

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2796

Introduced by Assembly Members ~~Low and Bloom~~ *Bloom and Low*

February 19, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2796, as amended, ~~Low Bloom~~. Active Transportation Program.

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. Existing law requires the commission to award 50% and 10% of available funds to projects statewide and to projects in small urban and rural regions, respectively, with the remaining 40% of available funds to be awarded to projects by metropolitan planning organizations, with the funds available for distribution by each metropolitan planning organization based on its relative population.

This bill would require a minimum of 5% of available funds in each of the 3 distribution categories to be awarded for planning and community engagement for active transportation in disadvantaged communities. ~~The bill would also require~~ *communities and* a minimum of 10% ~~and a maximum of 30%~~ of all available Active Transportation Program funds to be programmed for noninfrastructure ~~purposes~~. *purposes, except as provided.*

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 2381 of the Streets and Highways Code
2 is amended to read:

3 2381. (a) The Active Transportation Program shall be funded
4 by state and federal funds from appropriations in the annual Budget
5 Act. Funds for the program shall be appropriated to the department,
6 for allocation by the commission. The amount to be appropriated
7 shall include 100 percent of the federal Transportation Alternative
8 Program funds, except for any federal Recreational Trails Program
9 funds appropriated to the Department of Parks and Recreation;
10 twenty-one million dollars (\$21,000,000) of federal Highway
11 Safety Improvement funds or other federal funds; and State
12 Highway Account funds. Future funding may be augmented if
13 state or federal funds increase, or if other funding sources are
14 identified. Funds appropriated for the Active Transportation
15 Program shall be distributed as follows:

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

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

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

28 (b) (1) For each of the funding distribution categories in
29 paragraphs (1) to (3), inclusive, of subdivision (a), a minimum of
30 5 percent of available funds shall be awarded for planning and
31 community engagement for active transportation in disadvantaged
32 communities.

33 (2) A minimum of 10 percent ~~and a maximum of 30 percent~~ of
34 the total funding available for distribution pursuant to subdivision
35 (a) shall be programmed for noninfrastructure activities, including

1 activities relating to safe routes to school. *If a project contains*
2 *both infrastructure and noninfrastructure activities, only the*
3 *portion of funding used for noninfrastructure activities shall*
4 *contribute to meeting the minimum percentage required by this*
5 *paragraph.*

6 (3) *If applications submitted in any funding cycle are not*
7 *sufficient to exceed a minimum percentage required by paragraph*
8 *(1) or (2), the applicable funds that would otherwise be required*
9 *to be used for the purpose described in paragraph (1) or (2) may*
10 *be expended for other authorized purposes.*

11 (c) For the purpose of paragraph (1) of subdivision (a), the
12 following shall apply in the region served by the multicounty
13 designated transportation planning agency described in Section
14 130004 of the Public Utilities Code:

15 (1) The multicounty designated transportation planning agency
16 shall consult with the county transportation commissions created
17 pursuant to Sections 130050, 130050.1, and 132800 of the Public
18 Utilities Code, the commission, and the department in the
19 development of competitive selection criteria to be adopted by the
20 multicounty designated transportation planning agency, which
21 should include consideration of geographic equity, consistent with
22 program objectives.

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

27 (3) The multicounty designated transportation planning agency
28 shall obtain concurrence from the county transportation
29 commissions, adopt the projects selected in a comprehensive
30 program of projects, and make funds available to selected project
31 recipients.

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.