

File No. 230818

Committee Item No. _____

Board Item No. 85

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: July 18, 2023

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Prepared by: Lisa Lew

Date: July 14, 2023

Prepared by: _____

Date: _____

1 [Supporting California State Senate Bill No. 532 (Wiener) - The Safe, Clean & Reliable Bay
2 Area Public Transportation Emergency Act]

3 **Resolution supporting California State Senate Bill No. 532, introduced by Senator Scott**
4 **Wiener, enabling the San Francisco Bay Area to raise funds to prevent a medium-term**
5 **public transportation operations budget shortfall while requiring transit safety,**
6 **cleanliness, and reliability improvements.**

7
8 WHEREAS, As public transportation gradually recovers ridership following the COVID-
9 19 pandemic, Bay Area public transportation agencies still face a looming “fiscal cliff,” namely
10 a \$2.5 billion projected operating shortfall over the next five years; and

11 WHEREAS, This shortfall risks steep service cuts that would have a disastrous
12 economic impact on the region and San Francisco’s downtown recovery, imperil mobility
13 options for commuters and transit-dependent riders, exacerbate road congestion, and
14 undermine efforts to meet our climate and housing goals; and

15 WHEREAS, The 2023 State budget agreement between the Governor and the
16 Legislature that provides \$1.1 billion for transit statewide and \$400 million to the Bay Area
17 over the next four years is insufficient to prevent transit service cuts; and

18 WHEREAS, The Legislature has the authority to raise tolls on state-owned bridges and
19 has done so in the past on the Bay Area’s state-owned bridges; and

20 WHEREAS, Senate Bill (SB) 532 would require the Bay Area Toll Authority (BATA) to
21 temporarily raise the toll on the Bay Area’s seven state-owned bridges by \$1.50, indexed to
22 inflation, over the five-year period from January 1, 2024, through December 31, 2028; and

23 WHEREAS, The toll increase is projected to yield roughly \$180 million annually over
24 the five-year period, and SB 532 directs the Metropolitan Transportation Commission (MTC)
25 to distribute 90% of the toll revenues to transit operators to maintain service at Fiscal Year

1 2022-2023 service levels, as well as for safety, reliability, cleanliness, and security
2 improvements; and

3 WHEREAS, SB 532 includes provisions for MTC to study, design, and implement an
4 equity-based program to mitigate the impact the toll increase would have on low-income
5 residents; now, therefore, be it

6 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
7 supports Senate Bill No. 532; and, be it

8 FURTHER RESOLVED, That the Clerk of the Board send a copy of this Resolution to
9 Governor Gavin Newsom, President pro-Tempore Toni G. Atkins, and Speaker of the State
10 Assembly Robert Rivas.

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AMENDED IN ASSEMBLY JUNE 29, 2023

AMENDED IN ASSEMBLY JUNE 22, 2023

AMENDED IN SENATE MAY 18, 2023

AMENDED IN SENATE APRIL 25, 2023

AMENDED IN SENATE APRIL 13, 2023

AMENDED IN SENATE MARCH 30, 2023

SENATE BILL

No. 532

Introduced by Senator Wiener

(Principal coauthors: Senators Becker and Cortese)

(Principal coauthors: Assembly Members Bonta, Haney, Lee, Ting, and Wicks)

February 14, 2023

An act to amend Sections 30911, 30916, and 30920 of, and to add Section 30914.8 to, the Streets and Highways Code, *and to amend Section 40258 of Vehicle Code*, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 532, as amended, Wiener. San Francisco Bay area toll bridges: ~~toll increase:~~ *tolls*: transit operating expenses.

Existing law creates the Metropolitan Transportation Commission (MTC) as a regional agency in the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates the Bay Area Toll Authority (BATA) as a separate entity governed by the same governing board as MTC and makes BATA responsible for the administration of toll

revenues from the state-owned toll bridges in the San Francisco Bay area. Existing law requires the Department of Transportation to collect tolls on these state-owned toll bridges. Existing law requires those toll revenues to be deposited in the Bay Area Toll Account and requires BATA to control and maintain that account, as specified.

This bill would, until December 31, 2028, require BATA to increase the toll rate for vehicles for crossing the state-owned toll bridges in the San Francisco Bay area by \$1.50, as adjusted for inflation. The bill would require the revenues collected from this toll to be deposited in the Bay Area Toll Account, would continuously appropriate moneys from this toll increase and other specified tolls, and would require moneys from this toll to be transferred to MTC for allocation to transit operators that provide service within the San Francisco Bay area and that are experiencing a financial shortfall, as specified. The bill would direct MTC to require each transit operator eligible to receive an allocation from the account to, on an annual basis, submit a 5-year projection of its operating needs, as specified.

To the extent this bill would mandate that MTC or a transit operator provide a new program or higher level of service, the bill would impose a state-mandated local program.

Existing law, beginning July 1, 2024, prohibits a schedule of toll evasion penalties for a toll evasion violation on a toll bridge from exceeding \$25 for the notice of toll evasion violation and \$50 for the notice of delinquent toll evasion violation, as specified.

This bill, beginning July 1, 2024, would decrease the maximum amount of penalties that can be included in a schedule of toll evasion penalties for a toll evasion violation on a San Francisco Bay area state-owned toll bridge to instead be \$5 for the notice of toll evasion violation and \$10 for the notice of delinquent toll evasion violation, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Safe, Clean, and Reliable Bay Area Public Transportation
3 Emergency Act.

4 *SEC. 2. It is the intent of the Legislature to enact future*
5 *legislation to require the Metropolitan Transportation Commission*
6 *to study, design, and implement an equity-based program to*
7 *mitigate the impacts of the \$1.50 toll increase required by this act*
8 *within two years of the effective date of this act. It is the intent of*
9 *the Legislature that the commission would establish the*
10 *equity-based program in a manner that is operationally feasible,*
11 *financially practicable, and effective, and that the commission*
12 *would consider including discounts, toll caps, and toll exemptions*
13 *as part of the program.*

14 ~~SEC. 2.~~

15 SEC. 3. Section 30911 of the Streets and Highways Code is
16 amended to read:

17 30911. (a) The authority shall control and maintain the Bay
18 Area Toll Account and other subaccounts it deems necessary and
19 appropriate to document toll revenue and operating expenditures
20 in accordance with generally accepted accounting principles.

21 (b) (1) After providing for expenditures pursuant to subdivision
22 (a) of Section 30912 and for operating assistance pursuant to
23 subdivision (d) of Section 30914 and subdivision (c) of Section
24 30914.7 and after the requirements of any bond resolution or
25 indenture of the authority for any outstanding revenue bonds have
26 been met, the authority shall transfer on a regularly scheduled basis
27 as set forth in the authority’s annual budget resolution, the revenues
28 defined in subdivision (b) of Section 30913 and Sections 30914,
29 30914.7, and 30914.8 to the commission. The funds transferred
30 are continuously appropriated to the commission to expend for the
31 purposes specified in subdivision (b) of Section 30913 and Sections
32 30914, 30914.7, and 30914.8. After the commission makes a
33 determination that the projects and programs funded by the
34 commission have been completed, the revenues transferred to the
35 commission shall be expended by the commission for supplemental
36 funding for the projects and programs identified in subdivision (a)
37 of Section 30914.7 if the voters approve a toll increase authorized
38 pursuant to Section 30923.

1 (2) For purposes of paragraph (1), the revenues defined in
2 subdivision (b) of Section 30913 and subdivision (a) of Section
3 30914 include all revenues accruing since January 1, 1989.

4 ~~SEC. 3.~~

5 *SEC. 4.* Section 30914.8 is added to the Streets and Highways
6 Code, to read:

7 30914.8. (a) The Metropolitan Transportation Commission
8 shall, from proceeds of the toll imposed pursuant to subdivision
9 (f) of Section 30916 and transferred pursuant to Section 30911,
10 provide funding to transit operators that provide service within the
11 commission's geographic jurisdiction and that are experiencing a
12 financial shortfall. A transit operator shall only be eligible to
13 receive an allocation pursuant to this section if it operates
14 fixed-route public transit ~~services~~ *services, including by bus, rail,*
15 *or ferry,* within the commission's geographic jurisdiction and does
16 not directly receive the majority of its revenues from the Golden
17 Gate Bridge, Highway, and Transportation District.

18 (b) The commission shall annually distribute at least 90 percent
19 of the revenues described in subdivision (a) to eligible transit
20 operators in order to avoid service cuts and maintain operations,
21 including safety, security, reliability, or cleanliness services and
22 improvements. The commission may only allocate funds pursuant
23 to this subdivision to a transit operator after it makes a
24 determination that the funds are necessary to avoid service cuts
25 relative to service levels provided by that transit operator during
26 2022–23 fiscal year. In providing allocations pursuant to this
27 subdivision, the commission shall prioritize averting service cuts
28 for transit operators that serve the highest number of transit riders.
29 The commission shall also take into consideration the extent of
30 local funding to support transit service and may also consider
31 operator fares and other sources of revenue.

32 (c) The commission shall annually distribute no more than 10
33 percent of the revenues described in subdivision (a) to assist
34 eligible transit operators with restoring or reconfiguring service
35 above levels provided during the 2022–23 fiscal year or for the
36 purpose of funding initiatives to transform transit service pursuant
37 to the commission's adopted Transit Transformation Action Plan,
38 or to make specific safety, security, reliability, or cleanliness
39 improvements.

1 (d) The commission shall require each transit operator eligible
 2 to receive an allocation pursuant to this section to, on an annual
 3 basis, submit a five-year projection of its operating needs. This
 4 projection of operating needs shall be based on standardized
 5 assumptions and guidance developed by the commission in
 6 collaboration with transit operators. The commission may
 7 reasonably audit, request revision to, or directly amend operating
 8 needs projections if appropriate or necessary to ensure consistency
 9 of assumptions and fairness across transit operators.

10 ~~SEC. 4.~~

11 *SEC. 5.* Section 30916 of the Streets and Highways Code is
 12 amended to read:

13 30916. (a) The base toll rate for vehicles crossing the
 14 state-owned toll bridges within the geographic jurisdiction of the
 15 commission as of January 1, 2003, is as follows:

16	Number of Axles	Toll
17	Two axles	\$ 1.00
18	Three axles	3.00
19	Four axles	5.25
20	Five axles	8.25
21	Six axles	9.00
22	Seven axles & more	10.50

23
 24
 25 (b) If the voters approve a toll increase, pursuant to Section
 26 30921, commencing July 1, 2004, the base toll rate for vehicles
 27 crossing the bridges described in subdivision (a) is as follows:

28	Number of axles	Toll
29	Two axles	\$ 2.00
30	Three axles	4.00
31	Four axles	6.25
32	Five axles	9.25
33	Six axles	10.00
34	Seven axles & more	11.50

35
 36
 37 (c) (1) If the voters approve a toll increase, pursuant to Section
 38 30923, the authority shall increase the base toll rate for vehicles
 39 crossing the bridges described in subdivision (a) from the toll rates
 40 then in effect by the amount approved by the voters pursuant to

1 Section 30923. The authority may, beginning six months after the
2 election approving the toll increase, phase in the toll increase over
3 a period of time and may adjust the toll increase for inflation based
4 on the California Consumer Price Index after the toll increase has
5 been phased in completely.

6 (2) Revenue generated from the adjustment of the toll to account
7 for inflation pursuant to paragraph (1) may be expended for the
8 following purposes:

9 (A) Bridge maintenance and rehabilitation necessary to preserve,
10 protect, and replace the bridge structures consistent with
11 subdivision (b) of Section 30950.3.

12 (B) Supplemental funding for the projects and programs
13 authorized pursuant to subdivision (a) of Section 30914.7.

14 (d) The authority shall increase the amount of the toll only if
15 required to meet its obligations on any bonds or to satisfy its
16 covenants under any bond resolution or indenture. The authority
17 shall hold a public hearing before adopting a toll schedule reflecting
18 the increased toll charge.

19 (e) Nothing in this section shall be construed to prohibit the
20 adoption of either a discounted commute rate for two-axle vehicles
21 or of special provisions for high-occupancy vehicles under terms
22 and conditions prescribed by the authority in consultation with the
23 department.

24 (f) (1) Beginning January 1, 2024, and until December 31,
25 2028, the authority shall increase the base toll rate for vehicles
26 crossing the bridges described in subdivision (a) from the toll rates
27 then in effect by one dollar and fifty cents (\$1.50).

28 (2) The authority shall adjust the toll increase imposed pursuant
29 to paragraph (1) on an annual basis for inflation based on the
30 California Consumer Price Index.

31 (3) Notwithstanding Section 30918, the toll increase imposed
32 pursuant to paragraph (1) shall not be reduced without statutory
33 authorization by the Legislature.

34 (4) This subdivision shall become inoperative on January 1,
35 2029.

36 ~~SEC. 5.~~

37 *SEC. 6.* Section 30920 of the Streets and Highways Code is
38 amended to read:

39 30920. The authority may issue toll bridge revenue bonds to
40 finance any or all of the projects and purposes, including those

1 specified in Sections 30913, 30914, 30914.7, and 30914.8, if the
2 issuance of the bonds does not adversely affect the minimum
3 amount of toll revenue proceeds designated in Section 30913 and
4 in paragraph (4) of subdivision (a) of, and subdivision (b) of,
5 Section 30914 for rail extension and improvement projects and
6 transit projects to reduce vehicular traffic. A determination of the
7 authority that a specific project or projects or purposes shall have
8 no adverse effect will be binding and conclusive in all respects.

9 *SEC. 7. Section 40258 of the Vehicle Code, as added by Section*
10 *13 of Chapter 969 of the Statutes of 2022, is amended to read:*

11 40258. (a) (1) The schedule of toll evasion penalties for a toll
12 evasion violation on a toll bridge shall not exceed twenty-five
13 dollars (\$25) for the notice of toll evasion violation, and shall not
14 exceed fifty dollars (\$50) for the notice of delinquent toll evasion
15 violation for a cumulative total of fifty dollars (\$50) for each
16 individual toll evasion violation.

17 (2) *Notwithstanding paragraph (1), the schedule of toll evasion*
18 *penalties for a toll evasion violation on a San Francisco Bay area*
19 *state-owned toll bridge shall not exceed five dollars (\$5) for the*
20 *notice of toll evasion violation, and shall not exceed ten dollars*
21 *(\$10) for the notice of delinquent toll evasion violation for a*
22 *cumulative total of fifteen dollars (\$15) for each individual toll*
23 *evasion violation. For purposes of this paragraph, "San Francisco*
24 *Bay area state-owned toll bridge" means any of the toll bridges*
25 *described in Section 30910 of the Streets and Highways Code.*

26 (2)

27 (3) ~~Notwithstanding paragraph (1),~~ *paragraphs (1) and (2),* the
28 schedule of toll evasion penalties may include any administrative
29 fee, fine, or assessment imposed by the state after enactment of
30 this chapter in addition to the cumulative fifty-dollar (\$50) limit
31 per each individual toll evasion violation.

32 (b) If the registered owner, by appearance or by mail, makes
33 payment to the processing agency within 15 days of the mailing
34 of the notice of toll evasion violation issued pursuant to subdivision
35 (a) of Section 40254 for a bridge toll evasion, the amount owed
36 shall consist of the amount of the toll without any additional
37 penalties, administrative fees, or charges.

38 (c) The maximum penalty for each toll evasion violation
39 included in a notice of toll evasion for either a toll highway, toll
40 road, or express lane shall be sixty dollars (\$60). The maximum

1 cumulative toll evasion penalty shall not exceed one hundred
2 dollars (\$100) for each individual toll evasion violation.

3 (d) Toll evasion penalties under this article shall be collected
4 as civil penalties.

5 (e) The amounts specified in this section may be adjusted
6 periodically by an issuing agency at a rate not to exceed any
7 increase in the California Consumer Price Index as compiled and
8 reported by the Department of Industrial Relations.

9 (f) An issuing agency shall waive the toll evasion penalty for a
10 first violation with the issuing agency if the person contacts, as
11 applicable, the issuing or processing agency customer service
12 center within 21 days from the mailing of the notice of toll evasion
13 violation, and the person is not currently an accountholder with
14 the issuing agency, signs up for an account, and pays the
15 outstanding toll.

16 (g) This section shall become operative on July 1, 2024.

17 ~~SEC. 6.~~

18 *SEC. 8.* If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.

From: [Green, Ross \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#); [Somera, Alisa \(BOS\)](#)
Cc: [Mandelman, Rafael \(BOS\)](#); [Heiken, Emma \(BOS\)](#); [Tam, Madison \(BOS\)](#)
Subject: Re: Introduction: Resolution Supporting SB 532
Date: Tuesday, July 11, 2023 2:58:57 PM
Attachments: [image001.png](#)
[image.png](#)
[20230SB532_93.pdf](#)

SB 532 attached.

CSAC has not taken a position, and the League of CA Cities has [Watch position](#):

[SB 532](#) ([Wiener D](#)) [San Francisco Bay area toll bridges: tolls: transit operating expenses.](#)

This bill would exempt fiscal disclosure requirements for local tiered-tax and bond measures from the 75-word cap on local ballot labels by allowing bullets and smaller fonts to be used.

Cal Cities Position: [Watch](#)

Primary Lobbyist: [Ben Triffo](#)

Policy Committee : [RT](#)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Cal Cities Position Letter(s) & City Sample Letter(s):
[Letter Pending - See Cal Cities Position](#)

Ross Green

Legislative Aide

Office of Supervisor Rafael Mandelman, District 8

Ross.Green@sfgov.org | (415) 554-6987

Pronouns: *he/him/his*

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>

Sent: Tuesday, July 11, 2023 2:53 PM

To: Green, Ross (BOS) <ross.green@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>

Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Heiken, Emma (BOS) <emma.heiken@sfgov.org>; Tam, Madison (BOS) <madison.r.tam@sfgov.org>

Subject: RE: Introduction: Resolution Supporting SB 532

Hi Ross,

Pursuant to [Board Rule 2.8.2](#), please provide the following to complete this submission:

- a copy of SB 532
- confirm that organizations such as the [California State Association of Counties](#) and [League of California Cities](#) have *not* taken a position on these bills. If they have, please provide a copy of their statement for completeness of the file

Please note that we will add the co-sponsors after each office has confirmed, since their names were not included on the Introduction Form.

Lisa Lew

San Francisco Board of Supervisors

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



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***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

From: Green, Ross (BOS) <ross.green@sfgov.org>
Sent: Tuesday, July 11, 2023 2:47 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Cc: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Heiken, Emma (BOS) <emma.heiken@sfgov.org>; Tam, Madison (BOS) <madison.r.tam@sfgov.org>
Subject: Introduction: Resolution Supporting SB 532

Good afternoon,
Submitting the attached resolution and introduction form for intro today.

These items are routine and non-contentious in nature, and of no special interest.

Please note the following co-sponsors: Mandelman; Melgar, Dorsey

Thank you,
Ross

Ross Green
Legislative Aide
Office of Supervisor Rafael Mandelman, District 8
Ross.Green@sfgov.org | (415) 554-6987
Pronouns: he/him/his

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor [] inquires..."
- 5. City Attorney Request
- 6. Call File No. [] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Mandelman

Subject:

[Supporting California Senate Bill 532 (Wiener) – The Safe, Clean & Reliable Bay Area Public Transportation Emergency Act]

Long Title or text listed:

Resolution supporting California Senate Bill No. 532, introduced by Senator Scott Wiener, enabling the San Francisco Bay Area to raise funds to prevent a medium-term public transportation operations budget shortfall while requiring transit safety, cleanliness, and reliability improvements.

Signature of Sponsoring Supervisor: