

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY AUGUST 27, 2013

**SENATE BILL**

**No. 99**

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**Introduced by Committee on Budget and Fiscal Review**

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

SB 99, as amended, Committee on Budget and Fiscal Review. 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  
24 scope of the lead agency responsible for assessing the  
25 environmental impact of the proposed transportation improvement.

26 (d) Grant proposals shall be submitted to the Resources Agency  
27 for evaluation in accordance with procedures and criteria prescribed  
28 by the Resources Agency. The Resources Agency shall evaluate  
29 proposals submitted to it and prepare a list of proposals

1 recommended for funding. The list may be revised at any time.  
2 Prior to including a proposal on the list, the Resources Agency  
3 shall make a finding that the proposal is eligible for funding  
4 pursuant to subdivision (f).

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

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

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

15 892.2. (a) The Bicycle Transportation Account is continued  
16 in existence in the State Transportation Fund, and, notwithstanding  
17 Section 13340 of the Government Code, the money in the account  
18 is continuously appropriated to the department for expenditure for  
19 the purposes specified in Section 892.4. Unexpended moneys shall  
20 be retained in the account for use in subsequent fiscal years.

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

23 (c) All assets and liabilities of the Bicycle Transportation  
24 Account shall become assets and liabilities of the State Highway  
25 Account before July 1, 2014.

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27 as of January 1, 2015, is repealed, unless a later enacted statute,  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

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

32 892.4. The department shall allocate and disburse moneys from  
33 the Bicycle Transportation Account according to the following  
34 priorities:

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

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

39 (c) This section shall become inoperative on July 1, 2014, and,  
40 as of January 1, 2015, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2015, deletes or  
2 extends the dates on which it becomes inoperative and is repealed.

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

5 892.5. The Bikeway Account, created in the State  
6 Transportation Fund by Chapter 1235 of the Statutes of 1975, is  
7 continued in effect, and, notwithstanding Section 13340 of the  
8 Government Code, money in the account is hereby continuously  
9 appropriated to the department for expenditure for the purposes  
10 specified in this chapter.

11 All assets and liabilities of the Bikeway Account shall become  
12 assets and liabilities of the State Highway Account before July 1,  
13 2014.

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

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

20 892.6. The Legislature finds and declares that the construction  
21 of bikeways pursuant to this article constitutes a highway purpose  
22 under Article XIX of the California Constitution and justifies the  
23 expenditure of highway funds therefor.

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. 6. Section 893 of the Streets and Highways Code is  
29 amended to read:

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

- 34 (a) New bikeways serving major transportation corridors.
- 35 (b) New bikeways removing travel barriers to potential bicycle  
36 commuters.
- 37 (c) Secure bicycle parking at employment centers, park-and-ride  
38 lots, rail and transit terminals, and ferry docks and landings.
- 39 (d) Bicycle-carrying facilities on public transit vehicles.

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

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

4 (g) Planning.

5 (h) Improvement and maintenance of bikeways.

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

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

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

14 893.2. The department shall not finance projects with the  
15 money in accounts continued in existence pursuant to this article  
16 which could be financed appropriately pursuant to Article 2  
17 (commencing with Section 887), or fully financed with federal  
18 financial assistance.

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

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

25 893.4. If available funds are insufficient to finance completely  
26 any project whose eligibility is established pursuant to Section  
27 893, the project shall retain its priority for allocations in subsequent  
28 fiscal years.

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

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

35 893.6. The department shall make a reasonable effort to  
36 disburse funds in general proportion to population. However, no  
37 applicant shall receive more than 25 percent of the total amounts  
38 transferred to the Bicycle Transportation Account in a single fiscal  
39 year.

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

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

7 894. The department may enter into an agreement with any  
8 city or county concerning the handling and accounting of the  
9 money disbursed pursuant to this article, including, but not limited  
10 to, procedures to permit prompt payment for the work  
11 accomplished.

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

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

18 894.2. The department, in cooperation with county and city  
19 governments, shall adopt the necessary guidelines for implementing  
20 this article.

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

25 SEC. 12. The heading of Chapter 3 (commencing with Section  
26 2100) of Division 3 of the Streets and Highways Code is amended  
27 to read:

28

29 CHAPTER 3. HIGHWAY USERS TAX ACCOUNT

30

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

33 2106. Notwithstanding Section 13340 of the Government Code,  
34 a sum equal to the net revenue derived from one and four  
35 one-hundredths cent (\$0.0104) per gallon tax under the Motor  
36 Vehicle Fuel License Tax Law (Part 2 (commencing with Section  
37 7301) of Division 2 of the Revenue and Taxation Code) shall be  
38 apportioned monthly from the Highway Users Tax Account in the  
39 Transportation Tax Fund among the counties and cities as follows:

1 (a) Four hundred dollars (\$400) per month shall be apportioned  
2 to each city and city and county and eight hundred dollars (\$800)  
3 per month shall be apportioned to each county and city and county.

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

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

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

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

34 (3) The difference between the base sum for each county and  
35 the amount apportioned to the county shall be apportioned to the  
36 cities of that county in the proportion that the population of each  
37 city bears to the total population of all the cities in the county.  
38 Populations used for determining apportionment of money under  
39 Section 2107 are to be used for purposes of this section.

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

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

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

30 (2) For the purpose of meeting the cash obligations associated  
31 with ongoing budgeted costs, a city or county may make use of  
32 any cash balance in the city account that is designated for the  
33 receipt of state funds allocated for local streets and roads or the  
34 county road fund, including that resulting from the receipt of funds  
35 pursuant to the Highway Safety, Traffic Reduction, Air Quality,  
36 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing  
37 with Section 8879.20) of Division 1 of Title 2 of the Government  
38 Code (bond act)) for local streets and roads maintenance, during  
39 the period of this suspension, and the use of this cash shall not be  
40 considered as an expenditure of bond act funds, if the cash is

1 replaced when the payments that are suspended pursuant to this  
2 subdivision are repaid in May 2009.

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

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

9 2333.5. (a) The department, in consultation with the  
10 Department of the California Highway Patrol, shall establish and  
11 administer a “Safe Routes to School” construction program for  
12 construction of bicycle and pedestrian safety and traffic calming  
13 projects.

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

18 (1) Demonstrated needs of the applicant.

19 (2) Potential of the proposal for reducing child injuries and  
20 fatalities.

21 (3) Potential of the proposal for encouraging increased walking  
22 and bicycling among students.

23 (4) Identification of safety hazards.

24 (5) Identification of current and potential walking and bicycling  
25 routes to school.

26 (6) Use of a public participation process, including, but not  
27 limited to, a public meeting that satisfies all of the following:

28 (A) Involves the public, schools, parents, teachers, local  
29 agencies, the business community, key professionals, and others.

30 (B) Identifies community priorities and gathers community  
31 input to guide the development of projects included in the proposal.

32 (C) Ensures that community priorities are reflected in the  
33 proposal.

34 (D) Secures support for the proposal by relevant stakeholders.

35 (7) Benefit to a low-income school, defined for purposes of this  
36 section to mean a school where at least 75 percent of students are  
37 eligible to receive free or reduced-price meals under the National  
38 School Lunch Program.

39 (c) Any annual budget allocation to fund grants described in  
40 subdivision (b) shall be in addition to any federal funding received

1 by the state that is designated for “Safe Routes to School” projects  
2 pursuant to Section 1404 of SAFETEA-LU or any similar program  
3 funded through a subsequent transportation act.

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

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

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

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

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

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

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

33

34 CHAPTER 8. ACTIVE TRANSPORTATION PROGRAM

35

36 2380. There is hereby established the Active Transportation  
37 Program in the department for the purpose of encouraging increased  
38 use of active modes of transportation, such as biking and walking.  
39 It is the intent of the Legislature that the program achieve all of  
40 the following goals:

- 1 (a) Increase the proportion of trips accomplished by biking and
- 2 walking.
- 3 (b) Increase safety and mobility for nonmotorized users.
- 4 (c) Advance the active transportation efforts of regional agencies
- 5 to achieve greenhouse gas reduction goals as established pursuant
- 6 to SB 375 (Chapter 728, Statutes of 2008) and SB 391 (Chapter
- 7 585, Statutes of 2009).
- 8 (d) Enhance public health, including reduction of childhood
- 9 obesity through the use of programs including, but not limited to,
- 10 projects eligible for Safe Routes to School Program funding.
- 11 (e) Ensure that disadvantaged communities fully share in the
- 12 benefits of the program.
- 13 (f) Provide a broad spectrum of projects to benefit many types
- 14 of active transportation users.
- 15 2381. (a) The Active Transportation Program shall be funded
- 16 by state and federal funds from appropriations in the annual Budget
- 17 Act. Funds for the program shall be appropriated to the department,
- 18 for allocation by the commission. The amount to be appropriated
- 19 shall include 100 percent of the federal Transportation Alternative
- 20 Program funds, except for any federal Recreational Trails Program
- 21 funds appropriated to the Department of Parks and Recreation;
- 22 twenty-one million dollars (\$21,000,000) of federal Highway
- 23 Safety Improvement funds or other federal funds; and State
- 24 Highway Account funds. Future funding may be augmented if
- 25 state or federal funds increase, or if other funding sources are
- 26 identified. Funds appropriated for the Active Transportation
- 27 Program shall be distributed as follows:
- 28 (1) Forty percent to metropolitan planning organizations in
- 29 urban areas with populations greater than 200,000, in proportion
- 30 to their relative share of population. Funds allocated under this
- 31 paragraph shall be obligated for eligible projects selected through
- 32 a competitive process by the metropolitan planning organizations
- 33 in consultation with the department and the commission and in
- 34 accordance with guidelines established pursuant to this chapter.
- 35 (2) Ten percent to small urban and rural regions with populations
- 36 of 200,000 or less, with projects competitively awarded by the
- 37 commission to projects in those regions.
- 38 (3) Fifty percent to projects competitively awarded by the
- 39 commission on a statewide basis.

1 (b) For the purpose of paragraph (1) of subdivision (a), the  
2 following shall apply in the region served by the multicounty  
3 designated transportation planning agency described in Section  
4 130004 of the Public Utilities Code:

5 (1) The multicounty designated transportation planning agency  
6 shall consult with the county transportation commissions created  
7 pursuant to Sections 130050, 130050.1, and 132800 of the Public  
8 Utilities Code, the commission, and the department in the  
9 development of competitive selection criteria to be adopted by the  
10 multicounty designated transportation planning agency, which  
11 should include consideration of geographic equity, consistent with  
12 program objectives.

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

17 (3) The multicounty designated transportation planning agency  
18 shall obtain concurrence from the county transportation  
19 commissions, adopt the projects selected in a comprehensive  
20 program of projects, and make funds available to selected project  
21 recipients.

22 (c) The Legislature finds and declares that the program described  
23 in this chapter constitutes a highway purpose under Article XIX  
24 of the California Constitution and justifies the expenditure of  
25 highway funds therefor, and all expenditures of Article XIX funds  
26 under this program shall be consistent with Article XIX.

27 2382. (a) The California Transportation Commission shall  
28 develop guidelines and project selection criteria for the Active  
29 Transportation Program in consultation with the Active  
30 Transportation Program Workgroup, which shall be formed for  
31 purposes of providing guidance on matters including, but not  
32 limited to, development of and subsequent revisions to program  
33 guidelines, schedules and procedures, project selection criteria,  
34 performance measures, and program evaluation. The workgroup  
35 shall include, but not be limited to, representatives of government  
36 agencies and active transportation stakeholder organizations with  
37 expertise in pedestrian and bicycle issues, including Safe Routes  
38 to School programs.

39 (b) The guidelines shall be the complete and full statement of  
40 the policies and criteria that the commission intends to use in

1 selecting projects to be included in the program. The guidelines  
2 shall address subjects that include, but are not limited to, project  
3 eligibility, application timelines, application rating and ranking  
4 criteria, project monitoring, reporting, and transparency, and project  
5 performance measurement.

6 (c) The guidelines shall include a process to ensure that no less  
7 than 25 percent of overall program funds benefit disadvantaged  
8 communities during each program cycle. The guidelines shall  
9 establish a program definition for disadvantaged communities that  
10 may include, but need not be limited to, the definition in Section  
11 39711 of the Health and Safety Code and the definition of  
12 low-income schools in paragraph (7) of subdivision (b) of former  
13 Section 2333.5, as that section read on January 1, 2013. A project  
14 eligible under this subdivision shall clearly demonstrate a benefit  
15 to a disadvantaged community or be directly located in a  
16 disadvantaged community.

17 (d) The California Transportation Commission shall adopt the  
18 guidelines and selection criteria for, and define the types of projects  
19 eligible to be funded through, the program following at least two  
20 public hearings. Projects funded in this program shall be limited  
21 to active transportation projects. The guidelines shall ensure that  
22 eligible projects meet one or more of the goals set forth in Section  
23 2380 and may give increased weight to projects meeting multiple  
24 goals.

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

28 (1) Development of new bikeways and walkways, or  
29 improvements to existing bikeways and walkways, that improve  
30 mobility, access, or safety for nonmotorized users.

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

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

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

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

39 (6) Maintenance of bikeways and walkways.

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

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

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

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

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

16 (1) Demonstrated needs of the applicant.

17 (2) Potential for reducing pedestrian and bicyclist injuries and  
18 fatalities.

19 (3) Potential for encouraging increased walking and bicycling,  
20 especially among students.

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

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

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

27 (7) Benefit to disadvantaged communities. In developing  
28 guidelines relative to this paragraph, the commission shall consider,  
29 but need not be limited to, the definition of disadvantaged  
30 communities as applied pursuant to subdivision (c).

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

33 (9) The adoption by a city or county applicant of a bicycle  
34 transportation plan, pursuant to Section 891.2, a pedestrian plan,  
35 a safe routes to school plan, or an overall active transportation  
36 plan.

37 (10) Use of California Conservation Corps or qualified  
38 community conservation corps, as defined in Section 14507.5 of  
39 the ~~Government~~ *Public Resources* Code, as partners to undertake

1 or construct applicable projects in accordance with Section 1524  
2 of Public Law 112-141.

3 (11) Other factors, such as potential for reducing congestion,  
4 improving air quality, reducing greenhouse gas emissions, and  
5 increasing and improving connectivity and mobility of  
6 nonmotorized users.

7 (g) For the use of federal Transportation Alternative Program  
8 funds, or other federal funds, commission guidelines shall meet  
9 all applicable federal requirements.

10 (h) For the use of federal Highway Safety Improvement Program  
11 funds for active transportation projects specific to reducing  
12 fatalities and serious injuries, the criteria for the selection of  
13 projects shall be based on a data-driven process that is aligned  
14 with the state’s Strategic Highway Safety Plan.

15 (i) The guidelines may include incentives intended to maximize  
16 the potential for attracting funds other than program funds for  
17 eligible projects.

18 (j) In reviewing and selecting projects funded by federal funds  
19 in the Recreational Trails Program, the commission shall  
20 collaborate with the Department of Parks and Recreation to  
21 evaluate proposed projects, and to ensure federal requirements are  
22 met.

23 (k) To ensure that regional agencies charged with allocating  
24 funds to projects pursuant to paragraph (1) of subdivision (a) of  
25 Section 2381 have sufficient discretion to develop regional  
26 guidelines, the commission may adopt separate guidelines for the  
27 state and for the regional agencies relative to subdivision (f).

28 2383. The commission may amend the adopted guidelines after  
29 conducting at least one public hearing. The commission shall make  
30 a reasonable effort to amend the guidelines prior to the call for  
31 projects or may extend the deadline for project submission in order  
32 to comply with the new guidelines.

33 2384. The commission shall adopt a program of projects to  
34 receive allocations under this chapter. The guidelines for an initial  
35 two-year program of projects shall be adopted within six months  
36 of the enactment of the act enacting this section. The commission  
37 shall adopt each subsequent program not later than April 1 of each  
38 odd-numbered year, but may alternatively elect to adopt a program  
39 annually. Each program shall cover a period of four fiscal years,  
40 beginning July 1 of the year of adoption, and shall be a statement

1 of intent by the commission for the allocation or expenditure of  
2 funds during those four fiscal years. The commission shall form  
3 a multidisciplinary advisory group to assist it in evaluating project  
4 applications.

5 2385. The department shall administer the program consistent  
6 with the guidelines adopted pursuant to this chapter.

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

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

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

32 SEC. 17. The sum of ten million dollars (\$10,000,000) is hereby  
33 appropriated from the Environmental Enhancement and Mitigation  
34 Program Fund to the Secretary of the Natural Resources Agency  
35 for grants awarded by the secretary to support local environmental  
36 enhancement and mitigation programs. Notwithstanding any other  
37 provision of law, these funds shall be available for allocation until  
38 June 30, 2015, and available for encumbrance and liquidation by  
39 the recipient local agency until June 30, 2019.

1     SEC. 18. This act is a bill providing for appropriations related  
2 to the Budget Bill within the meaning of subdivision (e) of Section  
3 12 of Article IV of the California Constitution, has been identified  
4 as related to the budget in the Budget Bill, and shall take effect  
5 immediately.

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