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.


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

1. **SECTION 1.** Section 14528.2 is added to the Government Code, to read:

14528.2. (a) On or before January 1, 2018, the commission shall 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 identified by the community through strong public participation. Projects that provide meaningful benefits in this regard shall include, but are not limited to, any of the following:

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

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

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

4. Pedestrian or bicycle traffic control devices to improve the safety of nonmotorized users.

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

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

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

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

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

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

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

(A) A description of and the location of the project, including
a map that delineates the location of targeted persons that will
benefit from the project in relationship to the project site.
(B) The amount of funds expended on the project.
(C) The completion date of the project.
(D) The project’s estimated useful life.
(E) A description of mobility benefits provided as a result of the project to transit, bicycling, and pedestrians.
(F) A description of the community engagement process and its accessibility to disadvantaged community residents, and the contribution of that process to identification of benefits to those residents from the project and resident engagement in implementation of project.
(G) An analysis of how mobility benefits of the project are accessible to disadvantaged community residents within the project area.
(H) A description and, if feasible, a quantification of the public health and safety, economic, and environmental cobenefits resulting from the project. To the extent the performance criteria for each cobenefit category have not been met, documentation shall be provided that identifies any statutory or regulatory barriers, or alternatively, a demonstrated absence of need.
(I) Documentation of the number of disadvantaged project area residents or individuals with employment barriers who were employed by the project or were provided workforce training opportunities through the project, including hours worked, hourly wage, types of benefits, occupation or trainee classification, and documentation of any partnerships with community based workforce training entities preparing low-income youth and adults for employment.
(J) Levels of particulate matter, oxides of nitrogen, and sulphur oxides in the project area prior to completion of the project, and projected levels upon completion of the project.
(K) An analysis of the air pollution burden on low-income and disadvantaged community residents within the project area.
(7) Evaluate the documentation provided pursuant to paragraph (6) to determine the effectiveness of each completed project relative to all of the following:
(A) Improvement of access and mobility for disadvantaged community residents and connection to community-identified amenities.
(B) Improvement of public health and air quality in the project area, and particularly benefits and burdens on disadvantaged community residents.

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

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

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

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

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

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

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