



RESOLUTION ADOPTING A SUPPORT POSITION ON ASSEMBLY BILL 1286 (MURATSUCHI) AND A SUPPORT IF AMMENDED POSITION ON ASSEMBLY BILL 1142 (FRIEDMAN)

WHEREAS, The Transportation Authority approves a set of legislative principles to guide transportation policy advocacy in the sessions of the Federal and State Legislatures; and

WHEREAS, With the assistance of the Transportation Authority's legislative advocate in Sacramento, staff has reviewed pending legislation for the current Legislative Session and analyzed it for consistency with the Transportation Authority's adopted legislative principles and for impacts on transportation funding and program implementation in San Francisco and recommended adopting one new support positions on and AB 1286 (Muratsuchi) and one support if amended position on AB 1142 (Friedman); and

WHEREAS, At its March 12, 2019 meeting, the Board reviewed and discussed AB 1286 and AB 1142 (Friedman) (Muratsuchi); now, therefore, be it

RESOLVED, That the Transportation Authority hereby adopts a support position on AB 1286 (Muratsuchi) and one support if amended position on AB 1142 (Friedman); and be it further

RESOLVED, That the Executive Director is directed to communicate this position to all relevant parties.

Attachment: Table 1

State Legislation – March 2019

To view documents associated with the bill, click the bill number link.

Since last month, many new bills have been introduced to the state legislature in spot bill form (with little or no substantive content) or as rough “intent” bills, with little detail, as February 22nd was the last day to introduce new bills for the 2019 session. We are in the process of reaching out to our partner agencies in San Francisco and the region to better understand the bills that have been put forward, and will bring more information to you at future meetings as it becomes available.

Staff is recommending one new support position on Assembly Bill (AB) 1286 (Muratsuchi) and one new support if amended position on AB 1142 (Friedman) as shown in **Table 1**, which also includes several new bills to watch. The Board does not need to take an action on legislation recommended to watch. **Table 2** shows the status of bills on which the Board has already taken a position this session. Several other bills are anticipated to be considered by the Vision Zero Committee at its March 14 meeting and if recommended for a position, these bills will be included on the agenda for the March 19 Board meeting.

Table 1. Recommendations for New Positions

| Recommended Position | Bill # Author | Title and Description |
|----------------------|---|--|
| Watch | AB 147 Burke D | <p>Use taxes: collection: retailer engaged in business in this state: marketplace facilitators.</p> <p>This bill would provide that a marketplace facilitator is considered the seller and retailer for each sale facilitated through its marketplace. The bill would provide a marketplace facilitator relief from liability for the tax on a retail sale in specified circumstances.</p> <p>This bill is sponsored by California State Treasurer Fiona Ma, and is intended to establish a set of tax collection rules consistent with the recent <i>South Dakota v. Wayfair</i> decision, whereby the U.S. Supreme Court established that states may charge taxes on purchases made from out-of-state sellers, even if the seller does not have a physical presence in the taxing state. The California Department of Tax and Fee Administration estimate that this bill will result in net state and local revenue gains of \$297 million in FY 2019-20 and \$462 million in FY 2020-21. The League of California Cities is on record in support of this bill, and MTC staff are recommending that their commission take a support position as well.</p> <p>We are following up with the Office of the Treasurer and Tax Collector about any potential impacts of this legislation on San Francisco’s “Wayfair” sales tax, implemented through the cannabis tax. We will provide an update on this at the March 12 Board meeting if we have new information.</p> |

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| <p>Watch</p> | <p>AB 380 Frazier D</p> | <p>Office of the Transportation Inspector General.</p> <p>This bill would eliminate the Independent Office of Audits and Investigations and would instead create the Independent Office of the Transportation Inspector General, as an independent office that would not be a subdivision of any other department. The Office would be charged with ensuring that state agencies and all external entities that receive state and federal transportation funds are operating efficiently, effectively, and in compliance with federal and state laws.</p> <p>The Transportation Authority, SFMTA, and other local and regional agencies would be subject to oversight and potential audits per this bill. We will monitor the bill’s development, engage with our partner agencies to provide comments to the author, and report on any additional potential impacts to San Francisco.</p> |
| <p>Watch</p> | <p>AB 659 Mullin D</p> | <p>Transportation: emerging transportation technologies: California Smart City Challenge Grant Program.</p> <p>This bill would establish a grant program designed to encourage municipalities to incorporate advanced data and intelligent transportation system technologies and applications into their transportation planning efforts. It would be funded by up to \$10 million from Proposition 1B (state bond program) or another source identified by the California Transportation Commission.</p> <p>Assembly member Mullin introduced a similar bill in last year’s session, which the Transportation Authority Board was watching. It did not pass out of committee.</p> |
| <p>Support if Amended</p> | <p>AB 1142 Friedman D</p> | <p>Strategic Growth Council: transportation pilot projects: regional transportation plans.</p> <p>This bill would make two type of changes. First, it would require that the Strategic Growth Council, in consultation with the State Air Resources Board, fund pilot projects that reduce vehicle miles traveled to support the planning and development of sustainable communities. Second, the bill would also revise the required indicators that must be addressed by regional transportation plans (such as Plan Bay Area) to include the number of trips provided by transportation network companies (such as Uber and Lyft), and to include measures of the barriers to transit usage, such as insufficient parking availability and lack of microtransit.</p> <p><u>We recommend that the bill be amended to include “lack of safe pedestrian and bicycle access” and “lack of transit-supportive land uses” as barriers to transit usage that must be measured in regional transportation plans.</u></p> |

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| Watch | AB 1277 Obernolte R | <p>Major transportation infrastructure construction projects: oversight committees.</p> <p>This bill would require a public agency undertaking a publicly funded major transportation infrastructure construction project with a cost of \$500,000,000 or more to form an oversight committee, subject to applicable open meeting laws, and to develop and use risk management plans throughout the course of the project. The bill would require that the committee act as the authority for critical decisions regarding the project, and have sufficient staff to support decision making.</p> |
| Support | AB 1286 Muratsuchi D | <p>Shared mobility devices: agreements.</p> <p>This bill would require that shared mobility providers, such as scooter-share or bike-share companies, enter into agreements with a jurisdiction before distributing shared-mobility devices within the jurisdiction. The required agreement would require that the provider maintain general liability insurance, and would prohibit the provider from including in their user agreements any provision by which the user would wave their legal rights. This bill would also require the jurisdiction adopt safety rules regarding the use of the shared mobility devices before the devices are made available to the public by a provider.</p> <p>Right now the bill sets no time limit for a jurisdiction to act. We would propose reaching out to the author to express our support for this feature and convey our concerns about any future amendment that would allow a shared mobility provider to proceed with distribution of their devices if a jurisdiction has not acted within a certain timeframe.</p> <p>The SFMTA, in coordination with other city agencies, is engaging with the bill sponsor to fine tune the language. We will provide an update to the Board on March 12 if more information is available.</p> |

Table 2. Bill Status for Active Positions Taken in the 2019-2020 Session

| Adopted Positions | Bill # Author | Bill Title | Bill Status (as of 3/1/2019) |
|-------------------|--|--|------------------------------------|
| Support | AB 252 Daly D | Department of Transportation: environmental review process: federal program. | Assembly Transportation |
| | SB 127 Wiener D | Transportation funding: active transportation: complete streets. | Senate Transportation |