

ASSEMBLY BILL

No. 1179

Introduced by Assembly Member Bocanegra

February 22, 2013

An act to amend Section 65080 of the Government Code, and to amend Section 75121 of the Public Resources Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1179, as introduced, Bocanegra. Regional transportation plan: sustainable communities strategy: schoolsites.

Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated by federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy, subject to specified requirements, as part of a regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region.

This bill would additionally require the sustainable communities strategy to identify, in consultation with each local educational agency in the region, future school facilities sites, or existing facilities that may be modernized or expanded, as specified. By imposing additional requirements on local agencies, the bill would impose a state-mandated local program.

Existing law creates the Strategic Growth Council, consisting of specified state officers and a public member appointed by the Governor, with specified duties relating to coordination of actions of state agencies

relative to improvement of air and water quality, natural resource protection, transportation, and various other matters.

This bill would add the Superintendent of Public Instruction or his or her designee to the Strategic Growth Council.

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.

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

1 SECTION 1. Section 65080 of the Government Code is
2 amended to read:

3 65080. (a) Each transportation planning agency designated
4 under Section 29532 or 29532.1 shall prepare and adopt a regional
5 transportation plan directed at achieving a coordinated and balanced
6 regional transportation system, including, but not limited to, mass
7 transportation, highway, railroad, maritime, bicycle, pedestrian,
8 goods movement, and aviation facilities and services. The plan
9 shall be action-oriented and pragmatic, considering both the
10 short-term and long-term future, and shall present clear, concise
11 policy guidance to local and state officials. The regional
12 transportation plan shall consider factors specified in Section 134
13 of Title 23 of the United States Code. Each transportation planning
14 agency shall consider and incorporate, as appropriate, the
15 transportation plans of cities, counties, districts, private
16 organizations, and state and federal agencies.

17 (b) The regional transportation plan shall be an internally
18 consistent document and shall include all of the following:

19 (1) A policy element that describes the transportation issues in
20 the region, identifies and quantifies regional needs, and describes
21 the desired short-range and long-range transportation goals, and
22 pragmatic objective and policy statements. The objective and policy
23 statements shall be consistent with the funding estimates of the
24 financial element. The policy element of transportation planning

1 agencies with populations that exceed 200,000 persons may
2 quantify a set of indicators including, but not limited to, all of the
3 following:

4 (A) Measures of mobility and traffic congestion, including, but
5 not limited to, daily vehicle hours of delay per capita and vehicle
6 miles traveled per capita.

7 (B) Measures of road and bridge maintenance and rehabilitation
8 needs, including, but not limited to, roadway pavement and bridge
9 conditions.

10 (C) Measures of means of travel, including, but not limited to,
11 percentage share of all trips (work and nonwork) made by all of
12 the following:

13 (i) Single occupant vehicle.

14 (ii) Multiple occupant vehicle or carpool.

15 (iii) Public transit including commuter rail and intercity rail.

16 (iv) Walking.

17 (v) Bicycling.

18 (D) Measures of safety and security, including, but not limited
19 to, total injuries and fatalities assigned to each of the modes set
20 forth in subparagraph (C).

21 (E) Measures of equity and accessibility, including, but not
22 limited to, percentage of the population served by frequent and
23 reliable public transit, with a breakdown by income bracket, and
24 percentage of all jobs accessible by frequent and reliable public
25 transit service, with a breakdown by income bracket.

26 (F) The requirements of this section may be met utilizing
27 existing sources of information. No additional traffic counts,
28 household surveys, or other sources of data shall be required.

29 (2) A sustainable communities strategy prepared by each
30 metropolitan planning organization as follows:

31 (A) No later than September 30, 2010, the State Air Resources
32 Board shall provide each affected region with greenhouse gas
33 emission reduction targets for the automobile and light truck sector
34 for 2020 and 2035, respectively.

35 (i) No later than January 31, 2009, the state board shall appoint
36 a Regional Targets Advisory Committee to recommend factors to
37 be considered and methodologies to be used for setting greenhouse
38 gas emission reduction targets for the affected regions. The
39 committee shall be composed of representatives of the metropolitan
40 planning organizations, affected air districts, the League of

1 California Cities, the California State Association of Counties,
2 local transportation agencies, and members of the public, including
3 homebuilders, environmental organizations, planning organizations,
4 environmental justice organizations, affordable housing
5 organizations, and others. The advisory committee shall transmit
6 a report with its recommendations to the state board no later than
7 September 30, 2009. In recommending factors to be considered
8 and methodologies to be used, the advisory committee may
9 consider any relevant issues, including, but not limited to, data
10 needs, modeling techniques, growth forecasts, the impacts of
11 regional jobs-housing balance on interregional travel and
12 greenhouse gas emissions, economic and demographic trends, the
13 magnitude of greenhouse gas reduction benefits from a variety of
14 land use and transportation strategies, and appropriate methods to
15 describe regional targets and to monitor performance in attaining
16 those targets. The state board shall consider the report prior to
17 setting the targets.

18 (ii) Prior to setting the targets for a region, the state board shall
19 exchange technical information with the metropolitan planning
20 organization and the affected air district. The metropolitan planning
21 organization may recommend a target for the region. The
22 metropolitan planning organization shall hold at least one public
23 workshop within the region after receipt of the report from the
24 advisory committee. The state board shall release draft targets for
25 each region no later than June 30, 2010.

26 (iii) In establishing these targets, the state board shall take into
27 account greenhouse gas emission reductions that will be achieved
28 by improved vehicle emission standards, changes in fuel
29 composition, and other measures it has approved that will reduce
30 greenhouse gas emissions in the affected regions, and prospective
31 measures the state board plans to adopt to reduce greenhouse gas
32 emissions from other greenhouse gas emission sources as that term
33 is defined in subdivision (i) of Section 38505 of the Health and
34 Safety Code and consistent with the regulations promulgated
35 pursuant to the California Global Warming Solutions Act of 2006
36 (Division 25.5 (commencing with Section 38500) of the Health
37 and Safety Code).

38 (iv) The state board shall update the regional greenhouse gas
39 emission reduction targets every eight years consistent with each
40 metropolitan planning organization's timeframe for updating its

1 regional transportation plan under federal law until 2050. The state
2 board may revise the targets every four years based on changes in
3 the factors considered under clause (iii). The state board shall
4 exchange technical information with the Department of
5 Transportation, metropolitan planning organizations, local
6 governments, and affected air districts and engage in a consultative
7 process with public and private stakeholders prior to updating these
8 targets.

9 (v) The greenhouse gas emission reduction targets may be
10 expressed in gross tons, tons per capita, tons per household, or in
11 any other metric deemed appropriate by the state board.

12 (B) Each metropolitan planning organization shall prepare a
13 sustainable communities strategy, subject to the requirements of
14 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
15 Federal Regulations, including the requirement to utilize the most
16 recent planning assumptions considering local general plans and
17 other factors. The sustainable communities strategy shall (i)
18 identify the general location of uses, residential densities, and
19 building intensities within the region, (ii) identify areas within the
20 region sufficient to house all the population of the region, including
21 all economic segments of the population, over the course of the
22 planning period of the regional transportation plan taking into
23 account net migration into the region, population growth, household
24 formation and employment growth, (iii) identify areas within the
25 region sufficient to house an eight-year projection of the regional
26 housing need for the region pursuant to Section 65584, (iv) identify
27 a transportation network to service the transportation needs of the
28 region, (v) gather and consider the best practically available
29 scientific information regarding resource areas and farmland in
30 the region as defined in subdivisions (a) and (b) of Section
31 65080.01, (vi) consider the state housing goals specified in Sections
32 65580 and 65581, (vii) *identify, in consultation with each local*
33 *educational agency, as defined in Section 421 of the Education*
34 *Code, in the region, future school facilities sites, with an emphasis*
35 *on sites that enable pupils to walk to school and have the potential*
36 *for joint use of the school facilities by the community, or existing*
37 *school facilities for modernization or expansion if the area served*
38 *by an existing school facility has been identified for infill or related*
39 *development, (viii) set forth a forecasted development pattern for*
40 the region, which, when integrated with the transportation network,

1 and other transportation measures and policies, will reduce the
 2 greenhouse gas emissions from automobiles and light trucks to
 3 achieve, if there is a feasible way to do so, the greenhouse gas
 4 emission reduction targets approved by the state board, and ~~(viii)~~
 5 *(ix)* allow the regional transportation plan to comply with Section
 6 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

7 (C) (i) Within the jurisdiction of the Metropolitan
 8 Transportation Commission, as defined by Section 66502, the
 9 Association of Bay Area Governments shall be responsible for
 10 clauses (i), (ii), (iii), (v), ~~and (vi)~~ *and (vii)* of subparagraph (B),
 11 the Metropolitan Transportation Commission shall be responsible
 12 for clauses (iv) and ~~(viii)~~ *(ix)* of subparagraph (B); and the
 13 Association of Bay Area Governments and the Metropolitan
 14 Transportation Commission shall jointly be responsible for clause
 15 ~~(vii)~~ *(viii)* of subparagraph (B).

16 (ii) Within the jurisdiction of the Tahoe Regional Planning
 17 Agency, as defined in Sections 66800 and 66801, the Tahoe
 18 Metropolitan Planning Organization shall use the Regional Plan
 19 for the Lake Tahoe Region as the sustainable community strategy,
 20 provided that it complies with clauses ~~(vii) and (viii)~~ *and (ix)* of
 21 subparagraph (B).

22 (D) In the region served by the multicounty transportation
 23 planning agency described in Section 130004 of the Public Utilities
 24 Code, a subregional council of governments and the county
 25 transportation commission may work together to propose the
 26 sustainable communities strategy and an alternative planning
 27 strategy, if one is prepared pursuant to subparagraph (I), for that
 28 subregional area. The metropolitan planning organization may
 29 adopt a framework for a subregional sustainable communities
 30 strategy or a subregional alternative planning strategy to address
 31 the intraregional land use, transportation, economic, air quality,
 32 and climate policy relationships. The metropolitan planning
 33 organization shall include the subregional sustainable communities
 34 strategy for that subregion in the regional sustainable communities
 35 strategy to the extent consistent with this section and federal law
 36 and approve the subregional alternative planning strategy, if one
 37 is prepared pursuant to subparagraph (I), for that subregional area
 38 to the extent consistent with this section. The metropolitan planning
 39 organization shall develop overall guidelines, create public
 40 participation plans pursuant to subparagraph (F), ensure

1 coordination, resolve conflicts, make sure that the overall plan
2 complies with applicable legal requirements, and adopt the plan
3 for the region.

4 (E) The metropolitan planning organization shall conduct at
5 least two informational meetings in each county within the region
6 for members of the board of supervisors and city councils on the
7 sustainable communities strategy and alternative planning strategy,
8 if any. The metropolitan planning organization may conduct only
9 one informational meeting if it is attended by representatives of
10 the county board of supervisors and city council members
11 representing a majority of the cities representing a majority of the
12 population in the incorporated areas of that county. Notice of the
13 meeting or meetings shall be sent to the clerk of the board of
14 supervisors and to each city clerk. The purpose of the meeting or
15 meetings shall be to discuss the sustainable communities strategy
16 and the alternative planning strategy, if any, including the key land
17 use and planning assumptions to the members of the board of
18 supervisors and the city council members in that county and to
19 solicit and consider their input and recommendations.

20 (F) Each metropolitan planning organization shall adopt a public
21 participation plan, for development of the sustainable communities
22 strategy and an alternative planning strategy, if any, that includes
23 all of the following:

24 (i) Outreach efforts to encourage the active participation of a
25 broad range of stakeholder groups in the planning process,
26 consistent with the agency's adopted Federal Public Participation
27 Plan, including, but not limited to, affordable housing advocates,
28 transportation advocates, neighborhood and community groups,
29 environmental advocates, home builder representatives,
30 broad-based business organizations, landowners, commercial
31 property interests, and homeowner associations.

32 (ii) Consultation with congestion management agencies,
33 transportation agencies, and transportation commissions.

34 (iii) Workshops throughout the region to provide the public with
35 the information and tools necessary to provide a clear
36 understanding of the issues and policy choices. At least one
37 workshop shall be held in each county in the region. For counties
38 with a population greater than 500,000, at least three workshops
39 shall be held. Each workshop, to the extent practicable, shall
40 include urban simulation computer modeling to create visual

1 representations of the sustainable communities strategy and the
2 alternative planning strategy.

3 (iv) Preparation and circulation of a draft sustainable
4 communities strategy and an alternative planning strategy, if one
5 is prepared, not less than 55 days before adoption of a final regional
6 transportation plan.

7 (v) At least three public hearings on the draft sustainable
8 communities strategy in the regional transportation plan and
9 alternative planning strategy, if one is prepared. If the metropolitan
10 transportation organization consists of a single county, at least two
11 public hearings shall be held. To the maximum extent feasible, the
12 hearings shall be in different parts of the region to maximize the
13 opportunity for participation by members of the public throughout
14 the region.

15 (vi) A process for enabling members of the public to provide a
16 single request to receive notices, information, and updates.

17 (G) In preparing a sustainable communities strategy, the
18 metropolitan planning organization shall consider spheres of
19 influence that have been adopted by the local agency formation
20 commissions within its region.

21 (H) Prior to adopting a sustainable communities strategy, the
22 metropolitan planning organization shall quantify the reduction in
23 greenhouse gas emissions projected to be achieved by the
24 sustainable communities strategy and set forth the difference, if
25 any, between the amount of that reduction and the target for the
26 region established by the state board.

27 (I) If the sustainable communities strategy, prepared in
28 compliance with subparagraph (B) or (D), is unable to reduce
29 greenhouse gas emissions to achieve the greenhouse gas emission
30 reduction targets established by the state board, the metropolitan
31 planning organization shall prepare an alternative planning strategy
32 to the sustainable communities strategy showing how those
33 greenhouse gas emission targets would be achieved through
34 alternative development patterns, infrastructure, or additional
35 transportation measures or policies. The alternative planning
36 strategy shall be a separate document from the regional
37 transportation plan, but it may be adopted concurrently with the
38 regional transportation plan. In preparing the alternative planning
39 strategy, the metropolitan planning organization:

- 1 (i) Shall identify the principal impediments to achieving the
2 targets within the sustainable communities strategy.
- 3 (ii) May include an alternative development pattern for the
4 region pursuant to subparagraphs (B) to (G), inclusive.
- 5 (iii) Shall describe how the greenhouse gas emission reduction
6 targets would be achieved by the alternative planning strategy, and
7 why the development pattern, measures, and policies in the
8 alternative planning strategy are the most practicable choices for
9 achievement of the greenhouse gas emission reduction targets.
- 10 (iv) An alternative development pattern set forth in the
11 alternative planning strategy shall comply with Part 450 of Title
12 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
13 except to the extent that compliance will prevent achievement of
14 the greenhouse gas emission reduction targets approved by the
15 state board.
- 16 (v) For purposes of the California Environmental Quality Act
17 (Division 13 (commencing with Section 21000) of the Public
18 Resources Code), an alternative planning strategy shall not
19 constitute a land use plan, policy, or regulation, and the
20 inconsistency of a project with an alternative planning strategy
21 shall not be a consideration in determining whether a project may
22 have an environmental effect.
- 23 (J) (i) Prior to starting the public participation process adopted
24 pursuant to subparagraph (F), the metropolitan planning
25 organization shall submit a description to the state board of the
26 technical methodology it intends to use to estimate the greenhouse
27 gas emissions from its sustainable communities strategy and, if
28 appropriate, its alternative planning strategy. The state board shall
29 respond to the metropolitan planning organization in a timely
30 manner with written comments about the technical methodology,
31 including specifically describing any aspects of that methodology
32 it concludes will not yield accurate estimates of greenhouse gas
33 emissions, and suggested remedies. The metropolitan planning
34 organization is encouraged to work with the state board until the
35 state board concludes that the technical methodology operates
36 accurately.
- 37 (ii) After adoption, a metropolitan planning organization shall
38 submit a sustainable communities strategy or an alternative
39 planning strategy, if one has been adopted, to the state board for
40 review, including the quantification of the greenhouse gas emission

1 reductions the strategy would achieve and a description of the
2 technical methodology used to obtain that result. Review by the
3 state board shall be limited to acceptance or rejection of the
4 metropolitan planning organization’s determination that the strategy
5 submitted would, if implemented, achieve the greenhouse gas
6 emission reduction targets established by the state board. The state
7 board shall complete its review within 60 days.

8 (iii) If the state board determines that the strategy submitted
9 would not, if implemented, achieve the greenhouse gas emission
10 reduction targets, the metropolitan planning organization shall
11 revise its strategy or adopt an alternative planning strategy, if not
12 previously adopted, and submit the strategy for review pursuant
13 to clause (ii). At a minimum, the metropolitan planning
14 organization must obtain state board acceptance that an alternative
15 planning strategy would, if implemented, achieve the greenhouse
16 gas emission reduction targets established for that region by the
17 state board.

18 (K) Neither a sustainable communities strategy nor an alternative
19 planning strategy regulates the use of land, nor, except as provided
20 by subparagraph (J), shall either one be subject to any state
21 approval. Nothing in a sustainable communities strategy shall be
22 interpreted as superseding the exercise of the land use authority
23 of cities and counties within the region. Nothing in this section
24 shall be interpreted to limit the state board’s authority under any
25 other provision of law. Nothing in this section shall be interpreted
26 to authorize the abrogation of any vested right whether created by
27 statute or by common law. Nothing in this section shall require a
28 city’s or county’s land use policies and regulations, including its
29 general plan, to be consistent with the regional transportation plan
30 or an alternative planning strategy. Nothing in this section requires
31 a metropolitan planning organization to approve a sustainable
32 communities strategy that would be inconsistent with Part 450 of
33 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
34 Regulations and any administrative guidance under those
35 regulations. Nothing in this section relieves a public or private
36 entity or any person from compliance with any other local, state,
37 or federal law.

38 (L) Nothing in this section requires projects programmed for
39 funding on or before December 31, 2011, to be subject to the
40 provisions of this paragraph if they (i) are contained in the 2007

1 or 2009 Federal Statewide Transportation Improvement Program,
2 (ii) are funded pursuant to Chapter 12.49 (commencing with
3 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically
4 listed in a ballot measure prior to December 31, 2008, approving
5 a sales tax increase for transportation projects. Nothing in this
6 section shall require a transportation sales tax authority to change
7 the funding allocations approved by the voters for categories of
8 transportation projects in a sales tax measure adopted prior to
9 December 31, 2010. For purposes of this subparagraph, a
10 transportation sales tax authority is a district, as defined in Section
11 7252 of the Revenue and Taxation Code, that is authorized to
12 impose a sales tax for transportation purposes.

13 (M) A metropolitan planning organization, or a regional
14 transportation planning agency not within a metropolitan planning
15 organization, that is required to adopt a regional transportation
16 plan not less than every five years, may elect to adopt the plan not
17 less than every four years. This election shall be made by the board
18 of directors of the metropolitan planning organization or regional
19 transportation planning agency no later than June 1, 2009, or
20 thereafter 54 months prior to the statutory deadline for the adoption
21 of housing elements for the local jurisdictions within the region,
22 after a public hearing at which comments are accepted from
23 members of the public and representatives of cities and counties
24 within the region covered by the metropolitan planning
25 organization or regional transportation planning agency. Notice
26 of the public hearing shall be given to the general public and by
27 mail to cities and counties within the region no later than 30 days
28 prior to the date of the public hearing. Notice of election shall be
29 promptly given to the Department of Housing and Community
30 Development. The metropolitan planning organization or the
31 regional transportation planning agency shall complete its next
32 regional transportation plan within three years of the notice of
33 election.

34 (N) Two or more of the metropolitan planning organizations
35 for Fresno County, Kern County, Kings County, Madera County,
36 Merced County, San Joaquin County, Stanislaus County, and
37 Tulare County may work together to develop and adopt
38 multiregional goals and policies that may address interregional
39 land use, transportation, economic, air quality, and climate
40 relationships. The participating metropolitan planning organizations

1 may also develop a multiregional sustainable communities strategy,
2 to the extent consistent with federal law, or an alternative planning
3 strategy for adoption by the metropolitan planning organizations.
4 Each participating metropolitan planning organization shall
5 consider any adopted multiregional goals and policies in the
6 development of a sustainable communities strategy and, if
7 applicable, an alternative planning strategy for its region.

8 (3) An action element that describes the programs and actions
9 necessary to implement the plan and assigns implementation
10 responsibilities. The action element may describe all transportation
11 projects proposed for development during the 20-year or greater
12 life of the plan. The action element shall consider congestion
13 management programming activities carried out within the region.

14 (4) (A) A financial element that summarizes the cost of plan
15 implementation constrained by a realistic projection of available
16 revenues. The financial element shall also contain
17 recommendations for allocation of funds. A county transportation
18 commission created pursuant to Section 130000 of the Public
19 Utilities Code shall be responsible for recommending projects to
20 be funded with regional improvement funds, if the project is
21 consistent with the regional transportation plan. The first five years
22 of the financial element shall be based on the five-year estimate
23 of funds developed pursuant to Section 14524. The financial
24 element may recommend the development of specified new sources
25 of revenue, consistent with the policy element and action element.

26 (B) The financial element of transportation planning agencies
27 with populations that exceed 200,000 persons may include a project
28 cost breakdown for all projects proposed for development during
29 the 20-year life of the plan that includes total expenditures and
30 related percentages of total expenditures for all of the following:

- 31 (i) State highway expansion.
- 32 (ii) State highway rehabilitation, maintenance, and operations.
- 33 (iii) Local road and street expansion.
- 34 (iv) Local road and street rehabilitation, maintenance, and
35 operation.
- 36 (v) Mass transit, commuter rail, and intercity rail expansion.
- 37 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
38 maintenance, and operations.
- 39 (vii) Pedestrian and bicycle facilities.
- 40 (viii) Environmental enhancements and mitigation.

1 (ix) Research and planning.

2 (x) Other categories.

3 (C) The metropolitan planning organization or county
4 transportation agency, whichever entity is appropriate, shall
5 consider financial incentives for cities and counties that have
6 resource areas or farmland, as defined in Section 65080.01, for
7 the purposes of, for example, transportation investments for the
8 preservation and safety of the city street or county road system
9 and farm-to-market and interconnectivity transportation needs.
10 The metropolitan planning organization or county transportation
11 agency, whichever entity is appropriate, shall also consider
12 financial assistance for counties to address countywide service
13 responsibilities in counties that contribute toward the greenhouse
14 gas emission reduction targets by implementing policies for growth
15 to occur within their cities.

16 (c) Each transportation planning agency may also include other
17 factors of local significance as an element of the regional
18 transportation plan, including, but not limited to, issues of mobility
19 for specific sectors of the community, including, but not limited
20 to, senior citizens.

21 (d) Except as otherwise provided in this subdivision, each
22 transportation planning agency shall adopt and submit, every four
23 years, an updated regional transportation plan to the California
24 Transportation Commission and the Department of Transportation.
25 A transportation planning agency located in a federally designated
26 air quality attainment area or that does not contain an urbanized
27 area may at its option adopt and submit a regional transportation
28 plan every five years. When applicable, the plan shall be consistent
29 with federal planning and programming requirements and shall
30 conform to the regional transportation plan guidelines adopted by
31 the California Transportation Commission. Prior to adoption of
32 the regional transportation plan, a public hearing shall be held after
33 the giving of notice of the hearing by publication in the affected
34 county or counties pursuant to Section 6061.

35 SEC. 2. Section 75121 of the Public Resources Code is
36 amended to read:

37 75121. (a) The Strategic Growth Council is hereby established
38 in state government and it shall consist of the Director of State
39 Planning and Research, the Secretary of the Resources Agency,
40 the Secretary for Environmental Protection, the Secretary of

1 ~~Business, Transportation and Housing~~ *the Transportation Agency,*
2 the Secretary of California Health and Human Services, *the*
3 *Superintendent of Public Instruction or his or her designee,* and
4 one member of the public to be appointed by the Governor. The
5 public member shall have a background in land use planning, local
6 government, resource protection and management, or community
7 development or revitalization.

8 (b) Staff for the council shall be reflective of the council's
9 membership.

10 SEC. 3. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.