

ASSEMBLY BILL

No. 23

**Introduced by Assembly Members Eduardo Garcia, Burke, and
Chiu**

(Principal coauthor: Assembly Member Alejo)

**(Coauthors: Assembly Members Bloom, Cristina Garcia, Gatto,
Roger Hernández, McCarty, Nazarian, Rendon, Santiago, and
Ting)**

September 4, 2015

An act to add Section 14528.2 to the Government Code, and to amend Section 2381 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 23, as introduced, Eduardo Garcia. Transportation.

(1) Existing law requires the Department of Transportation to prepare a State Highway Operation and Protection Program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. Existing law provides for the programming of transportation capital improvement funds for other objectives through the State Transportation Improvement Program administered by the California Transportation Commission, which includes projects recommended by regional transportation planning agencies through adoption of a regional transportation improvement program and projects recommended by the department through adoption of an interregional transportation improvement program, as specified.

This bill, by January 1, 2017, would require the California Transportation Commission to establish a process whereby the department and local agencies receiving funding for highway capital improvements from the State Highway Operation and Protection Program or the State Transportation Improvement Program prioritize projects that provide meaningful benefits to the mobility and safety needs of disadvantaged community residents, as specified.

(2) Existing law creates the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking, with specified available funds to be awarded to eligible projects by the California Transportation Commission and regional transportation agencies, as specified.

This bill would specifically require \$125,000,000 to be appropriated annually from the State Highway Account to the Active Transportation Program, with these additional funds to be used for network grants that prioritize projects in underserved areas, as specified.

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

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

- 1 SECTION 1. Section 14528.2 is added to the Government
- 2 Code, to read:
- 3 14528.2. (a) On or before January 1, 2017, the commission
- 4 shall establish a process whereby the department and local agencies
- 5 receiving funding for highway capital improvements from the State
- 6 Highway Operation and Protection Program or the State
- 7 Transportation Improvement Program prioritize projects that
- 8 provide meaningful benefits to the mobility and safety needs of
- 9 disadvantaged community residents as identified by the community
- 10 through strong public participation. In that regard, the commission
- 11 shall do all of the following:
- 12 (1) Establish a funding floor where no less than 35 percent of
- 13 rehabilitation and reconstruction projects are located in urban and
- 14 rural disadvantaged communities and provide meaningful benefits
- 15 to community residents in those disadvantaged communities.
- 16 (2) Include robust public stakeholder engagement on the
- 17 development of guidelines relating to prioritization of projects in
- 18 disadvantaged communities.

1 (3) Prioritize projects that recruit, hire, and train low-income,
2 formerly incarcerated, or disconnected youth and adults and other
3 individuals with barriers to employment pursuant to Section 14005
4 of the Unemployment Insurance Code, including projects that
5 utilize community workforce agreements, project labor agreements
6 with targeted hire commitments, and partnerships with
7 community-based workforce training entities preparing low-income
8 youth and adults for employment.

9 (b) Each project applicant shall provide a description of how a
10 proposed project located in a disadvantaged community provides
11 meaningful benefits to the community. The location of a project
12 in a disadvantaged community by itself does not mean that the
13 project provides meaningful benefits to that community in the
14 absence of a well-grounded description. In order for a benefit to
15 be meaningful, it shall be direct and assured.

16 (c) As used in this section, “disadvantaged community” means
17 a community with any of the following characteristics:

18 (1) An area with median household income less than 80 percent
19 of the statewide median household income based on the most
20 current census tract-level data from the American Community
21 Survey.

22 (2) An area identified as among the most disadvantaged 25
23 percent of areas in the state according to the California
24 Environmental Protection Agency, based on the latest version of
25 the California Communities Environmental Health Screening Tool
26 (CalEnviroScreen) scores.

27 (3) An area where at least 75 percent of public school students
28 are eligible to receive free or reduced-price meals under the
29 National School Lunch Program. To the extent the characteristics
30 of this paragraph are used to determine that an area is
31 disadvantaged, the applicants shall either demonstrate how the
32 proposed project benefits those public school students in the project
33 area or, if the proposed project does not provide meaningful
34 benefits to those public school students, demonstrate how the
35 characteristics are applicable in determining that the larger
36 community is disadvantaged.

37 SEC. 2. Section 2381 of the Streets and Highways Code is
38 amended to read:

39 2381. (a) The Active Transportation Program shall be funded
40 by state and federal funds from appropriations in the annual Budget

1 Act. Funds for the program shall be appropriated to the department,
 2 for allocation by the commission. The amount to be appropriated
 3 *each year* shall include 100 percent of the federal Transportation
 4 Alternative Program funds, except for any federal Recreational
 5 Trails Program funds appropriated to the Department of Parks and
 6 Recreation; twenty-one million dollars (\$21,000,000) of federal
 7 Highway Safety Improvement funds or other federal funds; and
 8 *one hundred twenty-five million dollars (\$125,000,000) of State*
 9 Highway Account funds. Future funding may be augmented if
 10 state or federal funds increase, or if other funding sources are
 11 identified. Funds appropriated for the Active Transportation
 12 Program shall be distributed as follows:

13 (1) Forty percent to metropolitan planning organizations in
 14 urban areas with populations greater than 200,000, in proportion
 15 to their relative share of population. Funds allocated under this
 16 paragraph shall be obligated for eligible projects selected through
 17 a competitive process by the metropolitan planning organizations
 18 in consultation with the department and the commission and in
 19 accordance with guidelines established pursuant to this chapter.

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

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

25 (b) For the purpose of paragraph (1) of subdivision (a), the
 26 following shall apply in the region served by the multicounty
 27 designated transportation planning agency described in Section
 28 130004 of the Public Utilities Code:

29 (1) The multicounty designated transportation planning agency
 30 shall consult with the county transportation commissions created
 31 pursuant to Sections 130050, 130050.1, and 132800 of the Public
 32 Utilities Code, the commission, and the department in the
 33 development of competitive selection criteria to be adopted by the
 34 multicounty designated transportation planning agency, which
 35 should include consideration of geographic equity, consistent with
 36 program objectives.

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

1 (3) The multicounty designated transportation planning agency
2 shall obtain concurrence from the county transportation
3 commissions, adopt the projects selected in a comprehensive
4 program of projects, and make funds available to selected project
5 recipients.

6 (c) *For each two-year program of projects, network grants shall*
7 *be awarded to eligible applicants from the one hundred twenty-five*
8 *million dollars (\$125,000,000) appropriated annually to the*
9 *program from the State Highway Account. Network grants shall*
10 *be in an amount of between twenty-five million dollars*
11 *(\$25,000,000) and fifty million dollars (\$50,000,000), and shall*
12 *be awarded consistent with the percentage allocation requirements*
13 *in paragraphs (1), (2), and (3) of subdivision (a). Network grants*
14 *shall be available to applicants that prioritize projects in*
15 *underserved areas that lack pedestrian or bicycle facilities, or*
16 *both, that address the least-safe intersections and corridors*
17 *identified through community input or within the local master*
18 *plans for pedestrian or bicycle facilities, trails, or safe routes to*
19 *school, and that advance the interests of metropolitan planning*
20 *organizations to achieve greenhouse gas reduction goals in*
21 *sustainable communities strategies in regional transportation*
22 *plans adopted pursuant to Section 65080 of the Government Code.*
23 *A minimum of one-third of funding available for network grants*
24 *shall be used for safe routes to school projects and, of that amount,*
25 *a minimum of 10 percent and a maximum of 30 percent shall be*
26 *used to fund noninfrastructure programs that support education,*
27 *community engagement, evaluation, and traffic enforcement. The*
28 *commission shall amend the guidelines adopted pursuant to Section*
29 *2382 in the manner specified in Section 2383 consistent with the*
30 *requirements of this subdivision.*

31 ~~(e)~~

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

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