

AMENDED IN SENATE AUGUST 30, 2013

AMENDED IN SENATE AUGUST 27, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 105**

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**Introduced by Committee on Budget (Skinner (Chair), Bloom, Campos, Chesbro, Daly, Dickinson, Gordon, Jones-Sawyer, Mitchell, Mullin, Muratsuchi, Nazarian, Stone, and Ting)**

January 10, 2013

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An act to amend Sections 164.56 and 2106 of, to amend the heading of Chapter 3 (commencing with Section 2100) of Division 3 of, to amend and repeal Sections 892.2, 892.4, 892.5, 892.6, 893, 893.2, 893.4, 893.6, 894, 894.2, and 2333.5 of, and to add Chapter 8 (commencing with Section 2380) to Division 3 of, the Streets and Highways Code, relating to transportation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 105, as amended, Committee on Budget. Active Transportation Program.

Existing law establishes various transportation programs and associated funds and accounts, including the Bicycle Transportation Account, the Bikeway Account, and the Safe Routes to School Program. Existing federal law, pursuant to the Moving Ahead for Progress in the 21st Century Act, reconstitutes various federal transportation funding programs, including the former Transportation Enhancements Program, and creates the new federal Transportation Alternatives Program comprised of various former separate programs.

This bill would create the Active Transportation Program in the Department of Transportation, to be funded in the annual Budget Act from specified federal and state transportation funds, including 100% of the available federal Transportation Alternatives Program funds and federal Recreational Trails Program funds, except as specified, \$21,000,000 of federal Highway Safety Improvement Program funds or other federal funds, a specified amount of fuel tax revenues from the Highway Users Tax Account and the State Highway Account, and from other available funds. The bill would provide for funds to be allocated to eligible projects by the California Transportation Commission, with 40% of available funds to be made available for programming by metropolitan planning organizations in urbanized areas with a population greater than 200,000, 10% for small urban and rural regions, and 50% on a statewide basis, with all awards to be made competitively, as specified. The bill would include among the authorized activities for the Active Transportation Program certain existing activities of the above-referenced programs and accounts. The bill would also add new authorized activities, as specified. The bill would require the commission to develop guidelines and procedures, including project selection criteria, for the program in consultation with various agencies and interested parties. The bill would require the commission to initially adopt a 2-year program of projects for the program, with subsequent 4-year programs thereafter. The bill would correspondingly eliminate the Bicycle Transportation Account, the Bikeway Account, and the Safe Routes to School Program as separate programs. The bill would require the Commission, no later than 45 days prior to adopting the initial set of final guidelines for the Active Transportation Program, to submit the draft guidelines to the Joint Legislative Budget Committee.

This bill would provide that no additional funds shall be transferred to the Bicycle Transportation Account. The bill would transfer the remaining assets and liabilities of the Bicycle Transportation Account and the Bikeway Account to the State Highway Account on July 1, 2014, and would provide that various provisions governing these programs become inoperative on July 1, 2014, and would be repealed on January 1, 2015.

Existing law creates the Environmental Enhancement and Mitigation Program Fund, and states the intent of the Legislature to allocate \$10,000,000 annually to the fund, for expenditure on grants to specified agencies and nonprofit entities for various types of projects that are directly or indirectly related to the environmental impact of

transportation facilities, including, among other things, highway landscaping and roadside recreational opportunities.

This bill would instead state the intent of the Legislature to allocate \$7,000,000 annually to the fund, and would delete the reference to projects for highway landscaping and roadside recreational opportunities.

The bill would appropriate \$10,000,000 from the Environmental Enhancement and Mitigation Program Fund to the Secretary of the Natural Resources Agency for grants awarded by the secretary to support local environmental enhancement and mitigation programs.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 164.56 of the Streets and Highways Code  
2 is amended to read:

3 164.56. (a) It is the intent of the Legislature to allocate seven  
4 million dollars (\$7,000,000) annually to the Environmental  
5 Enhancement and Mitigation Program Fund, which is hereby  
6 created.

7 (b) Local, state, and federal agencies and nonprofit entities may  
8 apply for and may receive grants, not to exceed five million dollars  
9 (\$5,000,000) for any single grant, to undertake environmental  
10 enhancement and mitigation projects that are directly or indirectly  
11 related to the environmental impact of modifying existing  
12 transportation facilities or for the design, construction, or expansion  
13 of new transportation facilities.

14 (c) Projects eligible for funding include, but are not limited to,  
15 all of the following:

16 (1) Urban forestry projects designed to offset vehicular  
17 emissions of carbon dioxide.

18 (2) Acquisition or enhancement of resource lands to mitigate  
19 the loss of, or the detriment to, resource lands lying within the  
20 right-of-way acquired for proposed transportation improvements.

21 (3) Projects to mitigate the impact of proposed transportation  
22 facilities or to enhance the environment, where the ability to  
23 effectuate the mitigation or enhancement measures is beyond the

1 scope of the lead agency responsible for assessing the  
2 environmental impact of the proposed transportation improvement.

3 (d) Grant proposals shall be submitted to the Resources Agency  
4 for evaluation in accordance with procedures and criteria prescribed  
5 by the Resources Agency. The Resources Agency shall evaluate  
6 proposals submitted to it and prepare a list of proposals  
7 recommended for funding. The list may be revised at any time.  
8 Prior to including a proposal on the list, the Resources Agency  
9 shall make a finding that the proposal is eligible for funding  
10 pursuant to subdivision (f).

11 (e) Within the fiscal limitations of subdivisions (a) and (b), the  
12 commission shall annually award grants to fund proposals that are  
13 included on the list prepared by the Resources Agency pursuant  
14 to subdivision (d).

15 (f) Projects funded pursuant to this section shall be projects that  
16 contribute to mitigation of the environmental effects of  
17 transportation facilities, as provided for by Section 1 of Article  
18 XIX of the California Constitution.

19 SEC. 2. Section 892.2 of the Streets and Highways Code is  
20 amended to read:

21 892.2. (a) The Bicycle Transportation Account is continued  
22 in existence in the State Transportation Fund, and, notwithstanding  
23 Section 13340 of the Government Code, the money in the account  
24 is continuously appropriated to the department for expenditure for  
25 the purposes specified in Section 892.4. Unexpended moneys shall  
26 be retained in the account for use in subsequent fiscal years.

27 (b) Any reference in law or regulation to the Bicycle Lane  
28 Account is a reference to the Bicycle Transportation Account.

29 (c) All assets and liabilities of the Bicycle Transportation  
30 Account shall become assets and liabilities of the State Highway  
31 Account before July 1, 2014.

32 (d) This section shall become inoperative on July 1, 2014, and,  
33 as of January 1, 2015, is repealed, unless a later enacted statute,  
34 that becomes operative on or before January 1, 2015, deletes or  
35 extends the dates on which it becomes inoperative and is repealed.

36 SEC. 3. Section 892.4 of the Streets and Highways Code is  
37 amended to read:

38 892.4. The department shall allocate and disburse moneys from  
39 the Bicycle Transportation Account according to the following  
40 priorities:

1 (a) To the department, the amounts necessary to administer this  
2 article, not to exceed 1 percent of the funds expended per year.

3 (b) To counties and cities, for bikeways and related facilities,  
4 planning, safety and education, in accordance with Section 891.4.

5 (c) This section shall become inoperative on July 1, 2014, and,  
6 as of January 1, 2015, is repealed, unless a later enacted statute,  
7 that becomes operative on or before January 1, 2015, deletes or  
8 extends the dates on which it becomes inoperative and is repealed.

9 SEC. 4. Section 892.5 of the Streets and Highways Code is  
10 amended to read:

11 892.5. The Bikeway Account, created in the State  
12 Transportation Fund by Chapter 1235 of the Statutes of 1975, is  
13 continued in effect, and, notwithstanding Section 13340 of the  
14 Government Code, money in the account is hereby continuously  
15 appropriated to the department for expenditure for the purposes  
16 specified in this chapter.

17 All assets and liabilities of the Bikeway Account shall become  
18 assets and liabilities of the State Highway Account before July 1,  
19 2014.

20 This section shall become inoperative on July 1, 2014, and, as  
21 of January 1, 2015, is repealed, unless a later enacted statute, that  
22 becomes operative on or before January 1, 2015, deletes or extends  
23 the dates on which it becomes inoperative and is repealed.

24 SEC. 5. Section 892.6 of the Streets and Highways Code is  
25 amended to read:

26 892.6. The Legislature finds and declares that the construction  
27 of bikeways pursuant to this article constitutes a highway purpose  
28 under Article XIX of the California Constitution and justifies the  
29 expenditure of highway funds therefor.

30 This section shall become inoperative on July 1, 2014, and, as  
31 of January 1, 2015, is repealed, unless a later enacted statute, that  
32 becomes operative on or before January 1, 2015, deletes or extends  
33 the dates on which it becomes inoperative and is repealed.

34 SEC. 6. Section 893 of the Streets and Highways Code is  
35 amended to read:

36 893. The department shall disburse the money from the Bicycle  
37 Transportation Account pursuant to Section 891.4 for projects that  
38 improve the safety and convenience of bicycle commuters,  
39 including, but not limited to, any of the following:

40 (a) New bikeways serving major transportation corridors.

1 (b) New bikeways removing travel barriers to potential bicycle  
2 commuters.

3 (c) Secure bicycle parking at employment centers, park-and-ride  
4 lots, rail and transit terminals, and ferry docks and landings.

5 (d) Bicycle-carrying facilities on public transit vehicles.

6 (e) Installation of traffic control devices to improve the safety  
7 and efficiency of bicycle travel.

8 (f) Elimination of hazardous conditions on existing bikeways.

9 (g) Planning.

10 (h) Improvement and maintenance of bikeways.

11 In recommending projects to be funded, due consideration shall  
12 be given to the relative cost effectiveness of proposed projects.

13 This section shall become inoperative on July 1, 2014, and, as  
14 of January 1, 2015, is repealed, unless a later enacted statute, that  
15 becomes operative on or before January 1, 2015, deletes or extends  
16 the dates on which it becomes inoperative and is repealed.

17 SEC. 7. Section 893.2 of the Streets and Highways Code is  
18 amended to read:

19 893.2. The department shall not finance projects with the  
20 money in accounts continued in existence pursuant to this article  
21 which could be financed appropriately pursuant to Article 2  
22 (commencing with Section 887), or fully financed with federal  
23 financial assistance.

24 This section shall become inoperative on July 1, 2014, and, as  
25 of January 1, 2015, is repealed, unless a later enacted statute, that  
26 becomes operative on or before January 1, 2015, deletes or extends  
27 the dates on which it becomes inoperative and is repealed.

28 SEC. 8. Section 893.4 of the Streets and Highways Code is  
29 amended to read:

30 893.4. If available funds are insufficient to finance completely  
31 any project whose eligibility is established pursuant to Section  
32 893, the project shall retain its priority for allocations in subsequent  
33 fiscal years.

34 This section shall become inoperative on July 1, 2014, and, as  
35 of January 1, 2015, is repealed, unless a later enacted statute, that  
36 becomes operative on or before January 1, 2015, deletes or extends  
37 the dates on which it becomes inoperative and is repealed.

38 SEC. 9. Section 893.6 of the Streets and Highways Code is  
39 amended to read:

1 893.6. The department shall make a reasonable effort to  
2 disburse funds in general proportion to population. However, no  
3 applicant shall receive more than 25 percent of the total amounts  
4 transferred to the Bicycle Transportation Account in a single fiscal  
5 year.

6 This section shall become inoperative on July 1, 2014, and, as  
7 of January 1, 2015, is repealed, unless a later enacted statute, that  
8 becomes operative on or before January 1, 2015, deletes or extends  
9 the dates on which it becomes inoperative and is repealed.

10 SEC. 10. Section 894 of the Streets and Highways Code is  
11 amended to read:

12 894. The department may enter into an agreement with any  
13 city or county concerning the handling and accounting of the  
14 money disbursed pursuant to this article, including, but not limited  
15 to, procedures to permit prompt payment for the work  
16 accomplished.

17 This section shall become inoperative on July 1, 2014, and, as  
18 of January 1, 2015, is repealed, unless a later enacted statute, that  
19 becomes operative on or before January 1, 2015, deletes or extends  
20 the dates on which it becomes inoperative and is repealed.

21 SEC. 11. Section 894.2 of the Streets and Highways Code is  
22 amended to read:

23 894.2. The department, in cooperation with county and city  
24 governments, shall adopt the necessary guidelines for implementing  
25 this article.

26 This section shall become inoperative on July 1, 2014, and, as  
27 of January 1, 2015, is repealed, unless a later enacted statute, that  
28 becomes operative on or before January 1, 2015, deletes or extends  
29 the dates on which it becomes inoperative and is repealed.

30 SEC. 12. The heading of Chapter 3 (commencing with Section  
31 2100) of Division 3 of the Streets and Highways Code is amended  
32 to read:

33

34 CHAPTER 3. HIGHWAY USERS TAX ACCOUNT

35

36 SEC. 13. Section 2106 of the Streets and Highways Code is  
37 amended to read:

38 2106. Notwithstanding Section 13340 of the Government Code,  
39 a sum equal to the net revenue derived from one and four  
40 one-hundredths cent (\$0.0104) per gallon tax under the Motor

1 Vehicle Fuel License Tax Law (Part 2 (commencing with Section  
2 7301) of Division 2 of the Revenue and Taxation Code) shall be  
3 apportioned monthly from the Highway Users Tax Account in the  
4 Transportation Tax Fund among the counties and cities as follows:

5 (a) Four hundred dollars (\$400) per month shall be apportioned  
6 to each city and city and county and eight hundred dollars (\$800)  
7 per month shall be apportioned to each county and city and county.

8 (b) On the last day of each month, the sum of six hundred  
9 thousand dollars (\$600,000) shall be transferred to the State  
10 Highway Account in the State Transportation Fund for the Active  
11 Transportation Program pursuant to Chapter 8 (commencing with  
12 Section 2380). For each month in the 2013–14 fiscal year that has  
13 passed prior to the enactment of the bill adding this sentence, six  
14 hundred thousand dollars (\$600,000) shall be immediately  
15 transferred from the Bicycle Transportation Account to the State  
16 Highway Account in the State Transportation Fund for the Active  
17 Transportation Program, less any amount already expended for  
18 that program from the Bicycle Transportation Account during the  
19 2013–14 fiscal year.

20 (c) The balance shall be apportioned, as follows:

21 (1) A base sum shall be computed for each county by using the  
22 same proportions of fee-paid and exempt vehicles as are established  
23 for purposes of apportionment of funds under subdivision (d) of  
24 Section 2104.

25 (2) For each county, the percentage of the total assessed  
26 valuation of tangible property subject to local tax levies within the  
27 county which is represented by the assessed valuation of tangible  
28 property outside the incorporated cities of the county shall be  
29 applied to its base sum, and the resulting amount shall be  
30 apportioned to the county. The assessed valuation of taxable  
31 tangible property, for purposes of this computation, shall be that  
32 most recently used for countywide tax levies as reported to the  
33 Controller by the State Board of Equalization. If an incorporation  
34 or annexation is legally completed following the base sum  
35 computation, the new city's assessed valuation shall be deducted  
36 from the county's assessed valuation, the estimate of which may  
37 be provided by the State Board of Equalization.

38 (3) The difference between the base sum for each county and  
39 the amount apportioned to the county shall be apportioned to the  
40 cities of that county in the proportion that the population of each

1 city bears to the total population of all the cities in the county.  
2 Populations used for determining apportionment of money under  
3 Section 2107 are to be used for purposes of this section.

4 (d) (1) Transfers of revenues from the Highway Users Tax  
5 Account to counties or cities pursuant to this section collected  
6 during the months of March, April, May, June, and July of 2008,  
7 shall be made with the transfer of August 2008 revenues in  
8 September of 2008. This suspension shall not apply to a county  
9 with a population of less than 40,000.

10 (2) For the purpose of meeting the cash obligations associated  
11 with ongoing budgeted costs, a city or county may make use of  
12 any cash balance in the city account that is designated for the  
13 receipt of state funds allocated for local streets and roads or the  
14 county road fund, including that resulting from the receipt of funds  
15 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
16 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
17 with Section 8879.20) of Division 1 of Title 2 of the Government  
18 Code (hereafter bond act)) for local streets and roads maintenance,  
19 during the period of this suspension, without the use of this cash  
20 being reflected as an expenditure of bond act funds, provided the  
21 cash is replaced once this suspension is repaid in September of  
22 2008. Counties and cities may accrue the revenue received in  
23 September 2008 as repayment of these suspensions for the months  
24 of April, May, and June of 2008 back to the 2007–08 fiscal year.  
25 Nothing in this paragraph shall change the fact that expenditures  
26 must be accrued and reflected from the appropriate funding sources  
27 for which the moneys were received and meet all the requirements  
28 of those funding sources.

29 (e) (1) The transfer of revenues from the Highway Users Tax  
30 Account to counties or cities pursuant to this section collected  
31 during the months of January, February, and March 2009, shall be  
32 made with the transfer of April 2009 revenues in May 2009.

33 (2) For the purpose of meeting the cash obligations associated  
34 with ongoing budgeted costs, a city or county may make use of  
35 any cash balance in the city account that is designated for the  
36 receipt of state funds allocated for local streets and roads or the  
37 county road fund, including that resulting from the receipt of funds  
38 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
39 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
40 with Section 8879.20) of Division 1 of Title 2 of the Government

1 Code (bond act)) for local streets and roads maintenance, during  
 2 the period of this suspension, and the use of this cash shall not be  
 3 considered as an expenditure of bond act funds, if the cash is  
 4 replaced when the payments that are suspended pursuant to this  
 5 subdivision are repaid in May 2009.

6 (3) This subdivision shall not affect any requirement that an  
 7 expenditure is required to be accrued and reflected from the  
 8 appropriate funding source for which the money was received and  
 9 to meet all the requirements of its funding source.

10 SEC. 14. Section 2333.5 of the Streets and Highways Code is  
 11 amended to read:

12 2333.5. (a) The department, in consultation with the  
 13 Department of the California Highway Patrol, shall establish and  
 14 administer a “Safe Routes to School” construction program for  
 15 construction of bicycle and pedestrian safety and traffic calming  
 16 projects.

17 (b) The department shall award grants to local governmental  
 18 agencies under the program based on the results of a statewide  
 19 competition that requires submission of proposals for funding and  
 20 rates those proposals on all of the following factors:

- 21 (1) Demonstrated needs of the applicant.
- 22 (2) Potential of the proposal for reducing child injuries and  
 23 fatalities.
- 24 (3) Potential of the proposal for encouraging increased walking  
 25 and bicycling among students.
- 26 (4) Identification of safety hazards.
- 27 (5) Identification of current and potential walking and bicycling  
 28 routes to school.
- 29 (6) Use of a public participation process, including, but not  
 30 limited to, a public meeting that satisfies all of the following:
- 31 (A) Involves the public, schools, parents, teachers, local  
 32 agencies, the business community, key professionals, and others.
- 33 (B) Identifies community priorities and gathers community  
 34 input to guide the development of projects included in the proposal.
- 35 (C) Ensures that community priorities are reflected in the  
 36 proposal.
- 37 (D) Secures support for the proposal by relevant stakeholders.
- 38 (7) Benefit to a low-income school, defined for purposes of this  
 39 section to mean a school where at least 75 percent of students are

1 eligible to receive free or reduced-price meals under the National  
2 School Lunch Program.

3 (c) Any annual budget allocation to fund grants described in  
4 subdivision (b) shall be in addition to any federal funding received  
5 by the state that is designated for “Safe Routes to School” projects  
6 pursuant to Section 1404 of SAFETEA-LU or any similar program  
7 funded through a subsequent transportation act.

8 (d) Any federal funding received by the state that is designated  
9 for “Safe Routes to School” projects shall be distributed by the  
10 department under the competitive grant process, consistent with  
11 all applicable federal requirements.

12 (e) Prior to the award of any construction grant or the  
13 department’s use of those funds for a “Safe Routes to School”  
14 construction project encompassing a freeway, state highway, or  
15 county road, the department shall consult with, and obtain approval  
16 from, the Department of the California Highway Patrol, ensuring  
17 that the “Safe Routes to School” proposal complements the  
18 California Highway Patrol’s Pedestrian Corridor Safety Program  
19 and is consistent with its statewide pedestrian safety statistical  
20 analysis.

21 (f) The department is encouraged to coordinate with law  
22 enforcement agencies’ community policing efforts in establishing  
23 and maintaining the “Safe Routes to School” construction program.

24 (g) In the development of guidelines and procedures governing  
25 this program, the department shall fully consider the needs of  
26 low-income schools.

27 (h) Up to 10 percent of program funds may be used to assist  
28 eligible recipients in making infrastructure improvements, other  
29 than schoolbus shelters, that create safe routes to schoolbus stops  
30 that are located outside the vicinity of schools.

31 (i) This section shall become inoperative on July 1, 2014, and,  
32 as of January 1, 2015, is repealed, unless a later enacted statute,  
33 that becomes operative on or before January 1, 2015, deletes or  
34 extends the dates on which it becomes inoperative and is repealed.

35 SEC. 15. Chapter 8 (commencing with Section 2380) is added  
36 to Division 3 of the Streets and Highways Code, to read:

CHAPTER 8. ACTIVE TRANSPORTATION PROGRAM

1  
2  
3 2380. There is hereby established the Active Transportation  
4 Program in the department for the purpose of encouraging increased  
5 use of active modes of transportation, such as biking and walking.  
6 It is the intent of the Legislature that the program achieve all of  
7 the following goals:

8 (a) Increase the proportion of trips accomplished by biking and  
9 walking.

10 (b) Increase safety and mobility for nonmotorized users.

11 (c) Advance the active transportation efforts of regional agencies  
12 to achieve greenhouse gas reduction goals as established pursuant  
13 to SB 375 (Chapter 728, Statutes of 2008) and SB 391 (Chapter  
14 585, Statutes of 2009).

15 (d) Enhance public health, including reduction of childhood  
16 obesity through the use of programs including, but not limited to,  
17 projects eligible for Safe Routes to School Program funding.

18 (e) Ensure that disadvantaged communities fully share in the  
19 benefits of the program.

20 (f) Provide a broad spectrum of projects to benefit many types  
21 of active transportation users.

22 2381. (a) The Active Transportation Program shall be funded  
23 by state and federal funds from appropriations in the annual Budget  
24 Act. Funds for the program shall be appropriated to the department,  
25 for allocation by the commission. The amount to be appropriated  
26 shall include 100 percent of the federal Transportation Alternative  
27 Program funds, except for any federal Recreational Trails Program  
28 funds appropriated to the Department of Parks and Recreation;  
29 twenty-one million dollars (\$21,000,000) of federal Highway  
30 Safety Improvement funds or other federal funds; and State  
31 Highway Account funds. Future funding may be augmented if  
32 state or federal funds increase, or if other funding sources are  
33 identified. Funds appropriated for the Active Transportation  
34 Program shall be distributed as follows:

35 (1) Forty percent to metropolitan planning organizations in  
36 urban areas with populations greater than 200,000, in proportion  
37 to their relative share of population. Funds allocated under this  
38 paragraph shall be obligated for eligible projects selected through  
39 a competitive process by the metropolitan planning organizations

1 in consultation with the department and the commission and in  
2 accordance with guidelines established pursuant to this chapter.

3 (2) Ten percent to small urban and rural regions with populations  
4 of 200,000 or less, with projects competitively awarded by the  
5 commission to projects in those regions.

6 (3) Fifty percent to projects competitively awarded by the  
7 commission on a statewide basis.

8 (b) For the purpose of paragraph (1) of subdivision (a), the  
9 following shall apply in the region served by the multicounty  
10 designated transportation planning agency described in Section  
11 130004 of the Public Utilities Code:

12 (1) The multicounty designated transportation planning agency  
13 shall consult with the county transportation commissions created  
14 pursuant to Sections 130050, 130050.1, and 132800 of the Public  
15 Utilities Code, the commission, and the department in the  
16 development of competitive selection criteria to be adopted by the  
17 multicounty designated transportation planning agency, which  
18 should include consideration of geographic equity, consistent with  
19 program objectives.

20 (2) The multicounty designated transportation planning agency  
21 shall place priority on projects that are consistent with plans  
22 adopted by local and regional governments within the county where  
23 the project is located.

24 (3) The multicounty designated transportation planning agency  
25 shall obtain concurrence from the county transportation  
26 commissions, adopt the projects selected in a comprehensive  
27 program of projects, and make funds available to selected project  
28 recipients.

29 (c) The Legislature finds and declares that the program described  
30 in this chapter constitutes a highway purpose under Article XIX  
31 of the California Constitution and justifies the expenditure of  
32 highway funds therefor, and all expenditures of Article XIX funds  
33 under this program shall be consistent with Article XIX.

34 2382. (a) The California Transportation Commission shall  
35 develop guidelines and project selection criteria for the Active  
36 Transportation Program in consultation with the Active  
37 Transportation Program Workgroup, which shall be formed for  
38 purposes of providing guidance on matters including, but not  
39 limited to, development of and subsequent revisions to program  
40 guidelines, schedules and procedures, project selection criteria,

1 performance measures, and program evaluation. The workgroup  
2 shall include, but not be limited to, representatives of government  
3 agencies and active transportation stakeholder organizations with  
4 expertise in pedestrian and bicycle issues, including Safe Routes  
5 to School programs.

6 (b) The guidelines shall be the complete and full statement of  
7 the policies and criteria that the commission intends to use in  
8 selecting projects to be included in the program. The guidelines  
9 shall address subjects that include, but are not limited to, project  
10 eligibility, application timelines, application rating and ranking  
11 criteria, project monitoring, reporting, and transparency, and project  
12 performance measurement.

13 (c) The guidelines shall include a process to ensure that no less  
14 than 25 percent of overall program funds benefit disadvantaged  
15 communities during each program cycle. The guidelines shall  
16 establish a program definition for disadvantaged communities that  
17 may include, but need not be limited to, the definition in Section  
18 39711 of the Health and Safety Code and the definition of  
19 low-income schools in paragraph (7) of subdivision (b) of former  
20 Section 2333.5, as that section read on January 1, 2013. A project  
21 eligible under this subdivision shall clearly demonstrate a benefit  
22 to a disadvantaged community or be directly located in a  
23 disadvantaged community.

24 (d) The California Transportation Commission shall adopt the  
25 guidelines and selection criteria for, and define the types of projects  
26 eligible to be funded through, the program following at least two  
27 public hearings. Projects funded in this program shall be limited  
28 to active transportation projects. The guidelines shall ensure that  
29 eligible projects meet one or more of the goals set forth in Section  
30 2380 and may give increased weight to projects meeting multiple  
31 goals.

32 (e) In developing the guidelines with regard to project eligibility,  
33 the commission shall include, but need not be limited to, the  
34 following project types:

35 (1) Development of new bikeways and walkways, or  
36 improvements to existing bikeways and walkways, that improve  
37 mobility, access, or safety for nonmotorized users.

38 (2) Secure bicycle parking at employment centers, park and ride  
39 lots, rail and transit stations, and ferry docks and landings.

1 (3) Bicycle-carrying facilities on public transit, including rail  
2 and ferries.

3 (4) Installation of traffic control devices to improve the safety  
4 of pedestrians and bicyclists.

5 (5) Elimination of hazardous conditions on existing bikeways  
6 and walkways.

7 (6) Maintenance of bikeways and walkways.

8 (7) Recreational trails and trailheads, park projects that facilitate  
9 trail linkages or connectivity to nonmotorized corridors, and  
10 conversion of abandoned railroad corridors to trails.

11 (8) Safe Routes to School projects that improve the safety of  
12 children walking and bicycling to school, in accordance with  
13 Section 1404 of Public Law 109-59.

14 (9) Safe routes to transit projects, which will encourage transit  
15 by improving biking and walking routes to mass transportation  
16 facilities and school bus stops.

17 (10) Educational programs to increase biking and walking, and  
18 other noninfrastructure investments that demonstrate effectiveness  
19 in increasing active transportation.

20 (f) In developing the guidelines with regard to project selection,  
21 the commission shall include, but need not be limited to, the  
22 following criteria:

23 (1) Demonstrated needs of the applicant.

24 (2) Potential for reducing pedestrian and bicyclist injuries and  
25 fatalities.

26 (3) Potential for encouraging increased walking and bicycling,  
27 especially among students.

28 (4) Identification of safety hazards for pedestrians and bicyclists.

29 (5) Identification of walking and bicycling routes to and from  
30 schools, transit facilities, and community centers.

31 (6) Identification of the local public participation process that  
32 culminated in the project proposal, which may include noticed  
33 public meetings and consultation with local stakeholders.

34 (7) Benefit to disadvantaged communities. In developing  
35 guidelines relative to this paragraph, the commission shall consider,  
36 but need not be limited to, the definition of disadvantaged  
37 communities as applied pursuant to subdivision (c).

38 (8) Cost-effectiveness, defined as maximizing the impact of the  
39 funds provided.

1 (9) The adoption by a city or county applicant of a bicycle  
2 transportation plan, pursuant to Section 891.2, a pedestrian plan,  
3 a safe routes to school plan, or an overall active transportation  
4 plan.

5 (10) Use of California Conservation Corps or qualified  
6 community conservation corps, as defined in Section 14507.5 of  
7 the ~~Government~~ *Public Resources* Code, as partners to undertake  
8 or construct applicable projects in accordance with Section 1524  
9 of Public Law 112-141.

10 (11) Other factors, such as potential for reducing congestion,  
11 improving air quality, reducing greenhouse gas emissions, and  
12 increasing and improving connectivity and mobility of  
13 nonmotorized users.

14 (g) For the use of federal Transportation Alternative Program  
15 funds, or other federal funds, commission guidelines shall meet  
16 all applicable federal requirements.

17 (h) For the use of federal Highway Safety Improvement Program  
18 funds for active transportation projects specific to reducing  
19 fatalities and serious injuries, the criteria for the selection of  
20 projects shall be based on a data-driven process that is aligned  
21 with the state's Strategic Highway Safety Plan.

22 (i) The guidelines may include incentives intended to maximize  
23 the potential for attracting funds other than program funds for  
24 eligible projects.

25 (j) In reviewing and selecting projects funded by federal funds  
26 in the Recreational Trails Program, the commission shall  
27 collaborate with the Department of Parks and Recreation to  
28 evaluate proposed projects, and to ensure federal requirements are  
29 met.

30 (k) To ensure that regional agencies charged with allocating  
31 funds to projects pursuant to paragraph (1) of subdivision (a) of  
32 Section 2381 have sufficient discretion to develop regional  
33 guidelines, the commission may adopt separate guidelines for the  
34 state and for the regional agencies relative to subdivision (f).

35 2383. The commission may amend the adopted guidelines after  
36 conducting at least one public hearing. The commission shall make  
37 a reasonable effort to amend the guidelines prior to the call for  
38 projects or may extend the deadline for project submission in order  
39 to comply with the new guidelines.

1 2384. The commission shall adopt a program of projects to  
2 receive allocations under this chapter. The guidelines for an initial  
3 two-year program of projects shall be adopted within 6 months of  
4 the enactment of the act enacting this section. The commission  
5 shall adopt each subsequent program not later than April 1 of each  
6 odd-numbered year, but may alternatively elect to adopt a program  
7 annually. Each program shall cover a period of four fiscal years,  
8 beginning July 1 of the year of adoption, and shall be a statement  
9 of intent by the commission for the allocation or expenditure of  
10 funds during those four fiscal years. The commission shall form  
11 a multidisciplinary advisory group to assist it in evaluating project  
12 applications.

13 2385. The department shall administer the program consistent  
14 with the guidelines adopted pursuant to this chapter.

15 SEC. 16. (a) No later than 45 days prior to adopting the initial  
16 set of final guidelines for the Active Transportation Program, the  
17 California Transportation Commission shall submit the draft  
18 guidelines to the Joint Legislative Budget Committee.

19 (b) The California Transportation Commission shall either  
20 include in its 2014 annual report to the Legislature prepared  
21 pursuant to Section 14536 of the Government Code, or post to the  
22 commission's Web site, with notice to the Joint Legislative Budget  
23 Committee, a summary of the first programming cycle of the  
24 Active Transportation Program. The information provided shall  
25 include, but need not be limited to, a list of all projects selected at  
26 both the state and regional levels, a breakdown of the project types  
27 that received grant awards, information on grants awarded to  
28 disadvantaged communities, and a breakdown by region of grants  
29 awarded.

30 (c) The California Transportation Commission shall include in  
31 its 2015 annual report to the Legislature prepared pursuant to  
32 Section 14536 of the Government Code an evaluation of the Active  
33 Transportation Program. The evaluation shall include, but need  
34 not be limited to, a summary of the projects awarded and a  
35 summary of the projects completed to date by project type,  
36 geographic distribution, and benefit to disadvantaged communities.  
37 The commission shall also report on the effectiveness of the  
38 program in terms of planned and achieved improvement in mobility  
39 and safety and timely use of program funds.

1 SEC. 17. The sum of ten million dollars (\$10,000,000) is hereby  
2 appropriated from the Environmental Enhancement and Mitigation  
3 Program Fund to the Secretary of the Natural Resources Agency  
4 for grants awarded by the secretary to support local environmental  
5 enhancement and mitigation programs. Notwithstanding any other  
6 provision of law, these funds shall be available for allocation until  
7 June 30, 2015, and available for encumbrance and liquidation by  
8 the recipient local agency until June 30, 2019.

9 SEC. 18. This act is a bill providing for appropriations related  
10 to the Budget Bill within the meaning of subdivision (e) of Section  
11 12 of Article IV of the California Constitution, has been identified  
12 as related to the budget in the Budget Bill, and shall take effect  
13 immediately.

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