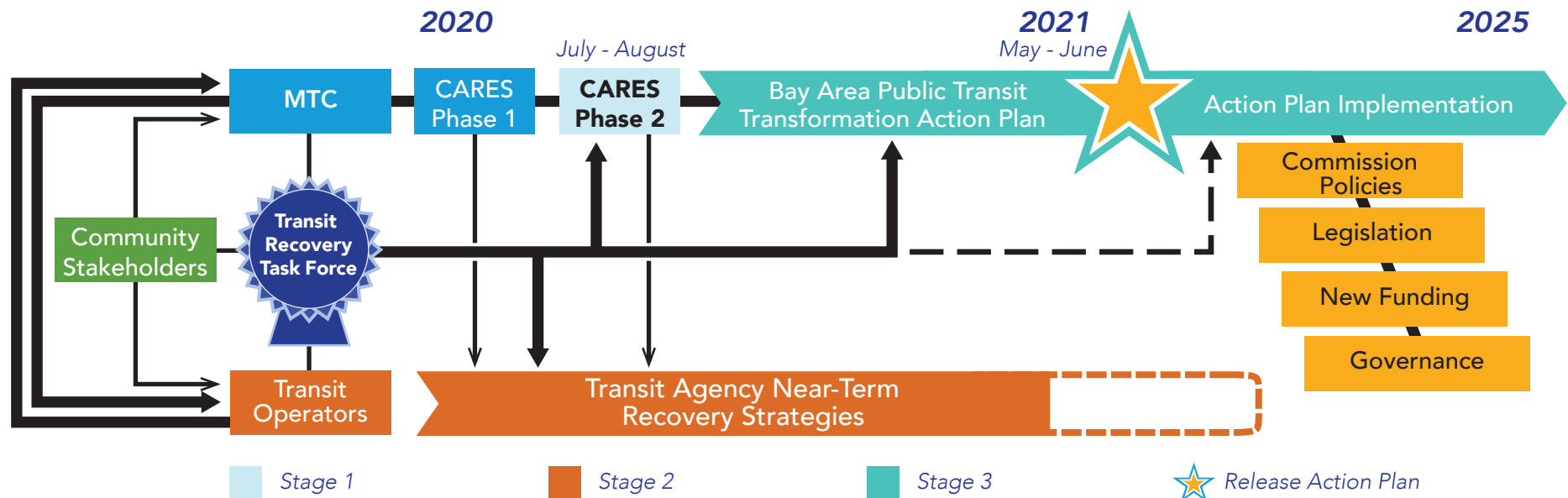
# PURPOSE + TIMELINE

May 29, 2020

## TASK FORCE PURPOSE

The Commission appointed the Blue Ribbon Transit Recovery Task Force to immediately assist MTC in understanding the scale of the crisis facing all Bay Area transit systems as a result of the COVID-19 pandemic, and to guide its regional support through expedited distribution of CARES Act Phase 2 funds. Safety, network connectivity, financial sustainability, and transportation system equity will be important considerations.

Additionally, by mid-2021, the Task Force shall submit a Bay Area Public Transit Transformation Action Plan to the Commission for its consideration and possible adoption. The Plan should identify actions needed to re-shape the region's transit system into a more connected, more efficient, and more user-focused mobility network across the entire Bay Area and beyond.





# INTERVIEWS SUMMARY

May 29, 2020

## NEAR-TERM PRIORITIES

- Immediately achieve uniform, high operational standards of cleanliness and disinfection.
- Prioritize the needs of vulnerable and transit dependent riders in Recovery-based changes.
- Collaboratively develop and deliver a comprehensive, consistent, confidence-building transit message.
- Act with great urgency to distribute remaining CARES Act funds.
- Ensure accountability and transparency of allocations.

## NEAR TERM CONCERNS

- Simultaneous loss of both revenues and ridership has created an unprecedented challenge.
- CARES Act funding will not cover all revenue losses. Smaller agencies may not survive.
- Riders will not return unless uniform, high quality safety and cleanliness standards are evident.
- Sufficient attention will not be given to vulnerable transit riders' needs and operator security.
- Phase 1 distribution concerns need to be addressed in CARES Act Phase 2 fund distribution.

## TRANSFORMATION PRIORITIES

- Create a more understandable, more connected, and more efficient user-focused system.
- Make agency governance changes that achieve improved performance and cost efficiencies.
- Provide the right mix of mobility options to serve both choice and transit dependent users.
- Transit's future should include unified, affordable fare policies and digital access technologies.

## TRANSFORMATION CONCERNS

- Entrenched, parochial governance structure will be difficult to change.
- Near-term service reductions will make it harder to rebuild ridership.
- Transit advocates lack adequate understanding of transit's regulatory and labor constraints
- The decision making process will not adequately reflect the needs of vulnerable riders.



# INTERVIEW QUOTES I

May 29, 2020

This is a permanent disruptor. There's lots of uncertainty and no one has a crystal ball.

Each stage has importance, but if we don't deal with survival there won't be a final stage.

I'm concerned we won't think big enough. We'll get stuck in turf wars.

There's not enough funding. How do we fight over it without fighting?

We need to shape what we can and monitor what we can't.

Seniors and the most vulnerable are the ones who are relying on transit right now. We have to be ready to serve that constituency.

Be bold and move beyond obstruction to a better future for us all.



# INTERVIEW QUOTES II

May 29, 2020

Safety needs haven't been met, and that is critical for getting riders to return.

Urban areas cannot come back without transit, one won't work without the other.

How do we serve people who rely on transit most to fulfill their life and economic duties?

Drivers are afraid, and have already experienced violence over safety enforcement.

We cannot act independently in a conversation this large.

We can't go back to the institutional and operational norms that were in place.

# HOW IS TRANSIT FUNDED?

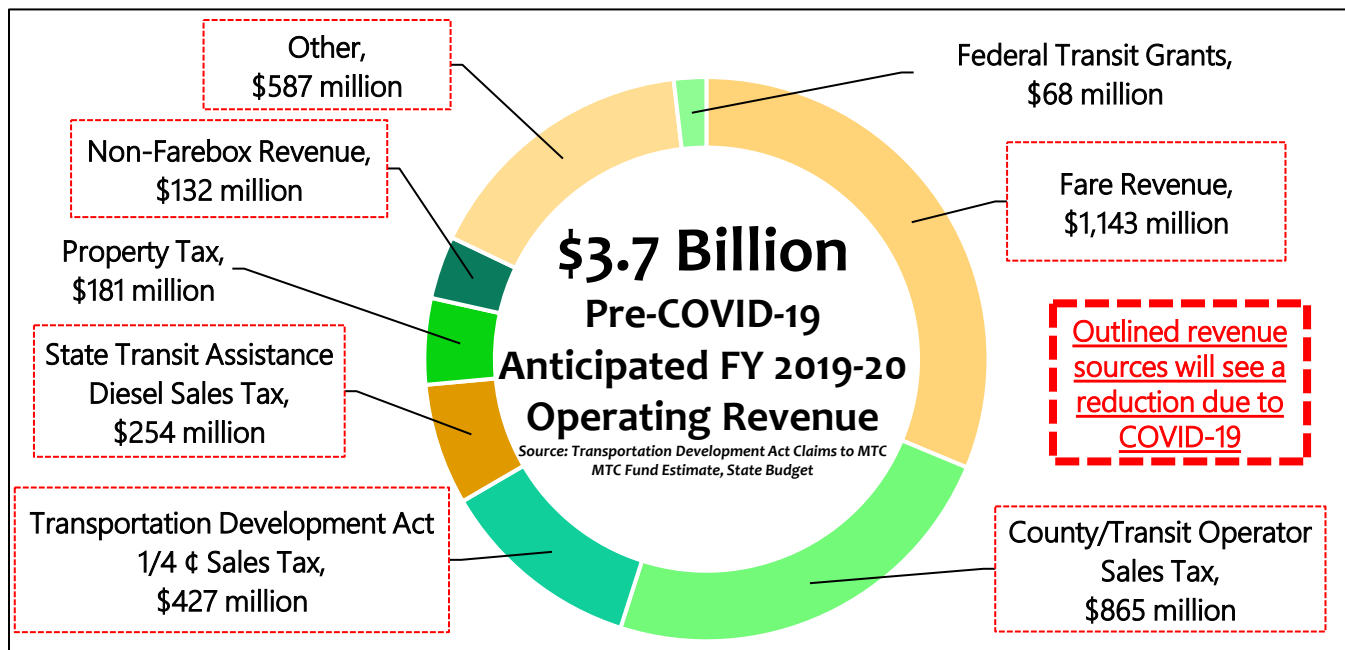
## Transit Operations Funding

### \$3.5 Billion to Operate pre-COVID-19 Service Levels

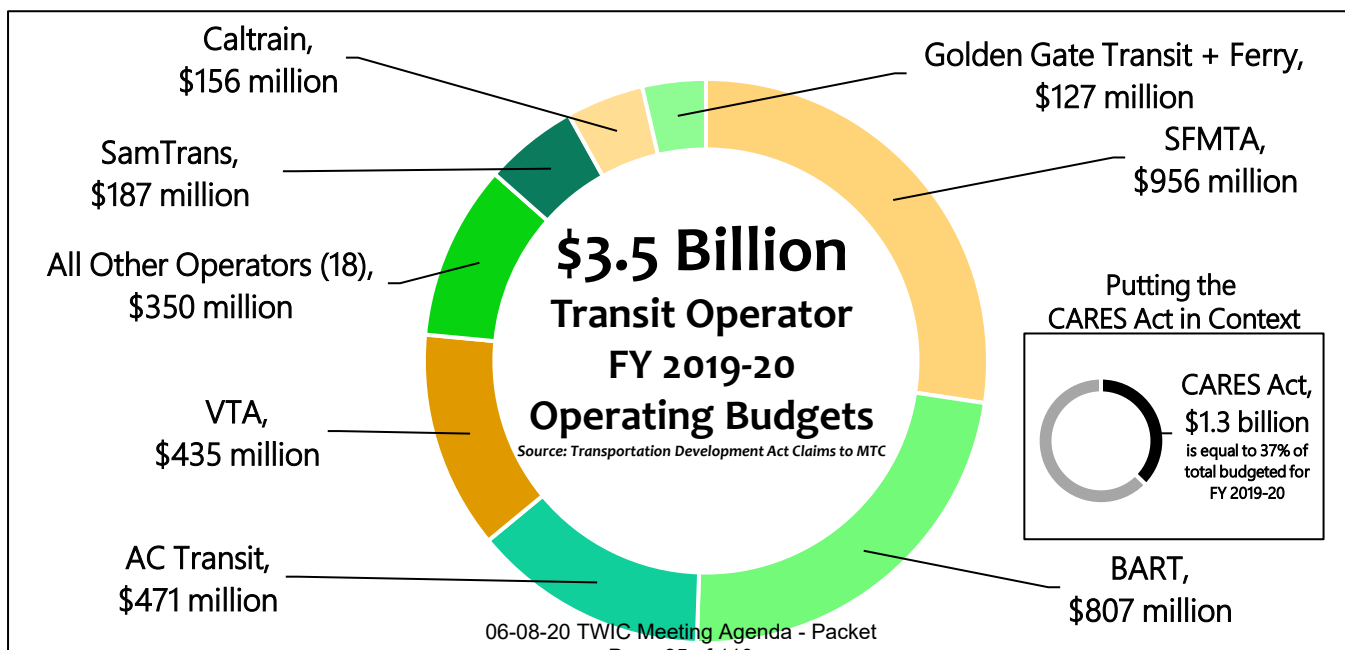
The Bay Area's 25 Federal Transit Administration-eligible transit operators budgeted approximately \$3.5 billion in Fiscal Year 2019-20 to operate nearly 14 million hours of transit service.

### Revenue Heavily Reliant on Fares and Sales Taxes

For Fiscal Year 2019-20 approximately 74% of transit operating revenues were expected to come from fares and sales taxes, the two revenue sources likely to be most severely impacted by COVID-19.



Note: Operating revenue exceeds operating budgets due to fund transfers to capital state of good repair needs.



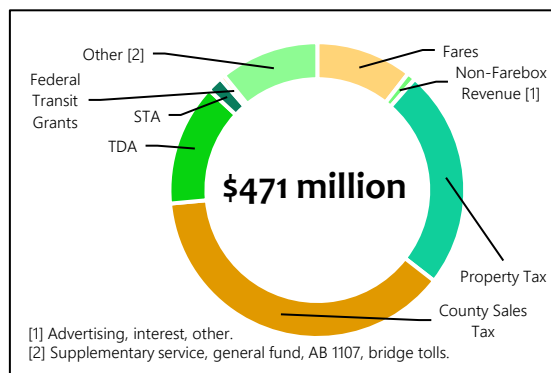
## FY 2019-20 Operating Revenue Sources

### Each Operator Has a Unique Funding Mix

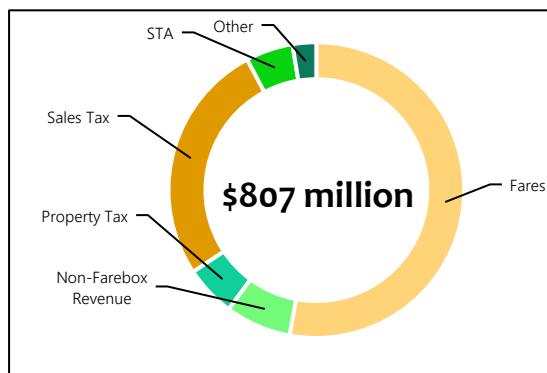
The Bay Area's 25 Federal Transit Administration-eligible transit operators receive their revenue from a wide range of sources. While fare revenue and sales tax revenue are the most important sources of funding for operations, the importance of an individual fund source varies dramatically from operator to operator.

Operators dependent on fare or parking revenue have been hit hardest to date by the impacts of COVID-19 and the resulting collapse of ridership and traffic. The impact of declines in sales tax revenue and other tax-based revenue streams will be begin to be felt over the coming months.

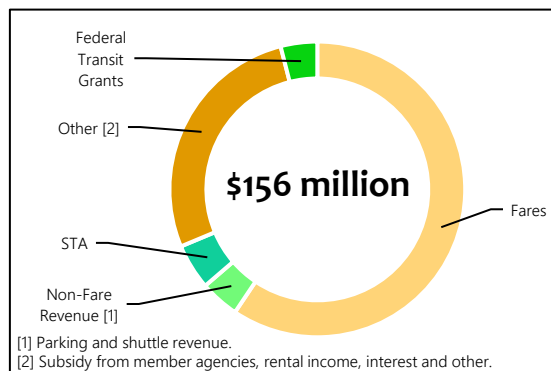
**AC Transit**



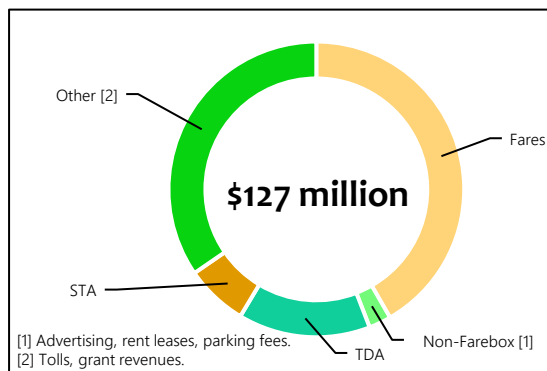
**BART**



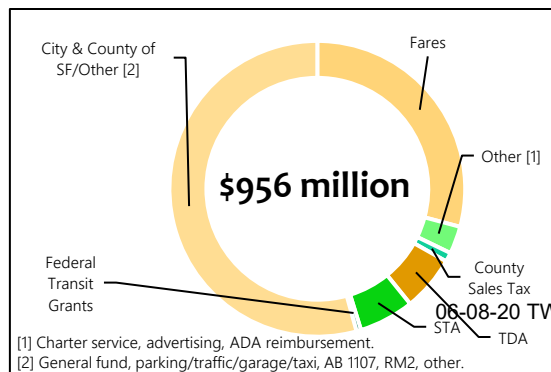
**Caltrain**



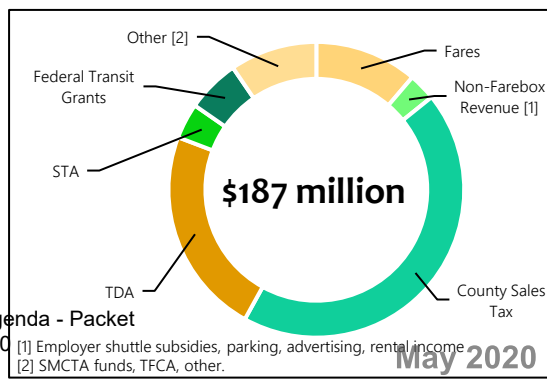
**Golden Gate Transit + Ferry**



**Muni (SFMTA)**



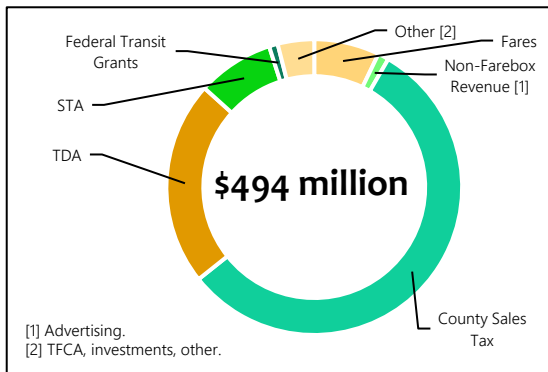
**SamTrans**



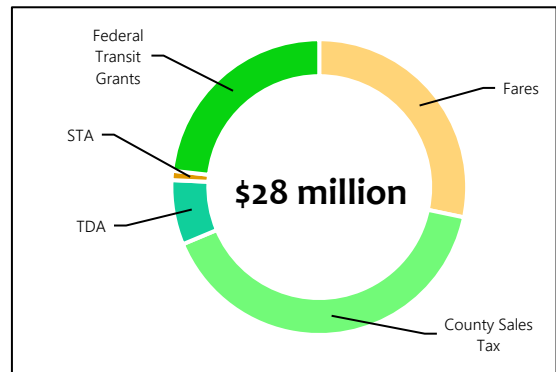


# OPERATOR BUDGETS (con't.)

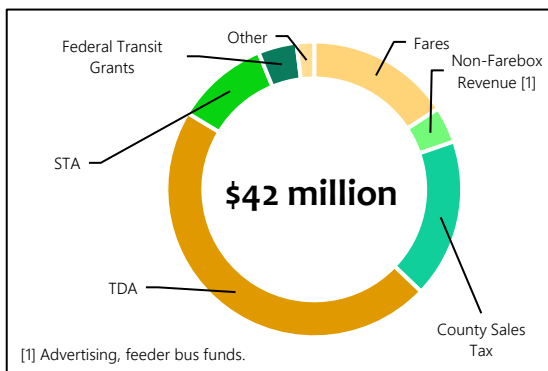
## Santa Clara VTA



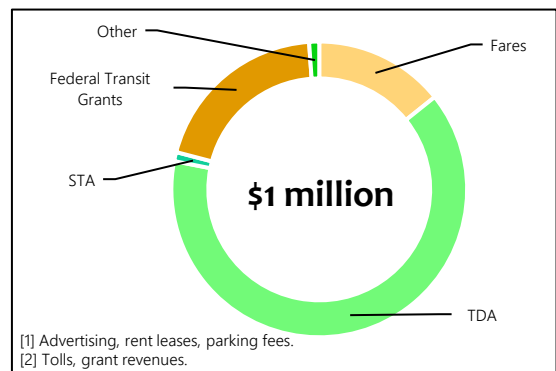
## Altamont Corridor Express (ACE)



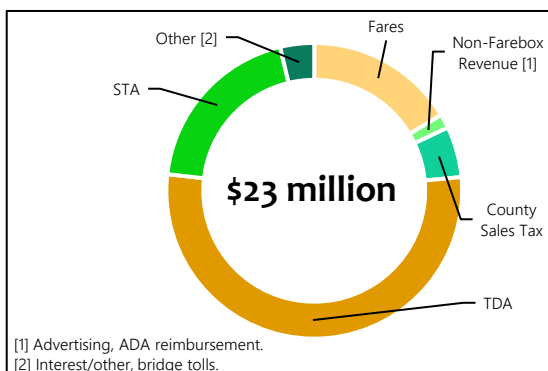
## County Connection (CCCTA)



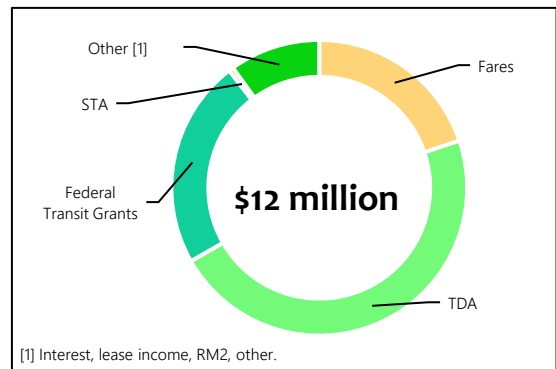
## Readi-Ride (City of Dixon)



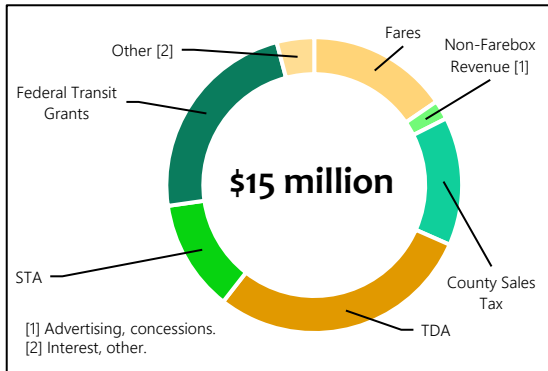
## Tri Delta Transit (ECCTA)



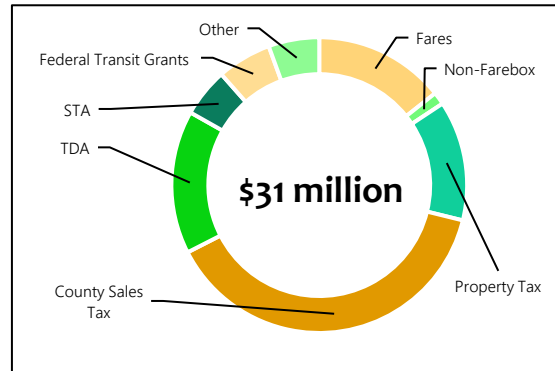
## FAST (City of Fairfield)



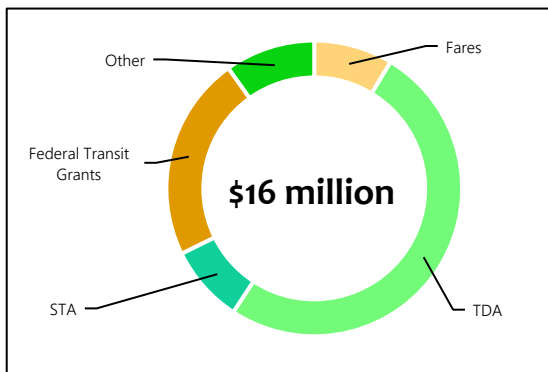
### Wheels (LAVTA)



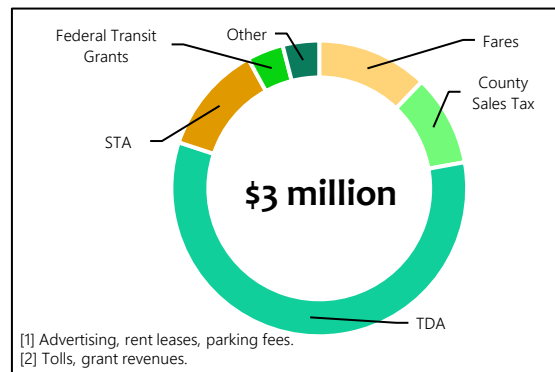
### Marin Transit



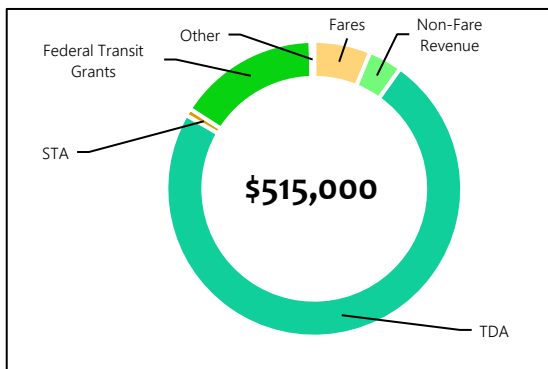
### Napa Vine (NVTA)



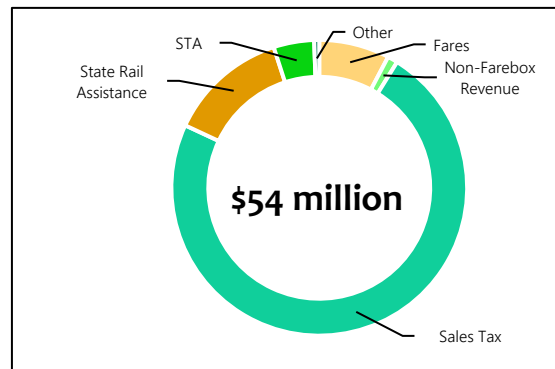
### Petaluma Transit



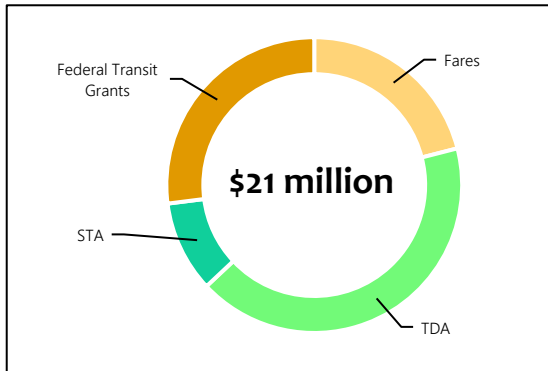
### Delta Breeze (City of Rio Vista)



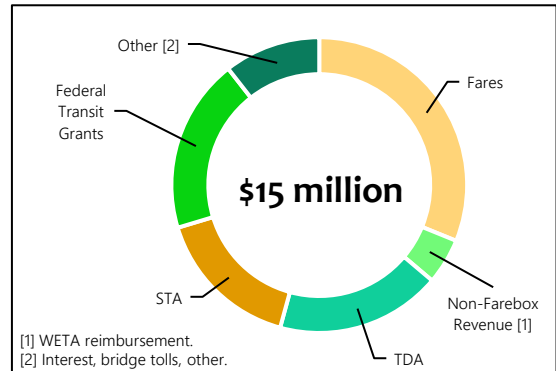
### SMART



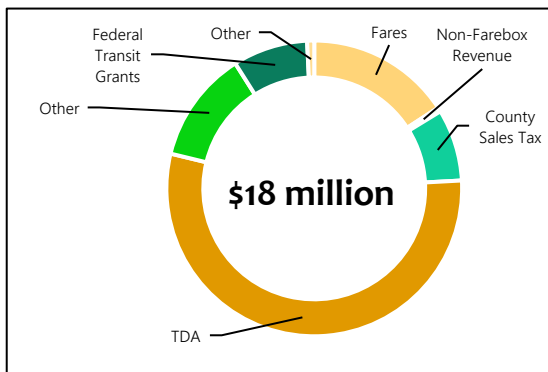
### Santa Rosa CityBus



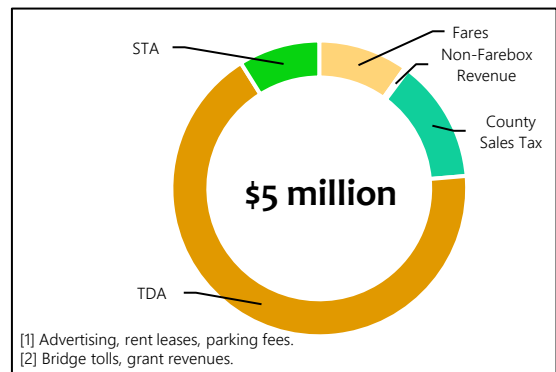
### Soltrans



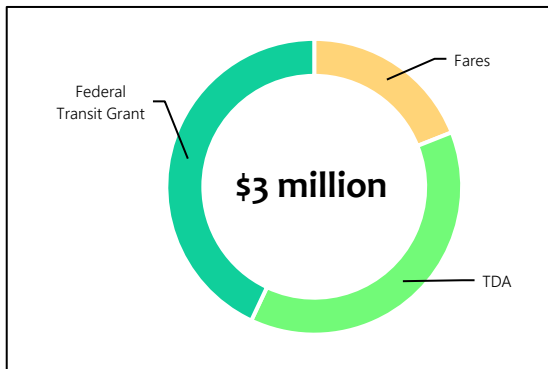
### Sonoma County Transit



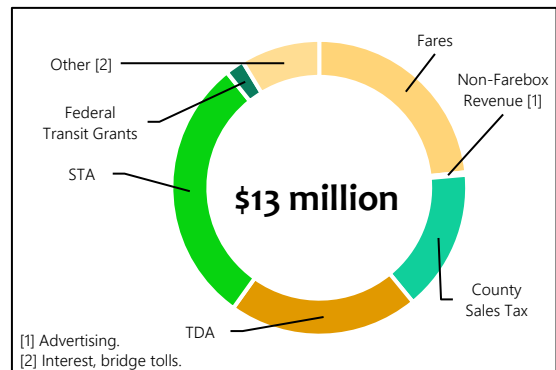
### Union City Transit



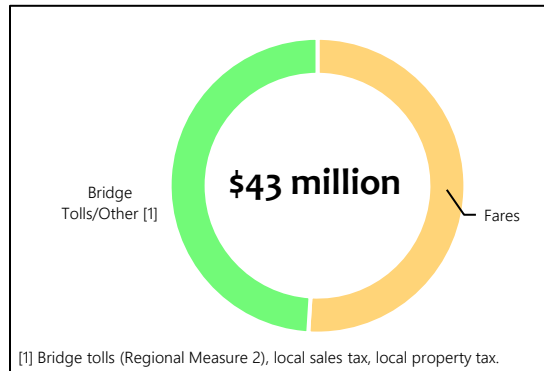
### Vacaville City Coach



### WestCAT (WCCTA)



## SF Bay Ferry (WETA)



Sources: Transportation Development Act Claims to MTC, Operator Budgets

## Unprecedented Federal Support for Transit Operations

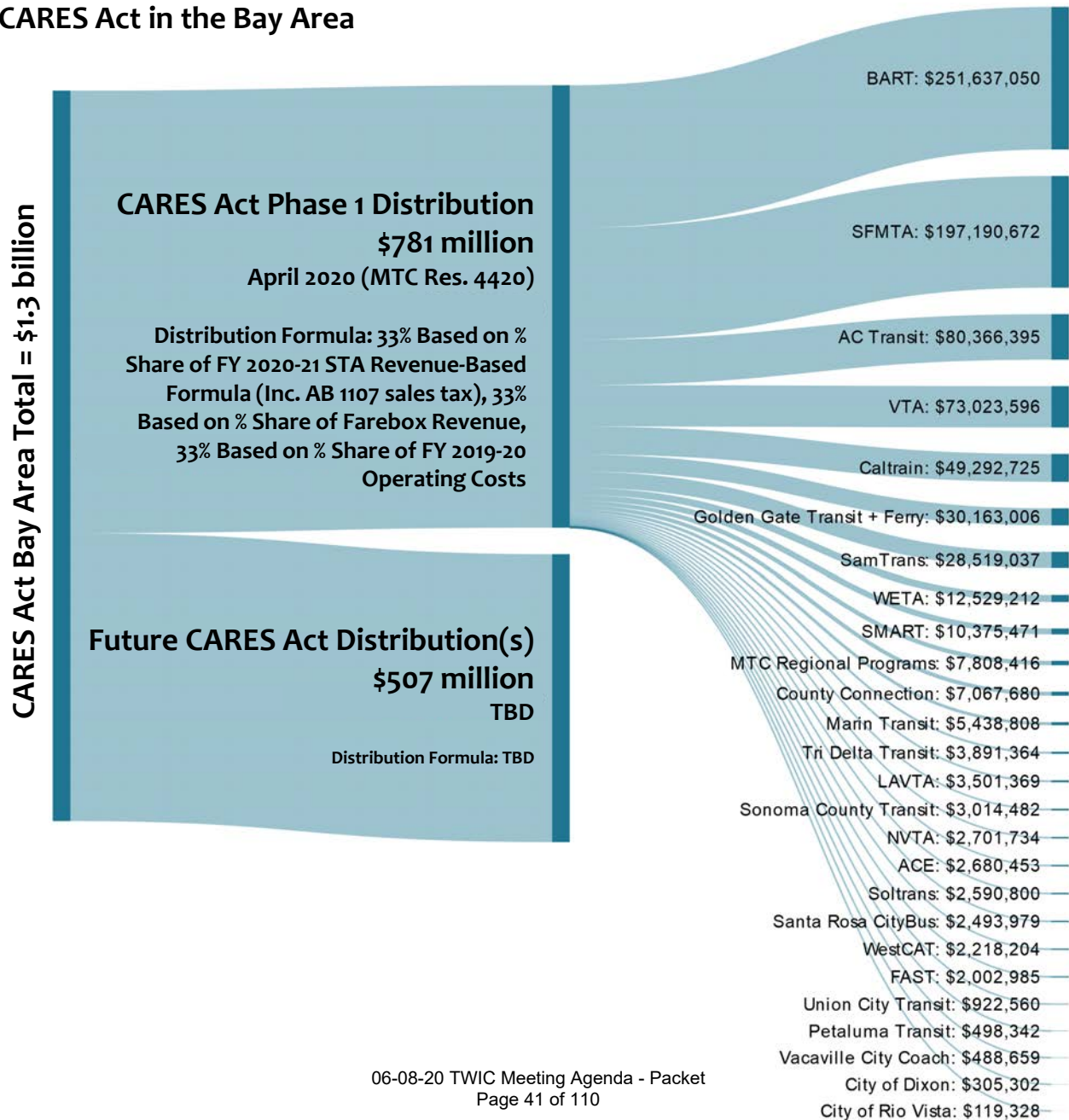
### \$1.3 Billion for the Bay Area

On March 27, 2020 the CARES Act became law and appropriated \$25 billion in supplemental Federal Transit Administration (FTA) Urbanized Area Formula (Section 5307) and Rural Area Formula (Section 5311) program fund apportionments to support transit agency operations impacted by COVID-19. Approximately \$1.3 billion was appropriated to the Bay Area.

### \$507 Million of CARES Act Funds Remain

In April MTC programmed 60.6% of the Bay Area's CARES Act funds, totaling \$781 million, to operators. \$507 million of CARES Act funds remain to be programmed in a future phase(s) this summer. In total the CARES Act provided funds equal to approximately 37% of FY 2019-20 transit operating costs.

### CARES Act in the Bay Area



# COVID-19 Emergency Transit Safety Coordination

## EMERGENCY OPERATIONS CENTER (EOC)

On March 16, 2020, MTC partially activated a virtual Emergency Operations Center (EOC) to assist with regional coordination amidst the COVID-19 national emergency. The EOC was activated relatively early in the pandemic in light of the rapidly changing environment and in anticipation of coming transit service adjustments.

### REGIONAL COORDINATION

#### Meetings

- Convene EOC calls (Daily initially, now weekly)
- Convene Regional Joint Information Center (JIC) – Public Information Officers (PIO) Coordination
- Convene weekly paratransit information gathering and sharing

#### Roles

- Information Clearinghouse - Producing transportation summary reports that are distributed to our transportation partners, the county Departments of Emergency Management, California Office of Emergency Services (CalOES), and federal transportation agencies
- County public health officials have participated in EOC calls to provide insight and directly respond to transit operator questions.

#### Communicating with the Public

- EOC responsible for disseminating rapidly changing transit service changes through 511.org.
- Bus Transit Rider Safety Communication Poster to promote transit rider safety is anticipated to be distributed in Summer 2020.

### Safety for Employees and Riders

Regional conference calls with transit agencies provided opportunity to review and discuss:

- Evolving safety mandates and published guidance
- How and where to procure PPE and safety equipment.
- Sanitation protocols and employee training.

Transit Operators are in direct regular communication with their respective County EOC(s) and Public Health Officials

### Paratransit: Different Needs

Paratransit serves people with disabilities who are typically reliant on public transit. Drivers are in closer contact with riders. Paratransit protocols continue to evolve as agencies seek to protect the well-being of riders and drivers.

- Some have eliminated shared rides, extended paratransit rider eligibility, and eliminated fares
- Some are providing face shields to drivers when social distancing is not possible, such as when securing wheelchairs.
- Some paratransit programs are providing different types of service such as meal or grocery delivery and transporting homeless residents to shelters.

## Health & Safety Guidelines

### CDC Guidelines

- Public Services & Infrastructure

Worker Safety Guidance:

- Maintenance Worker
- Bus Worker
- Station Worker
- Rail Operator

<https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>

### APTA Guidelines

Riders and Employees

April 13, 2020

<https://www.apta.com/wp-content/uploads/COVID->

19 Transit Guide FINAL 04132020.pdf  
06-08-20 TWIC Meeting Agenda - Packet  
Page 42 of 110

### California Guidelines

Public Transit and  
Intercity Passenger Rail

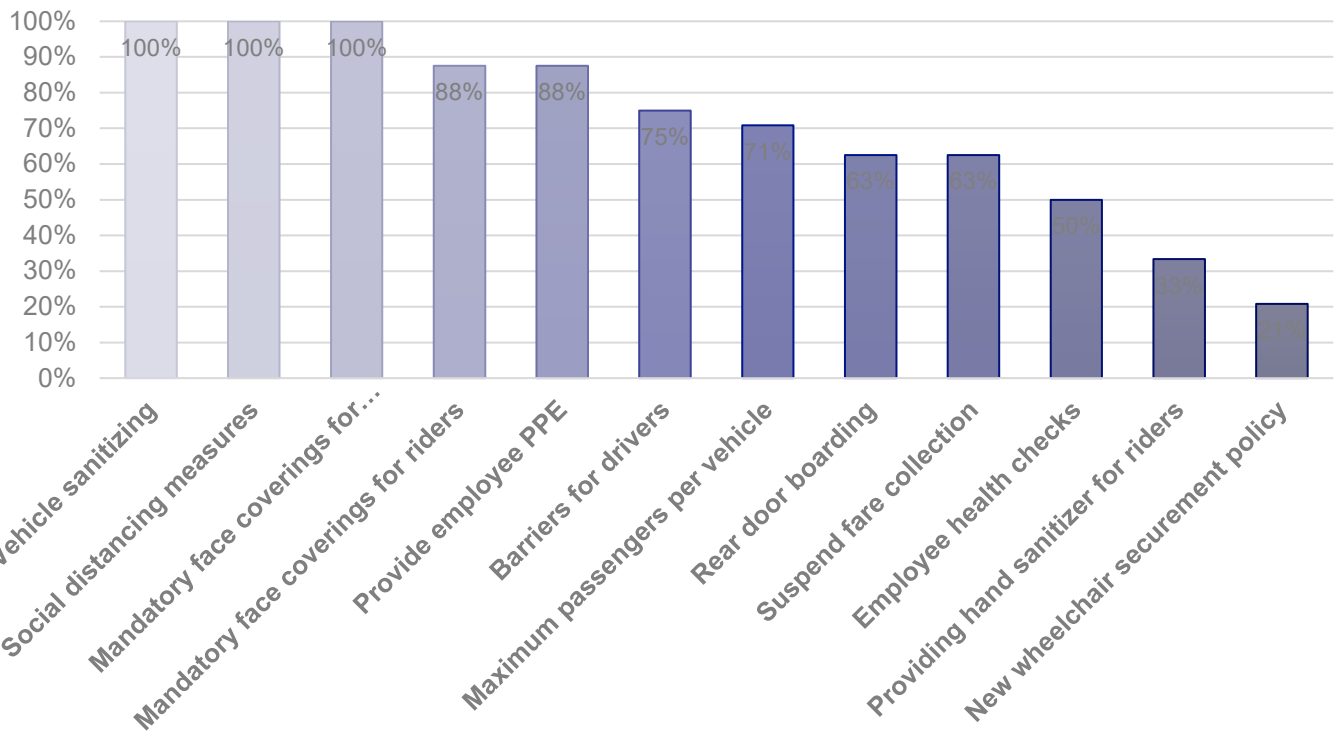
May 12, 2020

<https://covid19.ca.gov/pdf/guidance-transit-rail.pdf>

May 2020

# COVID-19 Emergency Transit Safety Coordination

Percent of Transit Agencies with Covid-19 Safety Procedures in Place (as of May 22, 2020)



## Transit Operator Safety Practices

MTC conducted a transit agency safety protocols survey (Distributed on April 29, 2020 and updated on May 22, 2020).

- Information Collected: safety guidelines, procurement and distribution of Personal Protective Equipment (PPE), and plans for future safety procedures.
- **What we heard:**
  - Most agencies distribute face coverings (surgical or N95), gloves, and hand sanitizer to drivers and frontline staff.
  - Most agency staff are required to wear PPE.
  - Recommending passenger physical distancing and face coverings.
  - Agencies have been coordinating their pandemic response with County EOCs and County Health Departments
  - Enhancing short-term improvements to safety measures such as driver barriers, passenger load limits, and line-queue pavement markings at transit centers



TRANSIT RECOVERY TASK FORCE

Note: Information contained here are responses to MTC's safety protocols survey (distributed on April 29, 2020 and updated May 22, 2020). The information is to the best of the agency's knowledge at the time of surveying. Actual practices and conditions may differ from the data represented here.

Survey Question	AC Transit	ACE	BART	CCCTA	Delta Breeze	ECCTA (Tri Delta)	FAST	GGBHTD	LAVTA	Marin Transit	NVTA (Vine)	Petaluma Transit	SamTrans/ Caltrain	Santa Rosa City Bus	SFMTA: Bus & Rail	SFMTA: Paratransit	SMART	SoTrans	Son Co Transit	Union City Transit	Vacaville City Coach	VTA	WestCAT	WETA
Date Submitted	05/13/20	05/21/20	04/30/20	05/04/20	05/06/20	04/30/20	05/04/20	05/04/20	05/05/20	05/05/20	05/22/20	05/08/20	05/15/20	05/05/20	05/04/20	05/04/20	05/03/20	05/06/20	05/01/20	05/20/20	05/06/20	05/20/20	05/20/20	04/30/20
1. What other measures have you put into place to reduce transmission of the Coronavirus?																								
Vehicle sanitizing	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Barriers for drivers	x			x	x		x	x	x	x		x	x		x						x	x	x	
Rear door boarding	x			x		x	x					x			x					x	x	x	x	
Support line collection	x					x	x				x				x				x	x	x	x	x	
New wheelchair securement policy	x						x					x					x			x	x	x	x	
Maximum passengers per vehicle	x			x	x	x	x			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Mandatory face coverings	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Employee health checks	x			x		x		x				x	x		x			x	x	x	x	x	x	x
Provide employee Personal Protective Equipment (PPE)	x	x	x	x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Mandatory face coverings for riders	x	x	x	x		x		x	x	x	x	x	x	x	x	x			x	x		x	x	x
Providing hand sanitizer for riders	x			x		x									x									
Social distancing measures	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Other( See notes tab)			x	x			x	x	x				x	x	x	x					x	x	x	x
2. Describe the PPE your agency or contractor is providing to drivers and other front-line staff																								
Face Masks-----																								
Cloth face covering	x	x		x	x	x	x		x	x	x	x	x	x					x	x	x		x	
Surgical	x	x	x	x	x	x	x		x	x				x	x	x	x		x	x		x	x	x
KN95							x				x													
N95	x		x	x	x	x	x					x			x			x			x		x	
PPE																								
Gloves	x	x	x	x	x	x	x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Hand sanitizer	x	x	x	x	x	x	x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Eye protection	x						x							x		x	x			x				
Plastic face shields			x			x			x	x				x		x								
Coveralls	x											x				x			x					
Other				Disinfecting wipes				Considering cloth mask options				Antibac-terial wipes	All PPE necessary required by any circumstance		Disinfectant cleansers & wipes	Disposable apron					Bleach wipes, disposable barber capes			
3. If applicable, describe the PPE that your agency or contractor is providing to drivers for your paratransit service																								
Face Masks-----																								
Cloth face covering	x			x		x	x	x	x	x	x	x	x	x	x	x			x	x	x	x	x	
Surgical	x		x			x	x					x		x	x	x			x	x		x	x	
KN95							x																	
N95	x		x	x		x	x				x							x			x		x	
PPE																								
Gloves	x		x	x		x	x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Hand sanitizer	x		x	x		x	x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Eye protection			x											x		x			x		x			
Plastic face shields	x					x										x								
Coveralls	x			x								x						x		x				
Other		NA		Disinfecting wipes				NA				Antibac-terial wipes			Disinfectant cleansers & wipes	Disinfectant cleansers & wipes								
4. Do you have a shortage of or challenges procuring PPE or safety supplies?																								
Face Masks-----																								
Cloth face covering							x																	
Surgical			x				x														x			
KN95							x																	
N95			x		x	x	x															x	x	
PPE																								
Gloves							x	x							x							x	x	
Hand sanitizer				x			x	x							x					x		x	x	
Eye protection																								
Plastic face shields																x								
Coveralls				x								x												
Disinfectant							x																	
Other		NA	Electrostatic sprayers	Disinfecting wipes		Thermo-meters		Electrostatic sprayers for vehicle & bldg decon-tamination				Antibac-terial Wipes, Electrostatic Sprayer	N9		Disinfectant wipes						Bleach wipes			
Comments (See notes tab)	x		x	x				x	x	x			x		x		x	x	x	x		x	x	x





**Bay Area Transit Operator Status**  
*As of May 22, 2020*

**TRANSIT RECOVERY  
TASK FORCE**

Transit Operator	Average Weekday Ridership % Decrease (estimated as of April 22, 2020)	Status of Operations/Service	Collecting Fares (yes/no)	Workforce Impacts
AC Transit	-83%	<p><u>Service:</u> Operating a modified service schedule in response to the COVID-19 pandemic. Although similar to the existing Sunday service, arrival times will differ from it.</p> <p><u>Hours of operation:</u> Monday - Sunday - 24 hours (varies by line)</p>	No	<p>Providing personal protective equipment (PPE) to all frontline staff. Face coverings are now required for all passengers and employees.</p> <p>Passengers boarding through rear doors on buses. Passenger limits on buses are as follows: (30ft: 6 passengers, 40ft: 10 passengers, 60ft articulated: 16 passengers, Double-decker: 24 passengers)</p> <p>No furloughs are planned.</p>
BART	-92%	<p><u>Service:</u> Weekday service is running every 30 minutes systemwide all day between 5:00 AM and 9:00 PM with 3-line service beginning earlier in the evening. Single tracking will take place in San Francisco starting at around 8:00 PM. The extra commute trains that run during the AM and PM commute on the Yellow (Antioch-SFO) line have been suspended.</p> <p><u>Hours of operation:</u> Monday - Friday - 5:00 am - 9:00 pm; Saturday - Sunday - 8:00 am - 9:00 pm</p>	Yes	<p>Providing personal protective equipment (PPE) to all frontline staff. Face coverings are now required for all passengers and employees.</p> <p>Have not changed capacity limitations and still running 10 car trains. As ridership increases, will look further into capacity restrictions to maintain social distancing.</p> <p>No staffing shortages or furloughs planned.</p>
Caltrain	-98%	<p><u>Service:</u> Caltrain is running a modified weekday schedule operating 42 trains per day, rather than the usual 92. Trains will make all local weekday stops between San Jose and San Francisco every 30-60 minutes, depending on time of day. Caltrain will continue operating two Gilroy service trains during the morning and afternoon peak commute. Limited and Baby Bullet service will be suspended until further notice. Weekend service will operate normally.</p> <p><u>Hours of operation:</u> Monday - Friday - 4:30 am - 1:40 am; Saturday - 7:00 am - 10:30 pm; Sunday - 8:00 am - 10:00 pm</p>	Yes	<p>Providing personal protective equipment (PPE) to all frontline staff. Face coverings are now required for all passengers and employees.</p> <p>Furloughing train crews on service that has been cut.</p> <p>Ridership on Caltrain is so low, it is easy to keep 6+ feet apart. Therefore, there are no publicly listed specific caps on passengers.</p>

## Bay Area Transit Operator Status

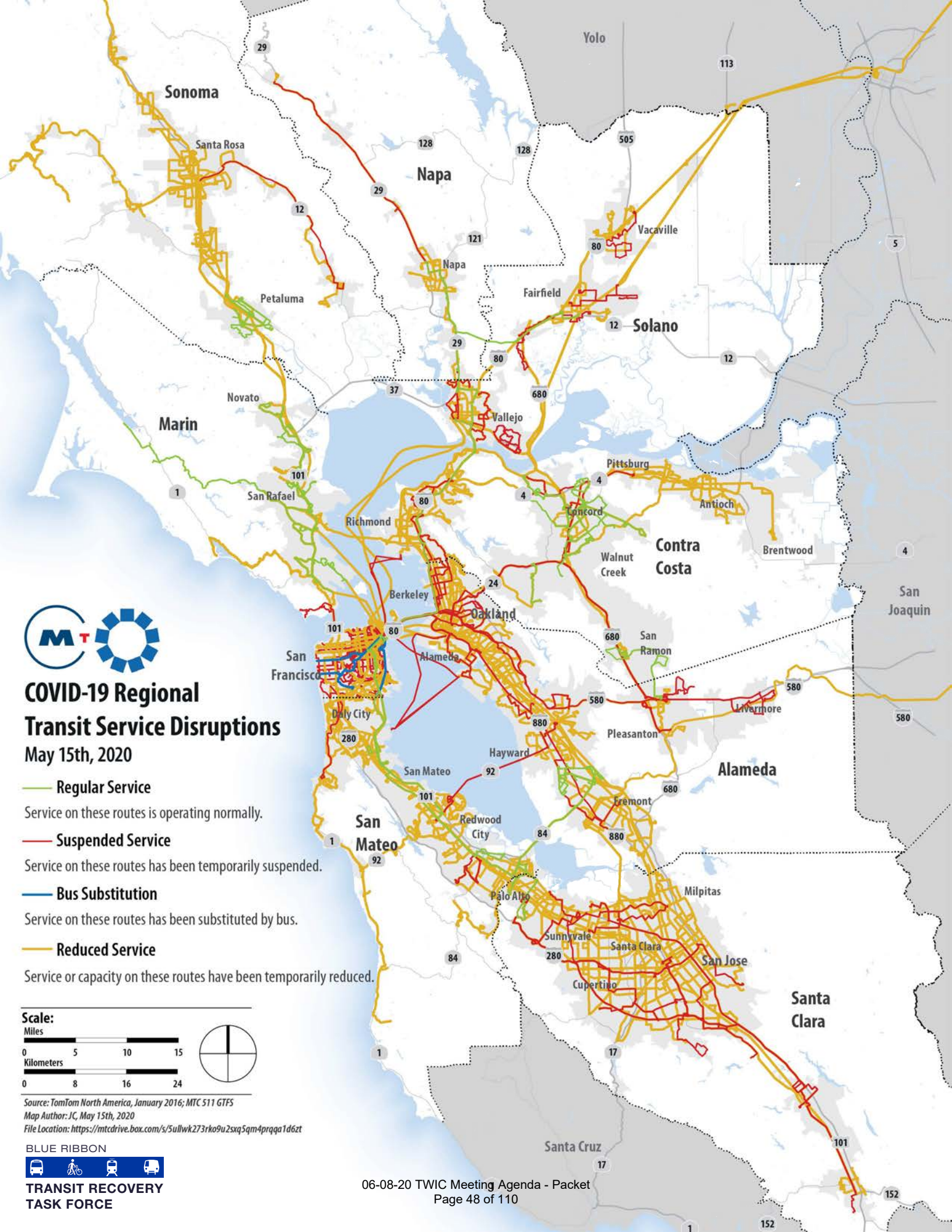
As of May 22, 2020

Transit Operator	Average Weekday Ridership % Decrease (estimated as of April 22, 2020)	Status of Operations/Service	Collecting Fares (yes/no)	Workforce Impacts
Golden Gate Transit + Ferry	Bus: -85% Ferry: -96%	<u>Service:</u> Bus: Operating a reduced service on most routes. Permitting local bus rides within San Francisco in an effort to help SFMTA; Ferry: Operating reduced service on all ferry routes, suspended weekend and Chase Center/Oracle Park ferry service. Have restored service on several routes since beginning of May.  <u>Hours of operation:</u> Monday - Sunday - 4:00 am - 12:00 am	Yes	Providing personal protective equipment (PPE) to all frontline staff. Face coverings are now required for all passengers and employees.  The staffing shortage of bus operators have improved but there remains a shortage on the ferry system. This is not significantly impacting operations due to the reduced ferry service.
SF Bay Ferry/WETA	-85%	<u>Service:</u> Operating very limited service to Oakland/Alameda and Vallejo. Alameda Harbor Bay, Richmond, and South SF service suspended. No weekend service.  <u>Hours of operation:</u> Monday - Friday - 6:00 am - 7:00 pm; Saturday - Sunday - Closed	Yes	Providing personal protective equipment (PPE) to all frontline staff. Face coverings are now required for all passengers and employees.  Staff are wiping down every seat used by a passenger after each use and fogging each boat daily.  Have limited capacity to 25% on vessels but ridership is so low it is not an issue.  Have committed to keep contractors whole until the end of the fiscal year.
SFMTA	-83%	<u>Service:</u> All rail service suspended. Bus service has increased on May 16th. Using a phased approach, the SFMTA is developing service plans in response to anticipated demand changes as San Francisco gradually comes out of the shelter-in-place order.  <u>Hours of operation:</u> Regular service - 5:00 am - 10:00 pm; Owl service - 10:00 pm - 5:00 am	Yes	Providing personal protective equipment (PPE) to all frontline staff. Face coverings are now required for all passengers and employees.  Passengers boarding through rear doors on buses.  To minimize risk to operators and to promote social distancing among riders on our most heavily used routes, the frequency of service has been improved to under 10 minutes.
SamTrans	-75%	<u>Service:</u> Implemented a modified schedule with service reductions on 31 routes. Most routes are operating on their Saturday schedules during the weekday. Weekend service is unchanged.  <u>Hours of operation:</u> Regular service - 4:00 am - 12:00 am; Owl service - 12:00 am - 4:00 am	No	Providing personal protective equipment (PPE) to all frontline staff. Face coverings are now required for all passengers and employees.  Passengers boarding through rear doors on buses.  To ensure social distancing, SamTrans will be monitoring ridership levels route-by-route, and will make adjustments as needed. The passenger cap for our 60-foot articulated buses is 10 passengers and 40-foot buses have a cap of 6 passengers.

## Bay Area Transit Operator Status

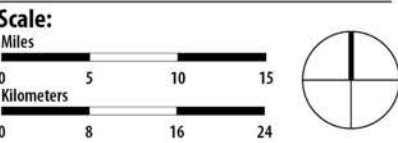
*As of May 22, 2020*

Transit Operator	Average Weekday Ridership % Decrease (estimated as of April 22, 2020)	Status of Operations/Service	Collecting Fares (yes/no)	Workforce Impacts
VTA	Bus: -76% Light Rail: - 87%	<u>Service:</u> Bus: Operating a reduced service, with 14 lines and school service suspended. Light rail: Trains operate every 30 minutes.  <u>Hours of operation:</u> Bus: Monday - Sunday - 5:00 am - 9:00 pm; Light rail: Monday - Friday - 6:00 am - 6:00 pm; Saturday - Sunday - Closed	No	Providing personal protective equipment (PPE) to all frontline staff. Face coverings are now required for all passengers and employees.  Vehicles and facilities are disinfected daily.  Passengers boarding through rear doors on buses.
Small/Medium Transit Operators	Average weekday ridership has declined between -70% and -98%.  Ridership declines have been greatest on services focused on peak commute trips and the least on services targeted to lifeline riders.	Most operators have reduced service significantly with many operating a modified weekend schedule every day.  Operators like NVRTA and Santa Rosa CityBus have suspended some fixed route service and replaced it with on-demand app or telephone based dial-a-ride service  SMART has suspended weekend service.  Numerous operators are providing meals on wheels deliveries and assisting with transporting unhoused people to hotels.	Fare collection suspended for most, but not all, bus operators.	Providing personal protective equipment (PPE) to all frontline staff.  Several operators including SolTrans and WestCAT are regularly fogging their buses to disinfect them.  Passengers boarding through rear doors on buses when possible. Passenger capacity limitations are in place at some agencies.  Passengers are not required to wear face coverings on all systems, but it is generally recommended.



**COVID-19 Regional  
Transit Service Disruptions**  
May 15th, 2020

- Regular Service**  
Service on these routes is operating normally.
- Suspended Service**  
Service on these routes has been temporarily suspended.
- Bus Substitution**  
Service on these routes has been substituted by bus.
- Reduced Service**  
Service or capacity on these routes have been temporarily reduced.



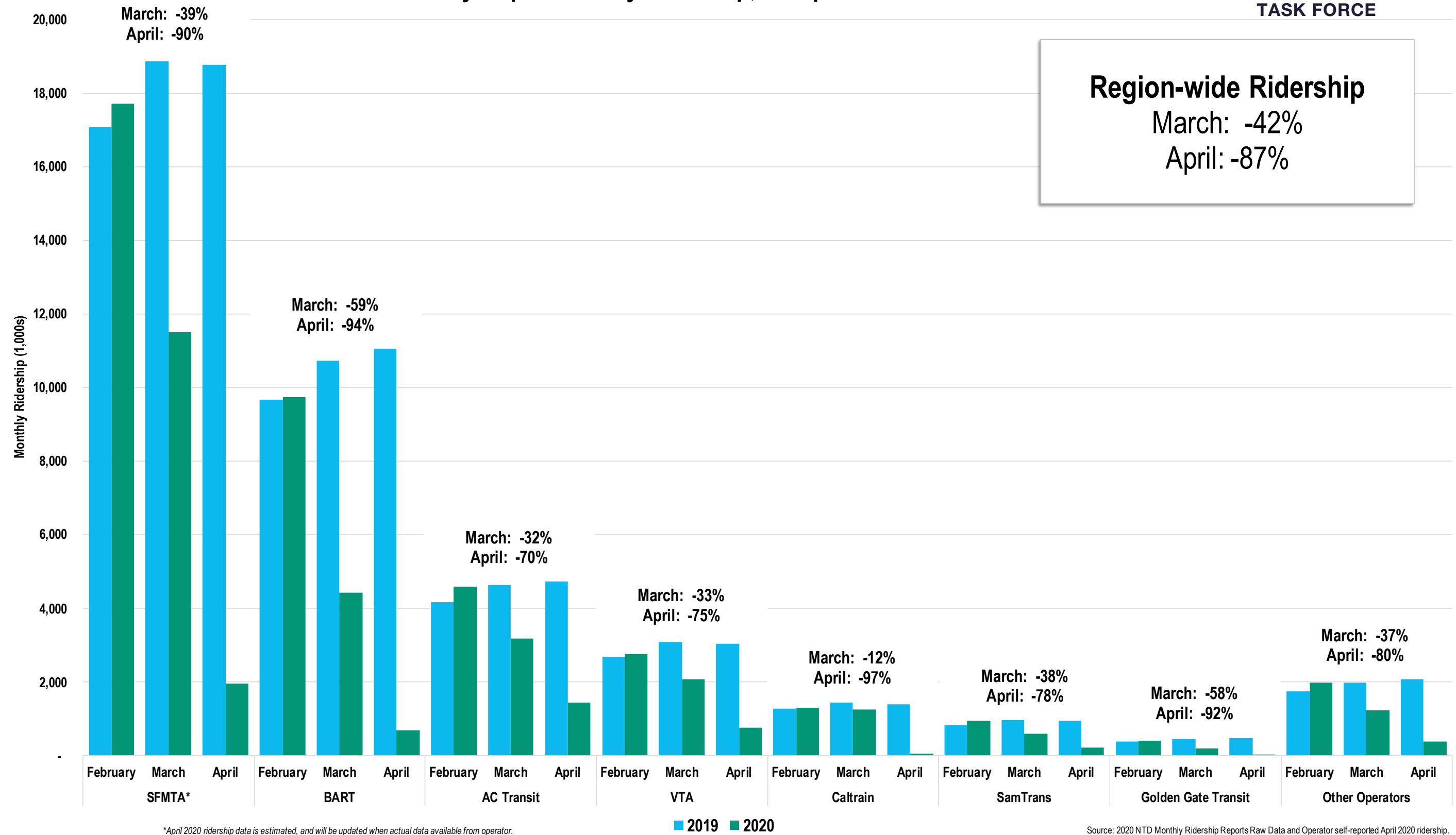
Source: TomTom North America, January 2016; MTC S11 GTFS  
Map Author: JC, May 15th, 2020  
File Location: <https://mtcdrive.box.com/s/5ullwk273rko9u2sqx5qm4prqqa1d6zt>

BLUE RIBBON

**TRANSIT RECOVERY  
TASK FORCE**



## February - April Monthly Ridership, Comparison of 2020 to 2019

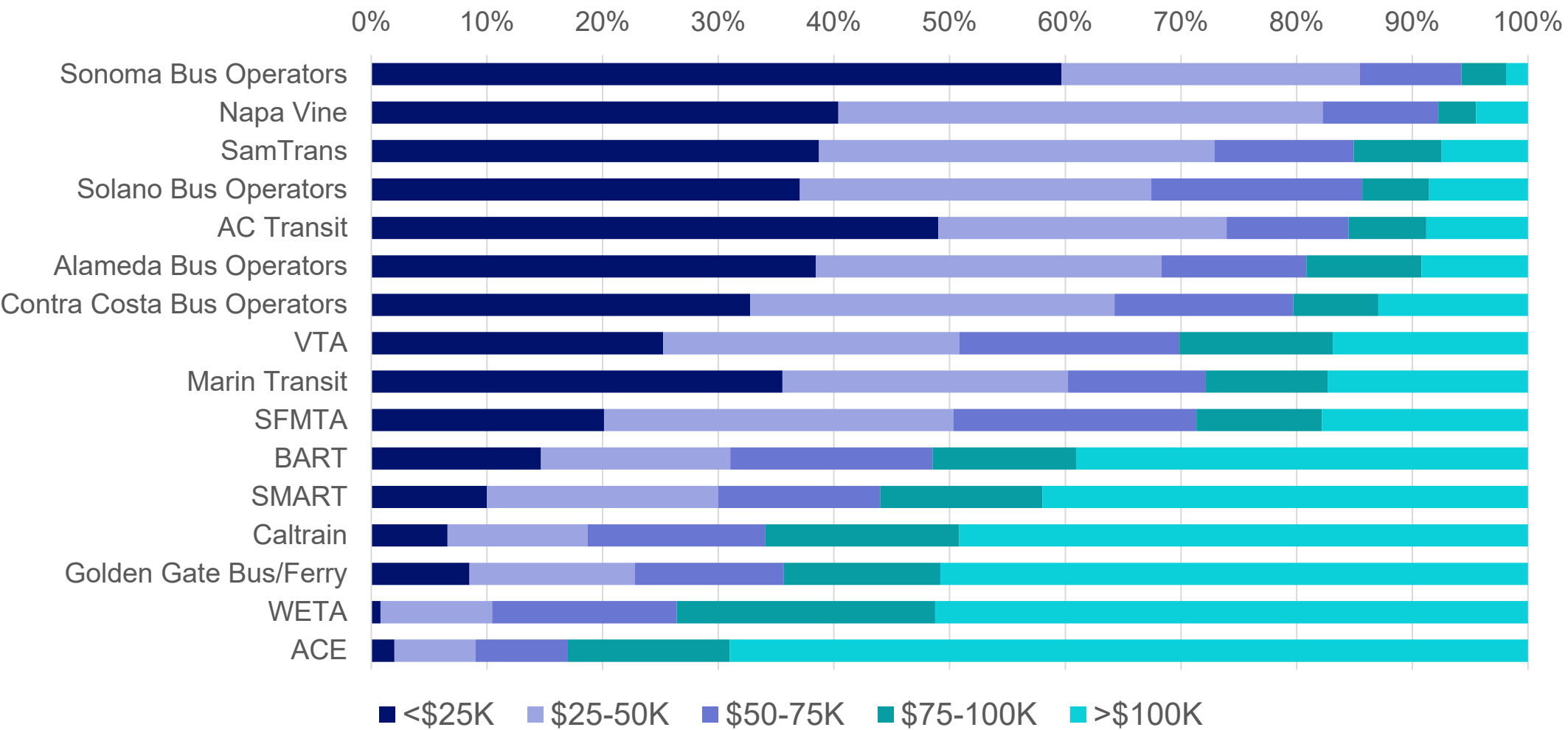


## **Transit Ridership Demographics from Plan Bay Area 2050**

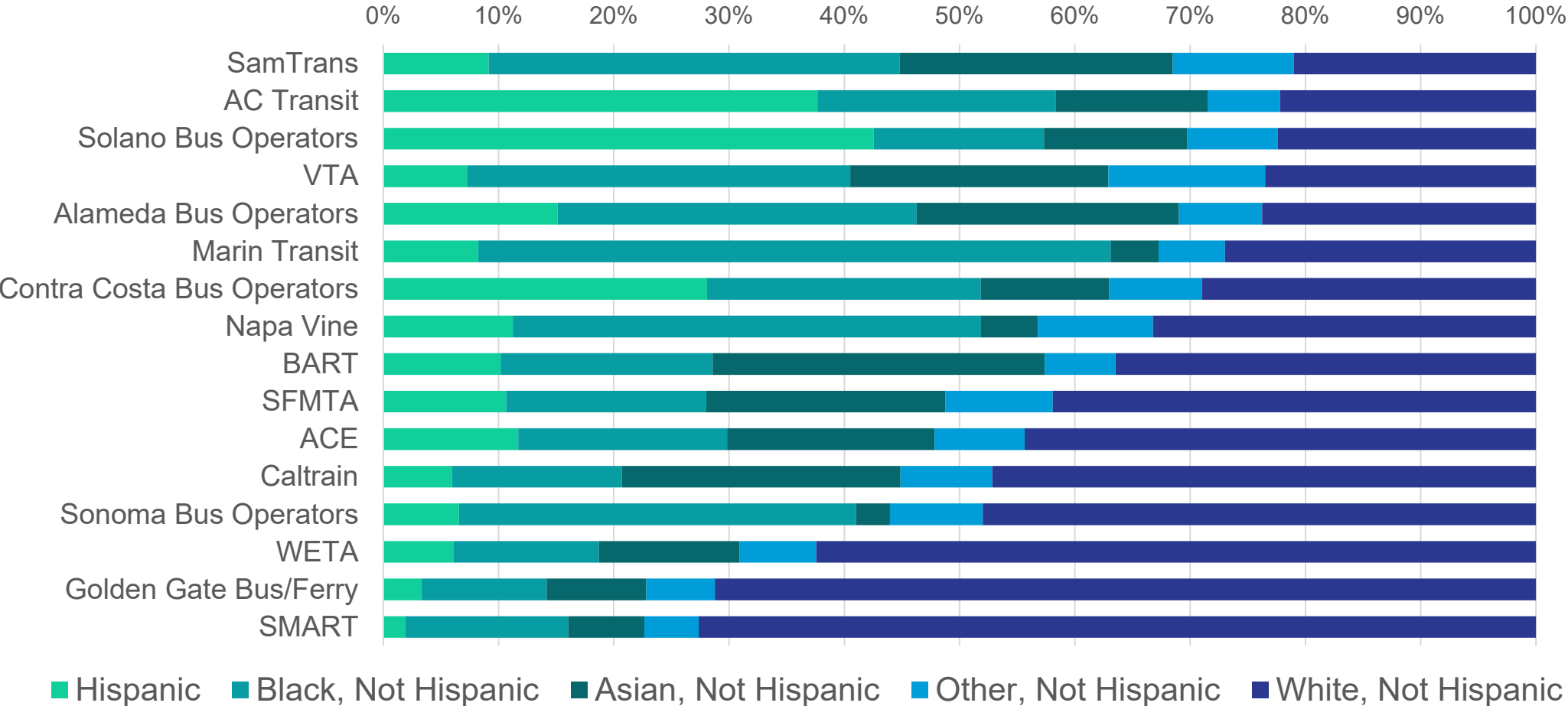
The following charts summarize household income and race/ethnicity characteristics of transit riders who used Bay Area transit between 2012 and 2017. It is important to note that the charts show the percentage of riders with particular household income and race/ethnicity characteristics; these percentages can be applied to pre-pandemic ridership counts to estimate the number of riders within each income or race/ethnicity category.

This information was collected from on-board surveys of riders conducted as part of the Regional Onboard Survey Program managed by MTC. Data is collected from approximately five percent of passengers riding the Bay Area's buses, trains, and ferries. Survey data collected from passengers includes trip location information, connecting transportation modes from origins and to destinations, fare payment information, and demographic characteristics of riders and their households. Survey data is collected from transit operators on a rolling basis, with surveys conducted for a few operators every year and a full survey cycle completed every five to seven years. The first data collection cycle was completed in 2017. The data collected from the transit passenger survey are used to support federal Title VI equity reporting requirements for transit riders, to refine regional analytical planning tools, and to perform other MTC transit passenger and equity analyses.

# Transit Ridership by Household Income: *varies by mode and transit operator*



# Transit Ridership by Race/Ethnicity: *also varies significantly*





# THE INVEST IN AMERICA ACT

FOR THE PEOPLE

## SUMMARY OF THE “INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA” ACT

Provides \$494 billion over five years to make transformative infrastructure investments in surface and rail transportation. Provides \$411 billion over five years out of the Highway Trust Fund (HTF) for highway, transit, safety, and research programs, a 46 percent increase over current investment levels.

Provides \$319 billion for the Federal-aid highway program under the Federal Highway Administration, \$105 billion for transit programs under the Federal Transit Administration, \$5.3 billion for highway safety programs under the National Highway Traffic Safety Administration, \$4.6 billion for motor carrier safety programs under the Federal Motor Carrier Safety Administration, and \$60 billion for rail programs.

### ***Division A – COVID-19 Response and Recovery***

Provides \$83.1 billion in fiscal year (FY) 2021 to ensure States, cities, tribes, territories, and transit agencies can administer programs, advance projects, and preserve jobs in the aftermath of the COVID-19 crisis. Highway, transit, and safety funds are made available at 100 percent Federal share to eliminate the need for a match in FY21. In addition, \$22 billion of the total FY21 amount is available for additional eligibilities including State, local, transit agency, and tribal transportation agency salaries and operating expenses. Current Capital Investment Grant (CIG) projects are authorized to receive an increased Federal cost share to help ensure projects can move forward despite a decrease in local and State revenues designated to cover the local cost share of projects.

### ***Division B – Surface Transportation Authorization***

#### **Title I – Federal-Aid Highways**

##### FORMULA GRANTS

##### **Fix It First**

- Requires National Highway Performance Program (NHPP) funds to focus on state of good repair and operational improvements to existing facilities before building new highway capacity.

##### **Bridge Investment**

- Requires States to spend 20 percent of their NHPP and Surface Transportation Program (STP) any area dollars on bridge repair and rehabilitation projects, supporting approximately \$28 billion in fix-it-first bridge investments in FY 2022-2025. Increases the off-system bridge set-aside to over \$1 billion per year from approximately \$770 million in current law.

## Climate

- Requires DOT to establish a new greenhouse gas (GHG) emissions performance measure.
- Includes a new apportioned program (\$8.35b for FY22-25) to support carbon pollution reduction. Gives States broad eligibility to invest in highway, transit, and rail projects, as well as support operating costs, and holds States accountable by measuring their annual progress. Provides benefits for States that make the most progress and requires low-performing States to invest 10 percent of their STP any area funds in additional projects to help reduce carbon pollution.

## Resilience

- Creates a new apportioned program (\$6.25b for FY22-25) to fund resilience and emergency evacuation needs. Requires States and metropolitan planning organizations (MPOs) to develop an infrastructure vulnerability assessment to guide investments under the program. Makes resilience a core part of the Federal-aid highway program, with expanded eligibilities in other apportioned programs and Emergency Relief (ER).

## CMAQ

- Modifies eligibility for operating assistance to include all State-supported passenger rail lines and allows operating assistance for longer than three years if the project demonstrates net air quality benefits.

## Safety for All Road Users

- Requires States with the highest levels of pedestrian and bicyclist fatalities to set aside funds to address these safety needs. Requires the Federal Highway Administration (FHWA) to adopt context sensitive design principles to provide for complete streets in urban areas and ensure the safety of all road users.
- Boosts safety funding by approximately 30 percent over current investments and boosts Transportation Alternatives Program (TAP) investments by more than 60 percent over current law. Makes safety funds available to expend on safety improvements beyond infrastructure projects.
- Removes the ability for States to set regressive safety targets. Strengthens emphasis on high risk rural roads, while providing for more certainty and flexibility for States that trigger the special rule.
- Codifies and expands eligibilities for safe routes to schools.

## Local Control

- Provides almost \$49 billion over five years in dedicated funding to address local transportation needs.
- Makes reforms to strengthen the State-local relationship, enhance coordination, improve the flow of funds to communities of all sizes, and increase transparency.

## Freight

- Makes the freight formula program fully multimodal and expands environmental considerations in freight planning.
- Allows States to designate additional rural and urban freight corridors and provides more flexibility for States to expend funds across the National Highway Freight Network.

## Tribes, Territories, and Federal Lands

- Significantly increases funding for tribes, territories, and Federal Land Management Agencies (FLMA):
  - **Tribes:** Provides \$750 million in formula funds per year, a nearly 70% increase over current levels.

- **Territories:** Provides \$100 million per year, a nearly 140% increase over current levels.
- **Puerto Rico:** Provides \$210 million per year, a 33% increase over current levels.
- **FLMAs:** Provides \$895 million in formula funds per year, a nearly 40% increase over current investments, and makes changes to the program to ensure FLMAs can obligate funds for projects on the first day of the fiscal year.

#### DISCRETIONARY GRANTS

- **Projects of National and Regional Significance.** Provides more than \$9 billion over the life of the bill for large highway, transit, and freight projects that cannot be funded through annual apportionments or other discretionary sources.
- **Community Transportation Investment Grants.** Provides \$600 million per year for local government applicants. Includes broad eligibility for highway and transit projects, with project evaluation done in a manner that will limit political decision-making.
- **Federal Lands and Tribal Major Projects Program.** Provides \$400 million per year and requires a 50/50 split of grant funds among tribes and Federal lands agencies. Provides more flexibility through a smaller project size, higher Federal share, and a broader set of funding eligibilities. Funds the program out of the HTF so funding is guaranteed.
- **Tribal High Priority Projects.** Provides \$50 million per year on a discretionary basis, for grants of a maximum size of \$5 million, for the highest priority project for tribes whose annual apportionment is insufficient. Provides emergency relief to tribes who can't access other ER funds. Funds the program out of the HTF so funding is guaranteed.
- **Electric Vehicle Charging and Hydrogen Fueling Infrastructure Grants.** Provides \$350 million per year for grants for electric vehicle charging and hydrogen fueling infrastructure. Focuses funding on designated Alternative Fuel Corridors and projects that demonstrate the most effective emissions reductions.
- **Community Climate Innovation Grants.** Provides \$250 million per year to non-State applicants for highway, transit, and rail projects, provided they reduce GHGs.
- **Metro Performance Program.** Provides a total of \$750 million over the life of the bill for funding allocations directly to MPOs to carry out projects selected by the MPO. The Secretary selects applicants to be accepted into the program based on their technical capacity to manage Federal funds.

#### SINGLE-YEAR GRANTS

- **Gridlock Reduction Grants.** Provides \$250 million, of which half is set aside for freight grants. Grants will be awarded for reducing urban congestion in large metro areas, with an emphasis on operational, technological, and mode shift strategies.
- **Rebuild Rural Grants.** Provides \$250 million for rural communities to address needs on and off the Federal-aid system. Focuses funding on safety, state of good repair, and access to jobs and services.
- **Active Transportation Connectivity Grants.** Provides \$250 million for pedestrian and bicycle networks and spines and related planning, including complete streets planning.
- **Commercial Motor Vehicle Parking Grants.** Provides \$250 million to construct and improve truck parking facilities.

## ADDITIONAL PROVISIONS

### **Transportation System Performance and Access**

- Establishes a new performance measure for transportation access that leverages modern data tools to improve the way States and MPOs assess the level of safe, reliable, and convenient access to jobs and services (including shopping, healthcare, childcare, education and workforce training, and financial institutions). Considers the level of access for various travel modes.

### **Increased Accountability**

- Requires FHWA to develop a website that shows all active Federal-aid highway projects over \$5 million in the country. Establishes strong accountability and reporting measures for discretionary grants and other program authorities.

### **Tolling Reform**

- Reestablishes the requirement that FHWA enter into a toll agreement before allowing tolling on a Federal-aid highway.
- Establishes additional guardrails around tolling to ensure that any adverse impacts both on and off the facility are evaluated and addressed. Authorizes congestion pricing with the additional guardrails.

### **Buy America**

- Requires DOT to reevaluate standing nationwide waivers for manufactured products.

### **Workforce Development**

- Creates a Task Force on Developing a 21st Century Surface Transportation Workforce to evaluate current and future workforce needs and develop recommendations.
- Establishes transparency and reporting requirements for the On the Job Training and Supportive Services program. Requires States to develop annual statewide workforce plans to identify and address workforce gaps and underrepresentation of women and minorities.

## **Title II – Public Transportation**

Substantially increases transit funding out of the Highway Trust Fund over current investment levels. Funding for buses and zero emission buses see significant funding increases to make up for cuts to bus funding in the last two reauthorization cycles.

### **Frequency and Ridership**

- Reframes the Federal transit program to boost frequency and ridership.
- Modifies the urban and bus formulas to incentivize frequent rail and bus service instead of low operating costs.
- Provides \$100 million in annual grants to tackle larger city street congestion that slows down buses through support of items like bus only lanes and priority signaling. The program is structured to require a partnership between transit agencies and local/State roadway agencies.
- Establishes new flexible Federal rules for Mobility on Demand that integrate new technologies with transit as the backbone. Retains basic requirements for safety, Buy America, and labor protections. Includes restrictions on single passenger trips and carbon and particulate emissions. Requires a negotiated rulemaking on data sharing between transit agencies, cities, and the private sector.
- Modifies rural formula grants to distribute a greater percentage of funds based on actual transit service provided.

- Provides additional funds to the STIC program for small transit agencies that run more service than comparable agencies.

### **Buy America and other Procurement Reforms**

- Closes loopholes and adds incentives to boost domestic jobs while streamlining compliance and leveling the playing field, with a 5-year phase in period to allow the industry time to adjust.
- Closes loopholes that allow waived components and components exceeding 70 percent domestic content to receive credit for 100 percent domestic content.
- Incentivizes higher domestic content by providing a bonus of an additional 10 percent of domestic content for any component that exceeds 70 percent and providing a bonus of an additional 15 percent of domestic content for any component that exceeds 75 percent.
- Allows final assembly costs to count in the domestic content calculation to disincentivize minimizing final assembly in the United States.
- Creates a new 2.5 percent bonus for any electric bus that uses domestic battery cells.
- Requires FTA to conduct rolling stock certifications to remove the burden from transit agencies. This will enable rolling stock to be certified once, rather than every single contract, and removes variation in Buy America compliance. Requires annual DOT IG audits.

### **Bus Grant Reforms**

- Increases bus funding by 150 percent to reverse the MAP-21 bus cuts.
- Narrows the competitive bus grants to focus on bus facilities and fleet expansions.
- Increases zero emission bus competitive grants fivefold.
- Creates a new state of good repair formula subgrant to push additional formula dollars to transit agencies with the oldest buses.

### **Supporting All Riders**

- Doubles the set-aside of the low-income factor in the urban formula and uses a measure of deep poverty by census tract to target the poorest urban neighborhoods.
- Sets aside \$50 million a year for rural persistent poverty counties, defined as a county with a poverty rate above 20 percent since 1990.
- Establishes a reduced fare pilot project to enable transit agencies to experiment with reduced fares for low-income riders.

### **Supporting Frontline Workers**

- Requires a new focus on operator assault in transit agency safety plans, including a joint management labor committee that must certify the safety plans.
- Requires transit agencies with poor safety metrics to direct up to 10 percent of Federal funds to safety for each poor metric.
- Creates a frontline workforce training center with \$12 million in dedicated funds.
- Prohibits Federal funds for autonomous transit vehicles that replace service and requires advanced worker notice and retraining plans for agencies deploying AVs beyond small demonstrations.

### **Transit-Supportive Communities**

- Strengthens the link between housing density and transit ridership
- Creates the Office of Transit-Supportive Communities to coordinate Federal incentives to foster this link between Federal, State, and local planning policies.
- Doubles to \$20 million the Transit Oriented Development Planning Grants.

- Incentivizes affordable housing in the excess property disposition rules and the CIG rating process.

### **Streamlining Capital Investment Grants (CIG)**

- Reforms Capital Investment Grants by streamlining the approval process, raising the cost share back to the traditional 80 percent, incentivizing lower cost share with an easier approval process, and providing transparency measures so applicants know where they stand in the process.

## **Title III – Highway Traffic Safety**

### **State Highway Safety**

- Provides \$1.9 billion over five years to States for traffic safety. Strengthens traffic safety requirements for States and increases transparency of States' performance in meeting annual safety goals and use of program funds.
- Requires States who have legalized marijuana to consider ways of increasing public awareness over the dangers of drugged driving and ways to reduce injuries and fatalities resulting from driving under the influence of marijuana.
- Creates a new discretionary grant program (\$35 million per year) for States to implement top-rated traffic safety law enforcement measures.

### **National Highway Safety**

- Provides \$300 million over five years to nationwide high-visibility traffic safety enforcement campaigns.
- Doubles the number of national traffic safety enforcement campaigns from three to six each year.
- Creates new campaigns for distracted driving and violations of 'move over laws' which protect road-side first responders and law enforcement.

### **Priority Safety Programs**

- Provides \$2 billion over five year for grants to improve traffic safety in critical areas. Makes targeted improvements to certain Section 405 grants which have been underutilized. Reforms will increase State participation while still maintaining strong safety standards for the following areas:
  - Impaired driving;
  - Distracted driving; and
  - Graduated driver's licensing laws.
- Creates a new grant program for training drivers and law enforcement on proper traffic stop procedure.

## **Title IV – Motor Carrier Safety**

### **Motor Carrier Safety Grants**

- Authorizes significantly higher funding levels for the Motor Carrier Safety Assistance Program, High Priority grants, and Commercial Driver's License Program Implementation grants to assist States in truck and bus safety oversight and enforcement activities, commercial driver licensing, and technology improvements to support those efforts.
- Extends the grant period of performance to ensure funds do not lapse and allows the Secretary to redistribute unobligated funds.



## **Compliance, Safety, Accountability**

- Directs the Secretary to complete the revisions required by the FAST Act to its carrier oversight and intervention model, to prioritize reinstating the public display of safety data, and to finalize a safety fitness determination rule to rate the safety of carriers.

## **Commercial Motor Vehicles**

- Directs the Secretary to complete a rulemaking to require Automatic Emergency Braking systems in newly-manufactured commercial motor vehicles.
- Directs the Secretary to strengthen rear underride guard standards in newly-manufactured trailers and semi-trailers, to further research and consider the feasibility, benefits, and costs associated with installing side underride guards, and creates an Advisory Committee on Underride Protection.

## **School Buses**

- Requires the Secretary to conduct a comprehensive review of efforts to prevent illegal passing of school buses, issue recommendations, and create a public safety messaging campaign.
- Directs the Secretary to review the costs and benefits of requiring lap/shoulder belts in large school buses and consider requiring them in newly manufactured buses.
- Requires newly manufactured school buses to be equipped with automatic emergency braking and electronic stability control systems.
- Directs the Secretary to conduct research and testing of fire prevention and mitigation standards for large school buses and consider issuing updated standards if they are needed.

## **Driver Safety**

- Requires the Secretary to report on delays with implementation of entry-level driver training.
- Applies commercial driver licensing requirements to vehicles carrying 9-15 passengers.
- Creates a Truck Leasing Task Force to examine lease and lease-purchase agreements commonly made available to truck drivers and the impacts of these captive leases on driver pay.
- Requires the Secretary to collect and use data on driver detention to determine the link between detention and safety outcomes.
- Requires the Secretary to evaluate the impacts of exemptions before finalizing changes to hours of service rules and establishes stronger reporting requirements for carriers utilizing exemptions.

## **Title V – Innovation**

### **Technology and Innovation**

- More than doubles funding for technology deployment to expand the implementation of innovations in the surface transportation system.
- Focuses on transformative technologies by increasing funding to the Intelligent Transportation Systems Program and expanding smart infrastructure investment in local communities.
- Creates a new grant program to fund green materials research at universities and focuses deployment programs on green construction materials and practices.
- Increases funding for the University Transportation Centers program.
- Establishes a multimodal freight transportation research program to find innovative ways to make freight movement greener, safer, and more efficient.
- Expands the Federal role in providing State and local governments with critical datasets and tools that will improve performance-based investments and access to jobs and essential services.

- Establishes a new Highly Automated Vehicle and Mobility Innovation Clearinghouse to study the societal impacts of automated vehicles and Mobility on Demand.
- Authorizes automated vehicle research on improving safety for all road users and expanding accessibility in an equitable manner.
- Authorizes new FTA research to enhance transit worker safety and expand Mobility on Demand.

#### **Vehicle-Miles Traveled (VMT) Pilots**

- Nearly doubles funding for VMT pilots across the country, encouraging States to begin implementing successful VMT programs.
- Establishes a national VMT pilot program, including both passenger and commercial vehicles in all 50 States, to invest in developing a sustainable funding mechanism for the surface transportation system.

#### **Title VI – Multimodal Transportation**

- Revises the National Multimodal Freight Policy, the National Strategic Freight Plan, and the requirements for State Freight Plans to include further consideration of environmental and equity impacts.
- Establishes a new deadline for the Secretary to designate a final National Multimodal Freight Network and requires the Secretary to report to Congress on the resources that will be used to meet this deadline.
- Establishes a joint task force between the Department of Transportation and the Internal Revenue Service to study the establishment and administration of a fee on multimodal freight surface transportation services.
- Authorizes pilot program to allow FHWA or FTA grantees, including States, local recipients, and subrecipients, to utilize local or other geographic labor hiring preferences, economic-based labor hiring preferences, and labor hiring preferences for veterans.

#### **Title VII –Transportation Infrastructure Finance and Innovation Act**

- Streamlines the program by raising the threshold above which projects are required to secure multiple credit rating agency opinions.
- Further clarifies that the proceeds of a secured loan under TIFIA shall be considered part of the non-Federal share of a project under title 23 or chapter 53 of title 49 if the loan is repayable from non-Federal funds.
- Allows territories to use funds made available under this section for the non-Federal match under the TIFIA program.
- Clarifies the criteria under which projects are eligible for the streamlined application process.
- Provides additional funding to allow the Department to waive fees for small projects.
- Modifies reporting requirements to include information on whether a TIFIA project is located in a metropolitan or micropolitan area.



### ***Division C – Improving Hazardous Materials Safety Act of 2020***

The Improving Hazardous Materials Safety Act protects the safety of individuals and communities by repealing the current prohibition on the Federal Aviation Administration from establishing lithium battery safety standards for aircraft, and requiring the Department of Transportation to conduct extensive safety evaluations before allowing railroads to transport liquefied natural gas by rail tank car.

### ***Division D - The Transforming Rail by Accelerating Investment Nationwide (TRAIN) Act***

The Transforming Rail by Accelerating Investment Nationwide (TRAIN) Act sets a path to truly transform rail transportation in the United States. In recent years, the demand for environmentally-responsible intercity and commuter passenger rail transportation has increased substantially. While the current COVID-19 pandemic has reduced ridership, we must invest now to meet passenger demand as our Nation recovers and new travel patterns emerge. The TRAIN Act increases FAST Act rail investment levels by more than five times, authorizing \$60 billion to address the state of good repair backlog in rail infrastructure, establish new intercity passenger rail routes, build on Amtrak's legacy, and expand the opportunities for commuter rail. The bill also improves railroad safety, studies the impacts of current industry practices, and sets higher safety standards across the railroad industry to better protect passengers, workers, and the public. Further, the TRAIN Act renews our commitment to the safe transportation of hazardous materials.

#### **Transformative Investments**

- Establishes a new *Passenger Rail Improvement, Modernization, and Expansion (PRIME)* grant program devoted entirely to passenger rail improvements and expansion. Authorized at \$19 billion over five years, it will fund capital projects that improve the state of good repair, optimize performance, and expand intercity rail passenger transportation.
- Reauthorizes the *Consolidated Rail Infrastructure and Safety Improvements (CRISI)* grant program, which funds passenger and freight rail projects, at \$7 billion over five years – an increase of \$5.8 billion over FAST Act levels. It also expands CRISI to new project eligibilities and allows commuter rail authorities to compete for funds.
- Authorizes \$150 million over five years to help pay credit risk premiums for certain borrowers under the *Railroad Rehabilitation and Improvement Financing (RRIF)* program and \$70 million to refund the credit risk premiums of certain past loans.

Together, these grant and loan programs will revitalize our rail network while maintaining strong Buy America and labor standards that maximize the benefits of these investments.

#### **Reinvesting in Amtrak**

As America's national passenger railroad, Amtrak has an important role in our country's transportation system. The TRAIN Act demonstrates support for Amtrak's legacy of serving not just the Northeast Corridor (NEC), but the entire network of long-distance and state-supported routes that comprise the National Network and serve as vital connections across the country. The bill authorizes \$29.3 billion over five years (\$13.1 billion for the NEC and \$16.2 billion for the National Network) – more than three times the FAST Act level of investment. These investments will help Amtrak tackle the state of good repair backlog, support the development of new state-supported routes, and strengthen the network to revitalize and grow service. The bill authorizes higher funding levels for fiscal years 2021 and 2022 to help Amtrak and its State partners recover from decreased ridership and revenues caused by the COVID-19 health crisis.

The TRAIN Act also gives States a voice in how Amtrak builds its future network and improves transparency and accountability while strengthening these partnerships. The TRAIN Act makes reforms to improve the quality and level of passenger service, equips Amtrak with the tools needed to secure access to the entire system, and helps ensure Amtrak's continued history of providing quality jobs and employing a skilled workforce.

## **Rail Safety**

While we renew and grow the national rail network, the safety of passengers, communities where trains travel, and the railroad workforce must remain a top priority. The TRAIN Act makes numerous safety improvements and investments to raise the bar on safety. It establishes a new grade separation grant program at \$2.5 billion over five years. The bill also implements National Transportation Safety Board recommendations issued in response to the December 2017 Amtrak derailment near DuPont, Washington, addresses blocked crossings, and improves the Federal Railroad Administration waiver and accident investigation process. It further supports safe railroad operations by requiring that freight trains, with limited exceptions, must have a certified engineer and conductor, and sets high standards for railroad workers performing train or dispatching service in the United States.

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# THE INVEST IN AMERICA ACT

FOR THE PEOPLE

H.R. \_\_\_\_\_, “INVESTING IN A NEW VISION FOR THE ENVIRONMENT AND SURFACE TRANSPORTATION IN AMERICA ACT”

## SECTION BY SECTION SUMMARY

*June 3, 2020*

### DIVISION A – COVID-19 RESPONSE AND RECOVERY

#### **Sec. 101. Extension of Federal surface transportation programs.**

Extends Fiscal Year (FY) 2020 enacted levels for Federal-aid highway, transit, and safety programs through FY21. Provides additional administrative expenses out of the Highway Trust Fund for FHWA and NHTSA and out of the General Fund for FTA.

#### **Sec. 102. Federal Highway Administration.**

Authorizes an additional \$14.742 billion in contract authority from the Highway Account above FY20 levels, provides an equal amount of obligation authority to be distributed with these funds, and distributes these amounts according to existing formulas. Funds made available under this section may be used for the broadest construction eligibilities under the Federal-aid highway program, as well as for transportation-related administrative expenses, including salaries and benefits. Allows any highway funds obligated in FY21 to be up to 100 percent Federal share, except for obligations under the Nationally Significant Freight and Highway Projects (INFRA), the TIFIA program, or advanced construction. Distributes the funds among States, Tribes, Puerto Rico, the Territories, and Federal land management agencies in the proportion to their share of total FY20 authorized funds. Suballocates the funds made available to the States in the same proportion as the total funds apportioned to the States in FY20 were suballocated. Any obligation authority that remains available at the end of the fiscal year will be redistributed to the States in August redistribution. Provides additional transparency and oversight for the INFRA program and any funds obligated on administrative expenses. Exempts funds obligated on administrative expenses from transportation planning requirements.

#### **Sec. 103. Federal Transit Administration.**

Authorizes an additional \$5.79 billion in contract authority from the Mass Transit Account above FY20 levels and allows funds obligated in FY21 to be up to 100 percent Federal share. Distributes funds through the 5307, 5310, and 5311 programs in the same ratio as such funds were provided in FY20. Allows funds to be used for both capital and operating expenses, including the purchase of personal protective equipment and paying for administrative leave costs due to reductions in service. Requires transit agencies to use these funds, to the maximum extent possible, for payroll and provision of public transit service. Increases the base authorization for the Capital Investment Grants (CIG) program by \$958 million above FY20 levels and provides an additional authorization for such sums as may be necessary through an emergency CIG authorization to allow project

sponsors to increase their Federal share to account for lost local revenue sources due to COVID-19. Provides authority for CIG project sponsors to defer to later years their local share payments. Waives the application of the Rostenkowski test to the Mass Transit Account for FY21.

**Sec. 104. National Highway Traffic Safety Administration.**

Provides an additional \$244.5 million in contract authority in FY21 for NHTSA highway safety programs. Provides that activities carried out in FY21 shall at 100 percent Federal share and extends the period of availability for funds that would otherwise expire in FY21 by one year.

**Sec. 105 Federal Motor Carrier Safety Administration.**

Provides an additional \$209.9 million in contract authority FY21 for FMCSA motor carrier safety programs. Allows FMCSA to provide financial assistance to States for carrying out motor carrier safety activities in FY21 at a Federal share of up to 100 percent, to waive maintenance of effort requirements in FY21, and to extend the period of availability for grant funds by one year.

**Sec. 106. Definitions.**

Provides definitions for Division A.

**DIVISION B – SURFACE TRANSPORTATION REAUTHORIZATION**

**TITLE I—FEDERAL-AID HIGHWAYS**

**Subtitle A—Authorizations and Program Conditions**

**Sec. 1101. Authorization of appropriations.**

Authorizes \$257.4 billion in contract authority for FY22 through FY25 for the Federal-aid highway program. Reauthorizes U.S. DOT's Disadvantaged Business Enterprise program.

**Sec. 1102. Obligation limitation.**

Provides obligation authority to match the contract authority authorized for FY22 through FY25. Makes the Federal Land Transportation Program under 23 USC 203 exempt from obligation limitation to ensure Federal land management agencies can enter into contracts at the beginning of the fiscal year. Ensures that Tribes, territories, and Puerto Rico receive a dollar of obligation authority for every dollar of contract authority authorized.

**Sec. 1103. Definitions and statement of policy. [23 USC 101]**

Adds new definitions to 23 USC 101. Incorporates new Departmental policy goals for safety, climate change, resilience, and environmental protection.

**Sec. 1104. Apportionment. [23 USC 104]**

Establishes the distribution formulas for the nine Federal-aid highway programs apportioned to States— the National Highway Performance Program (NHPP), the Surface Transportation Program (STP), the Highway Safety Improvement Program (HSIP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the National Highway Freight Program (NHFP), metropolitan planning, the railway crossing program, the Predisaaster Mitigation Program (PDM), and the Carbon Pollution Reduction Program.

**Sec. 1105. Additional deposits into Highway Trust Fund. [23 USC 105]**

Extends a provision to allow any additional sums deposited into the Highway Trust Fund to be distributed through existing statutory formulas without a need for further authorization and ensures that set-asides are included in this calculation.

**Sec. 1106. Transparency. [23 USC 104(g); 106]**

Revises the reporting requirements in 23 USC 104(g) to ensure the Federal Highway Administration (FHWA) publishes programmatic and project-level information about the Federal-aid highway program online in a user-friendly format. Project-level information includes detailed data on the cost, funding source, status, and location of all projects funded under title 23 with a total cost of over \$5 million. In addition, the website must provide an interactive map searchable by project number, State, and Congressional district.

Revises 23 USC 106 to ensure transparency and accountability in the Federal-aid highway program. Provides additional technical assistance to States and subrecipients to ensure that Federal requirements are met. Establishes guardrails to ensure that Federal-State funds exchange programs do not circumvent labor and Buy America requirements. Ensures that major projects carried out through a public private partnership conduct an analysis demonstrating that the procurement process provides the best value for money. Establishes additional oversight of “megaprojects” with a cost of over \$2 billion, including the establishment of an independent peer review group to monitor the progress of the project and provide project reports to the Secretary. Requires that all Special Experimental Projects be subject to public notice, an opportunity to comment, and Congressional reporting for any activities conducted under this authority.

Significantly strengthens accountability and oversight of discretionary grant programs authorized under the bill. Requires that project selection be based on data driven determinations, quantified, and documented. Provides all unsuccessful grant applicants with an opportunity to be debriefed by the Department. Ensures that Congress receives and is given the opportunity to review the proposed list of grant awards and the basis of selections prior to award of grant funds.

**Sec. 1107. Complete and context sensitive street design. [23 USC 109]**

Revises roadway design standards under 23 USC 109 to require consideration of all users of the transportation facility, including pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, motorists, and freight vehicles. Instructs project sponsors to design in a manner that is tailored to the context of that facility, rather than a “one size fits all” approach.

Ensures that the plans and specifications for all Federal-aid highways take into consideration context sensitive design principles. Requires the Secretary to publish guidance outlining context sensitive design, including providing model policies and procedures that States and other project sponsors can use when adopting their plans to implement context sensitive design principles.

Replaces the requirement that Interstate design accommodate strict 20-year traffic forecasts on the Interstate, and instead allows States to focus on the existing and future operational performance of the facility. Requires the Secretary, in consultation with AASHTO, to approve design standards for the National Highway System (NHS) that take into consideration context sensitive design principles and authorizes design flexibility for local governments for Federal-aid projects off the NHS.

**Sec. 1108. Innovative project delivery Federal share. [23 USC 120]**

Increases the Federal share for projects that use innovative materials or processes that reduce greenhouse gas emissions.

**Sec. 1109. Transferability of Federal-aid highway funds. [23 USC 126]**

Limits the transferability of Transportation Alternatives Program (TAP) funds unless the State runs a competition and is unable to distribute the suballocated funds. Limits the transferability of railway crossing program funds unless the State demonstrates that it has met all its needs for the installation of protective devices at railway highway grade crossings.

Limits transfer out of programs related to carbon pollution reduction and air quality but maintains flexibility by allowing up to 50 percent of apportioned contract authority per year to be transferred between the Carbon Pollution Reduction Program and CMAQ.

**Sec. 1110. Tolling. [23 USC 129]**

Ensures, by reinstating a requirement for tolling agreements with FHWA, that project sponsors seeking to institute tolls on any Federal-aid highway project or for conversion of any part of the NHS (including the Interstate) consider the following factors: congestion and air quality impacts on both the toll facility and non-tolled routes onto which traffic might be diverted; planned investments to improve public transportation or other non-tolled alternatives in the corridor; environmental justice and equity impacts; impacts on freight movement; and economic impacts. Ensures that public transportation vehicles and intercity buses can use new toll facilities without paying a toll. Requires that any new toll facilities provide for electronic interoperability with other providers in the region.

Repeals the Value Pricing Pilot and Interstate System Reconstruction and Rehabilitation Pilot programs, and provides mainstream authority for congestion pricing, subject to the considerations above, as well as impacts on congestion on the facility, adjacent routes, and the corridor to ensure that any planned investments in operational improvements or in alternate travel options reduce congestion in the corridor.

Strengthens the limitations on surplus revenues to ensure that any additional funds must be used within the corridor to improve operations or capacity of public transportation, operational improvements, or other alternatives to the tolled facility. Allows toll revenues to be used to fund toll rebate programs for commuters with no reasonable alternative to the toll facility. Toll revenues may only be invested outside the corridor if all the needs of both the facility and the corridor have been met.

**Sec. 1111. HOV facilities. [23 USC 166]**

Ensures that only low emission single occupancy vehicles can utilize HOV lanes.

**Sec. 1112. Buy America. [23 USC 313]**

Ensures a transparent public process before waiving Buy America requirements. Strengthens existing domestic content requirements by requiring the Secretary to reevaluate any standing nationwide waivers every five years, including the manufactured products waiver, to determine whether those waivers remain necessary. Codifies longstanding Congressional reporting requirements.



## **Subtitle B—Programmatic Infrastructure Investments**

### **Sec. 1201. National highway performance program. [23 USC 119]**

Revises the NHPP to emphasize state of good repair needs identified in the transportation asset management plan before constructing new highway capacity. States must also consider whether an operational improvement or transit project would be more cost-effective than a capacity expansion for single occupancy vehicles. Any new capacity project must support the achievement of the State's performance targets.

Adds eligibilities for resilience improvements, natural infrastructure, evacuation routes, reducing carbon pollution, and wildlife crossings and requires States to consider climate change when preparing their transportation asset management plans.

### **Sec. 1202. Increasing the resilience of transportation assets. [new 23 USC 124]**

Revises sections 134 and 135 of title 23 to require the Metropolitan Planning Organization (MPO) and State-prepared long-range transportation plans to include strategies to mitigate and reduce climate impacts and a vulnerability assessment of critical transportation assets, evacuation routes, and facilities repeatedly damaged by disasters. The MPO and State must identify projects to address identified vulnerabilities, and these projects are eligible for funding under the newly established pre-disaster mitigation program.

Establishes a pre-disaster mitigation program under 23 USC 124, which receives \$6.25 billion in apportioned funds over the life of the bill for resilience projects identified in the State and MPO vulnerability assessments. Construction of resilience improvements, including construction of natural infrastructure or protective features, are eligible on any existing highway or transit asset eligible under titles 23 or 49. In addition, funds can be used to relocate or construct alternatives to transportation infrastructure that are repeatedly damaged by extreme weather events, or to address current and future vulnerabilities to evacuation routes designated in an MPO or State's vulnerability assessment. Projects eligible for funding under this section must be designed to ensure resilience over the life of the facility and take into consideration current and projected changes in flooding based on climate science and projected land use.

### **Sec. 1203. Emergency relief. [23 USC 125]**

Clarifies that cost-justified resilience improvements are eligible for Emergency Relief (ER) funding. Ensures that wildfires are covered under the definition of natural disaster. Gives eligible entities additional time after a disaster to carry out an ER project.

### **Sec. 1204. Railway crossings. [23 USC 130]**

Establishes a standalone railway crossing program, based on the railway-highway grade crossing set aside, raising the overall level of investment in safety projects under the bill. Requires railroads to contribute the share for projects that provide a benefit to the railroad. Expands eligibilities to include projects to mitigate lost access from a crossing closure and strategies to prevent or reduce trespasser fatalities and injuries along railroad rights-of-way. Allows railway crossing funds to be used toward the cost of projects selected for the Federal Railroad Administration's Consolidated Rail Infrastructure and Safety Improvements discretionary grant program. Requires the Government Accountability Office to assess the effectiveness of the railway crossing program. Emphasizes Congressional intent that U.S. DOT should coordinate Departmental efforts to reduce trespasser deaths at railroad rights-of-way.

**Sec. 1205. Surface transportation program. [23 USC 133]**

Adds eligibilities for resilience improvements, natural infrastructure, reducing carbon pollution, bus frequency and ridership enhancement projects, and wildlife crossings. In addition to existing off-system eligibilities, allows for investment on certain local roads and rural minor collectors.

Revises the suballocation to four population bands: 200,000 and above; 50,000-200,000; 5,000-50,000; and under 5,000. Provides for additional transparency and coordination requirements for suballocated funds to ensure that local governments receive their equitable share of funds based on population. Establishes a technical assistance program for areas with a population of 200,000 and above to ensure efficient project delivery and facilitate compliance with applicable requirements. Such technical assistance can include a State DOT liaison to help local governments carry out Federal aid highway projects.

Increases the off-system bridge set-aside to 20 percent of STP funds made available in any area of the State for FY20, which will provide an approximately \$1 billion investment annually in off-system bridges. A State can receive an exemption from this requirement if it can demonstrate insufficient off-system bridge rehabilitation needs to justify the expenditure. Amounts expended under the off-system bridge set-aside can be used to meet a State's minimum bridge investment requirement under 23 USC 144(l).

**Sec. 1206. Transportation alternatives program. [23 USC 133(h)]**

Provides funding for the Transportation Alternatives Program (TAP) as a 10 percent set-aside out of STP. Increases the share of the program's funds that must be suballocated to areas of the State based on population from 50 percent to 66 percent. A State may suballocate up to 100 percent of its TAP funding if certain conditions are met and upon approval of the Secretary. Boosts the recreational trails set-aside in proportion to the increase for TAP.

Lists eligibilities under the program directly in 23 USC 133(h), and adds vulnerable road user safety planning as an eligibility. Adds metropolitan planning organizations that serve urbanized areas with a population of 200,000 or fewer as eligible recipients. Allows a State DOT to carry out TAP projects at the request of any other eligible applicant. Allows a State to set aside up to five percent of the program's funds to assist project sponsors with improving their applications and expediting project delivery.

Allows a State to use HSIP funds to cover the non-Federal share of the cost of a TAP project, and places restrictions on the ability of the State to transfer TAP funds out of the program. Provides flexibility for a State to meet the non-Federal match on a multiple-project or programmatic basis.

**Sec. 1207. Bridge investment. [23 USC 144]**

Streamlines bridge project delivery by removing the prohibition against using multiple sources of Federal funding for one bundle of bridge projects and allows the bundling of bridge resiliency projects. Creates a new minimum bridge investment requirement that ensures States spend no less than 20 percent of their two largest apportioned programs on bridge repair and rehabilitation projects. Provides States with flexibility to meet that goal over the four-year period from FY22 through FY25.

Establishes program goals that include improving state of good repair for bridges; improving the safety, efficiency, and reliability of bridges; and reducing the number of bridges in poor condition, or



at risk of falling into poor condition, that do not meet current geometric design standards, or that are insufficient to meeting load or traffic requirements. Includes projects such as seismic retrofits, corrosion control, systematic preventative maintenance, bridge inspections, and bridge resiliency and natural infrastructure as eligible projects towards the minimum bridge investment requirement.

Requires the Secretary to annually issue a bridge investment report detailing State-by-State expenditure of Federal funding on bridge projects.

**Sec. 1208. Construction of ferry boats and ferry terminal facilities. [23 USC 147]**

Amends the authorization for ferry boats and related infrastructure, which receives a 50 percent increase under section 1101.

**Sec. 1209. Highway safety improvement program. [23 USC 148]**

Revises HSIP to require each State, in consultation with regional and local partners, to establish a vulnerable road user safety assessment as part of its strategic highway safety plan. This assessment will identify corridors and hot spots that pose a high risk to bicyclists and pedestrians. It will further require States to develop a program of projects or strategies to reduce identified safety risks. States with high levels of bicyclist and pedestrian serious injuries and fatalities per capita will be required to undertake projects, from their STP funds, to address these identified safety issues. Makes vision zero planning under section 1601 an eligible HSIP expense.

Amends strategic highway safety plan requirements to take into consideration a multimodal approach to safety. The plan must take into consideration a “safe system approach” to roadway design that incorporates the likelihood of human error in order to prevent fatalities. Requires the State strategic highway safety plan to take tribal safety planning processes into consideration. Provides additional flexibility to use a data-driven, multidisciplinary approach to reducing fatalities and serious injuries and empowers each State to develop a program of projects to address its unique safety needs. Restores the ability, rescinded in MAP-21, to use up to 10 percent of a State’s HSIP funds for public awareness, education, and other non-infrastructure efforts.

Ensures that penalties and set-asides do not divert from safety needs identified in the State strategic highway safety plan. Replaces the railway-highway grade crossing set-aside, which was a 10 percent takedown of HSIP, with a standalone railway crossing program under 23 USC 130. Provides additional flexibility for States to meet any special rule obligation requirements within a two-year window, rather than within the fiscal year, to ensure that States have adequate time to plan and program the best projects.

Strengthens the emphasis on high risk rural roads by increasing total investment in rural roads while reducing variances among the States that trigger the special rule to provide States with more certainty when planning these projects. Requires FHWA update guidance on rural road safety.

**Sec. 1210. Congestion mitigation and air quality improvement program. [23 USC 149]**

Adds eligibility for shared micromobility projects, including bikeshare and shared scooters. Adds eligibility for projects to mitigate seasonal or temporary traffic congestion from travel or tourism. Amends the program’s clean vehicle provisions to include hydrogen fueling stations as an eligible activity. Modifies the eligibility of program funds to be used for operating assistance, including providing additional assistance for projects that continue to demonstrate net air quality benefits.

**Sec. 1211. Electric vehicle charging stations. [23 USC 155]**

Requires electric vehicle charging stations that receive title 23 funds to be usable by the majority of EV drivers and accessible to all members of the public.

**Sec. 1212. National highway freight program. [23 USC 167]**

Revises the program's goals to include further consideration of environmental and equity impacts. Provides for additional critical rural freight corridor and critical urban freight corridor mileage for States that have used at least 90 percent of their currently allotted mileage. Eliminates program eligibility restrictions for States with higher percentages of the primary freight network mileage. Removes the cap on funding multimodal freight projects, provided that the projects contribute to the efficient movement of goods on the National Freight Network.

**Sec. 1213. Carbon pollution reduction. [new 23 USC 171]**

Creates a new carbon pollution reduction apportionment program. Provides broad flexibility to the States to fund projects eligible under title 23 or chapter 53 of title 49, provided that the projects reduce greenhouse gas emissions. Includes eligibility for intercity passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads. Allows States to use up to 10 percent of funds for operating costs of public transportation, intercity passenger rail, and transportation systems management and operations projects. Requires the Secretary to annually evaluate carbon dioxide emissions per capita on public roads in each State and issue an accompanying progress report. States that achieve the most significant reductions in carbon dioxide emissions will receive additional flexibility in project Federal share and program transferability. States making the least progress in emissions reduction are required to dedicate additional Federal funds to projects that will reduce emissions. The Secretary, in consultation with the Environmental Protection Agency, will periodically issue a report detailing which types of projects eligible under this section prove most effective in reducing carbon pollution.

**Sec. 1214. Recreational trails. [23 USC 206]**

Allows project sponsors to apply recreational trails program requirements to trails projects funded with any apportioned program dollars, to facilitate more efficient project delivery.

**Sec. 1215. Safe routes to school program. [23 USC 211]**

Codifies elements of the Safe Routes to School (SRTS) program enacted in section 1404 of SAFETEA-LU. Projects under this section are eligible for funding under the Transportation Alternatives Program and the Highway Safety Improvement Program. Expands eligibility under SRTS to include high schools. Removes the 30 percent non-infrastructure project cap to provide additional flexibility to project sponsors.

**Sec. 1216. Bicycle transportation and pedestrian walkways. [23 USC 217]**

Clarifies that electronic micromobility devices, including scooters, can be used on a bicycle transportation facility similar to electric bicycles and tricycles, subject to State and local safety regulations.

**Subtitle C—Project Level Investments**

**Sec. 1301. Projects of national and regional significance. [23 USC 117]**

Establishes a Projects of National and Regional Significance (PNRS) program, which provides more than \$9 billion over the life of the bill for large highway, transit, and passenger and freight rail

projects that reduce congestion on roadways and that cannot be funded through annual apportionments or other discretionary sources. Includes the authority for the Secretary to award large grants over multiple years. Directs the Secretary to make grant selections based on merit criteria specified in statute, including the extent to which a project contributes to a state of good repair; cost savings generated by the project over the life of the asset; safety, mobility, economic, resilience, and environmental benefits generated by the project; benefits to all users of the project; and the average number of people or volume of freight supported by the project. The Secretary is also directed to consider whether the project serves an area of persistent poverty; the degree to which the project utilizes innovative technologies or construction techniques; and whether the project improves connectivity between modes of transportation.

**Sec. 1302. Community transportation investment grants. [new 23 USC 173]**

Establishes a \$600 million per year grant program to support local investments in projects to improve safety, state of good repair, accessibility, and environmental quality through infrastructure investments. Sets aside a minimum of 25 percent of program funds for projects in rural communities.

Requires the Secretary to evaluate projects on their benefits to transportation safety, including reductions in traffic fatalities and serious injuries; to state of good repair, including improved condition of bridges and pavements; to transportation system access, including improved access to jobs and services; and in reducing greenhouse gas emissions, and to rate each project based on these criteria. Allows the Secretary to use different weighting of these criteria based on project type, population served by the project, and other context-sensitive considerations. Instructs the Secretary to compare each project's benefits with its costs, rank projects based on that comparison, and to select grant recipients from among those projects ranked most highly.

Requires the Secretary to make public information on the evaluation and rating process prior to issuing a notice of funding opportunity. Requires the Secretary to submit to Congress the ratings and rankings of all projects, and a list of all projects being considered by the Secretary to receive an award, prior to making such award.

**Sec. 1303. Grants for electric vehicle charging and hydrogen fueling infrastructure to modernize and reconnect America for the 21st century. [23 USC 151]**

Establishes a \$350 million annual competitive grant program to deploy electric vehicle charging and hydrogen fueling infrastructure. The program will prioritize projects that demonstrate the highest levels of carbon pollution reductions and that are installed on designated alternative fueling corridors. Electric vehicle charging stations installed under this section must be usable by the majority of electric vehicle drivers and accessible to all members of the public. Requires FHWA, in consultation with the Department of Energy, to provide guidance on the deployment of alternative fueling infrastructure.

**Sec. 1304. Community climate innovation grants. [new 23 USC 172]**

Establishes a new \$250 million per year competitive grant program to support local investments in innovative strategies to reduce greenhouse gas emissions. Provides broad flexibility to grantees to fund projects eligible under title 23 or chapter 53 of title 49, provided the project reduces greenhouse gas emissions. Includes eligibility for intercity passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads. Prioritizes projects that show the most promise in reducing greenhouse gas emissions, and provides further consideration for a

project's cost-effectiveness, provision of diverse transportation choices, accessibility, equity and environmental justice impacts, benefits to low-income communities, and use of innovative materials.

**Sec. 1305. Metro performance program.**

Provides \$750 million over the life of the bill for direct allocations to MPOs to advance locally-selected projects. Authorizes the Secretary to designate a high-performance tier of MPOs based on technical capacity to manage Federal-aid highway funds. Provides between \$10 and \$50 million per year for the MPOs designated. Projects are subject to all Federal-aid highway requirements, including environmental laws, labor projections, and Buy America. Participating MPOs will report annually on the status of the program and the projects advanced with program funds to FHWA, and FHWA will report to Congress on the lessons learned from the program and provide recommendations on ways to improve suballocation of Federal-aid highway funds under STP.

**Sec. 1306. Gridlock reduction grants.**

Establishes a \$250 million grant program to reduce traffic gridlock in large metropolitan areas. Supports projects to reduce and mitigate the adverse impacts of traffic congestion; make better use of existing capacity; and employ innovative, integrated, and multimodal solutions to reducing gridlock. Includes eligibility for intelligent transportation systems, real-time traveler information, transportation demand management, and multimodal solutions. Dedicates half of program funds for freight-specific projects including first-mile and last-mile delivery solutions, use of centralized delivery points, curb space management, and real-time freight parking and routing. Prioritizes projects in areas that are experiencing a high degree of recurrent congestion. Requires the Secretary to report on recommendations and best practices following the implementation of projects.

**Sec. 1307. Rebuild rural grants.**

Establishes a \$250 million grant program to support infrastructure investment in rural communities. Focuses on projects that will improve transportation safety, including on high-risk rural roads, on Federal lands, and at vehicle-wildlife crossings; improve state of good repair, including on off-system bridges; and improve access to jobs and services in support of rural economies. Includes consideration for projects that coordinate transportation projects in the highway right-of-way with proposed broadband infrastructure.

**Sec. 1308. Parking for Commercial Motor Vehicles.**

Establishes a \$250 million grant program to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle drivers.

**Sec. 1309. Active transportation connectivity grants.**

Establishes a \$250 million grant program to support infrastructure investment in connected active transportation networks. Supports the development of active transportation networks to connect points within a community, and active transportation spines to connect communities to one another. Supports the development of complete streets and the use of safe systems approaches to enhance safety for vulnerable road users. Includes considerations for the environmental justice and equity impacts of a project and the extent to which the project improves connectivity to public transportation.

## **Subtitle D—Planning, Performance Management, and Asset Management**

### **Sec. 1401. Metropolitan transportation planning. [23 USC 134]**

Requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Consistent with Section 1403, incorporates performance-based planning and transportation system access into project selection.

Revises the MPO designation and consultation processes to facilitate better regional coordination. Membership of newly designated or redesignated MPOs must reflect the population of the area, while ensuring continuity for existing MPOs. Clarifies that MPOs can use electronic platforms to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

### **Sec. 1402. Statewide and nonmetropolitan transportation planning. [23 USC 135]**

Makes similar resilience and climate-related changes as detailed under section 1401 to statewide planning. Requires States to consider carbon pollution and emissions reduction, climate change, hazard mitigation, and resilience throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies.

Emphasizes the importance of a performance-based project selection approach. Requires U.S. DOT to submit an updated edition of the performance-based planning and programming report to Congress once every four years to provide recommendations for ways to improve performance-based planning. Consistent with section 1403, incorporates performance-based planning and transportation system access into project selection. Clarifies that States can use electronic platforms, such as social media, to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

### **Sec. 1403. National goals and performance management measures. [23 USC 150]**

Requires U.S. DOT to establish new performance measures for greenhouse gas emissions and transportation system access. Section 150(d)(3) prohibits States from setting regressive targets related to safety and carbon pollution reduction.

The transportation system access measure leverages modern data tools to improve the way States and MPOs assess the level of safe, reliable, and convenient access to jobs and services (including shopping, healthcare, childcare, education and workforce training, and financial institutions). Considers the level of access for various modes of travel. Establishes a working group of State, local, and non-governmental experts to advise U.S. DOT on the establishment of the measure. Requires the Secretary to acquire, using research funds, transportation system access data sets and analytical tools to facilitate the implementation of requirements under this section.

### **Sec. 1404. Transportation demand data and modeling study.**

Requires the Secretary to compare observed data to transportation demand forecasts from a sampling of States and MPOs. These comparisons will examine traffic count, mode share, public transit ridership, and vehicle occupancy data in order to inform future planning and forecasting and evaluate the impacts of transportation investments on transportation demand. Requires the Secretary



to publish best practices and guidance on forecasting and transportation demand management strategies that most effectively reduce congestion travel times and carbon pollution.

### **Subtitle E—Federal Lands, Tribes, and Territories**

#### **Sec. 1501. Territorial and Puerto Rico highway program. [23 USC 165]**

Significantly increases the amount of funds for the Territorial and Puerto Rico highway program, providing \$100 million per year for territories and \$210 million per year for Puerto Rico from the Highway Trust Fund.

#### **Sec. 1502. Tribal transportation program. [23 USC 202]**

Under section 1101, the bill significantly increases funding levels for the Tribal Transportation Program (TTP), providing \$800 million per year for the program out of the Highway Trust Fund. Expands eligibility under the Tribal Transportation Bridge Program to allow construction of new bridges. Expands eligibility for safety projects under the TTP to include projects that educate the public and increase awareness concerning highway safety matters and to better enforce highway safety laws in tribal nations.

#### **Sec. 1503. Tribal high priority projects.**

Provides \$50 million annually out of the Highway Trust Fund for a reestablished grant program that was authorized in MAP-21, but never funded, to award grants to the highest priority project for tribes whose annual transportation funding is insufficient. Provides emergency relief to tribes who cannot access other emergency relief funds and sets a maximum grant award of \$5 million.

#### **Sec. 1504. Federal lands transportation program. [23 USC 203]**

Under section 1101, the bill significantly increases funding levels for the Federal Lands Transportation Program, providing \$550 million per year out of the Highway Trust Fund for the program. The bill also provides an additional \$345 million per year out of the Highway Trust Fund for the Federal Lands Access Program. Allows the head of a Federal agency that owns a transportation facility to request assistance from a State in paying the project costs when a high-commuter corridor (defined as a transportation facility administered by a Federal agency that has average annual daily traffic of not less than 20,000 vehicles) within that State is in need of repair.

#### **Sec. 1505. Federal lands and tribal major projects program. [23 USC 208]**

Transforms the Nationally Significant Federal Lands and Tribal Projects Program into the Federal Lands and Tribal Major Projects program, codifies it, and provides an annual authorization of \$400 million from the Highway Trust Fund under Section 1101. Expands project eligibility and eligible uses of funds to allow for preconstruction activities. Lowers the minimum project cost threshold to \$12.5 million for Federal lands projects and \$5 million for tribal projects. Increases Federal cost share to 100 percent for tribal projects and requires program funds to be split 50-50 between tribal and Federal lands projects.

#### **Sec. 1506. Office of Tribal Government Affairs.**

Establishes an Office of Tribal Government Affairs within U.S. DOT and creates a new Assistant Secretary for Tribal Government Affairs position. The Office and the Assistant Secretary will oversee administration of the Tribal Transportation Self Governance Program, policies and programs serving Indian Tribes and Tribal Organizations, and will provide technical assistance to tribes.

**Sec. 1507. Alternative contracting methods. [23 USC 201]**

Allows tribes and Federal land management agencies to use the same alternative contracting methods available to States.

**Sec. 1508. Divestiture of Federally-owned bridges.**

Authorizes the transfer of Federally-owned bridges from the Bureau of Reclamation to a State, provided the State concurs; an agreement from the State to operate and maintain the bridge; compliance with all applicable Federal laws; and a joint notification by the Bureau and the State to the Secretary of Transportation prior to the transfer of ownership. Specifies that the Bureau is not required to transfer ownership of the land on which the bridge is located or any adjacent lands but requires the Bureau to provide access for the State for the purposes of construction, maintenance, and bridge inspections.

**Subtitle F—Additional Provisions****Sec. 1601. Toward zero deaths.**

Provides for the establishment of vision zero plans to significantly reduce or eliminate transportation related fatalities and serious injuries within a specified timeframe, but not to exceed 20 years. The vision zero plan includes a complete streets prioritization plan to ensure safe, accessible, and connected active transportation networks. Allows local governments, MPOs, or regional transportation planning organizations to use HSIP or STP funds for these purposes. A vision zero plan may include a complete streets prioritization plan that identifies a list of projects to provide safe and convenient active transportation access to jobs, housing, and other essential services.

**Sec. 1602. Speed limits.**

Requires the Secretary to revise the Manual on Uniform Traffic Control Devices (MUTCD) to require States and local governments to use a “safe systems approach” to setting speed limits, consistent with NTSB recommendations. Requires the Secretary to update and report on the implementation progress of the Department’s Speed Management Program Plan.

**Sec. 1603. Broadband infrastructure deployment.**

Updates the deadline by which U.S. DOT is required to issue regulations to ensure the coordination of projects within the highway right-of-way with broadband infrastructure deployment projects. Modifies the content of these regulations to ensure that interested broadband entities are notified of projects in the highway right-of-way on which Federal funds will be expended in the coming year. Creates a Dig Once Funding Task Force to estimate the cost of a nationwide “dig once” requirement, and to propose and evaluate options for funding such a requirement.

**Sec 1604. Appalachian Development Highway System funding flexibility.**

Allows States with remaining unspent Appalachian Development Highway System program funds to use those funds for projects eligible under the STP.

**Sec. 1605. Stormwater best management practices.**

Authorizes U.S. DOT and EPA to commission a Transportation Research Board study of stormwater runoff best practices and to report to Congress on the results not later than 18 months after enactment. Requires the Department to update best management practices on stormwater runoff.

**Sec. 1606. Pedestrian right-of-way.**

Requires the U.S. Access Board to finalize guidelines setting minimum accessibility standards for pedestrians in the public right-of-way. Requires such guidelines to be substantially similar to the notice of proposed rulemaking published on July 26, 2011, titled “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way” and the supplemental notice of proposed rulemaking published on February 13, 2013, titled “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; Shared Use Paths.” Requires U.S. DOT to issue corresponding regulations following the issuance of the guidelines.

**Sec. 1607. Highway formula modernization report.**

Requires FHWA, in consultation with the American Association of State Highway Transportation Officials, to provide recommendations on how to revise the apportionment methodology under 23 USC 104 to best achieve the goals of the Federal-aid highway program. The report will consider whether the apportionment factors established in SAFETEA-LU, the performance goals and measures under 23 USC 150, or any other factors would yield a more data-driven or equitable apportionment of funding. In addition, FHWA will consult with the EPA to determine whether the CMAQ apportionment formula best achieves the air quality goals under 23 USC 149.

**Sec. 1608. Consolidation of programs.**

Increases funding for operation lifesaver, work zone safety grants, the national work zone information safety clearinghouse, and the public road safety clearinghouse. Clarifies that these amounts are available at 100 percent Federal cost share.

**Sec. 1609. Student outreach report to Congress.**

Requires the Secretary to report on U.S DOT’s efforts to encourage students to pursue careers in the surface transportation sector.

**Sec. 1610. Task force on developing a 21<sup>st</sup> century surface transportation workforce.**

Establishes a task force comprised of representatives from surface transportation industry sectors, labor, and other experts to develop recommendations and strategies to address surface transportation workforce needs and ways to increase representation of women and minorities in surface transportation careers.

**Sec. 1611. On-the-job training and supportive services. [23 USC 140(b)]**

Establishes transparency and reporting requirements for the On-the-Job Training and Supportive Services program. Requires States to develop annual statewide workforce development plans to identify and address workforce gaps and underrepresentation of women and minorities and to establish annual workforce development compacts with State workforce development boards and other appropriate agencies.

**Sec. 1612. Work zone safety. [23 USC 504(e)]**

Adds eligibility for States to use apportioned funds dedicated to workforce training and education on work zone safety training and certification for State and local employees as well as surface transportation construction workers.



**Sec. 1613. Transportation education development program. [23 USC 504(f)]**

Adds transparency and reporting requirements to track the program objectives of grant recipients and progress made toward developing new curricula and education programs to train individuals at all levels of the transportation workforce.

**Sec. 1614. Working group on construction resources.**

Establishes a Working Group consisting of State, local, and tribal officials and relevant industry stakeholders to assess the availability of certain transportation-related construction materials. The Working Group will report to the Secretary with any findings and recommendations to reduce the cost and environmental impacts of the transportation construction supply chain.

**TITLE II—PUBLIC TRANSPORTATION**

**Subtitle A—Federal Transit Administration**

**Sec. 2101. Authorizations.**

Authorizes \$66.3 billion in contract authority for FY22 through FY25 for the Federal transit program. Creates a new set aside for administrative costs for Buy America.

**Sec. 2102. Chapter 53 Definitions. [49 USC 5302]**

Adds definitions for *resilience* and *assault on a transit worker*. Includes bike share under the definition for associated transit improvements. Amends the FTA Joint Development Program to remove the fair share revenue requirement for transit-oriented development projects that include 50 percent affordable housing. This is a higher threshold than other programs because FTA provides direct funding for Joint Development.

**Sec. 2103. General Provisions. [49 USC 5323]**

Provides transit agencies more flexibility to meet community needs with limited exemptions to the charter service rule. Requires transit agencies to respond to intercity and charter bus requests for reasonable access to public transit facilities within 75 days. Restores the ability to incorporate art into transit facilities. Creates a uniform and customer-friendly ADA complaint process.

**Sec. 2104. Miscellaneous Provisions.**

Increases Federal cost share to 90 percent for ADA accessibility in state of good repair projects. Treats the District of Columbia as a State in the high density States formula. Authorizes FTA to provide technical assistance on the impacts of a new census count. Ensures reimbursements continue in the event of a government shutdown. Requires transit agencies collect data on the assault of transit workers. Relaxes the phaseout of the Special Bus Rule to provide more flexibility.

**Sec. 2105. Policies and Purposes.**

Adds reductions in carbon emissions and improvements to resiliency to the purpose of a Federal transit program

**Sec. 2106. Fiscal Year 2022 Formulas.**

Ensures that transit data from fiscal year 2020 and impacted by COVID-19 will not be used in the calculation of transit formula apportionments.

## **Subtitle B—Improving Frequency and Ridership**

### **Sec. 2201. Multi-jurisdictional bus frequency and ridership competitive grants. [49 USC 5308]**

Creates a new competitive program, funded at \$100 million annually, to increase bus frequency, ridership and total person throughput by redesigning urban streets and corridors to efficiently move transit vehicles in congested major urban areas. The program is structured to require a partnership between transit agencies and State or local government agencies responsible for roadways.

### **Sec. 2202. Incentivizing frequency in the urban formula. [49 USC 5336]**

Replaces the current incentive formula based on low operating costs with a formula based on vehicles per hour during peak service in the highest 25 percent of routes by ridership. This will incentivize ridership rather than low-cost bus operations. This formula change begins in 2023, providing time to collect the data and improve frequency on the highest ridership routes.

### **Sec. 2203. Mobility Innovation. [49 USC 5316]**

Creates a new flexible set of Federal rules for mobility on demand services integrated with mobility as a service. Transit agencies are allowed to shift urban, rural, and seniors and individuals with disabilities funding to this program to take advantage of the greater flexibilities and waivers. Retains basic requirements for safety, Buy America, and labor protections. Includes restrictions on single passenger trips and carbon and particulate emissions. Requires a negotiated rulemaking to bring the diverse stakeholders together to negotiate an open data standard necessary to bring the benefits of mobility on demand to more people.

### **Sec. 2204. Formula grants for rural areas. [49 USC 5311]**

Revises the rural transit formula to increase the funding attributed to actual transit service. Provides flexibility to States for areas transitioning from rural to urban after a new census designation. Increases tribal rural funds by 80 percent, with \$10 million for competitive grants and \$45 million for tribal formula funds. Provides flexibility to fund continuous intercity bus service across state lines and requires public documentation of state certifications to waive the 15 percent of funds for intercity service. Clarifies that volunteer hours satisfy local cost share requirements for social service trips.

### **Sec. 2205. One-stop paratransit program. [49 USC 5310]**

Creates a grant program to examine the costs and benefits of allowing flexibility in paratransit trips that allow one stop for certain needs like dropping children off at daycare or school or stopping briefly at the pharmacy, grocery store, or bank. The grant will cover reporting costs and costs associated with the extra stops.

## **Subtitle C—Buy America and Other Procurement Reforms**

### **Sec. 2301. Buy America. [49 USC 5320]**

Recodifies Buy America into section 5320, closes loopholes, removes bureaucratic burdens, clarifies waiver reporting requirements, and provides new incentives to boost domestic job production. Closes loopholes that allow waived components and components exceeding 70 percent domestic content to receive credit for 100 percent domestic content. Incentivizes higher domestic content by including final assembly costs into the domestic content calculation, providing an automatic 2.5 percent increase in domestic content if a zero-emission vehicle uses domestic battery cells, providing

a bonus of 10 percent of domestic content for any component that exceeds 70 percent, and providing a bonus of 15 percent of domestic content for any component that exceeds 75 percent.

Requires FTA to conduct rolling stock certifications to remove the burden from transit agencies, allows certifications to be used for multiple procurements, sets a standard for recertifications, and provides fair competition by ensuring certifications are consistently applied. The DOT Inspector General will provide annual audits of the program. Creates a refined waiver process for passenger vehicles, allowing automatic waivers for passenger vehicles that are domestically assembled and have a 60 percent domestic content as measured by the American Automobile Labeling Act. Requires FTA to review its bus and rail component and final assembly regulations to maximize domestic job creation and align with modern manufacturing techniques. Phases in the modifications of Buy America over a 5-year timeframe.

**Sec. 2302. Bus Procurement Streamlining. [49 USC 5323(v)]**

Requires bus procurements to use performance-based specifications in a procurement instead of specifying individual components.

Requires a negotiated rulemaking to establish a list of components and subcomponents that are waived from the performance-based specification requirement.

**Sec. 2303. Bus Testing Facility. [49 USC 5318]**

Puts the Secretary on a deadline to grant a manufacturer's request for testing, requires a public estimate of the backlog at the testing facility to begin a new bus test, and provides additional funds to expedite testing.

**Subtitle D—Bus Grant Reforms**

**Sec. 2401. Formula Grants for Buses. [49 USC 5339(a)]**

Provides \$5 billion for FY22 through FY25. Provides \$327 million for FY22 through FY25 to States for additional rural bus funds.

**Sec. 2402. Bus facility and fleet expansion grants. [49 USC 5339(b)]**

Provides \$1.6 billion for FY22 through FY25. Modifies the competitive bus program to focus on large one-time needs for bus garages, bus stations, and fleet expansions. Grant considerations are limited to age and condition of facilities, resilience, and multimodal connections at stations.

**Sec. 2403. Zero-emission bus grants. [49 USC 5339(c)]**

Provides \$1.7 billion for FY22 through FY25 and an average annual increase of 500 percent over FAST Act funding. Sets procurement minimums to ensure transit agencies are investing appropriately in zero-emission bus fleets and the necessary charging infrastructure. Directs the funding to areas of the largest need to resolve Clean Air Act compliance issues. Requires an agency plan for long term zero-emission bus needs and a fleet transition study.

**Sec. 2404. Restoration to state of good repair formula subgrant. [49 USC 5339(d)]**

Creates a subgrant, administered through the bus formula grant, that provides an increase in funding for transit agencies with the oldest buses. As these buses are replaced, the formula will automatically allocate funds to the agencies with the next oldest buses, creating a rolling funding increase that targets the agencies with the oldest buses.

## **Subtitle E—Supporting All Riders**

### **Sec. 2501. Low-income urban formula funds. [49 USC 5336(j)]**

Doubles the urban formula low-income set aside from 3 to 6 percent. Expands the formula to include an emphasis on the low-income population in urban census tracts with a poverty rate above 20 percent. Requires transit agencies to ensure they are serving low-income individuals.

### **Sec. 2502. Rural persistent poverty formula. [49 USC 5311(a)]**

Sets aside \$50 million a year, administered through the rural formula grant, but based on rural areas with persistent poverty counties, defined as a county with a poverty rate above 20 percent since 1990. Requires States to distribute these Federal funds to persistent poverty counties.

### **Sec. 2503. Demonstration grants to support reduced fare transit.**

Creates a demonstration grant to provide for a reduced fare for low-income riders to help close transit equity gaps. Requires collaboration with a University Transportation Research Center to study the impacts of these demonstration grants.

## **Subtitle F—Supporting Frontline Workers and Passenger Safety**

### **Sec. 2601. National transit frontline workforce training center. [49 USC 5314(b)]**

Creates a training center modeled on the successful National Transit Institute, but with a frontline employee mandate. Establishes labor-management partnerships to provide standards-based training in maintenance and operations occupations. The focus will include developing training standards, local training partnerships, training for new technologies including zero-emission buses, and training on safety and emergency preparedness.

### **Sec. 2602. Public Transportation Safety Program. [49 USC 5329]**

Expands the national safety plan to include driver assist technologies and driver protection infrastructure.

Expands the transit agency safety plan to include a focus on passenger and personnel injuries, assaults, and fatalities; a joint labor-management safety committee empowered to approve the safety plan; and a comprehensive frontline workforce training program on safety and de-escalation.

### **Sec. 2603. Automated vehicle transit workforce standards.**

Prevents a transit agency from deploying an automated vehicle that duplicates, eliminates, or reduces the frequency of existing public transportation service. Requires transit agencies considering transit automated vehicles to develop a workforce development plan describing how the automated vehicle will affect transit workers. Ensures transit workers are given fair notice if their job is jeopardized by a transit automated vehicle.

### **Sec. 2604. Performance-based metrics. [49 USC 5329]**

Establishes four performance-based safety metrics which can trigger a safety set-aside of up to 10 percent in Federal funds and directs those funds to projects that are likely to reduce injuries and fatalities.

## **Subtitle G—Transit-Supportive Communities**

### **Sec. 2701. Transit-supportive communities. [49 USC 5328]**

Establishes an Office of Transit-Supportive Communities to make grants, provide technical assistance, coordinate transit-housing policies across the Federal government, and incorporate strategies to promote equity for underrepresented and underserved communities.

The office will make grants available under the Transit Oriented Development Planning grant program, for eligible grantees who are designing or building a fixed guideway transit line, or serving an existing fixed guideway transit line, a station that is part of a fixed guideway transit system, or the immediate corridor surrounding a high-frequency transit line.

### **Sec. 2702. Property disposition for affordable housing. [49 USC 5334(h)]**

Allows a grantee to transfer property no longer needed to a local government authority, non-profit, or other third party for the purpose of transit-oriented development and releases the Federal interest in that asset. Requires that at least 15 percent of the housing units in such a project be offered as affordable housing.

### **Sec. 2703. Affordable housing incentives in capital investment grants. [49 USC 5309]**

Provides multiple incentives in the CIG ratings process if the project preserves or encourages higher density affordable housing near the project. Allows Economic Development Administration Public Works grants and Department of Housing and Urban Development Community Development Block Grants to be counted as part of the local share, provided that the funds are used in conjunction with an affordable housing development.

## **Subtitle H—Innovation**

### **Sec. 2801. Mobility innovation sandbox program. [49 USC 5312(d)]**

Authorizes Mobility on Demand research and ties it to the types of projects eligible under Section 5316 - Mobility Innovation.

### **Sec. 2802. Transit bus operator compartment redesign program. [49 USC 5312(d)]**

Authorizes FTA research on redesigning bus driver compartments to improve driver visibility, expand driver functionality, and reduce driver assault.

### **Sec. 2803. Federal Transit Administration Every Day Counts initiative. [49 USC 5312(X)]**

Establishes a new FTA Every Day Counts initiative, which currently exists within FHWA as a successful State DOT deployment program for innovative technologies and practices.

### **Sec. 2804. Technical corrections. [49 USC 5312]**

Replaces research and deployment of “low-no” emission buses with zero-emission buses. Fixes several clerical errors.

## **Subtitle I—Other Program Reauthorizations**

### **Sec. 2901. Reauthorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority. [PL 110-432, Division B, Title IV, Sec. 601]**

Reauthorizes capital and preventive maintenance projects for WMATA and provides greater independence and a dedicated budget for the WMATA Inspector General.

**Sec. 2902. Other Apportionments. [49 USC 5336]**

Provides \$245 million for FY22 through FY25 for passenger ferries. Increases the Small Transit Intensive Cities (STIC) program set-aside to 3 percent and provides a 3-year phase out for prior STIC recipients who no longer qualify under a new census designation.

**Subtitle J—Streamlining**

**Sec. 2911. Fixed guideway capital investment grants. [49 USC 5309]**

Reduces the bureaucratic burden within the Capital Investment Grant (CIG) approval process. The Federal approval process for a new transit project is burdensome in comparison to the Federal approval process for a new highway project. Modifications to the CIG program include:

- **Small Starts:** The Federal cost cap for small starts projects increases to \$320 million and the total cost cap increases to \$400 million, providing more small projects a streamlined approval process.
- **Core Capacity:** Adds station expansion eligibility to core capacity projects. Allows these projects to start planning additional capacity 10 years before the corridor reaches capacity.
- **Engineering phase:** Increases to 3 years the time projects have to move through the engineering phase.
- **Project Development phase:** Cost and risk assessments may not be required in the project development phase, but applicants may choose to do their own assessments and FTA can provide technical assistance.
- **Federal Cost Share:** Reestablishes an 80 percent CIG cost cap for all CIG projects. Replaces the requirement on FTA to minimize Federal cost share, with an option for a transit agency to choose a CIG cost share under 60 percent. Transit agencies that remain under 60 percent cost share are subject to less strenuous requirements for project approval by allowing the applicant to: determine the amount of the contingency funds; certify that local resources are available to continue running their current service; and secure only 75 percent of the local financial commitment to sign the Full Funding Grant Agreement (FFGA), with the remaining 25 percent budgeted, but not committed.
- **Contingency Funds:** For projects that seek the higher cost share, FTA will now provide 50 percent of the contingency amount required.
- **Project Rating Incentives:** Expands the use of incentives (warrants) for projects with a total cost under \$1 billion or projects that selected the lower cost share. This allows more projects to get automatic ratings when they meet certain criteria.
- **Transparency:** Provides an opportunity for applicants to seek clarification, at several key stages of the approval process, of what information FTA still requires from the applicant to secure project approval. Requires FTA to create a publicly-accessible CIG dashboard to post monthly updates on the status of each CIG project in the approval process or under construction including the status of pending approvals.
- **Congressional Notification:** Reduces the number of days before a project can be signed after Congressional notification to accelerate project approval.



- **Interrelated Projects:** Allows a rating improvement in mobility for projects that have another related project in the planning process that has secured initial NEPA guidance and will boost ridership on the current project seeking a rating.

**Sec. 2912. Rural and small urban apportionment deadline. [49 USC 5336]**

Requires FTA to apportion formula funds made available by appropriation continuing resolutions to States by December 15<sup>th</sup> of the fiscal year. States may choose to apply for these funds or wait for the full-year apportionment. This will provide better access to Federal formula funds to small urban areas, rural areas, and service providers for seniors or individuals with disabilities.

**Sec. 2913. Disposition of assets beyond useful life. [49 USC 5334]**

Establishes a new policy for proceeds from the sale of old equipment. The original Federal share of the proceeds shall be retained by each transit agency and available for new capital projects following Federal rules.

**Sec. 2914. Innovation coordinated access and mobility. [49 USC 5311]**

Expands an existing program designed to streamline the coordination of public transportation services and non-emergency medical transportation. Creates start-up grants designed to launch a coordinated approach of delivering better service by reducing duplication of services from different local, State, and Federal healthcare agencies. Creates incentive grants to capture the savings from the coordination and reduced health care costs and redirects those savings back into better service.

## **TITLE III—HIGHWAY TRAFFIC SAFETY**

**Sec. 3001. Authorization of appropriations.**

Authorizes \$4.3 billion in contract authority for FY22 through FY25 for National Highway Traffic Safety Administration (NHTSA) programs.

**Sec. 3002. Highway safety programs. [23 USC 402]**

Creates new State highway safety program requirements to address: the risk of leaving children or other unattended occupants in vehicles when there is a risk of hyperthermia; the proper use of child safety seats, including booster seats, with an emphasis on underserved populations; and to reduce deaths and injuries resulting from violations of State ‘move over laws’ which require drivers to reduce their speed or change lanes when there is an emergency or other vehicle parked on or near a roadway. Requires States which have legalized marijuana to consider additional programs to increase public awareness of the dangers of marijuana-impaired driving and to reduce injuries and fatalities resulting from marijuana-impaired driving. Allows an exemption from the prohibition on Sec. 402 funds being used for automated traffic enforcement systems if the system is being used in either a school zone or work zone. Directs the Secretary to enhance the ability for public review of State highway safety plans and reports by publishing each State’s plan and report on a public-facing website which can be easily navigated and searched. The website must have a means for the public to search a plans’ content, including by performance measures, program areas and expenditures, and additional funding sources.

**Sec. 3003. Traffic safety enforcement grants. [23 USC 402(l)]**

Establishes a \$35 million grant program to increase use of top-rated traffic safety law enforcement measures which reduce traffic fatalities and injuries. Provides additional resources for up to ten

States to carry-out countermeasures rated 3, 4, or 5 stars in the most recent edition of the National Highway Traffic Safety Administration's Countermeasures That Work highway safety guide. Funds must be targeted to areas with the highest risk of traffic fatalities and injuries, and States must report traffic safety data to the Secretary in order to determine effectiveness of the program.

**Sec. 3004. Highway Safety Research and Development. [23 USC 403]**

Makes technical changes to clarify the Secretary's authority to use certain funds for a cooperative program to research and evaluate priority highway safety countermeasures. Removes the set-aside for the in-vehicle alcohol detection device research program.

**Sec. 3004. Grant program to prohibit racial profiling. [23 USC 403(h)]**

Reauthorizes \$7.5 million grant program to encourage States to enact and enforce a law that prohibits the use of racial profiling in highway law enforcement and to maintain and allow public inspection of statistical information for each motor vehicle stop in the State regarding the race and ethnicity of the driver and any passengers.

**Sec. 3005. High visibility and enforcement program. [23 USC 404]**

Establishes individual campaigns dedicated to reducing drug-impaired driving and drunk driving. Expands focus of occupant protection campaigns to include proper use of child restraints. Creates new campaigns focused on distracted driving and violations of 'move over laws' which protect roadside first responders and law enforcement. Doubles the number of campaigns from three to six per year and requires drunk driving campaigns to occur twice per year. Improves visibility and education efforts of campaigns through coordinated use of dynamic highway messaging signs.

**Sec. 3006. National priority safety programs. [23 USC 405]**

Makes targeted improvements to certain priority safety grant programs which have been previously underutilized, including programs for: the use of ignition interlocks; enactment and enforcement of State distracted driving laws; and State graduated driver's licensing laws. Reforms will increase State participation while maintaining strong safety standards. Also expands eligibility under the State traffic safety information system improvements grant to improve data sharing and interoperability between States' driver record systems. Creates new grant program which encourages States to develop and implement driver and law enforcement training programs to educate both groups on proper traffic stop procedure in order to reduce the potential for conflict during traffic stops. Enables the Secretary to transfer any funds remaining under this section at the end of the fiscal year to carry out activities under either Sec. 402 or Sec. 405.

**Sec. 3007. Minimum Penalties for Repeat Offenders for Driving While Intoxicated or Driving Under the Influence. [23 USC 164]**

Expands eligible uses of penalty funds for States which haven't enacted or aren't enforcing a repeat intoxicated driver law to include 'poly-substance impaired driving' in addition to 'alcohol-impaired driving' countermeasures.



## **TITLE IV—MOTOR CARRIER SAFETY**

### **Subtitle A – Motor Carrier Safety Grants, Operations, and Programs**

#### **Sec 4101. Motor Carrier Safety Grants. [49 USC 31104]**

Authorizes \$2.2 billion in contract authority for FY22 through FY25 for motor carrier safety grants under the Federal Motor Carrier Safety Administration (FMCSA) to assist States in truck and bus safety oversight and enforcement activities, commercial driver licensing, and technology improvements to support those efforts. Includes \$1.6 billion for Motor Carrier Safety Assistance Program (MCSAP) grants; \$300 million for High Priority Activities grants; \$232 million for Commercial Driver's License Program Implementation grants; and \$4.3 million for Commercial Motor Vehicle Operators grants. Authorizes the Administrator to carry out training for State enforcement personnel in partnership with one or more not-for-profit organizations. Extends the grant period of performance by one year to ensure program funds do not lapse and allows the Secretary to redistribute unobligated funds.

#### **Sec 4102. Motor Carrier Safety Operations and Programs. [49 USC 31101]**

Authorizes \$1.5 billion for FY22 through FY25 for FMCSA's motor carrier safety operations and programs. Directs the Administrator to utilize additional program amounts to accelerate investments to modernize the agency's information technology and information management systems, complete any outstanding statutory mandates, and undertake a new Large Truck Causation study.

### **Subtitle B – Motor Carrier Safety Oversight**

#### **Sec 4201. Motor Carrier Safety Advisory Committee.**

Extends the authorization for the Motor Carrier Safety Advisory Committee through FY25 and adds small carriers among those required to be represented on the Committee.

#### **Sec 4202. Compliance, Safety, Accountability.**

Requires the Secretary, within one year of enactment, to revise the methodology used to identify and prioritize motor carriers for safety interventions under the Compliance, Safety, Accountability (CSA) program. Requires the Secretary to make safety data publicly available as part of this process. Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter on the status of the development of the revised methodology and related data modifications. Requires the Secretary to publish regulations to revise the process for issuing safety fitness determinations for motor carriers no later than 1 year after implementing the new CSA methodology.

#### **Sec 4203. Terms and Conditions for Exemptions. [49 USC 31315]**

Requires the Secretary to establish terms and conditions for carriers and drivers operating under an exemption from safety rules, including requiring the regular submission of safety data, and for exemptions related to hours of service rules, participation in a recognized fatigue management plan.

#### **Sec 4204. Safety Fitness of Motor Carriers of Passengers. [49 USC 31144]**

Requires the Secretary to review the safety of entities that offer and sell tickets for scheduled motorcoach transportation, regardless of ownership or control of the vehicles or drivers used to provide the transportation.

## **Subtitle C – Commercial Motor Vehicle Driver Safety**

### **Sec 4301. Commercial Driver's License for Passenger Carriers. [49 USC 31301]**

Requires drivers of passenger vehicles designed or used to transport more than eight passengers, for compensation, to hold a Commercial Driver's License.

### **Sec 4302. Alcohol and Controlled Substances Testing. [49 USC 31306]**

Makes a technical change to 49 USC 31306 to ensure that FMCSA has the authority to implement oral fluids testing if the Department of Transportation amends its drug and alcohol testing regulations to permit oral fluids testing.

### **Sec 4303. Entry-Level Driver Training.**

Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter until full implementation of FMCSA's Entry Level Driver Training rule, including: a schedule and benchmarks to finalize implementation of the requirements; reporting of any anticipated delays in meeting the benchmarks; progress made in updating FMCSA's information technology infrastructure to support the training rule; and progress made by States in implementing the rule.

### **Sec 4304. Driver Detention Time.**

Requires the Secretary to begin collecting data on delays experienced by drivers in the loading and unloading of goods, or detention time, within 30 days of enactment. Requires such data to be made publicly available in anonymized manner. Requires a rulemaking, no later than 1 year after enactment, to establish limits on the amount of time that a driver may be reasonably detained, unless compensated for the time.

### **Sec 4305. Truck Leasing Task Force.**

Requires the Secretary of Transportation, in consultation with the Secretary of Labor, to establish a Truck Leasing Task Force to examine common truck leasing agreements, and the terms of such agreements, available to truck drivers, including port drayage drivers specifically. The Task Force shall also examine the impact of truck leasing agreements on the net compensation of drivers, and resources available to assist drivers in assessing the impacts of leasing agreements.

### **Sec 4306. Hours of Service.**

Requires FMCSA to conduct a comprehensive review of the impacts of current hours of service rules, including exemptions, and prohibits expansions of on-duty time for commercial truck drivers proposed by the agency from taking effect until 60 days after the submission of the results of the review to Congress. The Secretary must document existing exemptions from hours of service rules and conduct a safety analysis and a driver impact analysis as part of the comprehensive review. Directs FMCSA to revise the agency's guidance with respect to the use of a commercial motor vehicle for personal conveyance, to establish specific mileage or time limits on the use of this exception.

### **Sec 4307. Driver Recruitment.**

Requires the Department of Transportation Inspector General to examine and report to Congress on the prevalence of the operation of commercial motor vehicles by drivers admitted to the United States under temporary business visas, and the safety impacts of such operations.

## **Subtitle D – Commercial Motor Vehicle and School Bus Safety**

### **Sec 4401. School Bus Safety Standards.**

Directs the Secretary to review the costs and benefits of requiring lap/shoulder belts in large school buses and to consider requiring seat belts in newly manufactured school buses. Requires newly manufactured school buses to be equipped with automatic emergency braking and electronic stability control systems. Directs the Secretary to conduct research and testing on fire prevention and mitigation standards - including firewalls, fire suppression systems, and interior flammability and smoke emissions characteristics - for large school buses and consider issuing updated standards.

### **Sec 4402. Illegal Passing of School Buses.**

Requires the Secretary to review State laws prohibiting passing of school buses and barriers to effective enforcement, and issue recommendations on best practices. Requires the Secretary to carry out a public messaging campaign to highlight the dangers of illegal passing and educate students and the public on safe loading and unloading of school buses. Directs the Secretary to conduct an evaluation of safety technologies surrounding loading zone safety, such as motion activated detection systems, lighting, cameras, and other technologies. The Secretary is also required to research connections between illegal passing of school buses and factors such as distracted driving, school bus stop locations, and illumination and reach of vehicle headlights. Requires the Secretary to review State driver education materials on school bus passing and make recommendation to States on how to improve driver education.

### **Sec 4403. State Inspection of Passenger-Carrying Commercial Motor Vehicles.**

Requires the Secretary to issue final regulations on whether to require State-based vehicle inspection programs for passenger-carrying commercial motor vehicles, and to consider the impacts of the Secretary's current regulations allowing self-inspections to satisfy periodic inspection requirements.

### **Sec 4404. Automatic Emergency Braking.**

Requires the Secretary, no later than one year after enactment, to prescribe a motor vehicle safety standard and accompanying performance requirements for all newly manufactured commercial motor vehicles to be equipped with an automatic emergency braking system, and to require that systems installed in a vehicle be in use during operation. The Secretary is directed to consult with representatives of commercial motor vehicle drivers regarding their experiences with automatic emergency braking systems already in use, including malfunctions or unwarranted activations of such systems.

### **Sec 4405. Underride protection.**

Directs the Secretary to strengthen rear underride guard standards within one year of enactment, and to conduct additional research on the design and development of rear impact guards to prevent underride crashes at higher speeds. Requires the Secretary to amend regulations on minimum periodic inspections to include rear impact guards and rear end protection. Requires the Secretary to complete additional research on side underride guards and consider the feasibility, benefits, and costs associated with installing side underride guards, and if warranted, develop performance standards. Requires the Secretary to report to Congress on the findings of the research and the analysis that leads to the determination whether to develop performance standards. Creates an Advisory Committee on Underride Protection.

**Sec 4406. Transportation of Horses. [49 USC 80502]**

Prohibits the interstate transportation of horses in a motor vehicle containing two or more levels stacked on top of one another and authorizes civil penalties of at least \$100 but not more than \$500 for each violation of this prohibition.

**TITLE V—INNOVATION**

**Sec. 5001. Authorization of appropriations.**

Authorizes \$2.2 billion in contract authority for FY22 through FY25 for research programs.

**Subtitle A – Research and Development**

**Sec. 5101. Highway research and development program. [23 USC 503(b)]**

Increases funding to \$144 million for FY22 through FY25 for the Highway Research and Development Program and removes set-asides that previously took funding away from critical research activities. Adds greenhouse gas emissions reduction to the objectives of the Highway Research and Development Program. Adds ferry systems to the Conditions and Performance report. Directs DOT to develop modeling tools and databases to track highway assets, traffic flows, and long-distance network connectivity to better inform planning for both passenger and freight travel. Authorizes FHWA to obtain and develop datasets and tools that enable States, MPOs, and others to better evaluate performance management and accessibility to jobs and services.

**Sec. 5102. Materials to reduce greenhouse gas emissions program. [23 USC 503(d)]**

Establishes a new comprehensive research, development, and deployment pipeline to advance the use of greener construction materials. The program will award grants to universities to research greener material designs and practices during the production and construction process, including the ability for materials to sequester carbon from the atmosphere.

**Sec. 5103. Transportation research and development 5-year strategic plan. [49 USC 6503]**

Requires the Secretary to issue the Department's research and development plan every 5 years. Amends the 5-year plan to include greenhouse gas emissions reduction and workforce issues.

**Sec. 5104. University transportation centers program. [49 USC 5505]**

Increases funding to \$96 million for FY22 through FY25 for the University Transportation Centers Program. Adds FTA to the administration of the program. Increases Federal share and increases maximum grant amounts. Requires that two grantees be Historically Black Colleges and Universities. Adds focused research on transit, connected and automated vehicles, bicyclist and pedestrian safety, surface transportation workforce issues, and climate change. Provides flexibility to transfer surplus funds to support further research in the Unsolicited Research Initiative in section 5105.

**Sec. 5105. Unsolicited research initiative. [23 USC 5506]**

Establishes a new program through which local governments, universities, and nonprofits may, at any time, propose research projects to the Secretary. This will expand opportunities for fundamental, non-applied research in the Department.

**Sec. 5106. National cooperative multimodal freight transportation research program. [49 USC 70205]**

Reestablishes the freight transportation cooperative research program in conjunction with the National Academies. Guides research efforts through an advisory committee consisting of regulators, industry representatives, labor representatives, environmental experts, and safety groups. Research will include the effects of growing freight demands on the environment, safety, and congestion; technological solutions and challenges for freight movement; improving the National Multimodal Freight Network; truck parking; and planning for the changing nature of freight movements, including first and last-mile challenges.

**Sec. 5107. Wildlife-vehicle collision reduction and habitat connectivity improvement.**

Authorizes a study on wildlife-vehicle collisions and habitat connectivity, to update previous FHWA research. Requires the Secretary to issue voluntary guidance to develop a joint plan for wildlife crossings among participating States. Directs the Secretary to standardize wildlife-vehicle collisions and habitat connectivity data. Authorizes additional voluntary guidance to establish a threshold for determining whether a highway could benefit from wildlife crossing infrastructure.

**Sec. 5108. Research activities. [49 USC 330]**

Reauthorizes the set-aside for coordination, evaluation, and oversight of research programs.

**Subtitle B – Technology Deployment**

**Sec. 5201. Technology and innovation deployment program. [23 USC 503(c)]**

More than doubles funding to \$152 million for FY22 through FY25 for the Technology and Innovation Deployment Program. Adds greenhouse gas emissions reduction to the objectives of the FHWA Technology and Innovation Deployment Program (TIDP).

**Sec. 5202. Accelerated implementation and deployment of pavement technologies. [23 USC 503(c)(3)]**

Adds to this program an emphasis on innovative pavement designs, materials, and practices that will reduce greenhouse gas emissions. Expands program reporting requirements to include extensive GHG-reducing and resilience factors, such as stormwater management, pavement durability, and energy efficiency. This program will complement the deployment efforts of the MRGGE program in section 5102.

**Sec. 5203. Federal Highway Administration Every Day Counts initiative [23 USC 520]**

Codifies the FHWA Every Day Counts initiative, a successful deployment effort among the Department and State DOTs.

**Subtitle C – Emerging Technologies**

**Sec. 5301. Safe, efficient mobility through advanced technologies. [23 USC 503(c)(4)]**

Renames the ATCMTD program to the Safe, Efficient Mobility through Advanced Technology (SEMAT) Program. Focuses the program's objectives on mobility, safety, and greenhouse gas emissions reduction. Requires the Secretary to prioritize programs that will improve mobility, decrease congestion, increase safety, and reduce emissions. Expands eligible uses of funds to include vehicle-to-pedestrian safety systems, vulnerable road user safety systems, and mobility-on-demand

activities. Enhances reporting requirements. Increases funding to \$70 million per year and expands the Federal share of the program to 80 percent.

**Sec. 5302. Intelligent transportation systems program. [23 USC 513-516]**

Adds consideration of greenhouse gas emissions reduction throughout the Intelligent Transportation Systems program. Reauthorizes the ITS Program Advisory Committee. Removes set-asides that previously took funding away from intelligent transportation activities.

**Sec. 5303. National highly automated vehicle and mobility innovation clearinghouse. [49 USC 5507]**

Establishes a national clearinghouse at a university to research the impacts of highly automated vehicles and mobility innovation (Mobility on Demand and Mobility as a Service) on land use, urban design, transportation, real estate, accessibility, municipal budgets, social equity, and the environment.

**Sec. 5304. Study on safe interactions between automated vehicles and road users.**

Directs U.S. DOT to study how automated vehicles will safely interact with general road users, including vulnerable road users such as bicyclists and pedestrians. Includes numerous safety considerations to ensure that the study accounts for the complexities of the surface transportation system and its many users. Establishes a working group of road users to guide the study.

**Sec. 5305. Non-traditional and emerging transportation technology council. [49 USC 118]**

Authorizes the Non-Traditional and Emerging Transportation Technology (NETT) Council to develop cohesive regulatory practices for novel transportation technologies presented to the Department of Transportation.

**Sec. 5306. Hyperloop transportation.**

Directs the NETT Council to issue guidance within 18 months of enactment to establish a clear regulatory framework for hyperloop transportation.

**Subtitle D – Surface Transportation Funding Pilot Programs**

**Sec. 5401. State surface transportation system funding pilots.**

Nearly doubles funding for State-level VMT pilot programs and directs program dollars towards implementation of successful State programs. Adds cybersecurity to the scope of the pilot programs.

**Sec. 5402. National surface transportation system funding pilot.**

Establishes a new 5-year national VMT pilot program. Directs the Secretary to solicit participants from all 50 States and the District of Columbia. Incorporates passenger and commercial vehicles, including vehicle fleets. Provides flexibility for the type of revenue-collection mechanism used in the pilot, including successful VMT pilots implemented at the State level. Directs collected revenue to the Highway Trust Fund.



## **Subtitle E – Miscellaneous**

### **Sec. 5501. Ergonomic seating working group.**

Establishes a working group to improve the musculoskeletal health of transit and commercial vehicle drivers by developing stronger ergonomic seating standards in transit and commercial vehicles.

### **Sec. 5502. Repeal of section 6314 of title 49, United States Code. [49 USC 6314]**

Repeals the Port Performance Freight Statistics Program.

### **Sec. 5503. Reports. [49 USC 308]**

Adds public ferry systems to the biannual Conditions and Performance Report.

## **TITLE VI—MULTIMODAL TRANSPORTATION**

### **Sec. 6001. National multimodal freight policy. [49 USC 70101]**

Revises the National Multimodal Freight Policy to include further consideration of environmental and equity impacts.

### **Sec. 6002. National freight strategic plan. [49 USC 70102]**

Revises the National Freight Strategic Plan to include further consideration of environmental and equity impacts.

### **Sec. 6003. National multimodal freight network. [49 USC 70103]**

Amends the National Multimodal Freight Network to include ports that have a total annual cargo value of at least \$1 billion. Establishes a new deadline for the Secretary to designate a final National Multimodal Freight Network and requires the Secretary to report to Congress on the resources that will be used to meet this deadline. Allows for the establishment of critical urban multimodal freight corridors in the same manner as the establishment of critical rural multimodal freight corridors.

### **Sec. 6004. State freight advisory committees. [49 USC 70201]**

Provides for the participation of additional stakeholders in State freight advisory committees, including metropolitan planning organizations, State environmental departments, and State air quality departments.

### **Sec. 6005. State freight plans. [49 USC 70202]**

Revises the requirements for State Freight Plans to include further consideration of environmental and equity impacts.

### **Sec. 6006. Study of freight transportation fee.**

Establishes a joint task force between the Department of Transportation and the Internal Revenue Service to study the establishment and administration of a fee on multimodal freight surface transportation services. Includes an assessment of the revenue such a fee would generate, the entities that would be impacted by such a fee, and assessments of related operational and administrative issues. Requires the Secretary to report to Congress on the outcome of the study.

**Sec. 6007. National Surface Transportation and Innovative Finance Bureau. [49 USC 116]**

Modifies the purpose of the Bureau to include proactive outreach to communities located outside of metropolitan or micropolitan statistical areas and coordinating with the Department of Agriculture's Office of Rural Development, the Environmental Protection Agency's Office of Community Revitalization, and any other agencies that provide technical assistance for rural communities.

**Sec. 6008. Local hire.**

Authorizes pilot program to allow FHWA or FTA grantees, including States, local recipients, and subrecipients, to utilize local or other geographic labor hiring preferences, economic-based labor hiring preferences, and labor hiring preferences for veterans.

**TITLE VII — TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT**

**Sec. 7001. Transportation Infrastructure Finance and Innovation Act. [23 USC Chapter 6]**

Streamlines the program by raising the threshold above which projects are required to secure multiple credit rating agency opinions. Further clarifies that the proceeds of a secured loan under TIFIA shall be considered part of the non-Federal share of a project under title 23 or chapter 53 of title 49 if the loan is repayable from non-Federal funds. Allows territories to use funds made available under this section for the non-Federal match under the TIFIA program. Clarifies the criteria under which projects are eligible for the streamlined application process. Provides additional funding to allow the Department to waive fees for small projects. Modifies reporting requirements to include information on whether a TIFIA project is located in a metropolitan or micropolitan area. Requires the Department to issue public monthly status reports on TIFIA applications and projects.

**DIVISION C – HAZARDOUS MATERIALS TRANSPORTATION**

**TITLE I—AUTHORIZATIONS**

**Sec. 8101. Authorization of Appropriations.**

Authorizes the Pipeline and Hazardous Materials Safety Administration (PHMSA) hazardous materials safety program at \$347 million over five years.

**TITLE II - HAZARDOUS MATERIAL SAFETY AND IMPROVEMENT**

**Sec. 8201. Repeal of Certain Requirements Related to Lithium Cells and Batteries.**

Repeals Section 828 of the FAA Modernization and Reform Act of 2012. That section prohibits DOT from issuing any regulation ensuring the safety of transporting lithium batteries in air cargo compartments of passenger and cargo planes if the regulations are more stringent than the lowest common denominator of international standards. Repealing this provision helps protect the safety of all passengers flying in the U.S. from safety risks associated with lithium batteries.

**Sec. 8202. Transportation of Liquefied Natural Gas by Rail Tank Car.**

Requires DOT to rescind any special permit or approval for the transport of liquified natural gas (LNG) by rail tank car issued before the date of enactment. Also prohibits DOT from issuing a regulation or special permit to authorize the transport of LNG by rail tank car until DOT conducts a further safety evaluation. Directs FRA and PHMSA to initiate an evaluation of the safety, security,



and environmental risks of transporting LNG by rail, which must include performance evaluation of tank cars, including physical testing of rail tank cars. The evaluation also must examine the impact of a discharge of LNG from a rail tank car and consider several related issues, including the benefits of route, speed, and consist restrictions, the needs of first responders to prepare and safely respond to incidents involving LNG, and the types of safety enhancements required to make tank cars and certain rail containers capable of moving LNG by rail safely. GAO must verify that DOT has complied with this mandate.

**Sec. 8203. Hazardous Materials Training Requirements and Grants.**

Authorizes the Assistance for Local Emergency Response Training (ALERT) grant, which promotes hazmat response training for volunteer or remote emergency responders, at \$9 million over five years.

**Sec. 8204. Study on Hazardous Materials Transported by Commercial Motor Vehicle at Highway-Rail Grade Crossings.**

Currently, Federal Motor Carrier Safety Administration (FMCSA) regulations require that all hazmat cargo tank trucks must stop at rail grade crossings, even when the signal is green. The regulations exist to prevent hazmat truck-train collisions but can cause inattentive drivers to rear-end the hazmat trucks. This provision directs Secretary to conduct research on the overall effectiveness and safety implications of those regulations.

**DIVISION D - RAIL**

**TITLE I – AUTHORIZATIONS**

**Sec. 9101. Authorization of Appropriations.**

Provides \$29.3 billion over five years in grants to support Amtrak's intercity passenger rail service on the Northeast Corridor (NEC) and the National Network. Provides higher Amtrak funding levels for FY 2021 and FY 2022 than subsequent years in order to mitigate the effects of the COVID-19 pandemic on its network. Additionally, \$2 billion over five years of the National Network grants will go to offset allocated national costs that Amtrak charges states for state-supported routes. Authorizes five-year appropriations for the State-Amtrak Intercity Passenger Rail Committee at \$15 million and the Northeast Corridor Commission at \$30 million. Further, authorizes appropriations for the Amtrak Office of Inspector General at \$137.5 million over five years.

The Federal Railroad Administration (FRA) Safety and Operations account is authorized at \$1.165 billion over five years. This section also specifies certain uses of these funds, such as authorizing grants for improving Class II and III railroad safety.

FRA's Railroad Research and Development account is authorized at \$230 million over five years. Funding is specifically provided for research on the safety of liquefied natural gas (LNG) by rail and to research the feasibility of expanding railroad safety culture assessments and training to include tourist, passenger, and commuter railroads.

**Sec. 9102. Passenger Rail Improvement, Modernization, and Expansion (PRIME) Grants.**

This new intercity passenger rail funding program authorizes grant funding of \$19 billion over five years for state of good repair projects, service improvement projects, and rail expansion projects.

High speed rail projects are eligible for the funds, and priority is given for projects that incorporate regional planning and/or have the support of multiple states and to projects that provide environmental benefits, such as greenhouse gas reduction and other air quality benefits. Within the grant program, 40% is reserved for NEC projects and 40% is reserved for projects outside the NEC, with a Federal cost-share of up to 90%.

**Sec. 9103. Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grants.**

Reauthorizes the FRA's discretionary grant program, CRISI, at \$7 billion over five years. Commuter rail authorities are newly eligible, and project eligibilities are extended to commuter rail transportation improvement projects, maintenance and upgrades of railroad safety technology (including positive train control), and the establishment of new quiet zones. The section reserves 15% of the funding for rural projects, establishes a 50 percent set-aside for projects over \$100 million, and removes a preference for projects with a lower percentage of Federal funding. Grants awarded to commuter rail authorities are transferred to the Federal Transit Administration for grant administration, and commuter railroad authorities must provide protective arrangements to employees covered by railroad labor and retirement statutes who are adversely affected by grant-funded projects.

**Sec. 9104. Railroad Rehabilitation and Improvement Financing (RRIF).**

Through the RRIF program, the Department of Transportation (DOT) provides direct loans and loan guarantees to finance development of railroad infrastructure. New provisions direct the Secretary to repay the credit risk premium (CRP) with interest for each loan defined in cohort 3 (made between 2009 and 2015) not later than 60 days after all obligations attached to each such loan has been satisfied. The section also authorizes \$30 million per year for the Secretary to pay the CRP in whole or in part for loan and loan guarantees for state and local governments, congressionally consented interstate compacts, and government-sponsored authorities and corporations. Of this, \$25 million per year is reserved for passenger rail projects. The section makes permanent the authority for transit-oriented development project loans, and it clarifies that RRIF loans may be used as the non-Federal share of project costs if such loans are repaid from non-Federal funds.

**Sec. 9105. Buy America.**

Requires the Department of Transportation (DOT) to provide notice and opportunity for public comment on requests for waivers from FRA's Buy America standards at least 30 days before making a finding on such request. Also requires DOT to annually report to Congress on the waivers granted during the preceding fiscal year.

**Sec. 9106. Rail Network Climate Change Vulnerability Assessment.**

In light of the risks posed to the passenger and freight rail network from climate change and related ecological disturbances, this section directs the Secretary of Transportation to sponsor the National Academies to conduct an assessment and submit a subsequent report on the potential impacts of climate change on the national rail network. The report will also address mitigation strategies to lessen adverse impacts, including emergency preparedness measures and resiliency best practices for infrastructure planning.

## **TITLE II – AMTRAK REFORMS**

### **Sec. 9201. Amtrak Findings, Mission, and Goals.**

Amtrak's findings, mission, and goals have been revised to reflect Congressional priorities for Amtrak. Amtrak must provide reliable national intercity passenger rail service now and, in the future, reflect the needs of all passengers, and support the U.S. workforce.

### **Sec. 9202. Amtrak Status.**

Clarifies that Amtrak serves the public interest in providing reliable passenger rail service.

### **Sec. 9203. Amtrak Board of Directors.**

Realigns the makeup of Amtrak's board of directors to better reflect the interests of passengers and Amtrak-served states. The board must represent the interests of areas served by Amtrak, Amtrak's passengers and employees, in addition to the Amtrak president and DOT. Also clarifies that the board members provide advice and oversight of Amtrak operations, with consideration for the travelling public's safety and interests, and the long-term viability of national passenger rail service.

### **Sec. 9204. Amtrak Preference Enforcement.**

Amtrak's preferential access to freight-owned corridors dates to Amtrak's early years and is key to the future success of intercity passenger rail transportation. This provision provides a means for Amtrak to enforce its statutory right of preference directly in Federal court without intermediaries.

### **Sec. 9205. Use of Facilities and Providing Services to Amtrak.**

Revises the Surface Transportation Board provisions that govern when Amtrak seeks to operate additional trains over rail lines owned by another carrier by establishing a process for the Board to determine whether the additional trains unreasonably impair freight transportation and initiate a proceeding to evaluate what additional investments are required.

### **Sec. 9206. Prohibition on Mandatory Arbitration.**

Prohibits Amtrak from imposing mandatory arbitration. This reverses Amtrak's recent change to its ticket policy to include a mandatory arbitration clause that forces passengers who purchase tickets to waive their right to file a lawsuit or participate in a class action.

### **Sec. 9207. Amtrak ADA Assessment.**

Amtrak's trains, stations, facilities, policies, and decision-making processes must serve passengers with disabilities. Existing facilities, including trains, stations, and parking, should be fully accessible in accordance with the Americans with Disabilities Act (ADA). This provision requires Amtrak to perform a comprehensive review of all policies, protocols, and guidelines for compliance with the ADA.

### **Sec. 9208. Prohibition on Smoking on Amtrak Trains.**

Prohibits smoking on Amtrak trains, including electronic cigarettes.

### **Sec. 9209. State Supported Routes Operated by Amtrak.**

Increases transparency of the costs Amtrak assigns to states for state-supported routes and calls for procedures to improve financial planning. The section directs the State-Amtrak Intercity Passenger Rail Committee to report on potential improvements to the methodology that would promote accountability and transparency. Further, the section requires Amtrak to engage in early stakeholder

engagement when developing new state-supported routes, and Amtrak must receive affirmative state permission before initiating such service. The section also allows states and Amtrak to pursue an alternative cost allocation method to facilitate the development, construction, and operation of new state-supported routes.

**Sec. 9210. Amtrak Police Department.**

Requires GAO to study the workforce planning process and deployment of personnel and resources of the Amtrak Police Department. The GAO will consult with experts and examine whether the workforce planning process used to allocate Amtrak Police personnel adequately meets the safety and security needs of the Amtrak network, and assess and evaluate whether the deployment of such personnel and contractors adequately mitigates risks and ensures the safety and security of Amtrak passengers, employees, trains, stations, facilities, and other infrastructure. GAO must report the study's findings and recommendations within 18 months.

**Sec. 9211. Amtrak Food and Beverage.**

Requires that any individual onboard a train who prepares onboard food and beverage service is an Amtrak employee. The section also establishes a working group charged with developing recommendations, and issuing a report within one year, on how to improve onboard food and beverage services. Amtrak is prohibited from making changes to its food and beverage service until 30 days after issuing a response to the working group recommendations. The provision also requires Amtrak to ensure that all long-distance passengers traveling overnight have access to hot meals, not just sleeping car passengers, and it removes statutory language limiting Amtrak's ability to provide food and beverage service due to costs.

**Sec. 9212. Clarification on Amtrak Contracting Out.**

Amends current Amtrak contracting limitations to clarify that Amtrak cannot contract out the work performed by an employee if such employee has been laid off and has not been recalled to perform such work. It also clarifies that Amtrak is not authorized to contract out work if prohibited in a collective bargaining agreement.

**Sec. 9213. Amtrak Staffing.**

Prevents Amtrak from contracting out work performed at Amtrak call centers. The section also requires an Amtrak ticket agent to staff each station where there was more than an average of 40 Amtrak passengers boarding or deboarding per day in FY 2019.

**Sec. 9214. Special Transportation.**

Requires Amtrak to offer reduced fares for certain passenger groups, including veterans, young children, and members of the military and their families.

**Sec. 9215. Amtrak Disaster Relief.**

Enables DOT to make grants to Amtrak for capital projects and continued operations during disruptions due to natural disasters and emergency events.

**Sec. 9216. Recreational Trail Access.**

Requires Amtrak to report to Congress before implementing a new policy or operation that may affect recreational trail access.

## **TITLE III – INTERCITY PASSENGER RAIL POLICY**

### **Sec. 9301. Northeast Corridor Commission.**

Incorporates minor updates to the Northeast Corridor Commission provisions, including terminology changes and slight modifications to the Commission's membership provisions.

### **Sec. 9302. Northeast Corridor Planning.**

Requires the Northeast Corridor Commission to submit a strategic development plan that identifies key state-of-good repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor.

### **Sec. 9303. Protective Arrangements.**

Directs the FRA Administrator to adhere to current law that requires that applicants seeking FRA grants for some types of projects agree to comply with protective arrangements that are equivalent to those established under the Railroad Revitalization and Regulatory Reform Act of 1976. Those protective arrangements are intended to ensure that workers are not harmed as a result of a project funded by an FRA grant.

### **Sec. 9304. High Speed Rail Funds.**

Directs DOT to re-obligate funds for high speed rail projects back to their intended recipients.

## **TITLE IV—COMMUTER RAIL POLICY**

### **Sec. 9401. Surface Transportation Board Mediation of Trackage Use Requests.**

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to trackage and provision of related services.

### **Sec. 9402. Surface Transportation Board Mediation of Rights of Way Use Requests.**

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to rail right of way.

## **TITLE V – RAIL SAFETY**

### **Subtitle A – Passenger and Freight Safety**

### **Sec. 9501. National Academies Study on Safety Impact of Trains Longer than 7,500 Feet.**

Long trains place different operational demands on the rail network and workforce. This provision begins a National Academies study on the safety impacts of trains longer than 7,500 feet in a variety of terrains and conditions. The study will consider safety factors, such as loss of communication between crew members and train load composition.

### **Sec. 9502. GAO Study on Changes in Freight Railroad Operating and Scheduling Practices.**

Initiates a GAO report on the industry-wide impacts of the Precision Scheduled Railroading model. Directs GAO to take a holistic look at the impacts on freight rail shippers, Amtrak, commuter railroads, and railroad employees.

### **Sec. 9503. FRA Safety Reporting.**

Amends FRA accident report forms to collect information on train length and crew size.

**Sec. 9504. Waiver Notice Requirements.**

This section requires FRA to engage in a public process before granting waivers from railroad safety standards and regulations. FRA must give the public notice of a waiver request, make available a waiver application and any supporting data, and provide the public with notice and an opportunity to comment on waivers before they are finalized.

**Sec. 9505. Notice of FRA Comprehensive Safety Assessments.**

Requires that, not later than 10 business days after the FRA initiates a comprehensive safety assessment of an entity providing regularly scheduled intercity or commuter rail transportation, the FRA must notify the House Transportation and Infrastructure Committee, the Senate Commerce, Science, and Transportation Committee, and each member of Congress representing a state in which the service that is the subject of the assessment being conducted is located. Additionally, not later than 90 days after the comprehensive safety assessment is complete, FRA must transmit the findings of the assessment to such Committees and Members of Congress.

**Sec. 9506. FRA Accident and Incident Investigations.**

Requires DOT to create a standard process during FRA accident and incident investigations for gathering information about the accident or incident, and consulting for technical expertise with railroad carriers, contractors or employees or employee representatives, and other relevant entities. In developing the process, the Secretary shall factor in ways to maintain confidentiality of such entities when requested and appropriate.

**Sec. 9507. Rail Safety Improvements.**

In response to the recommendations the National Transportation Safety Board (NTSB) issued following the December 2017 Amtrak derailment near DuPont, Washington, this provision directs DOT to complete a study on how signage can improve rail safety, reevaluate seat securement mechanisms and identify means to prevent their failure, develop policies for the safe use of child safety seats, and conduct research to evaluate the causes of passenger injuries in passenger railcar derailments and overturns, and use such findings to develop occupant protection standards. The section also directs Amtrak to improve its training and skill proficiency requirements for operating crewmembers, to ensure that wayside signs and plaques are highly noticeable and strategically located, to ensure all operating documents are current before starting new or revised operations, to take measures to improve its system safety plan and conduct risk assessments on all new or upgraded services. FRA and Amtrak must report on their progress within 18 months.

**Sec. 9508. Annual Review of Speed Limit Action Plans.**

The FAST Act mandated that railroad carriers providing intercity or commuter rail passenger transportation survey their systems and develop plans that identify each main track location where a reduction of more than 20 miles-per-hour exist, ensure compliance with the maximum authorized speed at each location, describe actions to enable warning and enforcement of maximum authorized speed, and set milestones for implementing such actions. As recommended in the NTSB DuPont derailment accident report, this section expands the mandate to require that carriers review their plans annually to ensure they are effective, and that carriers submit revised plans to the Secretary for approval prior to implementing any operational or territorial change. New intercity or commuter rail passenger transportation service must comply with the safety requirement prior to beginning operation.



**Sec. 9509. Freight Train Crew Size Safety Standards.**

Includes a two-person crew requirement that generally requires that freight trains have a certified engineer and a certified conductor. Limited exemptions are included for short line and small railroads, but no exemptions are available for trains carrying dangerous hazmat and long trains, which must be staffed with two crewmembers.

**Sec. 9510. Safe Cross Border Operations.**

Prohibits the Secretary from granting or modifying a waiver to allow mechanical or brake inspections of rail cars to be performed in Mexico in lieu of complying with the certification requirements of section 416 of the Rail Safety Improvement Act of 2008. This section also prohibits railroad employees whose primary reporting point is in Mexico from entering the U.S. to perform train or dispatching service unless the Secretary certifies that such workers are subject to certain specific safety standards that apply to U.S.-based crews. If the Secretary certifies that such safety standards are met, the Secretary must publicly notice, seek public comment, and hold a public hearing on such certification notice, and notify Congress.

**Sec. 9511. Yardmasters Hours of Service.**

Makes yardmaster employees subject to FRA's hours of service protections, defined as individuals responsible for supervising and coordinating the control of trains and engines operating within a rail yard.

**Sec. 9512. Leaking Brakes.**

Directs the FRA to take such actions as are necessary to ensure that certain air brake control valves are phased out on rail cars operating in cold regions of the United States.

**Sec. 9513. Annual Report on PTC System Failures.**

Establishes an annual reporting requirement for positive train control (PTC) system failures.

**Sec. 9514. Fatigue Reduction Pilot Projects.**

Requires the Secretary to conduct fatigue pilot projects mandated in the Rail Safety Improvement Act of 2008 and directs that the projects be developed and evaluated in coordination with the labor organizations representing impacted employees. The section also permits the Secretary to reimburse participating railroads for associated costs and authorizes funds for such purpose. If the pilot projects have not begun one year after the date of enactment, then the Secretary must report to Congress on the pilot project status, FRA efforts and challenges, and other details associated with their development.

**Sec. 9515. Assault Prevention and Response Plans.**

Requires passenger and commuter railroad carriers to implement response plans and employee training in order to address assaults against both passengers and employees. The section also requires railroads to report annual assault data to FRA.

**Sec. 9516. Critical Incident Stress Plans.**

Amends FRA regulations to include assault in the definition of a critical incident, after which railroad carriers must offer support services to employees who witness or experience such events.

**Sec. 9517. Study on Safety Culture Assessments.**

Requires the FRA to conduct a study on the feasibility of expanding the scope of railroad safety culture assessments and training to include tourist, passenger, and commuter railroads.

**Subtitle B – Grade Crossing Safety****Sec. 9551. Grade Crossing Separation Grant.**

To reflect the significant demand for funds to support grade separation projects, this section creates a new grant program authorized at \$2.5 billion over five years to build or improve grade crossing separations. Right-of-way owners must contribute at least 10% of the total project costs. No more than 50% of the funds can go to projects that cost \$100 million or more. For projects over \$40 million the cost-share is 65% and for projects under \$40 million the cost-share is 85%.

**Sec. 9552. Rail Safety Public Awareness Grant.**

This section authorizes a new FRA grant program at \$30 million over five years with a focus on reducing rail-related accidents and improving safety along railroad rights-of-way and highway-rail grade crossings. Eligible programs include public service announcements and media campaigns, school and driver education safety presentations, and dissemination of safety information to communities.

**Sec. 9553. Establishment of a 10-minute Time Limit for Blocking Public Grade Crossings.**

This section mirrors many state laws by prohibiting a stopped freight train from blocking a public crossing for more than 10 minutes and allows the Secretary to impose penalties. Enforcement of the blocked crossing regulations may also be delegated to states.

**Sec. 9554. National Strategy to Address Blocked Crossing.**

Directs DOT to develop a national strategy to address blocked crossings.

**Sec. 9555. Railroad Point of Contact for Blocked Crossing Matters.**

Adds blocked crossings to the grade crossing problems that the public may report to a railroad under existing law.



# THE INVEST IN AMERICA ACT

FOR THE PEOPLE

## Fact Sheet

**The Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act is a 5-year, \$494 billion investment** to get our existing infrastructure working again and fund new, transformative projects that will create millions of jobs and support American manufacturing and ingenuity while reducing carbon pollution, dramatically improving safety, and spurring economic activity. It's investing in infrastructure that is **smarter, safer, and made to last**.

### Highways Investments: \$319 Billion

- Delivers better roads and bridges faster by prioritizing fixing the broken, outdated infrastructure we already have, including 47,000 structurally deficient bridges, before building new highway capacity.
- Modernizes our infrastructure with bold new funding for addressing gridlock and the most impactful projects and bottlenecks that affect local regions and the national transportation network.
- Measures state-by-state greenhouse gas emissions, with incentives for best performers in carbon pollution reduction, and a new program to fund resilient infrastructure that can withstand the impacts of climate change.
- Dramatically increases funding for development of charging stations and other alternative fueling options for electric and zero-emissions vehicles.
- Addresses rising rates of pedestrian and bicyclist deaths by requiring States with the highest rates to set aside funding to tackle the problem, codifies and expands eligibility for safe routes to school, provides funding to develop active transportation networks, and strengthens emphasis on high risk rural roads.
- Doubles funding for technology deployment to increase innovation and creates new program to fund green materials research and to deploy green construction materials and practices to create smarter, more efficient transportation systems.

### Transit Investments: \$105 Billion

- Increases funding for transit agencies to add new routes and provide more reliable service, encouraging viable public transit options and fewer single-occupant cars clogging highways.
- Creates a Mobility Innovation program to permit transit agencies to collaborate on mobility on demand services.
- Strengthens Buy America provisions to boost domestic jobs in rail and bus manufacturing.
- Increases investment in zero-emission buses to reduce carbon pollution.

- Streamlines project delivery by reforming the Capital Investment Grants program so that our investments get shovels in the ground quicker and commuters see results faster.
- Provides the investments needed to address the growing backlog of transit maintenance needs, making public transit safer and more reliable.

### **Passenger Vehicle and Commercial Motor Vehicle Safety Investments: \$10 billion**

- Boosts funding for highway safety programs under the National Highway Traffic Safety Administration, providing \$5.3 billion over five years.
- Increases funding for truck and bus safety programs under the Federal Motor Carrier Safety Administration, providing \$4.6 billion over five years.

### **Rail Investments: \$60 Billion**

- Triples funding for Amtrak to \$29 billion over five years, allowing for improvement and expansion of the Nation's passenger rail network, including the Northeast Corridor (NEC) and the National Network, giving travelers a reliable, low-carbon option to travel both short and long distances, including to regions that lack frequent or affordable airport service.
- Invests in Amtrak stations, facilities, services, and modernization of its equipment, while continuing Amtrak's legacy of serving long-distance, state-supported, and Northeast Corridor passengers and ensuring a skilled Amtrak workforce.
- Creates a new \$19 billion program, the Passenger Rail Improvement, Modernization and Expansion (PRIME) grant program, devoted entirely to passenger rail improvements and expansion, performance optimization, and intercity passenger rail transportation expansion.
- Dramatically increases funding for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program to \$7 billion to fund passenger and freight rail projects. Expands program eligibilities and allows commuter rail authorities to compete for funds.
- Helps communities improve safety at rail crossings with a new \$2.5 billion grade separation grant program.
- Addresses "long trains," trains longer than 7,500 feet, as well as train crossings that are blocked more than 10 minutes, which impact local traffic and emergency response times.
- Prohibits U.S. DOT from allowing the transport of liquified natural gas by rail tank car until extensive safety analysis is performed and additional conditions are met.



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

6.

**Meeting Date:** 06/08/2020

**Subject:** REVIEW Communication, News, Miscellaneous Items of Interest to the Committee and DIRECT staff as appropriate.

**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,

**Department:** Conservation & Development

**Referral No.:** N/A

**Referral Name:** N/A

**Presenter:** John Cunningham, DCD

**Contact:** John Cunningham  
(925)674-7833

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#### **Referral History:**

This is a standing item on the TWIC agenda.

#### **Referral Update:**

##### **Communication Received:**

##### **Leland Frayseth - Resident**

Email Copy, To California Water Commission Re: Austerity and Demobilization Plan

Email Copy, To California Water Commission Re: Water Storage Investment Program

##### **News/Articles/Editorials/Etc:**

East Bay Times Article: It's back: Bay Area traffic rebounding as coronavirus lockdown eases  
Congestion, metering lights and express lane tolls make a comeback

##### **Recommendation(s)/Next Step(s):**

RECEIVE information and DIRECT staff as appropriate.

##### **Fiscal Impact (if any):**

N/A

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#### **Attachments**

5-22-20 Email: L. Frayseth to CA Water Commission RE: WSIP

5-14-20 Email: L. Frayseth to CA Water Commission RE: Austerity/Demobilization Plan

6-1-20: East Bay Times Article: It's back: Bay Area traffic rebounding as coronavirus lockdown eases

**From:** Leland Frayseth

**Sent:** Friday, May 22, 2020 5:41 AM

**Subject:** Fw: Deny Sites request for increased Water Storage Investment Program (WSIP) early funding

Dear Commissioners, staff and the public,

The image below is the consulting invoice I referenced in the live video-conference where the Delta Conveyance Design Authority Executive Director Kathryn Mallon is paid \$47,250 monthly. As a Contra Costa Water District customer I am painfully aware of what I had to pay Jerry Brown when he was General Manager and if he is making that as a consultant now as Sites Executive Director it is a waste of my Prop 1 money. Business conditions have changed in California we have a \$54 Billion budget deficit and are on a trajectory to 24% unemployed Californians. Unspent Prop 1 money should be returned to the Finance Department and used for the deficit.

I am grateful for the opportunity to finally speak to the Commissioners via the videoconference, your 3 minute countdown timer as a pop-up was overwhelming my screen and difficult to minimize to get to my reference documents the speaker before me had a similar issue.

Thank you, Leland



Management Partners  
1730 Madison Road  
Cincinnati, OH 45206  
(513) 861-5400

**Delta Conveyance Design and Construction**  
**Joint Powers Authority**  
**1121 L Street, Suite 1050**  
**Sacramento, CA 95814**  
**Attention: Mr. Shane Chapman**

**INVOICE INV07630**

INVOICE DATE	PLEASE PAY	DUE DATE
8/14/2019	\$47,545.71	9/13/2019

Payment Terms:  
Agreement Number: 19005

DCA Executive Director Services through 13-Aug-2019

CATEGORY	NET AMOUNT
Expenses	
P003257-001:DCA Executive Director Services	\$295.71
Subtotal for Expenses	\$295.71
Milestone Payments	
Monthly Fees for Executive Director Services provided by Kathryn Mallon (July 14 to Aug 13, 2019)	\$47,250.00
<b>Total</b>	<b>\$47,545.71</b>

On Sun, May 17, 2020 at 8:27 AM Leland Frayseth <[leland.frayseth@gmail.com](mailto:leland.frayseth@gmail.com)> wrote:  
Dear Commissioners, staff and the public,  
Subject: Deny Sites request for increased Water Storage Investment Program (WSIP) early funding

This is my 31st letter to the California Water Commission. The following comment is in response to California Water Commission (CWC) 20 May 2020 meeting agenda item 5 "Executive Officer's Report" letter from Jerry Brown dated 11 May 2020 requesting increased early funding [https://cwc.ca.gov/-/media/CWC-Website/Files/Documents/2020/05\\_May/May2020\\_Item\\_5\\_Attach\\_1\\_WSIPApplicantsLetter.pdf?la=en&hash=F3B2FFD527F02A6746D4E9A0372E717CAC1134AA](https://cwc.ca.gov/-/media/CWC-Website/Files/Documents/2020/05_May/May2020_Item_5_Attach_1_WSIPApplicantsLetter.pdf?la=en&hash=F3B2FFD527F02A6746D4E9A0372E717CAC1134AA)

Half of the Commissioners that participated in the 20 Mar 2019 have quit, for the new Commissioners and as a refresher for staff and the public please watch the following video excerpts and deny Jerry Brown's Sites request for increased Water Storage Investment Program (WSIP) early funding.

<https://youtu.be/W17RNBSbVx4>

Thank you, Leland Frayseth  
Sacramento river salmon fisherman



**From:** Leland Frayseth

**Sent:** Thursday, May 14, 2020 10:30 PM

**Subject:** What is the Delta Conveyance Design and Construction Authority's austerity plan?

Dear Commissioners, staff and the public,

Subject: What is the Delta Conveyance Design and Construction Authority's austerity and demobilization plan?

This is my 30th letter to the California Water Commission. The following comment is in response to California Water Commission (CWC) 20 May 2020 meeting agenda item 10 "Priorities for California Water".

Please implement a 25% pay cut for all Department of Water Resource (DWR) Managers. Terminate all management (Kathryn Mallon), legal and technical consulting contracts on the Delta Conveyance Project so you do not get crosswise with Human Resources laying off DWR direct hires as budgets continue to tighten due to the recession. Cancel Texas based Jacobs Engineering work on the Delta Conveyance Project because 24% of Californians will be unemployed here in California through 2021. Cancel the Delta Conveyance design office space lease it has been unoccupied for 5 months. Californians voted down the peripheral canal in the 1980s by an overwhelming margin, most Californians do not want the project and your water contractors are not be able to afford it due to the recession and their lost income.

This is what industry is doing, this is what the governor discussed due to the budget shortfall, you need an austerity and demobilization plan now and you needed to start implementing it last month.

Thank you, Leland Frayseth, California Citizen and Taxpayer



**BREAKING NEWS**

Santa Clara County to allow outdoor dining and religious services, in-store shopping

[News](#) > [Transportation](#) • News

## It's back: Bay Area traffic rebounding as coronavirus lockdown eases

Congestion, metering lights and express lane tolls make a comeback



SAN FRANCISCO, CA – MAY 27: Traffic moves west bound along the the San Francisco-Oakland Bay Bridge on Wednesday, May 27, 2020, in San Francisco, Calif. (Aric Crabb/Bay Area News Group)

By **NICO SAVIDGE** | [nsavidge@bayareanewsgroup.com](mailto:nsavidge@bayareanewsgroup.com) | Bay Area News Group

PUBLISHED: June 1, 2020 at 5:00 a.m. | UPDATED: June 1, 2020 at 11:59 a.m.

06-08-20 TWIC Meeting Agenda - Packet

For weeks, it was one of the most enjoyable and unnerving signs of the Bay Area's coronavirus lockdown: Freeways so deserted you could glide through San Francisco and across the Bay Bridge at the height of rush hour with barely a tap of your brakes.

But the silver lining of a traffic-free Bay Area is vanishing as shelter in place orders are revised, allowing more businesses to reopen and people start traveling around the region — kick-starting a return of congestion and an end to wide open roads.

"It was a walk in the park," said Ed Bergman, who crossed the bridge several times during the shelter order while driving for Lyft. "Just get on the road and go."

Cars are once again creeping along the San Francisco approach to the Bay Bridge during the evening commute, which in the pre-pandemic era was consistently ranked the [most traffic-choked corridor](#) in the region. A sea of brake lights has also returned to the Eastshore Freeway in Emeryville and Berkeley, another notorious stretch.

The metering lights have been switched back on at the Bay Bridge toll plaza. And starting this week, the region's freeway express lanes [will resume charging tolls](#), after collection was suspended more than two months ago because highways were traffic-free.

"We sort of bottomed out in early April and have slowly but steadily been climbing," said John Goodwin, a spokesman for the Metropolitan Transportation Commission, which operates the toll lanes.

The number of cars crossing the Bay Area's state-owned bridges was down by more than half at its lowest point in April, according to the commission's data.

By last week, though, crossings had rebounded to about two-thirds of pre-coronavirus levels across the spans. The Bay Bridge is back to three-quarters of normal volume, topping 100,000 cars last Tuesday and Wednesday for the first time since shelter in place orders went into effect in March.

Today's traffic jams are still a far cry from the misery that defined life before the pandemic, when rush hour tied up just about every major corridor and in some particularly congested spots seemed to be a fact of life [no matter the time or day](#).

Goodwin said congestion so far isn't lasting as long as it once did, and afflicts a smaller number of busy stretches, "But it's there."

And there are worrying signs that traffic will only get worse as the coronavirus recovery continues and more people return to work.

That's because transportation experts and public transit agencies expect many people will be [more inclined to drive than take public transportation](#), figuring their private car is a safer bet for avoiding coronavirus than sharing a train or bus with other passengers.

And they aren't the only ones. Last week the Centers for Disease Control and Prevention [released a set of guidelines](#) for office buildings recommending employers provide incentives such as free parking that encourage people to drive alone to work rather than take public transportation.

A car-centric recovery appears to be at hand in data from the Bay Area — while bridge traffic is rebounding quickly, BART ridership fell more steeply and is recovering at a much slower pace.

The transit system is now carrying more than 30,000 passengers each workday, with just over 33,000 riding on Wednesday. That's an increase compared to mid-April, when BART was carrying fewer than 25,000 passengers on weekdays, but ridership remains less than 10 percent of pre-pandemic levels.

The return of traffic — not to mention deteriorating air quality and rising greenhouse gas emissions — will be the consequence if that trend continues.

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