

AGENDA
Legislative Policy Committee Meeting
May 11, 2022

9:45 AM

Location

San Bernardino County Transportation Authority
First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410

Legislative Policy Committee Membership

Chair - President

Curt Hagman, Supervisor
County of San Bernardino

Vice Chair – Vice President

Mayor Pro Tem Art Bishop
Town of Apple Valley

Past President

Mayor Frank Navarro
City of Colton

Mayor Larry McCallon
City of Highland

Mayor Pro Tem Alan Wapner
City of Ontario

Mayor Pro Tem Rick Denison
Town of Yucca Valley

Janice Rutherford, Supervisor
County of San Bernardino

**San Bernardino County Transportation Authority
San Bernardino Council of Governments**

AGENDA

Legislative Policy Committee

**May 11, 2022
9:45 AM**

Location

**SBCTA Office
First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410**

Items listed on the agenda are intended to give notice to members of the public of a general description of matters to be discussed or acted upon. The posting of the recommended actions does not indicate what action will be taken. The Board may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

<p>To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional <i>“Meeting Procedures”</i> and agenda explanations are attached to the end of this agenda.</p>
--

CALL TO ORDER

(Meeting Chaired by Curt Hagman)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications – Julie Perales

Possible Conflict of Interest Issues

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

1. Information Relative to Possible Conflict of Interest

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

This item is prepared for review by Board and Committee members.

Pg. 9

DISCUSSION ITEMS

Discussion - Legislative/Public Outreach

2. State Legislative Update

Pg. 10

Receive the May 2022 State Legislative Update and provide direction as appropriate.

Presenter: Louis Vidaure

This item is not scheduled for review by any other policy committee or technical advisory committee.

3. Bill Recommendation

Pg. 33

That the Legislative Policy Committee, on behalf of the San Bernardino County Transportation Authority Board of Directors, adopt the following recommended positions on the current state legislation:

A. Approve an oppose position on Assembly Bill 1778 (Garcia) regarding a prohibition on freeway expansion projects.

B. Approve an oppose position on Assembly Bill 2237 (Friedman) regarding regional transportation improvement plans, sustainable communities strategies and climate goals.

C. Approve an oppose position on Assembly Bill 2438 (Friedman) regarding transportation funding; alignment with state plans and greenhouse gas emissions reduction standards.

D. Approve an oppose position on Assembly Bill 2594 (Ting) regarding vehicle registration and toll charges.

Presenter: Louis Vidaure

This item is not scheduled for review by any other policy committee or technical advisory committee.

4. Federal Legislative Update

Pg. 86

Receive the May 2022 Federal Legislative Update and provide direction as appropriate.

Presenter: Louis Vidaure

This item is not scheduled for review by any other policy committee or technical advisory committee.

Public Comment

Brief Comments from the General Public

Comments from Board Members

Brief Comments from Board Members

ADJOURNMENT

Additional Information

Attendance

Pg. 88

Acronym List

Pg. 89

Mission Statement

Pg. 91

The next Legislative Policy Committee Meeting is scheduled for June 8, 2022.

Meeting Procedures and Rules of Conduct

Meeting Procedures - The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility - The meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk can be reached by phone at (909) 884-8276 or via email at clerkoftheboard@gosbcta.com and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at www.gosbcta.com/board/meetings-agendas/ at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed online at that web address. Agendas are also posted at 1170 W. 3rd Street, 1st Floor, San Bernardino at least 72 hours in advance of the meeting.

Agenda Actions – Items listed on both the “Consent Calendar” and “Discussion” contain recommended actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors or unanimous vote of members present as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

Closed Session Agenda Items – Consideration of closed session items excludes members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a “Request to Speak” form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for each item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations. Members of the public requesting information be distributed to the Board of Directors must provide 40 copies of such information in advance of the meeting, except for noticed public hearings. Information provided as public testimony is not read into the record by the Clerk.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board’s authority. Matters raised under “Public Comment” may not be acted upon at that meeting. “Public Testimony on any Item” still applies.

Disruptive or Prohibited Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive or prohibited conduct includes without limitation addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner. Your cooperation is appreciated!

General Practices for Conducting Meetings of Board of Directors and Policy Committees

Attendance.

- The Chair of the Board or a Policy Committee (Chair) has the option of taking attendance by Roll Call or Self-Introductions. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The Member or Alternate will respond by stating his/her name. If attendance is by Self-Introduction, the Member or Alternate will state his/her name and jurisdiction or supervisorial district.
- A Member/Alternate, who arrives after attendance is taken, shall announce his/her name prior to voting on any item.
- A Member/Alternate, who wishes to leave the meeting after attendance is taken but before remaining items are voted on, shall announce his/her name and that he/she is leaving the meeting.

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.
- The “aye” votes in favor of the motion shall be made collectively. Any Member who wishes to oppose or abstain from voting on the motion, shall individually and orally state the Member’s “nay” vote or abstention. Members present who do not individually and orally state their “nay” vote or abstention shall be deemed, and reported to the public, to have voted “aye” on the motion.

The Vote as specified in the SANBAG Bylaws.

- Each Member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he or she would like to amend his or her motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is voted upon first, and if it fails, then the original motion is considered.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a Member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

Revised March 2014

Revised May 4, 2016

Minute Action

AGENDA ITEM: 1

Date: May 11, 2022

Subject:

Information Relative to Possible Conflict of Interest

Recommendation:

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

Background:

In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
		None	

Financial Impact:

This item has no direct financial impact on the Budget.

Reviewed By:

This item is prepared for review by Board and Committee members.

Responsible Staff:

Otis Greer, Director of Legislative and Public Affairs

Approved
Legislative Policy Committee
Date: May 11, 2022

Witnessed By:

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 2

Date: May 11, 2022

Subject:

State Legislative Update

Recommendation:

Receive the May 2022 State Legislative Update and provide direction as appropriate.

Background:

The Assembly and the Senate reconvened on April 18, 2022 from their Spring Recess. When they returned to Sacramento, they faced the April 29, 2022 deadline for policy committees to hear and report fiscal bills introduced in their house of origin to the respective Appropriations Committees. An overwhelming majority of bills are considered to have a fiscal impact on the state. However, for those measures that are not fiscally tagged, May 6, 2022 is the deadline for policy committees to hear and report those bills directly to the floor.

As it relates to legislation, the focus in early May 2022 will be on the respective Appropriations Committees, which will decide the fate of hundreds of bills in each house. Bills that meet the Committee's cost threshold will be placed on the Suspense File. On May 19, 2022 the vote-only Suspense File Hearings will be held.

The Department of Finance (DOF) published its April Finance Bulletin, which provides an economic update and cash report. According to the bulletin, California continues to exceed its revenue expectations. Specifically, the bulletin stated that cash receipts for the first nine months of the 2021-22 fiscal year were \$17.35 billion above the 2022-23 Governor's Budget forecast of \$138.348 billion. However, cash receipts for the month of March 2022 were \$199 million below the forecast of \$21.047 billion. Nonetheless, it is anticipated that California will have a significant amount of money to spend in the upcoming budget cycle.

Also, the Legislative Analyst's Office (LAO) released an interim update to its formal revenue outlook for 2021-22. According to the LAO estimates, it is "virtually certain" that collections from the state's "big three" taxes—personal income, sales, and corporation taxes—will significantly exceed the Governor's Budget assumption of \$185 billion. The LAO estimates that there will be somewhere between \$33 billion and \$39 billion in unanticipated revenue. This is slightly less than the Governor's January budget proposal which included a surplus of \$45.7 billion. However, the LAO did caution that the implications of unanticipated revenues for the state's budget are not straightforward as the Legislature could face constraints due to the State Appropriations Limit (SAL), also known as the Gann Limit.

Governor Newsom will release the May Revise, which reflects changes to his proposed budget based on the latest economic forecasts. We expect this update to come from the Governor by mid-May. The May Revise marks the start of what will be a month of negotiations with legislators. The budget, with any legislative adjustments, must be finalized by June 15, 2022 in time for the Governor to sign the package and for the new fiscal year to begin on July 1, 2022.

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

Legislative Policy Committee Agenda Item

May 11, 2022

Page 2

Upcoming Legislative Deadlines:

- May 6 – Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.
- May 13 – Last day for policy committees to meet prior to May 31.
- May 20 – Last day for fiscal committees to hear and report to the floor bills introduced in their house.
- May 23-27 – Floor session only, no committees may meet except Rules.
- May 27 – Last day for each house to pass bills introduced in that house.
- May 31 – Committee meetings may resume.

Attachment A contains a list of legislative bills that the San Bernardino County Transportation Authority (SBCTA)/San Bernardino Associated Governments (SBCOG) have taken a position on. Attachment B reflects bills of interest to SBCTA and SBCOG.

Financial Impact:

This item has no financial impact on the Fiscal Year 2021/2022 Budget.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Louis Vidaure, Management Analyst II

Approved
Legislative Policy Committee
Date: May 11, 2022

Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

Attachment A

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - May 2022

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
AB 1260 (Chen)	Exempt from the requirements of the California Environmental Quality Act (CEQA) projects by a public transit agency to construct or maintain infrastructure to charge or refuel zero-emission trains.	Held in Senate Appropriations Committee, DEAD (8/27/21)	Support / Sponsor	3/10/2021
SB 9 (Atkins)	Would require a local government to ministerially approve a housing development containing two residential units in single-family residential zones. Would also require local governments to ministerially approve urban lot splits.	Approved by the Governor. (9/16/21)	Oppose	3/10/2021
AB 1296 (Kamlager)	Would increase the number of members of the board of the South Coast Air Quality Management District to 15 members by adding 2 environmental justice appointees, one appointed by the Senate Committee on Rules and one appointed by the Speaker of the Assembly.	Failed committee deadline, DEAD (1/21/22)	Oppose	3/10/2021
SB 266 (Newman)	Provide assistance acquiring and accepting land immediately adjacent to, and that expands, Chino Hills State Park, by transferring three properties into the state park system.	Approved by the Governor. (10/09/21)	Support	4/14/2021

Attachment: Bill position matrix 5-22 (8200 : State Legislative Update)

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - May 2022

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
SB 623 (Newman)	Update SB 1268 to be consistent with the Legislature's intent to protect toll road users' information from being used inappropriately while also ensuring toll agencies can operate their business without litigation.	Failed committee deadline, 2 year bill (4/30/21)	Support	4/14/2021
AB 703 (Rubio)	Remove the requirements of the Ralph M. Brown Act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment.	Failed committee deadline, DEAD (1/21/22)	Support	4/14/2021
AB 744 (Rodriguez)	Allow the California Department of Transportation to relinquish approximately eight miles of State Route 83 to the City of Ontario.	Approved by the Governor. (9/22/21)	Support	4/14/2021
SB 278 (Leyva)	Establish new procedures and requirements for employees covered by the California Public Employee Retirement System (CalPERS) in cases where their pensionable benefits are erroneously calculated and reported to CalPERS by their employer.	Approved by the Governor. (9/22/27)	Work With Author	4/14/2021
SB 840 (Holden)	Require the county transportation commissions in the Counties of Los Angeles and San Bernardino to jointly develop, in consultation with certain governmental agencies, a funding and implementation program for regional transit services to include service to international airports within the multicounty region.	Failed committee deadline, DEAD (1/14/22)	Oppose	4/14/2021

Attachment: Bill position matrix 5-22 (8200 : State Legislative Update)

SAN BERNARDINO COUNTY
TRANSPORTATION AUTHORITY (SBCTA) / COUNCIL OF GOVERNMENTS (SBCOG)
LEGISLATIVE BILL POSITIONS - May 2022

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
SB 922 (Weiner)	Removes the sunsets on the CEQA exemptions contained in SB 288 which will help to continue streamlining approvals for critical transportation projects.	Senate Floor Third Reading (4/19/22)	Support	3/9/2022
AB 2120 (Ward)	Applies formula from the former federal Highway Bridge Replacement and Rehabilitation Program to the distribution of new bridge formula funding from the Infrastructure Investment and Jobs Act (IIJA), allocating 55% to local projects.	Assembly Appropriations Committee (3/29/22)	Support	3/9/2022
SB 942 (Newman)	Allows transit agencies to use of LCTOP funds for on-going reduced or free transit fare programs.	Senate Floor Third Reading (4/19/22)	Support	3/9/2022

Attachment: Bill position matrix 5-22 (8200 : State Legislative Update)

Attachment B

Status Report

Thursday, April 28, 2022

AB 682 Bloom D (Dist. 50) Planning and zoning: density bonuses: cohousing buildings.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, commonly referred to as the Density Bonus Law, requires a city or county to provide a developer that proposes a housing development within the city or county with a density bonus and other incentives or concessions, as specified, if the developer agrees to construct, among other options, specified percentages of units for moderate-income, lower income, or very low income households and meets other requirements. This bill would additionally require that a density bonus be provided under these provisions to a developer who agrees to construct a housing development that is a cohousing building, as defined, that meets specified requirements and will contain either 10% of the total square footage for lower income households, as defined, or 5% of the total square footage for very low income households, as defined.

Position: Watch

AB 916 Salas D (Dist. 32) Zoning: accessory dwelling units: bedroom addition.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances that regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes. This bill would prohibit a city or county legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of adding space for additional bedrooms or reconfiguring existing space to increase the bedroom count within an existing house, condominium, apartment, or dwelling. The bill would include findings that ensuring adequate housing is a matter of statewide concern and is not a municipal affair, and that the provision applies to all cities, including charter cities. This bill contains other related provisions and other existing laws.

Position: Watch

AB 1154 Patterson R (Dist. 23) California Environmental Quality Act: exemption: egress route projects: fire safety.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2029, exempt from CEQA egress route projects undertaken by a public agency to improve emergency access to and evacuation from a subdivision without a secondary egress if the State Board of Forestry and Fire Protection has recommended the creation of a secondary access to the subdivision and certain conditions are met. The bill would require the lead agency to hold a noticed public meeting to hear and respond to public comments before determining that a project is exempt. The bill would require the lead agency, if it determines that a project is not subject to CEQA and approves or carries out that project, to file a notice of exemption with the Office of Planning and Research and with the clerk of the county in which the project will be located.

AB 1384 Gabriel D (Dist. 45) Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the Natural Resources Agency to release a draft of the state's climate adaptation strategy, known as the Safeguarding California Plan, by January 1, 2017, and every 3 years thereafter, to update the plan

by July 1, 2017, and every 3 years thereafter, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Existing law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives. This bill would instead require the agency to release the draft plan by January 1, 2024, and every 3 years thereafter, and to update the plan by July 1, 2024, and every 3 years thereafter.

AB 1445 Levine D (Dist. 10) Planning and zoning: regional housing need allocation: climate change impacts.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, commencing January 1, 2025, require that a council of governments, a delegate subregion, or the Department of Housing and Community Development, as applicable, additionally consider among these factors emergency evacuation route capacity, wildfire risk, sea level rise, and other impacts caused by climate change.

AB 1624 Ting D (Dist. 19) Budget Act of 2022.

Location: ASSEMBLY BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would make appropriations for the support of state government for the 2022–23 fiscal year. This bill contains other related provisions.

Position: Watch

AB 1626 Nguyen R (Dist. 72) Motor Vehicle Fuel Tax Law: limitation on adjustment.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law, the Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Existing law requires the department to annually adjust the tax imposed by increasing the rates based on the California Consumer Price Index, as specified. This bill would limit the above-described annual adjustment to a maximum of 2% for rate adjustments made on or after July 1, 2023. This bill contains other related provisions.

AB 1638 Kiley R (Dist. 6) Motor Vehicle Fuel Tax Law: suspension of tax.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would suspend the imposition of the tax on motor vehicle fuels for 6 months. The bill would direct the Controller to transfer a specified amount from the General Fund to the Motor Vehicle Fuel Account in the Transportation Tax Fund. By transferring General Fund moneys to a continuously appropriated account, this bill would make an appropriation.

AB 1679 Fong R (Dist. 34) Governor's Office of Business and Economic Development: California Business Investment Services Program: Supply Chain Senior Advisor.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Economic Revitalization Act, establishes the Governor's Office of Business and Economic Development, known as "GO-Biz," under the authority of a director appointed by the Governor, within the Governor's office, to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. This bill would require the director to appoint a Supply Chain Senior Advisor within the office to be the principal advocate in the state for the interests

of business and industry related to supply chain development and operation and to advise the director on legislation, administrative regulations, and other issues affecting the state's supply chain.

Position: Watch

AB 1680 Lee D (Dist. 25) Transportation: prohibition orders.

Location: ASSEMBLY THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Sacramento Regional Transit District, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, and the San Francisco Bay Area Rapid Transit District (BART) to issue a prohibition order to any person who is cited 3 times within a period of 90 days for specified infractions committed in or on a vehicle, bus stop, or train or light rail station of a transit district or a property, facility, or vehicle upon which BART owes policing responsibilities, or to any person who is arrested or convicted for a misdemeanor or felony committed in or on a vehicle, bus stop, or light rail station of the transit district for acts involving violence, threats of violence, lewd or lascivious behavior, or possession for sale or sale of a controlled substance. Current law makes those prohibition orders subject to an automatic stay and prohibits a prohibition order from taking effect until the latest of 11 calendar days after delivery of the prohibition order, 11 calendar days after delivery of the results of a timely requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested, as specified. This bill would instead prohibit a prohibition order from taking effect until the latest of 12, rather than 11, calendar days after delivery of the prohibition order, 12, rather than 11, calendar days after delivery of the results of a timely requested initial review of the prohibition order, or the date a hearing officer's decision is delivered if an administrative hearing was timely requested.

AB 1727 Medina D (Dist. 61) Public works: fees: small business.

Location: ASSEMBLY L. & E.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law generally requires a contractor or subcontractor to be registered with the Department of Industrial Relations to be qualified to bid on, be listed in a bid proposal, or engage in the performance of any public work contract. Current law requires a contractor or subcontractor to meet specific conditions to qualify for this registration, including, among other things, to pay a \$400 application fee to qualify for registration and to pay an annual renewal fee. This bill would reduce the application and annual renewal fee for a small business, as defined, to \$200. The bill would prohibit the application and renewal fee for a contractor or subcontractor that does not qualify as a small business from being increased to support the above-described fee decrease.

Position: Watch

AB 1749 Garcia, Cristina D (Dist. 58) Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Existing law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy, known as the "Community Air Protection Blueprint" or "Blueprint," to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. This bill would require the state board to identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants. The bill would authorize an air district that is required to adopt a community emissions reduction program to take up to one additional year to adopt the program, if the community steering committee agrees. The bill would require an air district that is required to adopt a community emissions reduction program to additionally include in its annual report a summary of updates to the program made to ensure consistency with the statewide strategy.

AB 1778 Garcia, Cristina D (Dist. 58) State transportation funding: freeway projects: poverty and pollution: Department of Transportation.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. Current law requires the department to prepare and submit to the Governor a proposed budget, as provided. This bill would require the department to consult the California Healthy Places Index, as defined, as a condition of using state funds or personnel time to fund or permit freeway projects, as provided. The bill would require the department to analyze housing and environmental variables through the index, as provided, and would prohibit any state funds or personnel time from being used to fund or permit freeway projects in areas that fall within the zero to 50th percentile on the housing and environmental variables analyzed through the index, as provided.

Position: Watch

AB 1795 Fong R (Dist. 34) Open meetings: remote participation.

Location: ASSEMBLY G.O.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Bagley-Keene Open Meeting Act, requires state bodies to allow all persons to attend meetings and provide an opportunity for the public to address the state body regarding any item included in its agenda, except as specified. This bill would require state bodies, subject to existing exceptions, to provide all persons the ability to participate both in-person and remotely, as defined, in any meeting and to address the body remotely.

AB 1833 Ward D (Dist. 78) San Diego Metropolitan Transit Development Board: North County Transit District: consolidated agency: public contracting.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Mills-Deddeh Transit Development Act establishes the San Diego Metropolitan Transit Development Board, also known as the San Diego Metropolitan Transit System, with specified powers and duties related to the operation of public transit services in a portion of the County of San Diego. Current law requires the board, North County Transit District, and consolidated agency to follow specified procedures when contracting for certain services, the acquisition or lease of materials, supplies, or equipment, architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. Existing law requires those entities to follow different procedures when the amount of the contract exceeds specified thresholds. This bill would increase those thresholds from \$100,000, or \$50,000 in certain instances, to \$150,000, and would make other clarifying changes, as specified.

AB 1919 Holden D (Dist. 41) Youth Transit Pass Pilot Program: free youth transit passes: eligibility for state funding.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law declares that the fostering, continuance, and development of public transportation systems are a matter of state concern. Current law authorizes the Department of Transportation to administer various programs and allocates moneys for various public transportation purposes. Under the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, revenues from a 1/4% sales tax in each county are available, among other things, for allocation by the transportation planning agency to transit operators, as specified. Current law establishes the State Transit Assistance Program for the purpose of providing a source of state funding to eligible public transportation operators and other transportation agencies in order to support their local and regional transit operating and capital needs. Current law establishes the Low Carbon Transit Operations Program to provide operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Existing law conditions transit funding from certain programs on achieving specified ratios of fare revenues to operating costs. This bill would require local authorities, school districts, and colleges to maintain their funding for free or reduced fare youth transit as provided in the 2018-19 fiscal year.

AB 1938 Friedman D (Dist. 43) Transit and Intercity Rail Recovery Task Force.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered

1st House

2nd House

Current law provides for the funding of public transit and intercity rail, including under the Transportation Development Act. This bill would require the Secretary of Transportation, on or before July 1, 2023, to establish and convene the Transit and Intercity Rail Recovery Task Force to include representatives from the department and various local agencies, academic institutions, and nongovernmental organizations. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit and intercity rail ridership and improve transit and intercity rail operations for users of those services.

AB 1944 Lee D (Dist. 25) Local government: open and public meetings.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Ralph M. Brown Act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted.

AB 2039 Rivas, Luz D (Dist. 39) Los Angeles County Metropolitan Transportation Authority: job order contracting: pilot program.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish a pilot program to authorize the Los Angeles County Metropolitan Transportation Authority to use job order contracting as a procurement method. The bill would impose a \$15,000,000 cap on awards under a single job order contract and a \$5,000,000 cap on any single job order. The bill would limit the term of such contracts to a maximum of 24 months, with extensions as prescribed. The bill would establish various additional procedures and requirements for the use of job order contracting under this authorization. The bill would require the authority, on or before January 1, 2027, to submit to the appropriate policy and fiscal committees of the Legislature a report on the use of job order contracting under the bill. These provisions would be repealed on January 1, 2028.

AB 2046 Medina D (Dist. 61) University of California: Inland Rising Fund.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Inland Rising Fund, the moneys in which would be allocated to the University of California, upon appropriation by the Legislature, to support the multiyear operating costs for the development, operation, and maintenance of economic development and innovative climate change research efforts and health care and medical research operations at the University of California, Riverside, and the University of California, Merced. The bill would appropriate \$1,460,000,000 from the General Fund to the Inland Rising Fund and would allocate the moneys between the 2 campuses, as specified, for programs in economic development and climate change research and health care and medical research operations.

Position: Watch

AB 2057 Carrillo D (Dist. 51) Transportation Agency: goods movement data.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Transportation Agency to collect and consolidate specified data related to goods movement in the transportation supply chain and would require the agency to make this data publicly available on its internet website. The bill would require all maritime ports to collect specified data and statistics from trucking companies and provide the data to the agency. To the extent this bill would impose additional duties on local agencies operating a maritime port, the bill would impose a state-mandated local program.

AB 2097 Friedman D (Dist. 43) Residential and commercial development: remodeling, renovations, and additions: parking requirements.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a land use element and a conservation element. This bill would prohibit a public agency from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile of public transit, as defined. When a project provides parking voluntarily, the bill would authorize a public agency to impose specified requirements on the voluntary parking. The bill would prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a new multifamily or nonresidential development to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities.

AB 2120 Ward D (Dist. 78) Transportation finance: federal funding: bridges.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, the purpose of the Bridge Reconstruction and Replacement Act is to implement the federal Special Bridge Replacement Program in California. The act authorizes boards of supervisors, city councils, and the Department of Transportation to do all things necessary and proper to secure federal aid under that federal program. The act authorizes the department to allocate to counties and cities federal funds received for approved bridge reconstruction or replacement projects in accordance with procedures promulgated by the Director of Transportation, as specified. Current law requires the California Transportation Commission, in allocating funds, and the department, in expending funds, for bridge replacement projects, to follow federal design standards, except as specified. This bill would instead provide that the purpose of the act is to implement the federal Highway Infrastructure Program. The bill would authorize the above-described entities to do all things necessary and proper to secure federal funds instead under the federal Highway Infrastructure Program.

Position: Support

AB 2192 Ramos D (Dist. 40) Automated license plate recognition systems: information sharing.

Location: ASSEMBLY P. & C.P.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Department of the California Highway Patrol to retain license plate data captured by license plate reader technology for not more than 60 days unless the data is being used as evidence or for the investigation of felonies, and to share that data with law enforcement agencies for specified purposes. With regard to information from automated license plate recognition (ALPR) systems, current law requires an ALPR operator and an ALPR end-user, as those terms are defined, to implement a usage and privacy policy, as specified, and maintain reasonable security procedures and practices. This bill would additionally prohibit a public agency from selling, sharing, or transferring ALPR information to a law enforcement agency of the federal government or another state, unless the ALPR information is being sold, shared, or transferred to locate a vehicle or person reasonably suspected of being involved in the commission of a public offense, and only as otherwise permitted by law.

Position: Watch

AB 2237 Friedman D (Dist. 43) Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Current law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Current law requires the Strategic Growth Council, by January 31, 2022, to submit a report to the relevant policy and fiscal committees of the Legislature that includes, among other things, an overview of those sustainable communities strategies, an assessment of how implementation of those sustainable communities strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs, including the Affordable Housing and Sustainable Communities Program. This bill would require the council, in consultation with the State Air Resources Board, the Department of Housing and Community Development, and the Transportation Agency, to convene a task force to review the roles and responsibilities of metropolitan planning organizations and to define "sustainable community."

Position: Watch

[AB 2254](#) [Muratsuchi](#) D (Dist. 66) State highways: Route 107: relinquishment.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the California Transportation Commission to relinquish to local agencies state highway portions that have been deleted from the state highway system by legislative enactment, and authorizes relinquishment in certain other cases. This bill would authorize the commission to relinquish to the City of Redondo Beach the portion of State Route 107 within the city limits and prescribe conditions that apply upon relinquishment.

[AB 2270](#) [Seyarto](#) R (Dist. 67) Authorized emergency vehicles.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides for the exemption of authorized emergency vehicles, as defined, from the payment of a toll or charge on a vehicular crossing, toll highway, or high-occupancy toll (HOT) lane and any related fines, when the authorized emergency vehicle is being driven under specified conditions, including that the vehicle displays public agency identification and is being driven while responding to, or returning from, an urgent or emergency call. Under current law, an authorized emergency vehicle returning from being driven under those specified conditions is not exempt from a requirement to pay a toll or other charge imposed while traveling on a HOT lane. This bill would require the owner or operator of a toll facility, upon the request of the local emergency service provider, to enter into an agreement for the use of a toll facility.

[AB 2344](#) [Friedman](#) D (Dist. 43) Wildlife connectivity: transportation projects.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Fish and Wildlife (DFW) to investigate, study, and identify those areas in the state that are essential to wildlife movement and habitat connectivity and that are threatened by specified factors. The bill would require DFW, in coordination with Caltrans, to establish a wildlife connectivity action plan on or before January 1, 2024, and to update the plan at least once every 5 years thereafter. The bill would require the plan to include, among other things, maps that identify the locations of certain areas, including connectivity areas and natural landscape areas, as defined.

[AB 2347](#) [Carrillo](#) D (Dist. 51) Streets and highways: liability for property damage.

Location: ASSEMBLY PRINT

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law makes a person who willfully or negligently damages a street or highway, or its appurtenances,

including, but not limited to, guardrails, signs, traffic signals, snow poles, and similar facilities, liable for the reasonable cost of the repair or replacement thereof. This bill would make technical, nonsubstantive changes to that provision.

AB 2419 Bryan D (Dist. 54) Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The federal Infrastructure Investment and Jobs Act (IIJA) provides additional federal funds to rebuild the nation's infrastructures. Executive orders issued by President Biden established the federal Justice40 Initiative with the goal that 40% of the overall federal benefits flow to disadvantaged communities and stating that the implementation of the IIJA should prioritize investing public dollars equitably, including through the Justice40 Initiative. This bill would require a minimum of 40% of funds received by the state under the IIJA and certain other federal funds to be allocated to projects that provide direct benefits to disadvantaged communities and a minimum of an additional 10% be allocated for projects that provide direct benefits to low-income households and low-income communities, as provided. The bill would require state agencies administering those federal funds to perform specified tasks related to the expenditure of those federal funds.

AB 2438 Friedman D (Dist. 43) Transportation funding: alignment with state plans and greenhouse gas emissions reduction standards.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program. This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards.

Position: Watch

AB 2441 Kalra D (Dist. 27) Public employment: local public transit agencies: new technologies.

Location: SENATE RLS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates various transit districts and prescribes requirements applicable to their labor relations, including those that address the recognition and certification of exclusive employee representatives, unit determinations, and procedures for meeting and conferring on matter subject to collective bargaining. This bill would prescribe requirements for public transit employers in connection with the introduction of new technologies for public transit services that introduce new products, services, or type of operation, as specified, or that eliminate jobs or job functions of the workforce to which they apply. The bill would require a public transit employer to provide notice, as specified, to the applicable exclusive employee representative of its intention to begin any procurement process or a plan to acquire or deploy to new technologies for public transit services, as described above, not less than 12 months before commencing the process, plan, or deployment.

AB 2449 Rubio, Blanca D (Dist. 48) Open meetings: local agencies: teleconferences.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health. This bill would authorize a local agency to use teleconferencing without complying with those specified teleconferencing requirements if at least a quorum of the

members of the legislative body participates in person from a singular location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. The bill would impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions. The bill would require the legislative body to implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with federal law.

AB 2462 Valladares R (Dist. 38) Neighborhood electric vehicles: County of Los Angeles: Westside Planned Communities.

Location: ASSEMBLY CONSENT CALENDAR

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver's license. A low-speed vehicle is also known as a neighborhood electric vehicle (NEV). A violation of the Vehicle Code is an infraction, unless otherwise specified. Current law authorizes certain local agencies to establish a NEV transportation plan subject to certain requirements. A person operating a NEV in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100. This bill would authorize the County of Los Angeles to establish a similar NEV transportation plan for the Westside Planned Communities in that county, subject to the same penalties. The bill would require a report to the Legislature by August 31, 2028, containing certain information and recommendations related to the NEV transportation plan. The bill would repeal these provisions on January 1, 2040.

AB 2480 Arambula D (Dist. 31) Rehabilitation services: persons with vision loss.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2026, subject to an appropriation of funds in the annual Budget Act, require the Department of Rehabilitation to establish pilot projects in at least 6 counties to provide services to adults who are blind or have low vision to enable them to transition to the community from institutional settings or to avoid placement in an institutional setting. The bill would require the department to award grants to private organizations with demonstrated expertise in serving adults who are blind or have low vision, and would specify the services that may be provided by those grantees, including orientation and mobility services and daily living skills instruction. The bill would require participating organizations to report specified information to the department and the Legislature no later than December 31, 2025.

AB 2514 Dahle, Megan R (Dist. 1) Transportation: underserved rural communities: study.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, the Transportation Agency is under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. This bill would require the agency, in consultation with the commission and rural counties, to conduct a study that includes a comprehensive evaluation of the current state of transportation in underserved rural communities and a transportation needs assessment of the cost to operate, maintain, and provide for the transportation system in underserved rural communities, as specified. The bill would require the agency to submit the study to the Legislature on or before January 1, 2024.

Position: Watch

AB 2542 Rubio, Blanca D (Dist. 48) Tolls: exemption for privately owned emergency ambulances.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law prohibits a person from operating a privately owned emergency ambulance unless licensed by the Department of the California Highway Patrol. This bill would generally modify the exemption to apply to the use of

a toll facility, as defined, and would expand the exemption, dispute resolution procedures, and agreement provisions to include a privately owned emergency ambulance licensed by the Department of the California Highway Patrol. The bill would also make technical changes to these provisions.

AB 2562 Bennett D (Dist. 37) Clean Transportation Program: hydrogen-fueling stations.

Location: ASSEMBLY APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law creates the Alternative and Renewable Fuel and Vehicle Technology Fund, to be administered by the State Energy Resources Conservation and Development Commission, and requires the moneys in the fund, upon appropriation by the Legislature, to be expended by the commission to implement the program. Current law requires the commission, until January 1, 2024, to allocate \$20,000,000 annually to fund a specified number of publicly available hydrogen-fueling stations identified by the State Air Resources Board, not to exceed 20% of the moneys appropriated by the Legislature from the Alternative and Renewable Fuel and Vehicle Technology Fund, until there are at least 100 publicly available hydrogen-fueling stations in operation in the state. Under current law, these allocations are subject to all of the requirements applicable to allocations from the Clean Transportation Program. This bill would require the commission, if it awards funding to hydrogen-fueling station projects under the program, to provide preference to those projects that are located at a port and are publicly accessible, are co-located at a fueling station for medium- and heavy-duty trucks, or are located along a specified corridor or on the state's portion of the National Highway Freight Network.

AB 2594 Ting D (Dist. 19) Vehicle registration and toll charges.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the Department of Motor Vehicles, at the time a person notifies the department of a change of residence or mailing address for purposes of their driver's license, to inform the person that they may also need to change their address for purposes of their vehicle registration, and would require the department to provide instructions on how to update vehicle registration information. This bill contains other related provisions and other existing laws.

Position: Watch

AB 2647 Levine D (Dist. 10) Local government: open meetings.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law makes agendas of public meetings and other writings distributed to the members of the governing board disclosable public records, with certain exceptions. Current law requires a local agency to make those writings distributed to the members of the governing board less than 72 hours before a meeting available for public inspection, as specified, at a public office or location that the agency designates. Current law also requires the local agency to list the address of the office or location on the agenda for all meetings of the legislative body of the agency. Current law authorizes a local agency to post the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting. This bill would instead require a local agency to make those writings distributed to the members of the governing board available for public inspection at a public office or location that the agency designates and list the address of the office or location on the agenda for all meetings of the legislative body of the agency unless the local agency meets certain requirements, including the local agency immediately posts the writings on the local agency's internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

AB 2719 Fong R (Dist. 34) California Environmental Quality Act: exemptions: highway safety improvement projects.

Location: ASSEMBLY NAT. RES.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

CEQA includes exemptions from its environmental review requirements for numerous categories of projects,

including, among others, emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway under specified circumstances. This bill would further exempt from the requirements of CEQA highway safety improvement projects, as defined, undertaken by the Department of Transportation or a local agency.

AB 2731 Ting D (Dist. 19) Schoolbuses: zero-emission vehicles.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require, by January 1, 2035, 100% of all newly purchased or contracted schoolbuses of a school district, county office of education, or charter school to be zero-emission vehicles. The bill would authorize local educational agencies that are prevented from purchasing or contracting a zero-emission schoolbus due to terrain and route constraints to request from the State Department of Education a one-time extension, for a term not to exceed 2 years, to comply with that requirement. To the extent this requirement imposes additional duties on local educational agencies in connection with federally required pupil transportation services that go beyond the requirements in federal law, the bill would impose a state-mandated local program.

AB 2788 Mathis R (Dist. 26) Public records.

Location: ASSEMBLY JUD.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Public Records Act requires state and local agencies to make their records available for public inspection, except as provided. Current law declares that public records are open to inspection during the office hours of the state or local agency and every person has a right to inspect any public record, except as specified. Current law requires each agency, upon a request for a copy of records, within 10 days from receipt of the request, to determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and to promptly notify the person making the request of the determination and the reasons therefor. This bill would extend that 10-day deadline to 10 business days.

AB 2822 Nazarian D (Dist. 46) Brownfield Cleanup Funding Program: brownfields remediation: financing.

Location: ASSEMBLY E.S. & T.M.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Brownfield Cleanup Funding Program, to be administered by the Department of Toxic Substances Control. The bill would authorize the city council of a city, or the board of supervisors of a city and county, to participate in the program by enacting an ordinance establishing a brownfield cleanup district, as provided. The bill would require that the city council or board of supervisors serve as the governing board of the district and, in that capacity, prepare and adopt a brownfield cleanup financing plan. The bill would authorize a district to designate program areas. The bill would authorize the district to provide program funding for brownfield cleanup projects, as defined, within those program areas that meet specified requirements. The bill would authorize the brownfield cleanup financing plan to include a provision for the division of taxes with respect to those properties selected for participation. The bill would require the department to establish a formula to determine a maximum amount of program funding and a maximum term for the division of taxes, based on the characteristics of a project.

AB 2840 Reyes D (Dist. 47) Qualifying logistics use projects.

Location: ASSEMBLY H. & C.D.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Planning and Zoning Law sets forth various requirements relating to the review of development project permit applications and the issuance of development permits for specified classes of development projects. This bill would prohibit a local agency from approving the development or expansion of any qualifying logistics use, as defined, that is adjacent to sensitive receptors, as defined, unless the local agency imposes a minimum setback on the qualifying logistics use of 1,000 feet or imposes alternative measures that will reduce the project's impact on the public health and safety in a comparable manner, as specified. The bill would require a local agency,

before approving a qualifying logistics use, to require the project applicant to develop a prescribed written construction careers agreement that requires all construction work for the qualifying logistics use project to use a skilled and trained workforce, and that requires a set percentage of jobs created by the qualifying logistics use project to go to local residents.

Position: Watch

AB 2949 Lee D (Dist. 25) Vehicles: toll exemptions.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, a person who enters a vehicular crossing becomes liable for any tolls imposed. Current law prescribes the means by which a toll may be collected or paid, including by the use of an electronic transponder or by means of capturing a license plate number and billing the registered owner. Current law prohibits a person from evading, or attempting to evade, the payment of tolls on any vehicular crossing or toll highway. A violation of this prohibition is subject to civil penalties, but it is not a crime. This bill would exempt vehicles registered to a veteran and displaying a specialized veterans license plate, as specified, from payment of a toll or related fines on a toll road, toll bridge, toll highway, a vehicular crossing, or any other toll facility, except a high-occupancy toll lane.

AB 2952 Gabriel D (Dist. 45) Driver's licenses: veteran designation.

Location: ASSEMBLY APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would allow an applicant for a driver's license or identification card, who served for another country in military operations that supported the United States during the Vietnam War and later became a naturalized citizen, to request a "NON-US VIETNAM VETERAN" designation on their driver's license or identification card, subject to certain requirements, including verification of military service for a foreign country during the Vietnam War and payment of a \$5 fee, which the department is authorized to increase by regulation, in an amount not to exceed \$15, as specified. This bill would authorize the Department of Motor Vehicles to consult with the Department of Veterans Affairs to determine the proof necessary to verify an applicant's veteran status.

ACA 1 Aguiar-Curry D (Dist. 4) Local government financing: affordable housing and public infrastructure: voter approval.

Location: ASSEMBLY L. GOV.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

Position: Watch

ACA 5 Voepel R (Dist. 71) Motor vehicles: fuel taxes, sales and use taxes, and fees: expenditure restrictions.

Location: ASSEMBLY TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. These restrictions do not apply to revenues from taxes or fees imposed under the Sales and Use Tax Law or the Vehicle License Fee Law. This measure would explicitly restrict the expenditure of all interest earned and other increment derived from the investment of those tax revenues and any proceeds from the lease or sale of real property acquired using those tax revenues only for the purposes described above.

ACR 140 O'Donnell D (Dist. 70) Freight transportation: supply chain.**Location:** ASSEMBLY J., E.D. & E.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would declare and recognize that the state is currently suffering a supply chain crisis. The measure would urge the state's public agencies, departments, and local governments to provide all due and proper assistance to carriers, cargo owners, public seaports, terminals, workers, and facilities to facilitate the essential service of delivering goods to Californians.

SB 149 Committee on Budget and Fiscal Review Budget Act of 2022.**Location:** ASSEMBLY BUDGET

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2022.

Position: Watch**SB 542 Limón D (Dist. 19) Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks.****Location:** ASSEMBLY DESK

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current sales and use tax laws impose taxes on retailers measured by gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, measured by sales price. The Sales and Use Tax Law provides various exemptions from those taxes. This bill would provide an exemption from those taxes with respect to the sale in this state of, and the storage, use, or other consumption in this state of, a qualified motor vehicle. The bill would define "qualified motor vehicle" as a specified zero-emission truck. The bill would disallow the exemption for sales or uses made on or after January 1, 2025, if the purchaser also received other specified benefits.

SB 852 Dodd D (Dist. 3) Climate resilience districts: formation: funding mechanisms.**Location:** SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance, including projects that enable communities to adapt to the impacts of climate change. Current law also requires the legislative body to establish a public financing authority, defined as the governing board of the enhanced infrastructure financing district, prior to the adoption of a resolution to form an enhanced infrastructure district and adopt an infrastructure financing plan. This bill would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district, as defined, for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would deem each district to be an enhanced infrastructure financing district and would require each district to comply with existing law concerning enhanced infrastructure financing districts, unless the district is specified as otherwise. The bill would require a district to finance only specified projects that meet the definition of an eligible project. The bill would define "eligible project" to mean projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding, as specified.

Position: Watch**SB 873 Newman D (Dist. 29) California Transportation Commission: state transportation improvement program: capital outlay support.****Location:** SENATE TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law requires the California Transportation Commission to biennially adopt a state transportation improvement program that lists all capital improvement projects that are expected to receive an allocation of state transportation funds, as specified. Current law characterizes the state transportation improvement program as a resource management document to assist the state and local entities to plan and implement transportation improvements and to use available resources in a cost-effective manner. Current law requires the program to specify the allocation or expenditure amount and the allocation or expenditure year for certain project components, as specified. This bill would require the commission to make an allocation of capital outlay support resources by project phase, including preconstruction, for each project in the program. The bill would require the commission to develop guidelines, in consultation with the Department of Transportation, to implement these allocation procedures.

SB 886 Wiener D (Dist. 11) California Environmental Quality Act: exemption: public universities: university housing development projects.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would exempt from CEQA a university housing development project, as defined, carried out by a public university, as defined, on real property owned by the public university if the project meets certain requirements and the project is not located, in whole or in part, on certain sites, including a site that is within a special flood hazard area subject to inundation by a 1% annual chance flood or within a regulatory floodway as determined by the Federal Emergency Management Agency, as provided. The bill, with respect to a site that is within a special flood hazard area subject to inundation by a 1% annual chance flood or within a regulatory floodway, would prohibit a local government from denying an application on the basis that a public university did not comply with any additional permit requirement, standard, or action adopted by that local government applicable to the site if the public university is able to satisfy all applicable federal qualifying criteria in order to demonstrate that the site meets these criteria and is otherwise eligible to be exempt from CEQA pursuant to the above requirements.

Position: Watch

SB 922 Wiener D (Dist. 11) California Environmental Quality Act: exemptions: transportation-related projects.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

CEQA, until January 1, 2030, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. This bill would specify that the requirement that the bicycle transportation plan is for an urbanized area or urban cluster, as designated by the United States Census Bureau. The bill would extend the exemption to an active transportation plan or pedestrian plan in an urbanized area or urban cluster. The bill would define "active transportation plan" and "pedestrian plan." The bill would specify that individual projects that are a part of an active transportation plan or pedestrian plan remain subject to the requirements of CEQA unless those projects are exempt by another provision of law.

Position: Support

SB 942 Newman D (Dist. 29) Low Carbon Transit Operations Program: free or reduced fare transit program.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law continuously appropriates specified portions of the annual proceeds in the Greenhouse Gas Reduction Fund to various programs, including 5% for the Low Carbon Transit Operations Program, which is administered by the Department of Transportation and provides operating and capital assistance for transit agencies to reduce greenhouse gas emissions and improve mobility. Current law requires each of those transit agencies to demonstrate that each expenditure of program moneys allocated to the transit agency reduces the emissions of greenhouse gases and does not supplant another source of funds, to use those moneys to provide transit operating or capital assistance, to use at least 50% of those moneys to benefit disadvantaged communities, and to submit specified information to the department before seeking a disbursement of those program moneys, as specified. This bill would authorize a transit agency that uses program moneys to fund a

free or reduced fare transit program and that demonstrates compliance with the above-described requirements in its initial program application to continue to use those moneys to maintain that program on an ongoing basis without demonstrating continued compliance with those requirements.

Position: Support

SB 959 Portantino D (Dist. 25) Surplus residential property: City of South Pasadena.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, a state agency disposing of surplus residential property in the City of South Pasadena is required to first offer the property to former owners and present occupants, as specified, and then to specified present tenants at fair market value. This bill would require a surplus residential property that is located within the City of South Pasadena and that is offered for sale to a present occupant or present tenant of the property, as specified, to be offered at a price based on the appraisal of the property in 2016, if certain conditions apply. The bill would require an offer made or accepted prior to January 1, 2022, that is not in compliance with the bill to be corrected so the price complies with the bill's requirements. The bill would make an offer based on the 2016 appraisal, as required by the bill, only valid until December 31, 2024.

SB 991 Newman D (Dist. 29) Public contracts: progressive design-build: local agencies.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would, until January 1, 2029, authorize local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for public works projects in excess of \$5,000,000, similar to the progressive design-build process authorized for use by the Director of General Services. The bill would require a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. The bill would require the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury.

SB 1049 Dodd D (Dist. 3) Transportation Resilience Program.

Location: SENATE APPR. SUSPENSE FILE

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Transportation Resilience Program in the Department of Transportation, to be funded in the annual Budget Act from 15% of the available federal National Highway Performance Program funds and 100% of the available federal Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation program funds. The bill would provide for funds to be allocated by the California Transportation Commission for climate adaptation planning and resilience improvements, as defined, that address or mitigate the risk of recurring damage to, or closures of, the state highway system, other federal-aid roads, public transit facilities, and other surface transportation assets from extreme weather events, sea level rise, or other climate change-fueled natural hazards. The bill would establish specified eligibility criteria for projects to receive funding under the program and would require the commission to prioritize projects that meet certain criteria.

SB 1100 Cortese D (Dist. 15) Open meetings: orderly conduct.

Location: SENATE THIRD READING

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Current law authorizes the legislative body to adopt reasonable regulations to ensure that the

intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Current law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting.

SB 1104 Gonzalez D (Dist. 33) Governor's Office of Business and Economic Development: Office of Freight.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish the Office of Freight within GO-Biz. The bill would require the office to serve as the coordinating entity to steer the growth, competitiveness, and sustainability for freight and ports across the state and to promote and assess the continued economic vitality and sustainability of the freight sector. The bill would require the office, in coordination with specified state agencies, to prepare an assessment of statewide economic growth, competitiveness, prosperity, resiliency, and sustainability for the state's freight sector. The bill would require the office to submit the assessment to the Legislature on or before December 31, 2024, and an updated assessment at least once every 5 years thereafter. The bill would require the Transportation Agency to incorporate the findings of the assessment into the state freight plan, as specified.

SB 1121 Gonzalez D (Dist. 33) State and local transportation system: needs assessment.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would require the California Transportation Commission to prepare a needs assessment of the cost to operate, maintain, and provide for the necessary future growth of the state and local transportation system for the next 10 years, as provided. As part of the needs assessment, the bill would require the commission to forecast the expected revenue, including federal, state, and local revenues, to pay for the cost identified in the needs assessment, any shortfall in revenue to cover the cost, and recommendations on how any shortfall should be addressed. The bill would require the commission to submit the needs assessment to the Legislature on or before January 1, 2024, and biennially thereafter.

SB 1156 Grove R (Dist. 16) Motor Vehicle Fuel Tax: Diesel Fuel Tax: inflation adjustment.

Location: SENATE GOV. & F.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law, the Motor Vehicle Fuel Tax Law and Diesel Fuel Tax Law, impose a tax upon each gallon of motor vehicle fuel or diesel fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Current law annually adjusts the rates of the taxes imposed by those laws based on inflation. This bill would remove the requirement for future inflation adjustments of those taxes. This bill contains other related provisions.

SB 1175 McGuire D (Dist. 2) Department of Transportation: intermodal passenger services: rail corridors.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Current law authorizes the Department of Transportation to construct, acquire, or lease, and improve and operate, rail passenger terminals and related facilities that provide intermodal passenger services along specified corridors. This bill would expand that authorization to include the Sacramento-Larkspur-Novato-Cloverdale corridor.

SB 1201 Melendez R (Dist. 28) Clean California Local Grant Program of 2021: Clean California State Beautification Program of 2021: homeless encampments.

Location: SENATE TRANS.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Under current law, the Department of Transportation administers the Clean California Local Grant Program of 2021 to provide funding for grants to specified local entities for purposes of beautifying and cleaning up local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces, and administers the Clean California State Beautification Program of 2021 to provide funding for purposes of beautifying and cleaning up state highways. This bill would authorize local governments to use funding received under those programs to clean up homeless encampments on or around highway rights-of-way, within one mile of the freeway or flood channels under and surrounding the highways.

SB 1217 Allen D (Dist. 26) State-Regional Collaborative for Climate, Equity, and Resilience.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would establish, until January 1, 2028, the State-Regional Collaborative for Climate, Equity, and Resilience to provide guidance, on or before January 1, 2024, to the State Air Resources Board for approving new guidelines for sustainable communities strategies. The collaborative would consist of one representative each of the state board, the Transportation Agency, the Department of Housing and Community Development, and the Strategic Growth Council, along with 10 public members representing various local and state organizations, as specified. The bill would require, on or before December 31, 2025, the state board to update the guidelines for sustainable communities strategies to incorporate suggestions from the collaborative.

Position: Watch

SB 1410 Caballero D (Dist. 12) California Environmental Quality Act: transportation impacts.

Location: SENATE APPR.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. CEQA requires the Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those guidelines. CEQA requires the office to prepare, develop, and transmit to the secretary for certification and adoption proposed revisions to the guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas, as defined, that promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law requires the office to recommend potential metrics to measure transportation impacts, as specified. CEQA authorizes the office to adopt guidelines establishing alternative metrics to the metrics used for traffic levels of service for transportation impacts outside transit priority areas. This bill instead would require the criteria for determining the significance of transportation impacts of projects within transit priority areas to only promote the reduction of greenhouse gas emissions. The bill would require the potential metrics described above to only apply to projects within transit priority areas.

Position: Watch

SCA 2 Allen D (Dist. 26) Public housing projects.

Location: ASSEMBLY H. & C.D.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified. This measure would repeal these provisions.

SCA 4 Wilk R (Dist. 21) Legislature: 2-year budget.

Location: SENATE BUDGET & F.R.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Would limit the Legislature, in the first year of the regular session, to considering or acting upon only the Budget Bill and related bills, and up to 5 bills introduced by each of the standing committees of the Legislature, as specified. The measure would require the Governor to submit to the Legislature a budget for the ensuing 2 fiscal years within the first 10 days of the first calendar year of the biennium of the legislative session, and would require the Legislature to adopt by June 15 of the first calendar year of the biennium of the legislative session a Budget Bill that appropriates funds to support state government for the next 2-year fiscal period commencing on July 1. The measure, in the second year of the regular session, would limit the Legislature to considering or acting upon only legislation other than the Budget Bill and related bills. The Legislature, by a 2/3 vote of each house, would be authorized, however, to amend an enacted Budget Bill and related bills in both calendar years of the biennium.

Total Measures: 70

Total Tracking Forms: 70

Minute Action

AGENDA ITEM: 3

Date: May 11, 2022

Subject:

Bill Recommendation

Recommendation:

That the Legislative Policy Committee, on behalf of the San Bernardino County Transportation Authority Board of Directors, adopt the following recommended positions on the current state legislation:

- A. Approve an oppose position on Assembly Bill 1778 (Garcia) regarding a prohibition on freeway expansion projects.
- B. Approve an oppose position on Assembly Bill 2237 (Friedman) regarding regional transportation improvement plans, sustainable communities strategies and climate goals.
- C. Approve an oppose position on Assembly Bill 2438 (Friedman) regarding transportation funding; alignment with state plans and greenhouse gas emissions reduction standards.
- D. Approve an oppose position on Assembly Bill 2594 (Ting) regarding vehicle registration and toll charges.

Background:

A. Assembly Bill 1778 (Garcia) – Prohibition on Freeway Expansion

Bill status: Passed by Assembly Transportation Committee
(Yes 9 – No 3 – A 3)
Referred to Assembly Appropriations Committee

Existing law

With regards to projects on the state highway system, current law requires Caltrans, or a local transportation agency, to conduct a California Environmental Protection Act (CEQA) review. Discussion points such as local community involvement, equitable benefits, disproportionately high or adverse impacts, and increased traffic flow in low-income and minority communities must be included.

Volume IV of the Caltrans Environmental Handbook series provides guidance and procedures for assessing the impacts of proposed transportation projects on communities and neighborhoods, and for achieving context sensitive solutions in the design of transportation projects. This guidance is intended to assist Caltrans' environmental personnel, consultants, and other transportation partners in completing the community impact assessment report or documentation; engaging the public and other stakeholders in the transportation planning process; avoiding, minimizing, or mitigating for adverse effects, and increasing project benefits.

This bill

Assembly Bill (AB) 1778 by Assemblywoman Cristina Garcia would prohibit state funds or personnel time from being used to fund or permit freeway projects, as specified, within or adjacent to census tracts that fall within the zero to 50th percentile on the California Healthy Places Index (HPI).

Entity: San Bernardino County Transportation Authority

The California HPI is a project of the Public Health Alliance of Southern California and uses 23 social indicators of health, and categorizes the indicators into economic, education, social, transportation, neighborhood, housing, clean environment, and healthcare access.

Freeway projects that would fall under this legislation include:

- Freeway widening projects.
- Interchange expansion projects that would facilitate increased flows of traffic to or from existing or future industrial or warehouse facilities.
- Freeway extensions or lengthening.
- Displacement, of any kind, of residents, residences, housing, or businesses occurring due to freeway projects, whether temporary or permanent.

Staff Recommendation

Legislative Affairs staff recommends that SBCTA take an oppose position on AB 1778. The bill significantly harms the state's transportation network, interferes with local sales tax measures, and eliminates mobility solutions. Per existing law, every transportation project on the state highway system must undergo a lengthy and complex environmental review and permitting process. This process includes opportunities for public comment and the inclusion of measures to mitigate any adverse impacts from a project. AB 1778 appears to override these processes and ban certain projects, regardless of the benefits the project may provide, such as a freeway widening project for safety concerns.

Per the SBCTA 2021-2022 State Legislative Platform, the agency opposes efforts to *“Threaten the timely delivery of the Measure I Expenditure Plan or administration of any Measure I programs and services.”*

AB 1778 bill text can be found in Attachment A.

B. Assembly Bill 2237 (Friedman) – Regional transportation improvement plans, sustainable communities strategies and climate goals.

Bill status: Passed Assembly Transportation Committee
(Y 8 – N 4 – A 3)
Passed Assembly Natural Resources Committee
(Y 7 – N 3 – A 1)
Referred to Assembly Appropriations Committee

Existing law

Metropolitan Planning Organizations (MPO) are federally-mandated regional transportation planning agencies (RTPA) responsible for programming transportation investments in California's urban areas. Senate Bill 375 (Steinberg, 2008) requires that each MPO develop, in conjunction with its periodically updated Regional Transportation Plan (RTP), a Sustainable Community Strategy (SCS), which is a projected “development pattern ... [that, when] integrated with the transportation network, and other transportation measures and policies,” and is designed to achieve specific per capita Green House Gas (GHG) reduction targets set by the Air Resources Board (ARB) for automobiles and light trucks over the duration of the RTP/SCS.

RTPAs are required to submit a five-year regional transportation improvement program (RTIP) to the California Transportation Commission (CTC) on or before December 15 of each odd-numbered year, updated every two years, and include regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation San Bernardino County Transportation Authority

improvement program. Major projects in the RTIP must include current costs updated as of November 1 of the year of submittal and escalated to the appropriate year, and be listed by relative priority, taking into account need, delivery milestone dates, and the availability of funding.

This bill

Assembly Bill (AB) 2237 by Assemblywoman Laura Friedman would prohibit a RTPA or county transportation commission from funding projects in a RTIP, submitted to the CTC, that are not aligned with the state's climate goals or most recent SCS.

AB 2237 would further require that:

- Each regional agency or county commission rank all transportation projects and prioritize projects based on their adherence to its most recently adopted SCS and the state's climate goals. Requires ranked projects to accelerate SCS implementation and not induce Vehicle Miles Travelled (VMT).
- Each regional agency or county commission shall fund and implement projects in the order of prioritization.
- Each regional agency or county commission submit its prioritized list to ARB and the CTC, according to the same timeline as the applicable SCS.
- ARB, in consultation with the CTC, determine whether each project is consistent with the most recently adopted SCS and the state's climate goals.
- Each regional agency or county commission to submit a report on local transportation tax measures to the CTC on or before March 30, 2023.
- CTC, in consultation with ARB, conduct an analysis and propose recommendations to align local tax measures with the state's climate goals.
- Projects funded by local tax measures be included in regional transportation plans and adhere to the most recently adopted applicable SCS and the state's climate goals.
- Regional agencies or county commissions that approve projects that adhere to their most recently adopted SCS and the state's climate goals receive additional funds from surplus state transportation funds and federal funds, upon appropriation by the Legislature.
- The Strategic Growth Council, in consultation with ARB, the Department of Housing and Community Development, and the California State Transportation Agency, to convene a task force to review the roles and responsibilities of metropolitan planning organizations and define "sustainable community."

Staff Recommendation

Legislative Affairs staff recommends that SBCTA take an oppose position on AB 2237. The bill requires each and every project in a RTIP to be reviewed by ARB to determine consistency with state climate goals, which generally don't provide clear benchmarks for individual transportation projects. Potential projects that don't meet the test ARB establishes, but should be funded for safety or other considerations, will be excluded from critical resources. In addition, there may be small projects where the expense and time of ARB review required by the bill is not justified. Finally, it's not clear that zero tolerance for VMT is practical for all projects, or whether projects should be evaluated based on VMT reduction relative to existing infrastructure or alternative projects.

Per the SBCTA 2021-2022 State Legislative Platform, the agency opposes efforts to *"Impose state requirements without the consent of the local agency for the expenditure of*

locally raised revenues.”

AB 2237 bill text can be found in Attachment B.

C. Assembly Bill 2438 (Friedman) – Transportation funding; alignment with state plans and greenhouse gas emissions reduction standards

Bill status: Passed Assembly Transportation Committee

(Y 8 – N 4 – A 3)

Referred to Assembly Appropriations Committee

Existing law

Senate Bill (SB) 1 by Senator Jim Beall, passed in 2017, increased several taxes and fees to raise the equivalent of roughly \$52.4 billion over ten years in new transportation revenues, adjusted for inflation every year, and directs the funding to be used towards deferred maintenance on the state highways and local streets and roads, and to improve the state's trade corridors, transit, and active transportation facilities.

SB 1 provides for the funding of projects on the state highway system and other transportation improvements through state programs such as the State Highway Operation and Protection Program (SHOPP), Solutions for Congested Corridors Program (SCCP), Trade Corridor Enhancement Program (TCEP) and the Local Partnership Program (LPP). The bill also provides for the apportionment of funding to cities and counties, including under the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Streets and Roads Program (LSRP), for local streets and roads and other transportation improvements. Additionally, SB 1 also provides for the funding of projects for state highway improvements, intercity rail, and regional highway and transit improvements, under the STIP, which consists of two broad sub-programs: the Regional Improvement Program (RIP) and the Interregional Improvement Program (IIP).

This bill

Assembly Bill (AB) 2438 by Assemblywoman Laura Friedman would require that the program goals and guidelines of the state transportation programs SHOPP, STIP, SCCP, TCEP, LPP and LSRP align with the California Transportation Plan (CTP), Climate Action Plan for Transportation Infrastructure (CAPTI), California Global Warming Solutions Act of 2006 and Senate Bill (SB) 375 (Steinberg, 2008).

The bill would also require that the California State Transportation Agency (CalSTA) the Department of Transportation (Caltrans), the California Transportation Commission (CTC), in consultation with the State ARB, and the Strategic Growth Council (SGC), to jointly prepare and submit a report to the Legislature on or before January 1, 2025 evaluating transportation program funding levels, projects, and eligibility criteria with the objective of aligning the largest funding programs with the CTP, CAPTI, and greenhouse gas emissions reduction standards set forth in the California Global Warming Solutions Act of 2006 and SB 375, and away from projects that increase vehicle capacity.

Staff Recommendation

Legislative Affairs staff recommends that SBCTA take an oppose position on AB 2438. The bill, similar to Assemblywoman Friedman's AB 2237, would require that projects be prioritized by how close they align with state climate goals, rather than local priorities. Constraining local control over project priorities and funding flexibility would restrict SBCTA's

ability to deliver on local projects and potentially promises made to voters when Measure I was enacted.

Per the SBCTA 2021-2022 State Legislative Platform, the agency opposes efforts to *“Threaten the timely delivery of the Measure I Expenditure Plan or administration of any Measure I programs and services.”*

D. AB 2594 (Ting) – Vehicle registration; toll fees

Bill status: Passed Assembly Transportation Committee

(Y 15 – N 0)

Referred to Assembly Appropriations Committee

Existing law

Under current law, vehicles using toll bridges or highways are liable for any tolls or other charges incurred and prohibits a person from evading those tolls and charges. Toll operators, or a processing agency, are required to issue a notice of toll evasion violation to the registered owner of the vehicle within 21 days if a vehicle is found, by automated devices, by visual observation, or other means, to have evaded a toll. Toll evasion penalties include any late payment penalty, administrative fee, fine, assessment, and costs of collection. Existing law limits toll evasion violation penalties to \$100 for first offense, \$250 for second offense within one year and \$500 for each additional within the one year. Also, current law, requires that there be a process for contesting toll violations and requires a toll operator to conduct an administrative investigation within. If the driver is not satisfied with the investigation, after paying the toll penalty, he may request an administrative hearing. If a person remains unsatisfied, they may appeal to the court.

Current law authorizes the Department of Motor Vehicles (DMV) to transfer penalties for parking tickets court-imposed fees or penalties, as well as toll violations to the registration of a vehicle.

This bill

Assembly Bill (AB) 2594 by Assemblyman Phillip Ting makes numerous changes to the administration of bridge and highway tolls.

Some of the changes relevant to SBCTA’s Express Lanes project include:

- Requiring multiple alternative payment methods, including cash payments.
- Requires that toll operators sell transponders at a minimum of one retail outlet in every city in which the device may be used to pay toll charges.
- Limit the cost of transponders.
- Limit fees associated with loading cash into an account to no more than \$3.
- Requires toll operators to maintain offices open to the public where toll accounts can be established, transponders purchased, as well as toll payments and fees are accepted.
- Public offices must be open at least 35 hours per week, between 8am and 5pm and shall be open an additional five hours per week between 6am to 8am or 5pm to 7pm.
- Limits the cumulative toll evasion penalty to \$100 for each individual toll evasion violation.
- Restricts toll agencies from assigning an unpaid toll invoice to a collection agency until 180 days after the date of the third invoice.
- Requires toll agencies to establish a payment plan option for toll penalties.

Legislative Policy Committee Agenda Item

May 11, 2022

Page 6

Staff Recommendation

Legislative Affairs staff recommends that SBCTA take an oppose position on AB 2594. The bill seeks to apply a one size fits all approach to toll operators throughout the state, limit enforcement of toll violations, and place undue cost recovery constraints on toll operations. The impacts of these new requirements could substantively affect revenue projections and possibly impact terms of the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan secured on the Interstate 10 Express Lanes project.

Per the SBCTA 2021-2022 State Legislative Platform, the agency opposes efforts to *“Establish legislation that allow redirection of toll revenue from the operating agency to the State or any other agency.”*

Financial Impact:

This item has no financial impact on the Fiscal Year 2021/2022 Budget.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Louis Vidaure, Management Analyst II

Approved
Legislative Policy Committee
Date: May 11, 2022

Witnessed By:

ATTACHMENT A

AMENDED IN ASSEMBLY MARCH 24, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1778

Introduced by Assembly Member Cristina Garcia
(Coauthor: Assembly Member Lee)

February 3, 2022

An act to add Section 165.5 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1778, as amended, Cristina Garcia. State transportation funding: freeway-widening: *projects*: poverty and pollution: Department of Transportation.

Existing law establishes the Department of Transportation and vests the department with full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Existing law authorizes the department to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. Existing law requires the department to prepare and submit to the Governor a proposed budget, as provided.

This bill would *require the department to consult the California Healthy Places Index, as defined, as a condition of using state funds or personnel time to fund or permit freeway projects, as provided. The bill would require the department to analyze housing and environmental variables through the index, as provided, and would prohibit any state funds or personnel time from being used to fund or permit freeway widening projects in areas with high rates of pollution and poverty. that*

fall within the zero to 50th percentile on the housing and environmental variables analyzed through the index, 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 165.5 is added to the Streets and*
- 2 *Highways Code, to read:*
- 3 165.5. (a) *For purposes of this section, the following*
- 4 *definitions apply:*
- 5 (1) *“California Healthy Places Index” means the online*
- 6 *resource developed by the Public Health Alliance of Southern*
- 7 *California to describe local factors that predict life expectancy*
- 8 *and compare community conditions across the state.*
- 9 (2) *“Projects” means any of the following:*
- 10 (A) *Freeway widening projects.*
- 11 (B) *Interchange expansion projects that would facilitate*
- 12 *increased flows of traffic to or from existing or future industrial*
- 13 *or warehouse facilities.*
- 14 (C) *Freeway extensions or lengthening.*
- 15 (D) *Displacement, of any kind, of residents, residences, housing,*
- 16 *or businesses occurring due to freeway projects, whether*
- 17 *temporary or permanent.*
- 18 (b) *Notwithstanding any other law, before undertaking any*
- 19 *projects, and as a condition of using state funds or personnel time*
- 20 *to fund or permit projects, the department shall consult the*
- 21 *California Healthy Places Index. The department shall use the*
- 22 *“create custom score” functionality of the California Healthy*
- 23 *Places Index and use the following variables to obtain data results:*
- 24 (1) *Housing: low-income homeowner severe housing cost*
- 25 *burden.*
- 26 (2) *Housing: low-income renter severe housing cost burden.*
- 27 (3) *Clean environment: clean air PM 2.5.*
- 28 (4) *Clean environment: clean air diesel PM.*
- 29 (c) *Notwithstanding any other law, the department shall not use*
- 30 *state funds or personnel time for projects, nor shall the department*
- 31 *permit projects, if any single or adjacent census tract within or*
- 32 *adjacent to the project area has a percentile score that falls within*
- 33 *the zero to 50th percentile score on the California Healthy Places*

1 *Index, as calculated using the four variables described in*
 2 *paragraphs (1) to (4), inclusive, of subdivision (b).*

3 ~~SECTION 1. Section 165.5 is added to the Streets and~~
 4 ~~Highways Code, to read:~~

5 ~~165.5. Notwithstanding any other law, state funds or personnel~~
 6 ~~time shall not be used to fund or permit freeway widening projects~~
 7 ~~in areas with high rates of pollution and poverty.~~

8

9

10 REVISIONS:

11 Heading—Line 2

12

O

ATTACHMENT B

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY MARCH 22, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL**No. 2237**

Introduced by Assembly Member Friedman

February 16, 2022

An act to amend Section 65082 of, and to add Sections 65080.05 and 65082.5 to, the Government Code, relating to transportation planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 2237, as amended, Friedman. Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.

Existing law establishes the Strategic Growth Council in state government. Existing law requires the council to develop and administer the Affordable Housing and Sustainable Communities Program to reduce the emissions of greenhouse gases through projects that implement land use, housing, transportation, and agricultural land preservation practices to support infill and compact development and that support related and coordinated public policy objectives, as specified.

Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning organization. Existing law requires the council, by January 31, 2022, to submit a report to the relevant policy and fiscal committees of the Legislature that includes, among other things, an overview of those

sustainable communities strategies, an assessment of how implementation of those sustainable communities strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs, including the Affordable Housing and Sustainable Communities Program.

This bill would require the council, in consultation with the State Air Resources Board, the Department of Housing and Community Development, and the Transportation Agency, to convene a task force to review the roles and responsibilities of metropolitan planning organizations and to define “sustainable community.”

Existing law requires each regional transportation planning agency or county transportation commission to biennially adopt and submit to the California Transportation Commission and the Department of Transportation a 5-year regional transportation improvement program that includes, among other things, regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program.

This bill would require that those projects and programs included in each regional transportation improvement program also be consistent with the most recently prepared sustainable communities strategy of the regional transportation planning agency or county transportation commission and the state’s climate ~~goals~~: *goals, as defined*. The bill would require each regional transportation planning agency or county transportation commission, ~~on or before December 15, 2025, and biennially thereafter, to submit a report to the state board determining whether the projects and programs in its most recent regional transportation improvement program are consistent with~~ *commission to rank all transportation projects and prioritize projects based on adherence to its most recently prepared adopted* sustainable communities strategy and the state’s climate ~~goals~~: *goals, prioritize funding and implementing projects in the order of prioritization, and submit the prioritized list to the state board and the California Transportation Commission*. The bill would require the state board, in consultation with the ~~Office of Planning and Research, to also~~ *commission, to* determine whether those projects and programs are consistent with the sustainable communities strategy and the state’s climate goals, and ~~would require the state board, in consultation with the office, to reallocate moneys from inconsistent projects or programs and prohibit~~

a regional transportation planning agency or county transportation commission from funding inconsistent projects or programs, as specified.

The bill would also require each regional transportation planning agency or county transportation commission to submit a report on local transportation tax measures to the California Transportation Commission on or before March 30, 2023, as provided. The bill would require the commission, in consultation with the state board, to propose recommendations on alignment of local tax measures with the state's climate goals. The bill would require, to the extent permitted by the local tax measures, projects funded by local tax measures to be included in regional transportation plans and to adhere to the most recently adopted sustainable community strategy of the applicable regional transportation agency or county transportation commission and the state's climate goals.

By imposing additional requirements on local government, including regional transportation planning agencies and county transportation commissions, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 65080.05 is added to the Government
- 2 Code, to read:
- 3 65080.05. The Strategic Growth Council, in consultation with
- 4 the State Air Resources Board, the Department of Housing and
- 5 Community Development, and the Transportation Agency, shall
- 6 convene a task force to do both of the following:
- 7 (a) Review the roles and responsibilities of metropolitan
- 8 planning organizations.
- 9 (b) Define "sustainable community."
- 10 SEC. 2. Section 65082 of the Government Code is amended
- 11 to read:

1 65082. (a) For purposes of this section, the following
2 definitions apply:

3 (1) “Regional transportation planning agency or county
4 transportation commission” means a regional transportation
5 planning agency or county transportation commission required to
6 adopt and submit a regional transportation improvement program
7 to the ~~commission~~ *California Transportation Commission* and the
8 ~~department~~ *Department of Transportation* pursuant to Section
9 14527.

10 (2) “State’s climate goals” means the goals expressed in any of
11 the following:

12 ~~(A) The California Transportation Plan updated pursuant to~~
13 ~~Chapter 2.3 (commencing with Section 65070).~~

14 ~~(B)~~

15 (A) Climate Action Plan for Transportation Infrastructure
16 prepared by the Transportation ~~Agency~~. *Agency, including the*
17 *guiding principles in the final draft as adopted by the*
18 *Transportation Agency and endorsed by the California*
19 *Transportation Commission in July 2021.*

20 ~~(C) The greenhouse gas emissions reduction standards set forth~~
21 ~~in the California Global Warming Solutions Act of 2006 (Division~~
22 ~~25.5 (commencing with Section 38500) of the Health and Safety~~
23 ~~Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).~~

24 (B) *State and federal air quality standards set by the federal*
25 *Clean Air Act (42 U.S.C. Sec. 7401 et seq.), including all state*
26 *ambient air quality standards, as set forth in Section 70200 of Title*
27 *17 of the California Code of Regulations, and national ambient*
28 *air quality standards, as established pursuant to Section 7409 of*
29 *Title 42 of the United States Code, in all areas of the state, as*
30 *described in California’s state implementation plans required by*
31 *the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.).*

32 (C) *Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

33 (D) *Senate Bill 32 (Chapter 249 of the Statutes of 2016).*

34 (b) (1) Each regional transportation planning agency or county
35 transportation commission shall prepare, adopt, and submit a
36 five-year regional transportation improvement program to the
37 California Transportation Commission on or before December 15
38 of each odd-numbered year thereafter, updated every two years,
39 pursuant to Sections 65080 and 65080.5 and the guidelines adopted
40 pursuant to Section 14530.1, to include regional transportation

1 improvement projects and programs it proposes to be funded, in
2 whole or in part, in the state transportation improvement program
3 and that are consistent with its most recently prepared sustainable
4 communities strategy and the state's climate goals.

5 (2) Major projects shall include current costs updated as of
6 November 1 of the year of submittal and escalated to the
7 appropriate year, and be listed by relative priority, taking into
8 account need, delivery milestone dates, and the availability of
9 funding.

10 (c) Except for those counties that do not prepare a congestion
11 management program pursuant to Section 65088.3, congestion
12 management programs adopted pursuant to Section 65089 shall
13 be incorporated into the regional transportation improvement
14 program submitted to the commission by December 15 of each
15 odd-numbered year.

16 (d) Local projects not included in a congestion management
17 program shall not be included in the regional transportation
18 improvement program. Projects and programs adopted pursuant
19 to subdivision (b) shall be consistent with the capital improvement
20 program adopted pursuant to paragraph (5) of subdivision (b) of
21 Section 65089, and the guidelines adopted pursuant to Section
22 14530.1.

23 (e) Other projects may be included in the regional transportation
24 improvement program if listed separately.

25 (f) Unless a county not containing urbanized areas of over
26 50,000 population notifies the Department of Transportation by
27 July 1 that it intends to prepare a regional transportation
28 improvement program for that county, the department shall, in
29 consultation with the affected local agencies, prepare the program
30 for all counties for which it prepares a regional transportation plan.

31 (g) The requirements for incorporating a congestion management
32 program into a regional transportation improvement program
33 specified in this section do not apply in those counties that do not
34 prepare a congestion management program in accordance with
35 Section 65088.3.

36 (h) The regional transportation improvement program may
37 include a reserve of county shares for providing funds in order to
38 match federal funds.

39 SEC. 3. Section 65082.5 is added to the Government Code, to
40 read:

1 65082.5. (a) For purposes of this section, the following
2 definitions apply:

3 (1) “Regional transportation planning agency or county
4 transportation commission” has the same meaning as defined in
5 Section 65082.

6 (2) “State’s climate goals” has the same meaning as defined in
7 Section 65082.

8 (b) *(1) Each regional transportation planning agency or county
9 transportation commission, in consultation with the Office of
10 Planning and Research, shall, on or before December 15, 2025,
11 and biennially thereafter, submit a report to the State Air Resources
12 Board determining whether the projects and programs in its most
13 recent regional transportation improvement program, or update to
14 its most recent regional transportation improvement program, are
15 consistent with commission shall rank all transportation projects
16 and prioritize projects based on their adherence to its most recently
17 prepared adopted sustainable communities strategy and the state’s
18 climate goals. Ranked projects shall accelerate sustainable
19 communities strategies implementation and shall not induce vehicle
20 miles traveled. Each regional transportation planning agency or
21 county transportation commission shall fund and implement
22 projects in the order of prioritization.*

23 *(2) Each regional transportation planning agency or county
24 transportation commission shall submit the prioritized list
25 developed pursuant to paragraph (1) to the State Air Resources
26 Board and the California Transportation Commission. This
27 prioritized list shall be due according to the same timeline as the
28 applicable sustainable communities strategy described in
29 paragraph (2) of subdivision (b) of Section 65080.*

30 (c) ~~(1)~~ Upon receiving a ~~report~~ list submitted pursuant to
31 subdivision (b), the State Air Resources Board, in consultation
32 with the ~~Office of Planning and Research, California~~
33 ~~Transportation Commission~~, shall determine whether each project
34 ~~or program~~ is consistent with the most recently ~~prepared adopted~~
35 sustainable communities strategy of the regional transportation
36 planning agency or county transportation commission and the
37 state’s climate goals.

38 ~~(2) If the State Air Resources Board, in consultation with the~~
39 ~~Office of Planning and Research, determines that a project or~~
40 ~~program is inconsistent with the most recently prepared sustainable~~

1 ~~communities strategy of the regional transportation planning~~
 2 ~~agency or county transportation commission or the state's climate~~
 3 ~~goals, the State Air Resources Board, in consultation with the~~
 4 ~~Office of Planning and Research, shall reallocate the moneys from~~
 5 ~~that project or program.~~

6 *(d) (1) Each regional transportation planning agency or county*
 7 *transportation commission shall submit a report on local*
 8 *transportation tax measures to the California Transportation*
 9 *Commission on or before March 30, 2023. This report shall include*
 10 *all of the following information:*

11 *(A) The text of the local transportation tax measure.*

12 *(B) A description of whether the local transportation tax*
 13 *measure aligns with the most recently adopted sustainable*
 14 *communities strategy and the state's climate goals.*

15 *(C) A description of the transportation projects funded by the*
 16 *local transportation tax measure.*

17 *(D) A timeline of the transportation projects, including when*
 18 *they were passed and when they will expire.*

19 *(2) The California Transportation Commission, in consultation*
 20 *with the State Air Resources Board, shall conduct an analysis and*
 21 *propose recommendations on alignment of local tax measures with*
 22 *the state's climate goals.*

23 *(e) Projects funded by local tax measures shall, to the extent*
 24 *permitted by the terms of the local tax measures, be included in*
 25 *the regional transportation plans prepared pursuant to Section*
 26 *65080 and adhere to the most recently adopted sustainable*
 27 *community strategy of the applicable regional transportation*
 28 *agency or county transportation commission and the state's climate*
 29 *goals.*

30 *(f) Regional transportation planning agencies or county*
 31 *transportation commissions that approve projects that adhere to*
 32 *their most recently adopted sustainable communities strategies*
 33 *and the state's climate goals shall, upon appropriation by the*
 34 *Legislature, receive additional funds from surplus state*
 35 *transportation funds and federal funds.*

36 ~~(d)~~

37 *(g) A regional transportation planning agency or county*
 38 *transportation commission shall not fund a project or program*
 39 *determined to be inconsistent with its most recently prepared*

1 *adopted* sustainable communities strategy or the state's climate
2 goals pursuant to subdivision (c).

3 SEC. 4. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

O

ATTACHMENT C

AMENDED IN ASSEMBLY MARCH 21, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2438

Introduced by Assembly Member Friedman

February 17, 2022

An act to amend Sections 14526.4, 14526.5, 14529, 14530.1, and 65072 of, and to add and repeal Section ~~65073.5~~ to 13978.7 of, the Government Code, and to amend Sections 2033, 2034, 2192, 2394, and 2396 of, and to add Section 2103.5 to, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2438, as amended, Friedman. Transportation ~~projects; funding:~~ alignment with state ~~plans; plans and greenhouse gas emissions reduction standards.~~

(1) Existing law provides for the funding of projects on the state highway system and other transportation improvements, including under the state transportation improvement program, the state highway operation and protection program, the Solutions for Congested Corridors Program, the Trade Corridor Enhancement Program, and the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Partnership Program.

This bill would require the agencies that administer those programs to revise the guidelines or plans applicable to those programs to ensure that projects included in the applicable program align with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards.

The bill would require the Transportation Agency, the Department of Transportation, and the California Transportation Commission, in consultation with the State Air Resources Board and the Strategic Growth Council, to jointly prepare and submit a report to the Legislature on or before January 1, 2025, that comprehensively reevaluates transportation program funding levels, projects, and eligibility criteria with the objective of aligning the largest funding programs with the goals set forth in the above-described plans and away from projects that increase vehicle capacity.

(2) Existing law provides for the apportionment of funding to cities and counties, including under the program within the Road Maintenance and Rehabilitation Program commonly known as the Local Streets and Roads Program, for local streets and roads and other transportation improvements.

This bill would require funds apportioned to cities or counties under the Local Streets and Roads Program to be expended consistent with the California Transportation Plan, the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency, and specified greenhouse gas emissions reduction standards. The bill would also express Legislative intent that other funds apportioned to cities and counties for these purposes be expended consistent with those plans and standards.

~~Existing~~

(3) Existing law requires the Department of Transportation to prepare the California Transportation Plan for submission to the Governor and the Legislature, to complete the 3rd update to the plan by December 31, 2025, and to update the plan every 5 years thereafter, as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent. ~~The plan is required to consider various subject areas for the movement of people and freight, including environmental protection.~~

This bill would ~~also require all transportation projects funded at the local or state level to align with the California Transportation Plan and the Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency. To the extent the bill imposes additional duties on local agencies, the bill would impose a state-mandated local program.~~ the California Transportation Plan to include a financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The bill would require

the financial element to also contain recommendations for allocation of funds.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

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

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

- 1 *SECTION 1. Section 13978.7 is added to the Government Code,*
- 2 *to read:*
- 3 13978.7. (a) (1) *The agency, the Department of*
- 4 *Transportation, and the California Transportation Commission,*
- 5 *in consultation with the State Air Resources Board and the*
- 6 *Strategic Growth Council, shall jointly prepare and submit a report*
- 7 *to the Legislature on or before January 1, 2025, that*
- 8 *comprehensively reevaluates transportation program funding*
- 9 *levels, projects, and eligibility criteria with the objective of aligning*
- 10 *the largest funding programs with the goals set forth in the Climate*
- 11 *Action Plan for Transportation Infrastructure adopted by the*
- 12 *agency and the California Transportation Plan updated pursuant*
- 13 *to Chapter 2.3 (commencing with Section 65070) of Division 1 of*
- 14 *Title 7 and away from projects that increase vehicle capacity.*
- 15 (2) *The report shall identify statutory changes that need to be*
- 16 *enacted to accomplish the objective described in paragraph (1)*
- 17 *and changes that can be accomplished through state agency action*
- 18 *without statutory changes.*
- 19 (b) (1) *A report to be submitted pursuant to subdivision (a)*
- 20 *shall be submitted in compliance with Section 9795.*
- 21 (2) *Pursuant to Section 10231.5, this section is repealed on*
- 22 *January 1, 2029.*
- 23 *SEC. 2. Section 14526.4 of the Government Code is amended*
- 24 *to read:*
- 25 14526.4. (a) *The department, in consultation with the*
- 26 *commission, shall prepare a robust asset management plan to guide*

1 selection of projects for the state highway operation and protection
 2 program required by Section 14526.5. The asset management plan
 3 shall be consistent with any applicable state and federal
 4 requirements.

5 (b) The department may prepare the asset management plan in
 6 phases, with the first phase to be implemented with the 2016 state
 7 highway operation and protection program, and the complete asset
 8 management plan to be prepared no later than the 2020 state
 9 highway operation and protection program.

10 (c) *The department shall prepare revisions to the asset*
 11 *management plan to ensure that a project selected for the state*
 12 *highway operation and protection program and the complete*
 13 *program of projects selected for the state highway operation and*
 14 *protection program align with all of the following:*

15 (1) *The California Transportation Plan updated pursuant to*
 16 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
 17 *Title 7.*

18 (2) *The Climate Action Plan for Transportation Infrastructure*
 19 *adopted by the Transportation Agency.*

20 (3) *The greenhouse gas emissions reduction standards set forth*
 21 *in the California Global Warming Solutions Act of 2006 (Division*
 22 *25.5 (commencing with Section 38550) of the Health and Safety*
 23 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

24 ~~(e)~~

25 (d) In connection with the asset management plan, the
 26 commission shall do both of the following:

27 (1) Adopt targets and performance measures reflecting state
 28 transportation goals and objectives.

29 (2) Review and approve the asset management plan, including
 30 the final version of the first ~~phase~~ *and phase*, the complete plan
 31 prepared by the department pursuant to subdivision ~~(b)~~ *(b)*, and
 32 *the revisions prepared by the department pursuant to subdivision*
 33 *(c).*

34 ~~(d)~~

35 (e) As used in this section, “asset management plan” means a
 36 document assessing the health and condition of the state highway
 37 system with which the department is able to determine the most
 38 effective way to apply the state’s limited resources.

39 *SEC. 3. Section 14526.5 of the Government Code is amended*
 40 *to read:*

1 14526.5. (a) Based on the asset management plan prepared
2 and approved pursuant to Section 14526.4, the department shall
3 prepare a state highway operation and protection program for the
4 expenditure of transportation funds for major capital improvements
5 that are necessary to preserve and protect the state highway system.
6 Projects included in the program shall be limited to improvements
7 relative to the maintenance, safety, operation, and rehabilitation
8 of state highways and bridges that do not add a new traffic lane to
9 the system. *A project may only be included in the state highway*
10 *operation and protection program if it is consistent with the*
11 *guidelines adopted pursuant to subdivision (c) of Section 14526.4.*

12 (b) The program shall include projects that are expected to be
13 advertised prior to July 1 of the year following submission of the
14 program, but ~~which~~ *that* have not yet been funded. The program
15 shall include those projects for which construction is to begin
16 within four fiscal years, starting July 1 of the year following the
17 year the program is submitted.

18 (c) (1) The department, at a minimum, shall specify, for each
19 project in the state highway operation and protection program, the
20 capital and support budget, as applicable, for each of the following
21 project phases:

22 (A) Project approval and environmental documents, support
23 only.

24 (B) Plans, specifications, and estimates, support only.

25 (C) Rights-of-way.

26 (D) Construction.

27 (2) The department shall specify, for each project in the state
28 highway operation and protection program, a projected delivery
29 date for each of the following components:

30 (A) Project approval and environmental document completion.

31 (B) Plans, specifications, and estimates completion.

32 (C) Right-of-way certification.

33 (D) Start of construction.

34 (d) The department shall submit its proposed program to the
35 commission not later than January 31 of each even-numbered year.
36 Prior to submitting its proposed program, the department shall
37 make a draft of its proposed program available to transportation
38 planning agencies for review and comment and shall include the
39 comments in its submittal to the commission. The department shall
40 provide the commission with detailed information for all

1 programmed projects on cost, scope, schedule, and performance
2 metrics as determined by the commission.

3 (e) The commission shall review the proposed program relative
4 to its overall adequacy, consistency with the asset management
5 plan prepared and approved pursuant to Section 14526.4 and
6 funding priorities established in Section 167 of the Streets and
7 Highways Code, the level of annual funding needed to implement
8 the program, and the impact of those expenditures on the state
9 transportation improvement program. The commission shall adopt
10 the program and submit it to the Legislature and the Governor not
11 later than April 1 of each even-numbered year. The commission
12 may decline to adopt the program if the commission determines
13 that the program is not sufficiently consistent with the asset
14 management plan prepared and approved pursuant to Section
15 14526.4.

16 (f) As part of the commission's review of the program required
17 pursuant to subdivision (a), the commission shall hold at least one
18 hearing in northern California and one hearing in southern
19 California regarding the proposed program.

20 (g) On or after July 1, 2017, to provide sufficient and transparent
21 oversight of the department's capital outlay support resources
22 composed of both state staff and contractors, the commission shall
23 be required to allocate the department's capital outlay support
24 resources by project phase, including preconstruction. Through
25 this action, the commission will provide public transparency for
26 the department's budget—~~estimates~~; *estimates* by increasing
27 assurance that the annual budget forecast is reasonable. The
28 commission shall develop guidelines, in consultation with the
29 department, to implement this subdivision. Guidelines adopted by
30 the commission to implement this subdivision shall be exempt
31 from the Administrative Procedure Act (Chapter 3.5 (commencing
32 with Section 11340) of Part 1).

33 (h) Beginning July 1, 2017, for a project that experiences
34 increases in capital or support costs above the amounts in the
35 commission's allocation pursuant to subdivision (g), the
36 commission shall establish a threshold for requiring a supplemental
37 project allocation. The commission's guidelines adopted pursuant
38 to subdivision (g) shall also establish the threshold that the
39 commission determines is necessary to ensure efficiency and may

1 provide exceptions as necessary so that projects are not
2 unnecessarily delayed.

3 (i) The department, for each project requiring a supplemental
4 project allocation pursuant to subdivision (h), shall submit a request
5 to the commission for its approval.

6 (j) Expenditures for these projects shall not be subject to
7 Sections 188 and 188.8 of the Streets and Highways Code.

8 *SEC. 4. Section 14529 of the Government Code is amended to*
9 *read:*

10 14529. (a) The state transportation improvement program shall
11 include a listing of all capital improvement projects that are
12 expected to receive an allocation of state transportation funds under
13 Section 164 of the Streets and Highways Code, including revenues
14 from transportation bond acts, from the commission during the
15 following five fiscal years. It shall include, and be limited to, the
16 projects to be funded with the following:

17 (1) Interregional improvement funds.

18 (2) Regional improvement funds.

19 (b) For each project, the program shall specify the allocation or
20 expenditure amount and the allocation or expenditure year for each
21 of the following project components:

22 (1) Completion of all permits and environmental studies.

23 (2) Preparation of plans, specifications, and estimates.

24 (3) The acquisition of rights-of-way, including, but not limited
25 to, support activities.

26 (4) Construction and construction management and engineering,
27 including surveys and inspection.

28 (c) Funding for right-of-way acquisition and construction for a
29 project may be included in the program only if the commission
30 makes a finding that the sponsoring agency will complete the
31 environmental process and can proceed with right-of-way
32 acquisition or construction within the five-year period. ~~No~~ An
33 allocation for right-of-way acquisition or construction shall *not* be
34 made until the completion of the environmental studies and the
35 selection of a preferred alternative.

36 (d) The commission shall adopt and submit to the Legislature
37 and the Governor, not later than April 1 of each even-numbered
38 ~~year thereafter,~~ *year,* a state transportation improvement program.
39 The program shall cover a period of five years, beginning July 1
40 of the year it is adopted, and shall be a statement of intent by the

1 commission for the allocation or expenditure of funds during those
 2 five years. The program shall include projects ~~which~~ *that* are
 3 expected to receive funds ~~prior to before~~ July 1 of the year of
 4 adoption, but for which the commission has not yet allocated funds.

5 (e) (1) The projects included in the adopted state transportation
 6 improvement program shall be limited to those projects submitted
 7 or recommended pursuant to Sections 14526 and 14527. The total
 8 amount programmed in each fiscal year for each program category
 9 shall not exceed the amount specified in the fund estimate adopted
 10 under Section 14525.

11 (2) *A project may only be included in the state transportation*
 12 *improvement program if it is consistent with the guidelines adopted*
 13 *pursuant to subdivision (c) of Section 14530.1.*

14 (f) The state transportation improvement program is a resource
 15 management document to assist the state and local entities to plan
 16 and implement transportation improvements and to ~~utilize~~ *use*
 17 available resources in a cost-effective manner. It is a document
 18 for each county and each region to declare their intent to use
 19 available state and federal funds in a timely and cost-effective
 20 manner.

21 (g) ~~Prior to Before~~ the adoption of the state transportation
 22 improvement program, the commission shall hold not less than
 23 one hearing in northern California and one hearing in southern
 24 California to reconcile any objections by any county or regional
 25 agency to the department's program or the department's objections
 26 to any regional program.

27 (h) The commission shall incorporate projects that are included
 28 in the regional transportation improvement program and are to be
 29 funded with regional improvement funds, unless the commission
 30 finds that the regional transportation improvement program is ~~not~~
 31 ~~consistent~~ *inconsistent with paragraph (2) of subdivision (e), is*
 32 *inconsistent* with the guidelines adopted by the ~~commission~~
 33 *commission*, or is not a cost-effective expenditure of state funds,
 34 in which case the commission may reject the regional transportation
 35 improvement program in its entirety. The finding shall be based
 36 on an objective analysis, including, but not limited to, travel
 37 forecast, cost, and air quality. The commission shall hold a public
 38 hearing in the affected county or region ~~prior to before~~ rejecting
 39 the program, or not later than 60 days after rejecting the program.
 40 ~~When~~ *If* a regional transportation improvement program is rejected,

1 the regional entity may submit a new regional transportation
2 improvement program for inclusion in the state transportation
3 improvement program. The commission shall not reject a regional
4 transportation improvement program unless, not later than 60 days
5 after the date it received the program, it provided notice to the
6 affected agency that specified the factual basis for its proposed
7 action.

8 (i) A project may be funded with more than one of the program
9 categories listed in Section 164 of the Streets and Highways Code.

10 (j) Notwithstanding any other ~~provision of law~~, ~~no~~ local or
11 regional matching funds shall *not* be required for projects that are
12 included in the state transportation improvement program.

13 (k) The commission may include a project recommended by a
14 regional transportation planning agency or county transportation
15 commission pursuant to subdivision (c) of Section 14527, if the
16 commission makes a finding, based on an objective analysis, that
17 the recommended project is more cost-effective than a project
18 submitted by the department pursuant to Section 14526.

19 *SEC. 5. Section 14530.1 of the Government Code is amended*
20 *to read:*

21 14530.1. (a) The department, in cooperation with the
22 commission, transportation planning agencies, and county
23 transportation commissions and local governments, shall develop
24 guidelines for the development of the state transportation
25 improvement program and the incorporation of projects into the
26 state transportation improvement program.

27 (b) The guidelines shall include, but not be limited to, all of the
28 following:

- 29 (1) Standards for project deliverability.
30 (2) Standards for identifying projects and project components.
31 (3) Standards for cost estimating.
32 (4) Programming methods for increases and schedule changes.
33 (5) Objective criteria for measuring system performance and
34 cost-effectiveness of candidate projects.

35 *(c) The department, in cooperation with the commission,*
36 *transportation planning agencies, and county transportation*
37 *commissions and local governments, shall revise the guidelines*
38 *developed pursuant to subdivision (a) to ensure that a project*
39 *selected to be included in the state transportation improvement*
40 *program and the complete program of projects selected for the*

1 *state transportation improvement program align with all of the*
 2 *following:*

3 *(1) The California Transportation Plan updated pursuant to*
 4 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
 5 *Title 7.*

6 *(2) The Climate Action Plan for Transportation Infrastructure*
 7 *adopted by the Transportation Agency.*

8 *(3) The greenhouse gas emissions reduction standards set forth*
 9 *in the California Global Warming Solutions Act of 2006 (Division*
 10 *25.5 (commencing with Section 38550) of the Health and Safety*
 11 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

12 ~~(e)~~

13 *(d) The guidelines shall be the complete and full statement of*
 14 *the policy, standards, and criteria that the commission intends to*
 15 *use in selecting projects to be included in the state transportation*
 16 *improvement program.*

17 ~~(d)~~

18 *(e) The commission may amend the adopted guidelines after*
 19 *conducting at least one public hearing. The commission shall make*
 20 *a reasonable effort to adopt the amended guidelines prior to its*
 21 *adoption of the fund estimate pursuant to Section 14525. In no*
 22 *event shall the adopted guidelines be amended, or otherwise*
 23 *revised, modified, or altered during the period commencing 30*
 24 *days after the adoption of the fund estimate pursuant to Section*
 25 *14525 and before the adoption of the state transportation*
 26 *improvement program pursuant to Section 14529.*

27 *SEC. 6. Section 65072 of the Government Code is amended to*
 28 *read:*

29 *65072. The California Transportation Plan shall include all of*
 30 *the following:*

31 *(a) A policy element that describes the state's transportation*
 32 *policies and system performance objectives. These policies and*
 33 *objectives shall be consistent with legislative intent described in*
 34 *Sections 14000, 14000.5, 14000.6, and 65088.*

35 *(b) A strategies element that shall incorporate the broad system*
 36 *concepts and strategies synthesized from the adopted regional*
 37 *transportation plans prepared pursuant to Section 65080. The*
 38 *California Transportation Plan shall not be project specific.*

39 *(c) A financial element that summarizes the cost of the*
 40 *implementation of the California Transportation Plan constrained*

1 *by a realistic projection of available revenues. The financial*
2 *element shall also contain recommendations for allocation of*
3 *funds.*

4 ~~(e)~~

5 *(d) A recommendations element that includes economic*
6 *forecasts and recommendations to the Legislature and the Governor*
7 *to achieve the plan's broad system concepts, strategies, and*
8 *performance objectives.*

9 *SEC. 7. Section 2033 of the Streets and Highways Code is*
10 *amended to read:*

11 *2033. (a) (1) On or before January 1, 2018, the commission,*
12 *in cooperation with the department, transportation planning*
13 *agencies, county transportation commissions, and other local*
14 *agencies, shall develop guidelines for the allocation of funds*
15 *pursuant to subdivision (a) of Section 2032.*

16 *(2) The commission, in cooperation with the department,*
17 *transportation planning agencies, county transportation*
18 *commissions, and other local agencies, shall revise the guidelines*
19 *developed pursuant to subdivision (a) to ensure that funds allocated*
20 *pursuant to subdivision (a) of Section 2032 align with all of the*
21 *following:*

22 *(A) The California Transportation Plan updated pursuant to*
23 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
24 *Title 7 of the Government Code.*

25 *(B) The Climate Action Plan for Transportation Infrastructure*
26 *adopted by the Transportation Agency.*

27 *(C) The greenhouse gas emissions reduction standards set forth*
28 *in the California Global Warming Solutions Act of 2006 (Division*
29 *25.5 (commencing with Section 38550) of the Health and Safety*
30 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

31 *(b) The guidelines shall be the complete and full statement of*
32 *the policy, standards, and criteria that the commission intends to*
33 *use to determine how these funds will be allocated.*

34 *(c) The commission may amend the adopted guidelines after*
35 *conducting at least one public hearing.*

36 *(d) The guidelines may include streamlining of project delivery*
37 *by authorizing local or regional transportation agencies to seek*
38 *commission approval of a letter of no prejudice that allows the*
39 *agency to expend its own funds in advance of an allocation of*
40 *funds by the commission, and to be reimbursed at a later time for*

1 eligible expenditures. A letter of no prejudice shall only be
 2 available to local or regional transportation agencies for moneys
 3 that have been identified for future allocation to the applicant
 4 agency. Moneys designated pursuant to subdivision (a) of Section
 5 2032 shall only be reimbursed when there is funding available in
 6 an amount sufficient to make the reimbursement.

7 *SEC. 8. Section 2034 of the Streets and Highways Code is*
 8 *amended to read:*

9 2034. (a) (1) (A) Before receiving an apportionment of funds
 10 under the program pursuant to paragraph (2) of subdivision (h) of
 11 Section 2032 from the Controller in a fiscal year, an eligible city
 12 or county shall submit to the commission a list of projects proposed
 13 to be funded with these funds. ~~Two~~

14 (B) *A project may only be included in a list of projects submitted*
 15 *pursuant to this section if it is consistent with all of the following:*

16 (i) *The California Transportation Plan updated pursuant to*
 17 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
 18 *Title 7 of the Government Code.*

19 (ii) *The Climate Action Plan for Transportation Infrastructure*
 20 *adopted by the Transportation Agency.*

21 (iii) *The greenhouse gas emissions reduction standards set forth*
 22 *in the California Global Warming Solutions Act of 2006 (Division*
 23 *25.5 (commencing with Section 38550) of the Health and Safety*
 24 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

25 (C) Two or more eligible cities, or one or more cities and a
 26 county, may propose a project to be jointly funded with these
 27 funds. Each city or county that proposes to jointly fund a project
 28 shall include its participation in the project in its list of projects
 29 submitted to the commission. All projects proposed to receive
 30 funding shall be adopted by resolution by the applicable city
 31 council or county board of supervisors at a regular public meeting.
 32 A proposed jointly funded project shall additionally be endorsed
 33 by a memorandum of understanding that is approved by the entities
 34 proposing to jointly fund the project and that includes the identity
 35 of the project's lead agency and a description of the individual
 36 contributions of each participating city and county to the project.

37 ~~The~~

38 (D) *The list of projects proposed to be funded with these funds;*
 39 *the funds described in subparagraph (A), including jointly funded*
 40 *projects, shall include a description and the location of each*

1 proposed project, a proposed schedule for that project's completion,
2 and the estimated useful life of the improvement. ~~The~~

3 (E) The project list shall not limit the flexibility of an eligible
4 city or county to fund projects in accordance with local needs and
5 priorities so long as the projects are consistent with *subparagraph*
6 (B) and subdivision (b) of Section 2030.

7 (2) The commission shall submit an initial report to the
8 Controller that indicates the cities and counties that have submitted
9 a list of projects ~~as described in~~ *consistent with* this subdivision
10 and that are therefore eligible to receive an apportionment of funds
11 under the program for the applicable fiscal year. If the commission
12 receives a list of projects from a city or county after it submits its
13 initial report to the Controller, the commission shall submit a
14 subsequent report to the Controller that indicates the cities and
15 counties that submitted a list of projects after the commission
16 submitted its initial report.

17 (3) The Controller, upon receipt of the initial report, shall
18 apportion funds to eligible cities and counties.

19 (4) (A) For any city or county that is not included in the initial
20 report submitted to the Controller pursuant to paragraph (2), the
21 Controller shall retain the monthly share of funds that would
22 otherwise be apportioned and distributed to the city or county
23 pursuant to paragraph (3).

24 (B) If the Controller receives a subsequent report from the
25 commission within 90 days of receiving the initial report from the
26 commission that a city or county has become eligible to receive
27 an apportionment, the Controller shall apportion the funds retained
28 pursuant to subparagraph (A) to the city or county.

29 (C) The Controller shall reapportion to all eligible cities and
30 counties pursuant to the formula in clauses (i) and (ii) of
31 subparagraph (C) of paragraph (3) of subdivision (a) of Section
32 2103 any funds that were retained pursuant to subparagraph (A)
33 but that were not apportioned and distributed pursuant to
34 subparagraph (B).

35 (b) For each fiscal year, each city or county receiving an
36 apportionment of funds shall, upon expending program funds,
37 submit documentation to the commission that details the
38 expenditures of all funds under the program, including a description
39 and location of each completed project, the amount of funds
40 expended on the project, the completion date, if applicable, and

1 the estimated useful life of the improvement. For projects jointly
 2 funded pursuant to *subparagraph (C) of paragraph (1) of*
 3 subdivision (a), each participating city and county shall submit to
 4 the commission the documentation required pursuant to this
 5 subdivision.

6 (c) Before receiving an apportionment of funds under the
 7 program pursuant to paragraph (2) of subdivision (h) of Section
 8 2032, an eligible city or county may expend other funds on eligible
 9 projects and may reimburse the source of those other funds when
 10 it receives its apportionment from the Controller over one or more
 11 years.

12 *SEC. 9. Section 2103.5 is added to the Streets and Highways*
 13 *Code, to read:*

14 *2103.5. It is the intent of the Legislature that funds apportioned*
 15 *by the Controller to cities and counties pursuant to this chapter*
 16 *be expended consistent with all of the following:*

17 (a) *The California Transportation Plan updated pursuant to*
 18 *Chapter 2.3 (commencing with Section 65070) of Division 1 of*
 19 *Title 7 of the Government Code.*

20 (b) *The Climate Action Plan for Transportation Infrastructure*
 21 *adopted by the Transportation Agency.*

22 (c) *The greenhouse gas emissions reduction standards set forth*
 23 *in the California Global Warming Solutions Act of 2006 (Division*
 24 *25.5 (commencing with Section 38550) of the Health and Safety*
 25 *Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

26 *SEC. 10. Section 2192 of the Streets and Highways Code is*
 27 *amended to read:*

28 2192. (a) The following revenues shall be allocated for
 29 infrastructure projects pursuant to this section:

30 (1) The revenues deposited in the ~~Trade-Corridors~~ *Corridor*
 31 *Enhancement Account* pursuant to Section 2192.4, except for those
 32 revenues in the account that were appropriated by Senate Bill 132
 33 of the 2017–18 Regular Session (Chapter 7 of the Statutes of 2017).

34 (2) An amount of federal funds equal to the amount of revenue
 35 apportioned to the state under Section 167 of Title 23 of the United
 36 States Code from the national highway freight programs, pursuant
 37 to the federal Fixing America’s Surface Transportation Act (“FAST
 38 Act,” Public Law 114-94).

39 (b) The funding described in subdivision (a) shall be available
 40 upon appropriation for allocation by the California Transportation

1 Commission for infrastructure improvements in this state on
2 federally designated Trade Corridors of National and Regional
3 Significance, on the Primary Freight Network, and along other
4 corridors that have a high volume of freight movement, as
5 determined by the commission and as identified in the state freight
6 plan developed pursuant to Section 13978.8 of the Government
7 Code. Projects eligible for funding shall be included in an adopted
8 regional transportation plan. Projects within the boundaries of a
9 metropolitan planning organization shall be included in an adopted
10 regional transportation plan that includes a sustainable communities
11 strategy determined by the State Air Resources Board to achieve
12 the region's greenhouse gas emissions reduction targets. In
13 developing guidelines for implementing this section, the
14 commission shall (1) apply the guiding principles, to the maximum
15 extent practicable, in the California Sustainable Freight Action
16 Plan released in July 2016 pursuant to Executive Order No.
17 B-32-15, and (2) consult the state freight plan and the applicable
18 port master plan.

19 (c) Eligible projects for these funds include, but are not limited
20 to, all of the following:

21 (1) Highway improvements to more efficiently accommodate
22 the movement of freight, particularly for ingress and egress to and
23 from the state's land ports of entry, rail terminals, and seaports,
24 including navigable inland waterways used to transport freight
25 between seaports, land ports of entry, and airports, and to relieve
26 traffic congestion along major trade or goods movement corridors.

27 (2) Freight rail system improvements to enhance the ability to
28 move goods from seaports, land ports of entry, and airports to
29 warehousing and distribution centers throughout California,
30 including projects that separate rail lines from highway or local
31 road traffic, improve freight rail mobility, and other projects that
32 improve the safety, efficiency, and capacity of the rail freight
33 system.

34 (3) Projects to enhance the capacity and efficiency of ports,
35 except that funds available under this section shall not be allocated
36 to a project that includes the purchase of fully automated cargo
37 handling equipment. For the purposes of this paragraph, "fully
38 automated" means equipment that is remotely operated or remotely
39 monitored, with or without the exercise of human intervention or
40 control. Nothing in this paragraph shall prohibit the use of funds

1 available pursuant to this section for a project that includes the
2 purchase of human-operated zero-emission equipment,
3 human-operated near-zero-emission equipment, and infrastructure
4 supporting that human-operated equipment. Furthermore, nothing
5 in this section shall prohibit the purchase of devices that support
6 that human-operated equipment, including equipment to evaluate
7 the utilization and environmental benefits of that human-operated
8 equipment.

9 (4) Truck corridor improvements, including dedicated truck
10 facilities or truck toll facilities, including the mitigation of the
11 emissions from trucks or these facilities.

12 (5) Border access improvements that enhance goods movement
13 between California and Mexico and that maximize the state's
14 ability to access funds made available to the state by federal law.

15 (6) Surface transportation, local road, and connector road
16 improvements to effectively facilitate the movement of goods,
17 particularly for ingress and egress to and from the state's land ports
18 of entry, airports, and seaports, to relieve traffic congestion along
19 major trade or goods movement corridors.

20 (7) Projects that employ advanced and innovative technology
21 to improve the flow of freight, such as intelligent transportation
22 systems, public infrastructure, excluding vehicles, that enables
23 zero-emission or near-zero emission goods movement, real time
24 information systems, weigh-in-motion devices, electronic screening
25 and credentialing systems, traffic signal optimization, work zone
26 management and information systems, ramp metering, and
27 electronic cargo and border security technologies.

28 (8) Environmental and community mitigation or efforts to reduce
29 environmental impacts of freight movement, such as projects that
30 reduce noise, overnight truck idling, or truck queues, and advanced
31 traveler information systems such as freight advanced traveler
32 information systems that optimize operations to reduce empty-load
33 trips.

34 (d) Projects funded with revenues identified in paragraph (1)
35 of subdivision (a) shall be consistent with Article XIX of the
36 California Constitution.

37 (e) (1) In adopting the program of projects to be funded with
38 funds described in subdivision (a), the commission shall evaluate
39 the total potential economic and noneconomic benefits of the
40 program of projects to California's economy, environment, and

1 public health. The evaluation shall specifically assess localized
2 impacts in disadvantaged communities. The commission shall
3 consult with the agencies identified in Executive Order No.
4 B-32-15 and metropolitan planning organizations in order to use
5 the appropriate models, techniques, and methods to develop the
6 parameters for evaluating the program of projects. The commission
7 shall allocate the funding from subdivision (a) for trade
8 infrastructure improvements as follows:

9 (A) Sixty percent of the funds shall be available for projects
10 nominated by regional transportation agencies and other public
11 agencies, including counties, cities, and port authorities, in
12 consultation with the department. The commission shall provide
13 reasonable geographic targets for funding allocations without
14 constraining what an agency may propose or what the commission
15 may approve.

16 (B) Forty percent of the funds shall be available for projects
17 nominated by the department, in consultation with regional
18 transportation agencies.

19 (2) In adopting a program of projects pursuant to paragraph (1),
20 the commission shall prioritize projects jointly nominated and
21 jointly funded by the state and local agencies. In considering
22 geographic balance for the overall program, the commission may
23 adjust the corridor-based targets in subparagraph (A) of paragraph
24 (1) to account for projects programmed pursuant to subparagraph
25 (B) of paragraph (1).

26 (3) *A project may only be included in the program of projects*
27 *adopted pursuant to paragraph (1) if it is consistent with the*
28 *guidelines adopted pursuant to paragraph (3) of subdivision (f).*

29 (f) (1) The commission shall adopt guidelines, including a
30 transparent process to evaluate projects and to allocate the funding
31 described in subdivision (a) for trade infrastructure improvements
32 in a manner that (A) addresses the state's most urgent needs, (B)
33 balances the demands of various land ports of entry, seaports, and
34 airports, (C) places emphasis on projects that improve trade
35 corridor mobility and safety while reducing emissions of diesel
36 particulates, greenhouse gases, and other pollutants and reducing
37 other negative community impacts, especially in disadvantaged
38 communities, (D) makes a significant contribution to the state's
39 economy, (E) recognizes the key role of the state in project
40 identification, (F) supports integrating statewide goods movement

1 priorities in a corridor approach, and (G) includes disadvantaged
2 communities measures, as established by the California
3 Environmental Protection Agency pursuant to Section 39711 of
4 the Health and Safety Code, and other tools the commission
5 determines, for evaluating benefits or costs for disadvantaged
6 communities and low-income communities. Project nominations
7 shall include either a quantitative or qualitative assessment of the
8 benefits the project is expected to achieve relative to the evaluation
9 criteria.

10 (2) The guidelines adopted pursuant to paragraph (1) may
11 include streamlining of project delivery by authorizing regional
12 transportation agencies and other public agencies to seek
13 commission approval of a letter of no prejudice that allows the
14 agency to expend its own funds for a project programmed in a
15 future year of the adopted program of projects, in advance of
16 allocation of funds to the project by the commission, and to be
17 reimbursed at a later time for eligible expenditures. A letter of no
18 prejudice shall only be available to local or regional transportation
19 agencies for moneys that have been identified for future allocation
20 to the applicant agency. Moneys designated for the program shall
21 only be reimbursed when there is funding available in an amount
22 sufficient to make the reimbursement.

23 (3) *The commission shall revise the guidelines adopted pursuant*
24 *to paragraph (1) to ensure that a project included in the program*
25 *of projects and the complete program of projects are aligned with*
26 *the California Transportation Plan updated pursuant to Chapter*
27 *2.3 (commencing with Section 65070) of Division 1 of Title 7 of*
28 *the Government Code, the Climate Action Plan for Transportation*
29 *Infrastructure adopted by the Transportation Agency, and the*
30 *greenhouse gas emissions reduction standards set forth in the*
31 *California Global Warming Solutions Act of 2006 (Division 25.5*
32 *(commencing with Section 38550) of the Health and Safety Code)*
33 *and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

34 (g) In addition, the commission shall also consider the following
35 factors when allocating these funds:

36 (1) “Velocity,” which means the speed by which large cargo
37 would travel from the land port of entry or seaport through the
38 distribution system.

(2) “Throughput,” which means the volume of cargo that would move from the land port of entry or seaport through the distribution system.

(3) “Reliability,” which means a reasonably consistent and predictable amount of time for cargo to travel from one point to another on any given day or at any given time in California.

(4) “Congestion reduction,” which means the reduction in recurrent daily hours of delay to be achieved.

(h) For purposes of this section, the following terms have the following meanings:

(1) “Disadvantaged communities” are those communities identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(2) “Low-income communities” are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

(i) It is the intent of the Legislature for the commission to adopt an initial program of projects using the state and federal funds described in subdivision (a) for eligible projects as soon as practicable and no later than May 17, 2018.

SEC. 11. Section 2394 of the Streets and Highways Code is amended to read:

2394. The commission shall allocate program funds to projects after reviewing the corridor plans submitted by the regional agencies or the department and making a determination that a proposed project is consistent with the objectives of the corridor ~~plan~~ *plan and is consistent with the guidelines adopted pursuant to paragraph (2) of subdivision (a) of Section 2396*. In addition to making a consistency determination with respect to project nominations, the commission shall score the proposed projects on the following criteria:

- (a) Safety.
- (b) Congestion.
- (c) Accessibility.
- (d) Economic development and job creation and retention.
- (e) Furtherance of state and federal ambient air ~~standards and~~ *greenhouse gas emissions reduction standards pursuant to the*

~~California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38550) of the Health and Safety Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008): standards.~~

(f) Efficient land use.

(g) Matching funds.

(h) Project deliverability.

SEC. 12. Section 2396 of the Streets and Highways Code is amended to read:

2396. (a) (1) The commission, in consultation with the State Air Resources Board, shall develop and adopt guidelines for the program consistent with the requirements of this chapter. Guidelines adopted by the commission shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Prior to adopting the guidelines, the commission shall conduct at least one public hearing in northern California and one public hearing in southern California to review and provide an opportunity for public comment. The commission shall adopt the final guidelines no sooner than 30 days after the commission provides the proposed guidelines to the Joint Legislative Budget Committee and the transportation policy committees in the Senate and the Assembly.

(2) *The commission, in consultation with the State Air Resources Board, shall revise the guidelines to ensure that a project to be included in the program of projects and the complete program of projects adopted pursuant to Section 2395 align with all of the following:*

(A) *The California Transportation Plan updated pursuant to Chapter 2.3 (commencing with Section 65070) of Division 1 of Title 7 of the Government Code.*

(B) *The Climate Action Plan for Transportation Infrastructure adopted by the Transportation Agency.*

(C) *The greenhouse gas emissions reduction standards set forth in the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38550) of the Health and Safety Code) and Senate Bill 375 (Chapter 728 of the Statutes of 2008).*

(b) The guidelines adopted pursuant to subdivision (a) may include streamlining of project delivery by authorizing regional agencies to seek commission approval of a letter of no prejudice

1 that allows the agency to expend its own funds for a project
2 programmed in a future year of the adopted program of projects,
3 in advance of allocation of funds to the project by the commission,
4 and to be reimbursed at a later time for eligible expenditures. A
5 letter of no prejudice shall only be available to local or regional
6 transportation agencies for moneys that have been identified for
7 future allocation to the applicant agency. Moneys designated for
8 the program shall only be reimbursed when there is funding
9 available in an amount sufficient to make the reimbursement.

10 ~~SECTION 1. Section 65073.5 is added to the Government~~
11 ~~Code, to read:~~

12 ~~65073.5. Notwithstanding any other law, all transportation~~
13 ~~projects funded at the local or state level shall align with the~~
14 ~~California Transportation Plan and the Climate Action Plan for~~
15 ~~Transportation Infrastructure adopted by the Transportation~~
16 ~~Agency.~~

17 ~~SEC. 2. If the Commission on State Mandates determines that~~
18 ~~this act contains costs mandated by the state, reimbursement to~~
19 ~~local agencies and school districts for those costs shall be made~~
20 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
21 ~~4 of Title 2 of the Government Code.~~

O

ATTACHMENT D

AMENDED IN ASSEMBLY APRIL 18, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 2594

Introduced by Assembly Member Ting

February 18, 2022

An act to amend Sections ~~14600 and 23302~~ 14600, 23302, 40255, and 40262 of, and to add Sections ~~23304 and 23305 to~~, 23304, 23305, 23306, 23307, 23308, 23309, and 40269.5 of, and to repeal and add Section 40258 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2594, as amended, Ting. Vehicle registration and toll charges.

Existing law requires a person who, after applying for or receiving a driver's license, moves to a new residence, or acquires a new mailing address different from the address shown in the application or in the license, to notify the Department of Motor Vehicles of both the old and new address within 10 days.

This bill would require the department, at the time a person notifies the department of a change of residence or mailing address for purposes of their driver's license, to inform the person that they may also need to change their address for purposes of their vehicle registration, and would require the department to provide instructions on how to update vehicle registration information.

Under existing law, a vehicle that enters into or upon a vehicular crossing immediately becomes liable for any tolls and other charges. Existing law requires an issuing agency, as defined, that permits pay-by-plate toll payment to communicate, as practicable, the pay-by-plate toll amount in the same manner as it communicates other toll payment methods.

This bill would require an issuing agency that permits pay-by-plate payment of ~~tolls, tolls and other charges using invoices without an account~~, and that also offers an alternate method of toll payment utilizing a transponder or other electronic toll payment device, to include with the invoice for the pay-by-plate toll charge, information about how to enroll in that alternative payment method. ~~The bill, with respect to a toll bridge, would require an issuing agency that permits pay-by-plate toll payment or that permits payment by a transponder or other electronic toll payment device to send an invoice by mail for any unpaid toll no later than 21 30 days from the date that the person drove over the vehicular crossing, toll highway, or high-occupancy toll lane. toll bridge. The bill would provide a process for a penalty to be assessed and for the authorize an invoice to be assigned to a collection agency if the invoice is not paid within a specified amount of time. The bill would require the issuing agency to provide an appeals process for disputed tolls and penalties, and would require the issuing agency, in cases of financial hardship, to develop a process to forgive penalties or to set up a payment plan for any unpaid penalties. The bill would require additional invoices to be sent and penalties to be assessed if the toll charge is not paid within a specified amount of time. The bill would require the issuing agency, if a person fails to pay the 4th invoice for 4 or more bridge tolls within one month, to notify the department, and would require the department to suspend that person's vehicle registration until the tolls are paid in full.~~

This bill would require an issuing agency to allow a driver of ~~an out-of-state vehicle a vehicle, including a driver of a rental car, to register their the vehicle's license plate with the agency online for up to 2 weeks at a time for the purpose of paying all tolls, and would require a rental car agency to provide a fact sheet to its customers explaining how an individual may register the license plate on their rental vehicle with an issuing agency to pay tolls.~~

This bill would require an issuing agency that operates an electronic toll collection system that permits payment by a transponder or other electronic toll payment device to make the transponder or other electronic toll payment device available for purchase ~~online and at other locations. online, by mail, and in person at retail outlets and at the issuing agency office.~~ The bill would prohibit the cost of the transponder or other electronic toll payment device from exceeding the reasonable cost to produce the ~~transponder and would limit the cost to not more than \$5. device.~~ The bill would require the issuing agency's office to

be open to the public during specified hours to allow a person to conduct specified transactions, including purchasing a transponder or other electronic toll payment device or paying a toll invoice. The bill would also require the issuing agency to maintain a customer service telephone line during specified hours.

Existing law authorizes a person, within the later of 21 days from the issuance of a notice of toll evasion violation or 15 days from the mailing of the notice delinquent toll evasion, to contest the notice of toll evasion violation or notice of delinquent toll evasion. Existing law requires the processing agency to investigate, or to request the issuing agency to investigate, the circumstances of the notice with respect to the contestant's reasons for contesting the toll evasion violation.

This bill would extend the applicable number of days from the mailing of the notice of delinquent toll evasion to 30 days, and would specify that the contestant is not required to pay the outstanding penalty. The bill would require the processing agency or issuing agency, at a minimum, to review the evidence on which the alleged violation was based, as specified. The bill would require the issuing agency to waive toll evasion penalties for a first violation with the issuing agency under designated circumstances.

Existing law requires a notice of delinquent toll evasion violation to include a notice to the registered owner that renewal of the vehicle registration will be contingent upon compliance with the notice, unless the registered owner pays the penalty within 15 days after mailing of the notice, or takes other specified actions.

This bill would revise the notice requirements to apply when the toll evasion penalty has not been paid within 30 days after the 3rd notice of delinquent toll evasion violation. The bill would provide for the suspension of the vehicle registration if a person fails to pay the toll evasion penalty by the date the 4th notice of delinquent toll evasion violation is mailed, as prescribed.

This bill would require an issuing agency to establish a payment plan option, as specified, applicable to all outstanding toll evasion penalties. The bill would require the issuing agency to post information regarding the payment plan policy on its internet website.

By imposing new duties on local government issuing agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 14600 of the Vehicle Code is amended
2 to read:
3 14600. (a) If a person after applying for or receiving a driver's
4 license moves to a new residence, or acquires a new mailing
5 address different from the address shown in the application or in
6 the license as issued, the person shall within 10 days thereafter
7 notify the department of both the old and new address. The
8 department may issue a document to accompany the driver's
9 license reflecting the new address of the holder of the license.
10 (b) At the time a person notifies the department of a change of
11 residence or mailing address pursuant to subdivision (a), the
12 department shall inform the person that they may also need to
13 change their address for purposes of their vehicle registration, and
14 shall include instructions on how to update vehicle registration
15 information. The information required by this subdivision shall be
16 given to the person orally if the change of address for the driver's
17 license is done in person, or in writing by mail in 14-point type or
18 larger. The information shall be stated in a clear manner and shall
19 be given to the person in a language that the person understands.
20 (c) When, pursuant to subdivision (b) of Section 12951, a driver
21 presents their driver's license to a peace officer, the person shall,
22 if applicable, also present the document issued pursuant to
23 subdivision (a) if the driver's license does not reflect the driver's
24 current residence or mailing address.
25 SEC. 2. Section 23302 of the Vehicle Code is amended to read:
26 23302. (a) (1) It is unlawful for a driver to fail to pay tolls or
27 other charges on any vehicular crossing or toll highway. Except
28 as otherwise provided in subdivision (b), (c), or (d), it is prima
29 facie evidence of a violation of this section for a person to drive
30 a vehicle onto any vehicular crossing or toll highway without either
31 lawful money of the United States in the driver's immediate

1 possession in an amount sufficient to pay the prescribed tolls or
2 other charges due from that driver or a transponder or other
3 electronic toll payment device associated with a valid Automatic
4 Vehicle Identification account with a balance sufficient to pay
5 those tolls.

6 (2) Except as specified in paragraph (3), if a transponder or
7 other electronic toll payment device is used to pay tolls or other
8 charges due, the device shall be located in or on the vehicle in a
9 location so as to be visible for the purpose of enforcement at all
10 times when the vehicle is located on the vehicular crossing or toll
11 highway. If required by the operator of a vehicular crossing or toll
12 highway, this requirement applies even if the operator offers free
13 travel or nontoll accounts to certain classes of users.

14 (3) If a motorcyclist uses a transponder or other electronic toll
15 payment device to lawfully enter a vehicle crossing or toll highway,
16 the motorcyclist shall use any one of the following methods as
17 long as the transponder or device is able to be read by the toll
18 operator's detection equipment:

19 (A) Place the transponder or other electronic toll payment device
20 in the motorcyclist's pocket.

21 (B) Place the transponder or other electronic toll payment device
22 inside a cycle net that drapes over the gas tank of the motorcycle.

23 (C) Mount the transponder or other electronic toll payment
24 device on license plate devices provided by the toll operator, if the
25 toll operator provides those devices.

26 (D) Keep the transponder or other electronic toll payment device
27 in the glove or storage compartment of the motorcycle.

28 (E) Mount the transponder or other electronic toll payment
29 device on the windshield of the motorcycle.

30 (b) For vehicular crossings and toll highways that use electronic
31 toll collection as the only method of paying tolls or other charges,
32 it is prima facie evidence of a violation of this section for a driver
33 to drive a vehicle onto the vehicular crossing or toll highway
34 without a transponder or other electronic toll payment device
35 associated with a valid Automatic Vehicle Identification account
36 with a balance sufficient to pay those tolls.

37 (c) For vehicular crossings and toll highways where the issuing
38 agency, as defined in Section 40250, permits pay-by-plate payment
39 of tolls and other charges, in accordance with policies adopted by
40 the issuing agency, it is prima facie evidence of a violation of this

1 section for a driver to drive a vehicle onto the vehicular crossing
2 or toll highway without at least one of the following:

3 (1) Lawful money of the United States in the driver's immediate
4 possession in an amount sufficient to pay the prescribed tolls or
5 other charges due from that person.

6 (2) A transponder or other electronic toll payment device
7 associated with a valid Automatic Vehicle Identification account
8 with a balance sufficient to pay those tolls.

9 (3) Valid vehicle license plates properly attached pursuant to
10 Section 4850.5 or 5200 to the vehicle in which that driver enters
11 onto the vehicular crossing or toll highway.

12 (d) For vehicular crossings and toll highways where the issuing
13 agency, as defined in Section 40250, permits pay-by-plate payment
14 of tolls and other charges in accordance with policies adopted by
15 the issuing agency, and where electronic toll collection is the only
16 other method of paying tolls or other charges, it is prima facie
17 evidence of a violation of this section for a driver to drive a vehicle
18 onto the vehicular crossing or toll highway without either a
19 transponder or other electronic toll payment device associated with
20 a valid Automatic Vehicle Identification account with a balance
21 sufficient to pay those tolls or valid vehicle license plates properly
22 attached to the vehicle pursuant to Section 4850.5 or 5200 in which
23 that driver enters onto the vehicular crossing or toll highway.

24 (e) As used in this article, "pay-by-plate toll payment" means
25 an issuing agency's use of on-road vehicle license plate
26 identification recognition technology to accept payment of tolls
27 in accordance with policies adopted by the issuing agency.

28 (f) This section does not require an issuing agency to offer
29 pay-by-plate toll processing as a method for paying tolls.

30 (g) If an issuing agency permits pay-by-plate payment of ~~tolls,~~
31 *tolls and other charges using invoices without an account*, but an
32 alternate method of toll payment utilizing a transponder or other
33 electronic toll payment device is also offered, the invoice for the
34 pay-by-plate toll shall include information ~~in 14-point type or~~
35 ~~larger about~~ *on* how to enroll in that alternative payment method.
36 The information shall include an internet website ~~link~~ *address* with
37 information about how to enroll in the alternate payment method
38 and a customer service ~~phone~~ *telephone* number.

39 SEC. 3. Section 23304 is added to the Vehicle Code, to read:

23304. (a) ~~An~~ *With respect to a toll bridge, an* issuing agency that permits pay-by-plate toll payment as described in subdivision (e) of Section 23302 or that permits payment by a transponder or other electronic toll payment device shall send an invoice by mail for any unpaid toll no later than ~~21~~ 30 days from the date that the person drove over the ~~vehicular crossing, toll highway, or high-occupancy toll lane.~~ *toll bridge*. The invoice shall provide methods for payment that shall include cash, check, or credit or debit card. Retail outlets that sell transponders or other electronic toll payment devices shall accept cash payments for toll charges.

(b) (1) ~~If a toll invoice is not paid within 21 days after the date shown on the invoice, the issuing agency shall send a second invoice to the person by mail. The second invoice shall advise the person that a penalty will be assessed if the invoice is not paid within 21 days after the date listed on the second invoice.~~

(2) ~~The amount of the penalty shall not exceed the cost to process and issue a third invoice showing the penalty assessed. The penalty shall be assessed against the entire unpaid balance shown on the invoice and not to each individual unpaid toll charge. The penalty may be assessed by the issuing agency only once for the unpaid balance shown on the invoice.~~

(3) ~~The issuing agency shall provide payment methods for the penalty that shall include cash, check, or credit or debit card.~~

(e) (b) The issuing agency may assign an unpaid toll invoice to a collection agency only after 180 days from the date shown on the third invoice. ~~Any penalty or interest assessed during the collection process shall not exceed fifty dollars (\$50) in total for all unpaid tolls listed on the invoice.~~

(d) ~~The issuing agency shall provide an appeals process for disputed tolls and penalties. This process shall be transparent, equal, and accessible. The invoice for unpaid tolls shall include a notice in 14-point type or larger with information describing the process for appeal.~~

(e) ~~In cases of financial hardship, the issuing agency shall develop a process to forgive penalties or to set up a payment plan for any unpaid penalties.~~

(f) ~~An issuing agency shall allow a driver of an out-of-state vehicle to register their vehicle's license plate with the agency for up to two weeks at a time for the purpose of paying all tolls.~~

~~(g) A rental car agency shall provide a fact sheet to its customers in 14-point type or larger explaining how an individual may register the license plate on their rental vehicle with an issuing agency to pay tolls for the length of the rental period. The fact sheet shall be given to the customer along with the rental contract or handed to the customer upon exiting the rental lot.~~

SEC. 4. Section 23305 is added to the Vehicle Code, to read:

23305. (a) An issuing agency shall allow a driver of a vehicle, including a driver of a rental car, to register the vehicle's license plate with the agency online for the purpose of paying all tolls with a credit or debit card.

(b) A rental car agency shall provide a fact sheet to its customers explaining how an individual may register the license plate on their rental vehicle with an issuing agency to pay tolls for the length of the rental period, rather than being billed by the rental car agency for a toll invoice. The fact sheet shall be given to the customer, along with the rental contract, and shall also be printed on a piece of paper placed on the passenger seat of a rented vehicle with no other text on the paper other than the toll registration information.

~~SEC. 4. Section 23305 is added to the Vehicle Code, to read:
23305.—~~

SEC. 5. Section 23306 is added to the Vehicle Code, to read:

23306. (a) (1) An issuing agency that operates an electronic toll collection system that permits payment by a transponder or other electronic toll payment device shall make the transponder or other electronic toll payment device available for purchase online and at other locations: online, by mail, and in person at retail outlets and at the issuing agency office.

(2) At least one retail outlet that offers for purchase sells the transponder or other electronic toll payment device shall be located in every city in which the transponder or other electronic toll payment device may be used to pay for toll charges.

(3) The issuing agency shall post on its internet website a list of locations at which a transponder or other electronic toll payment device may be purchased.

~~*(4) The issuing agency shall also maintain a phone line for a person to call for assistance in locating a retail outlet or other location to purchase a transponder or other electronic toll payment device. The phone line shall be operative during 9 a.m. and 5 p.m.*~~

1 at least four days a week and shall also be operative during the
 2 evening hours once a week.

3 (b) The cost of the transponder or other electronic toll payment
 4 device shall not exceed the reasonable cost to produce the device,
 5 and shall be limited to no more than five dollars (\$5). device.

6 (e) A person shall be allowed to purchase the transponder or
 7 other electronic toll payment device with cash and to load a
 8 minimum of twenty-five dollars (\$25) in cash or by credit or debit
 9 card onto the associated account. There shall be no fee to purchase
 10 with cash the transponder or other electronic toll payment device
 11 or to load money by cash onto the associated account.

12 SEC. 6. Section 23307 is added to the Vehicle Code, to read:

13 23307. (a) A person shall be allowed to purchase a
 14 transponder or other electronic toll payment device with cash, or
 15 with a credit or debit card, and shall be allowed to load a minimum
 16 of one hundred dollars (\$100) onto the associated account with
 17 cash or with a credit or debit card.

18 (b) There shall be no fee to purchase with cash the transponder
 19 or other electronic toll payment device.

20 (c) The issuing agency may charge a fee to load money by cash
 21 or credit or debit card onto the associated account in an amount
 22 that does not exceed the reasonable cost to the issuing agency to
 23 process the transaction, and that is limited to no more than three
 24 dollars (\$3).

25 SEC. 7. Section 23308 is added to the Vehicle Code, to read:

26 23308. (a) The issuing agency's office shall be open to the
 27 public at least 35 hours per week between the hours of 8 a.m. and
 28 5 p.m. and shall be open an additional five hours per week between
 29 the hours of 6 a.m. to 8 a.m. or 5 p.m. to 7 p.m.

30 (b) A person shall be able to conduct all of the following
 31 transactions at the issuing agency's office:

32 (1) Purchase a transponder or other electronic toll payment
 33 device.

34 (2) Load money onto an associated account.

35 (3) Pay a toll invoice.

36 (4) Register a license plate with the issuing agency for payment
 37 of tolls.

38 (c) The issuing agency shall not charge a fee, other than the
 39 reasonable cost of the transponder or other electronic toll payment

1 device, for any of the transactions listed in subdivision (b) that are
 2 conducted at the issuing agency's office.

3 (d) The issuing agency shall have at least one retail outlet
 4 located within 15 miles of all entry points to a toll bridge, toll
 5 road, or express lane at which a person may purchase with cash
 6 a transponder or other electronic toll payment device, load money
 7 by cash onto their associated account, or pay a toll invoice with
 8 cash.

9 SEC. 8. Section 23309 is added to the Vehicle Code, to read:

10 23309. (a) The issuing agency shall maintain a customer
 11 service telephone line that shall be operated by a live person for
 12 35 hours per week between the hours of 8 a.m. to 5 p.m. and an
 13 additional five hours per week between the hours of 6 a.m. to 8
 14 a.m. or from 5 p.m. to 7 p.m. The customer service telephone line
 15 shall assist persons with questions related to purchasing a
 16 transponder, paying invoices, disputing tolls and penalties, setting
 17 up payment plans, and registering the license plate of a vehicle
 18 for toll payments.

19 (b) The customer service telephone line shall provide language
 20 interpreters and persons skilled in communicating with deaf or
 21 hard-of-hearing individuals.

22 SEC. 9. Section 40255 of the Vehicle Code is amended to read:

23 40255. (a) Within 21 days from the issuance of the notice of
 24 toll evasion violation, or within ~~15~~ 30 days from the mailing of
 25 the notice of delinquent toll evasion, whichever occurs later, a
 26 person may contest a notice of toll evasion violation or a notice
 27 of delinquent toll ~~evasion~~ evasion, without having to pay the
 28 outstanding toll or toll evasion penalty. In that case, the processing
 29 agency shall do the following:

30 (1) The processing agency shall either investigate with its own
 31 records and staff or request that the issuing agency investigate the
 32 circumstances of the notice with respect to the contestant's written
 33 explanation of reasons for contesting the toll evasion violation. *At*
 34 *a minimum, the processing agency or issuing agency shall review*
 35 *the evidence on which the alleged violation was based, including*
 36 *any photographs of the alleged violation, the department's*
 37 *registered owner information, and confirmation that a full and*
 38 *complete payment was not made.* If, based upon the results of that
 39 investigation, the processing agency is satisfied that the violation
 40 did not occur or that the registered owner was not responsible for

1 the violation, the processing agency shall cancel the notice of toll
2 evasion violation and make an adequate record of the reasons for
3 canceling the notice. The processing agency shall mail the results
4 of the investigation to the person who contested the notice of toll
5 evasion violation or the notice of delinquent toll evasion violation.
6 *violation, or email the results if the person contesting the notice*
7 *requests email notification in lieu of mail and provides an email*
8 *address.*

9 (2) If the person contesting a notice of toll evasion violation or
10 notice of delinquent toll evasion violation is not satisfied with the
11 results of the investigation provided for in paragraph (1), the person
12 may, within 15 days of the mailing of the results of the
13 investigation, deposit the amount of the toll evasion penalty and
14 request an administrative review. After January 1, 1996, an
15 administrative hearing shall be held within 90 calendar days
16 following the receipt of a request for an administrative hearing,
17 excluding any time tolled pursuant to this article. The person
18 requesting the hearing may request one continuance, not to exceed
19 21 calendar days.

20 (3) *An issuing agency shall waive toll evasion penalties for a*
21 *first violation with the issuing agency if the person contacts*
22 *customer service within 30 days from the issuance of the notice of*
23 *toll evasion violation, and the person is not currently an*
24 *accountholder with the issuing agency and signs up for an account.*
25 *If the issuing agency waives penalties, the person shall still be*
26 *liable for all tolls.*

27 (b) The administrative review procedure shall consist of the
28 following:

29 (1) The person requesting an administrative review shall indicate
30 to the processing agency ~~his or her~~ *their* election for a review by
31 mail or personal conference.

32 (2) If the person requesting an administrative review is a minor,
33 that person shall be permitted to appear at an administrative review
34 or admit responsibility for a toll evasion violation without the
35 necessity of the appointment of a guardian. The processing agency
36 may proceed against that person in the same manner as if that
37 person were an adult.

38 (3) (A) The administrative review shall be conducted before a
39 reviewer designated to conduct the review by the issuing agency's
40 governing body or chief executive officer. In the case of violations

1 on facilities developed pursuant to Section 143 of the Streets and
2 Highways Code, the processing agency shall contract with a public
3 agency or a private entity that has no financial interest in the facility
4 for the provision of administrative review services pursuant to this
5 subdivision. The costs of those administrative review services shall
6 be included in the administrative fees authorized by this article.

7 (B) In addition to any other requirements of employment, a
8 reviewer shall demonstrate those qualifications, training, and
9 objectivity prescribed by the issuing agency's governing body or
10 chief executive as are necessary and which are consistent with the
11 duties and responsibilities set forth in this article.

12 (C) The examiner's continued employment, performance
13 evaluation, compensation, and benefits shall not be directly or
14 indirectly linked to the amount of fines collected by the examiner.

15 (4) The officer or person authorized to issue a notice of toll
16 evasion violation shall not be required to participate in an
17 administrative review. The issuing agency shall not be required to
18 produce any evidence other than the notice of toll evasion violation
19 or copy thereof, information received from the department
20 identifying the registered owner of the vehicle, and a statement
21 under penalty of perjury from the person reporting the violation.
22 The documentation in proper form shall be considered prima facie
23 evidence of the violation.

24 (5) For a toll evasion violation that occurs on a vehicular
25 crossing or toll highway where the issuing agency allows
26 pay-by-plate toll payment, as defined in subdivision (e) of Section
27 23302, the officer or person authorized to issue a notice of toll
28 evasion violation shall not be required to participate in an
29 administrative review. The issuing agency shall not be required to
30 produce any evidence other than the notice of toll evasion violation
31 or copy thereof, information received from the department
32 identifying the registered owner of the vehicle, and a statement
33 from the officer or person authorized to issue a notice of toll
34 evasion that the tolls or other charges and any applicable fee was
35 not paid in accordance with the issuing agency's policies for
36 pay-by-plate toll payment. Any officer or person who knowingly
37 provides false information pursuant to this paragraph shall be
38 subject to a civil penalty for each violation in the minimum amount
39 of two hundred fifty dollars (\$250) up to a maximum amount of
40 two thousand five hundred dollars (\$2,500). An action for a civil

1 penalty may be brought by any public prosecutor in the name of
2 the people of the State of California. The documentation in proper
3 form shall be considered prima facie evidence of the violation.

4 (6) The review shall be conducted in accordance with the written
5 procedure established by the processing agency which shall ensure
6 fair and impartial review of contested toll evasion violations. The
7 agency's final decision may be delivered personally or by first-class
8 mail.

9 *SEC. 10. Section 40258 of the Vehicle Code is repealed.*

10 ~~40258. (a) The schedule of toll evasion penalties for toll~~
11 ~~evasion violations shall be limited to one hundred dollars (\$100)~~
12 ~~for the first violation, two hundred fifty dollars (\$250) for a second~~
13 ~~violation within one year, and five hundred dollars (\$500) for each~~
14 ~~additional violation within one year.~~

15 ~~(b) Toll evasion penalties under this article shall be collected~~
16 ~~as civil penalties.~~

17 *SEC. 11. Section 40258 is added to the Vehicle Code, to read:*

18 *40258. (a) The schedule of bridge toll evasion penalties for*
19 *toll evasion violations shall be as follows:*

20 *(1) If a toll bridge invoice is not paid within 30 days after the*
21 *date shown on the invoice, the issuing agency shall send a second*
22 *invoice to the person by mail. The second invoice shall advise the*
23 *person that a penalty will be assessed if the invoice is not paid*
24 *within 30 days after the date listed on the second invoice.*

25 *(2) If the second invoice is not paid within 30 days after the*
26 *date listed on the second invoice, the issuing agency shall issue a*
27 *third invoice that imposes a penalty of no more than twenty-five*
28 *dollars (\$25). If the third invoice is not paid within 30 days after*
29 *the date listed on the third invoice, the issuing agency shall issue*
30 *a fourth invoice that increases the penalty to no more than fifty*
31 *dollars (\$50).*

32 *(3) The issuing agency shall provide payment methods for the*
33 *penalty that shall include cash, check, or credit or debit card.*

34 *(4) If a person fails to pay the fourth invoice for four or more*
35 *bridge tolls within 30 days, the issuing agency shall notify the*
36 *department and the department shall suspend that person's vehicle*
37 *registration until the tolls are paid in full.*

38 *(b) The cumulative toll evasion penalty shall not exceed one*
39 *hundred dollars (\$100) for each individual toll evasion violation.*

(c) (1) Except as provided in paragraph (2), subdivisions (a) and (b) do not apply with respect to an unpaid toll related to the use of a toll road or express lane.

(2) Notwithstanding paragraph (1), the one-hundred-dollar (\$100) maximum described in subdivision (b) applies to express lanes.

(d) Toll evasion penalties under this article shall be collected as civil penalties.

SEC. 12. Section 40262 of the Vehicle Code is amended to read:

40262. (a) (1) The notice of delinquent toll evasion violation shall contain the information specified in Section 40254 and, additionally shall contain a notice to the registered owner that, unless the registered owner pays the toll evasion penalty or contests the notice within 30 days after mailing of the third notice of delinquent toll evasion violation or completes and files an affidavit of nonliability which that complies with Section 40263 or 40264, the renewal of the vehicle registration shall be contingent upon compliance with the notice of delinquent toll evasion violation. If

(2) If a person has failed to pay the toll evasion penalty by the date the fourth notice of delinquent toll evasion violation is mailed, the issuing agency shall notify the department and the department shall suspend that person's vehicle registration. The registration hold shall be removed when the registered owner pays the toll evasion penalty, or enters into a payment plan pursuant to Section 40269.5. The registration hold shall be reinstated if the registered owner is delinquent under the payment plan for more than 10 business days.

(b) If the registered owner, by appearance or by mail, makes payment to the processing agency within 15 days of the mailing of the notice of delinquent toll evasion violation, the toll evasion penalty shall consist of the amount of the original penalty without any additional administrative fees or charges.

SEC. 13. Section 40269.5 is added to the Vehicle Code, to read:

40269.5. (a) The issuing agency shall establish a payment plan option applicable to toll evasion penalties that, at a minimum, does all of the following:

(1) Applies to all outstanding toll evasion penalties.

1 (2) Establishes a payment plan period based on the outstanding
2 toll evasion penalties.

3 (3) Allows payment in monthly installments. There shall be no
4 prepayment penalty for paying off the balance prior to the payment
5 period expiring.

6 (4) Includes a process for removal of any registration hold
7 placed pursuant to Section 4770.

8 (b) Information regarding the issuing agency's payment plan
9 policy shall be posted on the issuing agency's internet website.

10 SEC. 14. No reimbursement is required by this act pursuant
11 to Section 6 of Article XIII B of the California Constitution because
12 a local agency or school district has the authority to levy service
13 charges, fees, or assessments sufficient to pay for the program or
14 level of service mandated by this act, within the meaning of Section
15 17556 of the Government Code.

O

Minute Action

AGENDA ITEM: 4

Date: May 11, 2022

Subject:

Federal Legislative Update

Recommendation:

Receive the May 2022 Federal Legislative Update and provide direction as appropriate.

Background:

The House and Senate were on Spring Recess in early April and returned to session on April 25, 2022.

When they returned, both the House and Senate Appropriations Committees held a number of hearings to examine testimony from the President's Cabinet and senior Administration officials on the President's Fiscal Year (FY) 2023 Budget Request. These hearings give the President and his Administration an opportunity to discuss the President's spending priorities and highlight projects that each agency or department is seeking to expand or curtail.

On April 29, 2022, the House and Senate Appropriations Committees (Committees) closed their FY 2023 request portals, where Members (Members) of Congress can submit requests for Community Project Funding (CPF, also known as earmarks). The next step in the process is for the Committees to review submissions for eligibility issues and begin compiling requests for public transparency. The Committees and the Members who made the requests will post all submissions online for public review shortly before committee consideration, likely in mid to late May.

San Bernardino County Transportation Authority (SBCTA) submitted a funding request to Senator Diane Feinstein, Senator Alex Padilla and Congressman Jay Obernolte for the North First Avenue Over Mojave River and Overflow Bridges replacement project. An additional request was sent to Congressman Obernolte to fund State Routes 247 & 62 Emergency Bypass Lanes Study.

A number of local jurisdictions and transportation partners submitted their own funding requests and SBCTA was happy to submit letters of support for those projects. SBCTA submitted letters of support for projects in the cities of Rancho Cucamonga, Ontario and Upland, as well as for Ontario International Airport, Omnitrans and Mountain Transit.

Financial Impact:

This item has no financial impact on the Fiscal Year 2021/2022 Budget.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Louis Vidaure, Management Analyst II

Entity: San Bernardino Council of Governments, San Bernardino County Transportation Authority

This page is intentionally left blank

Approved
Legislative Policy Committee
Date: May 11, 2022
Witnessed By:

San Bernardino Council of Governments
San Bernardino County Transportation Authority

ADDITIONAL INFORMATION

LEGISLATIVE POLICY COMMITTEE ATTENDANCE RECORD – 2022

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Curt Hagman Board of Supervisors	X	X	X	X								
Janice Rutherford Board of Supervisors	X	X	X	X								
Art Bishop Town of Apple Valley	X	X	X	X								
Frank Navarro City of Colton	X	X	X	X								
Rick Denison Town of Yucca Valley	X	X	X	X								
Larry McCallon City of Highland	X	X	X									
Alan Wapner City of Ontario	X	X		X								

Communication: Attendance (Additional Information)

X = member attended meeting. * = alternate member attended meeting Empty box = Did not attend meeting Crossed out box = not a Board Member at the time. Shaded box = No meeting

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist Board Members and partners as they participate in deliberations at Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. Staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments



MISSION STATEMENT

Our mission is to improve the quality of life and mobility in San Bernardino County. Safety is the cornerstone of all we do.

We achieve this by:

- Making all transportation modes as efficient, economical, and environmentally responsible as possible.
- Envisioning the future, embracing emerging technology, and innovating to ensure our transportation options are successful and sustainable.
- Promoting collaboration among all levels of government.
- Optimizing our impact in regional, state, and federal policy and funding decisions.
- Using all revenue sources in the most responsible and transparent way.

Approved December 4, 2019