

AMENDED IN ASSEMBLY JUNE 25, 2012

AMENDED IN ASSEMBLY JUNE 4, 2012

AMENDED IN SENATE JUNE 9, 2011

SENATE BILL

No. 878

Introduced by Senator DeSaulnier

February 18, 2011

An act to ~~add Section 66536.3 to the Government Code, relating to regional planning.~~ *relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as amended, DeSaulnier. ~~Regional planning: Bay Area: California Transportation Commission.~~

Existing law creates the California Transportation Commission and imposes various duties on the commission, including, but not limited to, assisting the Legislature in formulating and evaluating state policies and plans for transportation programs in the state. Under existing law, there is also a Department of Transportation and its duties include, among others, supporting the commission in coordinating and developing, in cooperation with local and regional entities, comprehensive balanced transportation planning and policy for the movement of people and goods within this state. Existing law requires the state transportation improvement program to include a listing of all capital improvement projects that are expected to receive a specified allocation of state transportation funds from the commission. Under existing law, the commission is required to biennially adopt and submit a state transportation improvement program to the Governor and the Legislature.

This bill would require the commission to undertake a study to assess the appropriateness of establishing an office of inspector general to ensure that the department and transportation agencies with projects funded completely or in part from funds in the state transportation improvement program are operating efficiently, effectively, and in compliance with the state and federal laws governing the performance of transportation agencies. The bill would require the commission to consult with specified federal and state agencies in this regard and would require the commission to prepare a written report regarding the advisability of creating an office of inspector general and to submit it to the Governor and the Legislature by January 31, 2014.

~~(1) The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county Bay Area with comprehensive regional transportation planning and other related responsibilities, including development of a regional transportation plan with a sustainable communities strategy. Existing law requires a joint policy committee of the commission, the Association of Bay Area Governments, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission to coordinate the development and drafting of major planning documents prepared by the 4 agencies.~~

~~This bill would require the joint policy committee to submit a written report to the Legislature by January 31, 2014, on, among other things, methods and strategies for developing and implementing a multiagency set of policies and guidelines relative to the Bay Area region's sustainable communities strategy, including recommendations on organizational reforms for the regional agencies. The bill would require the joint policy committee to prepare a written 10-year regional economic development strategy to consist of specified components for submission to the Legislature by June 30, 2014. The bill would require the joint policy committee to adopt goals and policies related to, among other things, the inclusion of economic development opportunities in the plans of the regional entities and in its own plans. The bill would require the joint policy committee to appoint a specified advisory committee and to consult with that committee with respect to the economic development strategy. The bill would also require the member agencies to report on public outreach efforts that they individually or jointly perform. The bill would require public meetings in each of the region's 9 counties. By imposing new duties on local agencies, the bill would impose a state-mandated local program.~~

~~(2) 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 these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~no.

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

1 SECTION 1. (a) *The California Transportation Commission*
2 *shall undertake a study to assess the appropriateness of*
3 *establishing an office of inspector general within state government*
4 *to ensure the Department of Transportation and transportation*
5 *agencies with projects funded completely or in part from funds in*
6 *the state transportation improvement program are operating*
7 *efficiently, effectively, and in compliance with federal and state*
8 *laws governing the performance of transportation agencies.*

9 (b) *In carrying out this study, the commission shall review the*
10 *federal Inspector General Act of 1978 (5 U.S.C. App.3), the*
11 *experience of other states that have an office of inspector general,*
12 *and the experience of local transportation agencies that have an*
13 *office of inspector general, and shall consult with the Bureau of*
14 *State Audits, the Inspector General of the United States Department*
15 *of Transportation, and other individuals and organizations that*
16 *may have relevant information related to an office of inspector*
17 *general.*

18 (c) *The commission shall prepare a written report regarding*
19 *the advisability of creating an office of inspector general and shall*
20 *submit the written report to the Governor and the Legislature by*
21 *January 31, 2014.*

22 (d) *A report to the Legislature pursuant to this section shall be*
23 *submitted in compliance with Section 9795 of the Government*
24 *Code.*

25 ~~SECTION 1. The Legislature finds and declares all of the~~
26 ~~following:~~

1 ~~(a) The Counties of Alameda, Contra Costa, Marin, Napa, San~~
2 ~~Francisco, San Mateo, Santa Clara, Solano, and Sonoma share the~~
3 ~~shoreline of the San Francisco Bay estuary system.~~

4 ~~(b) The transportation technologies of the 19th and 20th~~
5 ~~centuries progressively integrated the movement of people and~~
6 ~~goods among the nine counties, beginning with ferryboats plying~~
7 ~~the San Francisco Bay and the rivers flowing into it; the passenger~~
8 ~~railroad service between San Jose and San Francisco beginning in~~
9 ~~1864; the interurban rail networks linking the communities within~~
10 ~~the East Bay and the communities of the North Bay; the Golden~~
11 ~~Gate Bridge and the San Francisco-Oakland Bay Bridge, erected~~
12 ~~as public works projects during the Great Depression to facilitate~~
13 ~~the movement of motor vehicles throughout the region; the~~
14 ~~construction of the regional freeway network after World War II;~~
15 ~~and the creation of the Bay Area Rapid Transit District in 1957~~
16 ~~and the inauguration of BART transit service in 1972.~~

17 ~~(c) The investments in a multimodal transportation network~~
18 ~~created an integrated regional manufacturing, financial, and~~
19 ~~technology economy as well as opportunities for housing a growing~~
20 ~~population. Regional business, governmental, and conservation~~
21 ~~interests recognized that the infrastructure investments and the~~
22 ~~dynamic economy they support created unintended consequences,~~
23 ~~including the degradation of the atmosphere, despoiling of the~~
24 ~~shoreline shared by the counties, land use decisions often~~
25 ~~inconsistent and at cross purposes with neighboring communities,~~
26 ~~and a continuing need to rationalize the transportation system and~~
27 ~~to marshal resources for its expansion, maintenance, and~~
28 ~~operations.~~

29 ~~(d) Various institutional reforms were initiated during the~~
30 ~~mid-20th century to address the unintended consequences of~~
31 ~~economic development, including the formation of the Bay Area~~
32 ~~Air Quality Management District in 1955; the formation of a~~
33 ~~voluntary council of governments, the Association of Bay Area~~
34 ~~Governments, in 1961 to enhance the coordination of policy~~
35 ~~decision across municipal and county boundaries; the formation~~
36 ~~of the San Francisco Bay Conservation and Development~~
37 ~~Commission in 1965 with the mission of persevering in protection~~
38 ~~of San Francisco Bay and its estuary system from destructive and~~
39 ~~ill-planned encroachment; and the establishment of the~~
40 ~~Metropolitan Transportation Commission in 1970, California's~~

1 first statutorily created regional transportation planning agency;
2 to plan the region's transportation infrastructure, to prioritize
3 transportation investments, and to organize and manage the
4 allocation of financial resources necessary to implement the
5 regional transportation plan.

6 (e) ~~The accomplishments of the above-referenced regional~~
7 ~~institutions are among the most significant in the state and nation~~
8 ~~and have been acknowledged by emulation or peer recognition.~~
9 ~~The Legislature recognized that the accomplishments of the special~~
10 ~~purpose regional institutions are noteworthy, but a new benchmark,~~
11 ~~the integration of regional planning and environmental regulations,~~
12 ~~is necessary to achieve the goals of sustainable communities as~~
13 ~~called for in Senate Bill 375 of the 2007-08 Regular Session~~
14 ~~(Chapter 728, Statutes of 2008). To this end, it is necessary to~~
15 ~~direct the imagination and talent of the San Francisco Bay area's~~
16 ~~most significant regional institutions to addressing the new~~
17 ~~benchmarks and expectations established by SB 375.~~

18 SEC. 2. ~~Section 66536.3 is added to the Government Code, to~~
19 ~~read:~~

20 66536.3. (a) ~~The joint policy committee shall prepare a written~~
21 ~~report for submission to the Senate Committee on Transportation~~
22 ~~and Housing and the Assembly Committees on Transportation and~~
23 ~~Local Government on or before January 31, 2014, addressing all~~
24 ~~of the following:~~

25 (1) ~~Methods and strategies for developing and promulgating a~~
26 ~~multiagency set of policies and guidelines governing the sustainable~~
27 ~~communities strategy required pursuant to subparagraph (B) of~~
28 ~~paragraph (2) of subdivision (b) of Section 65080.~~

29 (2) ~~Methods and strategies for improving the efficiency and~~
30 ~~effectiveness of policy setting and managerial coordination among~~
31 ~~the regional agencies constituting the joint policy committee.~~

32 (3) ~~Methods and strategies for ensuring that the public in the~~
33 ~~nine counties of the region has an opportunity to comment on the~~
34 ~~proposed policies and standards that will be promulgated by the~~
35 ~~joint policy committee for implementing the sustainable~~
36 ~~communities strategies. When preparing the strategies, there shall~~
37 ~~be included criteria to assess the transparency in regional~~
38 ~~decisionmaking.~~

39 (4) ~~Recommendations on organizational reform to effectuate~~
40 ~~the above requirements, including recommendations as to whether~~

1 such a regional organization shall be established by legislation, a
2 joint exercise of power agreement, or some other institutional
3 arrangement specifying the terms of interagency collaboration that
4 address the sustainable communities requirements. The report
5 should include the criteria for selecting the recommended
6 institutional arrangement.

7 (b) In developing the report required by subdivision (a), the
8 joint policy committee shall be guided by the following principles:

9 (1) Increasing public access to the regional process at the
10 community level.

11 (2) Respecting the integrity of the existing regional agencies.

12 (3) Providing policy oversight to ensure the development of a
13 coherent multifunctional regional plan.

14 (4) Integrating regional management and reducing the
15 duplication of overhead functions, including, but not limited to,
16 human resources and procurement, in order to achieve cost savings.

17 (e) The joint policy committee shall also prepare a written
18 10-year regional economic development strategy for the region
19 for submission to the Senate Committee on Transportation and
20 Housing and the Assembly Committees on Transportation and
21 Local Government on or before June 30, 2014. The goal of the
22 economic development strategy shall be to ensure that the regional
23 economy is capable of adapting to changes in technology, market
24 demand, and direction of the national and international economy.
25 The strategy shall include, but not be limited to, all of the
26 following:

27 (1) The development of a socioeconomic profile of each county.

28 (2) Identification of the types and locations of major clusters of
29 firms that are both competitive and complementary enterprises for
30 each county.

31 (3) Identification of the sectors of the economy where there is
32 underinvestment and a workforce with high unemployment or
33 underemployment.

34 (4) Identification of counties or communities within counties
35 where investment in specific sectors of the economy would enhance
36 the probability of increasing the employment opportunities for the
37 unemployed or underemployed.

38 (5) Identification of the public and private investments that are
39 needed to facilitate the development of new, or enhancement of
40 existing, sectors of the regional economy.

1 ~~(6) Identification of institutional reforms that may be appropriate~~
2 ~~to foster economic growth, especially in communities with~~
3 ~~structural unemployment or underemployment.~~

4 ~~(7) Identification of the social equity issues within the region~~
5 ~~and the extent to which these issues may be addressed by the~~
6 ~~economic development strategy.~~

7 ~~(8) A profile of the unique regional environmental amenities as~~
8 ~~well as the social and cultural amenities that are found to contribute~~
9 ~~to employers being attracted to and remaining in the region.~~

10 ~~(d) The joint policy committee shall adopt goals and policies~~
11 ~~related to the inclusion of economic development opportunities in~~
12 ~~the plans of the regional entities and in its own plans. The goals~~
13 ~~and policies shall also promote amenities that are special to the~~
14 ~~region and contribute to the region's quality of life.~~

15 ~~(e) The joint policy committee shall appoint an advisory~~
16 ~~committee with members from the business community, including,~~
17 ~~but not limited to, representatives of small businesses, technology~~
18 ~~and manufacturing sectors, community colleges, public and private~~
19 ~~universities, labor, local governments, and other organizations~~
20 ~~involved with the private economy. The joint policy committee~~
21 ~~shall consult with the advisory committee and coordinate the~~
22 ~~preparation of the economic development strategy as described in~~
23 ~~subdivision (c) with regional entities, private organizations, and~~
24 ~~university research institutions with specialized knowledge in~~
25 ~~economic development.~~

26 ~~(f) The activities associated with development of the reports in~~
27 ~~subdivisions (a) and (c) shall include public meetings in each of~~
28 ~~the region's counties. In addition, communication with the public~~
29 ~~in that regard shall include the use of conventional media as well~~
30 ~~as social media.~~

31 ~~(g) The member agencies of the joint policy committee shall~~
32 ~~also prepare a written report identifying the public outreach and~~
33 ~~community outreach efforts that they individually or jointly~~
34 ~~perform under federal and state law when carrying out the~~
35 ~~respective missions of their agencies. The report shall identify the~~
36 ~~criteria they use to determine the communities and groups that will~~
37 ~~be the subject of outreach. The report shall identify the actions and~~
38 ~~methods that the agencies employ to ensure that policy decisions~~
39 ~~are made in a transparent and accessible fashion. The report~~
40 ~~prepared by each agency shall be submitted to the Senate~~

1 ~~Committee on Transportation and Housing and the Assembly~~
2 ~~Committees on Transportation and Local Government on or before~~
3 ~~January 31, 2014, and may be incorporated with the other reports~~
4 ~~required by subdivisions (a) and (c).~~

5 ~~SEC. 3. If the Commission on State Mandates determines that~~
6 ~~this act contains costs mandated by the state, reimbursement to~~
7 ~~local agencies and school districts for those costs shall be made~~
8 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
9 ~~4 of Title 2 of the Government Code.~~