

**ASSEMBLY BILL**

**No. 2332**

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**Introduced by Assembly Member Eduardo Garcia**

February 18, 2016

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An act to add Section 14528.2 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2332, as introduced, Eduardo Garcia. Transportation.

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, 2018, 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. The bill would require the commission to adopt guidelines to implement these

provisions and would authorize the commission to withhold future funding allocations to an applicant from these programs if it determines that previous use of funding by the applicant has not adequately furthered the objectives of these provisions. The bill would require the commission to report biannually to the Legislature in this regard.

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, 2018, 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. Projects that provide  
11 meaningful benefits in this regard shall include, but are not limited  
12 to, any of the following:

13 (1) Construction of new walkways, bikeways, and crossing  
14 facilities, or improvements to existing bikeways, walkways, and  
15 crossing facilities, that improve mobility, access, and safety for  
16 nonmotorized users in disadvantaged communities, and that  
17 connect residents to community-identified amenities such as transit  
18 stops, employment centers, schools, medical facilities, grocery  
19 stores, and other community services.

20 (2) Transit capital improvements that address  
21 community-identified mobility and safety needs, including, but  
22 not limited to, shelters, benches, and lighting.

23 (3) Open space preservation adjoining parallel active  
24 transportation routes, providing for recreation and wildlife  
25 connectivity, or buffers to minimize impacts of air pollution.

26 (4) Pedestrian or bicycle traffic control devices to improve the  
27 safety of nonmotorized users.

28 (b) In order to implement subdivision (a), the commission shall  
29 do all of the following:

1 (1) Establish a funding floor where no less than 35 percent of  
2 rehabilitation and reconstruction projects are located in urban and  
3 rural disadvantaged communities and provide meaningful benefits  
4 to community residents in those disadvantaged communities.

5 (2) Include robust public stakeholder engagement on the  
6 development of guidelines relating to prioritization of projects in  
7 disadvantaged communities. The engagement shall include at least  
8 two public hearings in each region around the state at locations  
9 that are accessible by public transit and that are held at times that  
10 are convenient for disadvantaged community residents, with the  
11 provision of translation services to ensure meaningful participation  
12 by non-English-speaking residents. “Region,” for the purpose of  
13 this paragraph, means southern California, the Inland Empire,  
14 northern California, and the San Joaquin Valley.

15 (3) Adopt guidelines and performance criteria for the department  
16 and local agencies relative to social, economic, and regional equity  
17 and public health impacts of highway projects funded from the  
18 State Highway Operation and Protection Program or the State  
19 Transportation Improvement Program.

20 (4) Require the lead agency on each project to provide a  
21 description of how a proposed project located in a disadvantaged  
22 community provides meaningful benefits to the community. The  
23 location of a project in a disadvantaged community by itself does  
24 not mean that the project provides meaningful benefits to that  
25 community in the absence of a well-grounded description. In order  
26 for a benefit to be meaningful, it shall be direct and assured.

27 (5) Prioritize projects that recruit, hire, and train low-income,  
28 formerly incarcerated, or disconnected youth and adults and other  
29 individuals with barriers to employment pursuant to Section 14005  
30 of the Unemployment Insurance Code, including projects that  
31 utilize community workforce agreements, project labor agreements  
32 with targeted hire commitments, and partnerships with  
33 community-based workforce training entities preparing low-income  
34 youth and adults for employment.

35 (6) Require the lead agency on each project to report to the  
36 commission with documentation on each of the following upon  
37 completion of the project:

38 (A) A description of and the location of the project, including  
39 a map that delineates the location of targeted persons that will  
40 benefit from the project in relationship to the project site.

1 (B) The amount of funds expended on the project.

2 (C) The completion date of the project.

3 (D) The project's estimated useful life.

4 (E) A description of mobility benefits provided as a result of  
5 the project to transit, bicycling, and pedestrians.

6 (F) A description of the community engagement process and  
7 its accessibility to disadvantaged community residents, and the  
8 contribution of that process to identification of benefits to those  
9 residents from the project and resident engagement in  
10 implementation of project.

11 (G) An analysis of how mobility benefits of the project are  
12 accessible to disadvantaged community residents within the project  
13 area.

14 (H) A description and, if feasible, a quantification of the public  
15 health and safety, economic, and environmental cobenefits resulting  
16 from the project. To the extent the performance criteria for each  
17 cobenefit category have not been met, documentation shall be  
18 provided that identifies any statutory or regulatory barriers, or  
19 alternatively, a demonstrated absence of need.

20 (I) Documentation of the number of disadvantaged project area  
21 residents or individuals with employment barriers who were  
22 employed by the project or were provided workforce training  
23 opportunities through the project, including hours worked, hourly  
24 wage, types of benefits, occupation or trainee classification, and  
25 documentation of any partnerships with community based  
26 workforce training entities preparing low-income youth and adults  
27 for employment.

28 (J) Levels of particulate matter, oxides of nitrogen, and sulphur  
29 oxides in the project area prior to completion of the project, and  
30 projected levels upon completion of the project.

31 (K) An analysis of the air pollution burden on low-income and  
32 disadvantaged community residents within the project area.

33 (7) Evaluate the documentation provided pursuant to paragraph  
34 (6) to determine the effectiveness of each completed project relative  
35 to all of the following:

36 (A) Improvement of access and mobility for disadvantaged  
37 community residents and connection to community-identified  
38 amenities.

1 (B) Improvement of public health and air quality in the project  
2 area, and particularly benefits and burdens on disadvantaged  
3 community residents.

4 (C) Improvement of access to workforce development  
5 opportunities and living wage jobs and careers for individuals with  
6 barriers to employment and disadvantaged community residents.

7 (c) The commission may withhold future funding allocations  
8 to an applicant from the State Highway Operation and Protection  
9 Program and the State Transportation Improvement Program if it  
10 determines that previous use of funding by the applicant has not  
11 adequately furthered the objectives of subdivision (a).

12 (d) The commission shall provide a biannual report to the  
13 Legislature on the implementation of this section. The report shall  
14 be submitted pursuant to Section 9795 of the Government Code.

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

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

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

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