

AGENDA

Legislative Policy Committee Meeting

March 9, 2022

10:00 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

Supervisor Curt Hagman
County of San Bernardino

Mayor Larry McCallon
City of Highland

Vice Chair – Vice President

Mayor Pro Tem Art Bishop
Town of Apple Valley

Mayor Pro Tem Alan Wapner
City of Ontario

Mayor Pro Tem Rick Denison
Town of Yucca Valley

Past President

Mayor Frank Navarro
City of Colton

Supervisor Janice Rutherford
County of San Bernardino

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

AGENDA

Legislative Policy Committee

**March 9, 2022
10:00 AM**

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

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 “*Meeting Procedures*” and agenda explanations are attached to the end of this agenda.

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

Pg. 8

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.

DISCUSSION ITEMS

Discussion - Legislative/Public Outreach

2. State Legislative Update

Pg. 9

Receive the March 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. 25

That the Legislative Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Approve a support position on Senate Bill 922 by Senator Scott Weiner regarding California Environmental Quality Act exemptions for certain transportation projects.

B. Approve a support position on Assembly Bill 2120 by Assemblyman Christopher Ward regarding funding for local bridge projects.

Presenter: Louis Vidaure

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

4. Federal Legislative Update

Pg. 44

Receive the March 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. 46

Acronym List

Pg. 47

Mission Statement

Pg. 49

The next Legislative Policy Committee Meeting is scheduled for April 13, 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: March 9, 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: March 9, 2022

Witnessed By:

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

Minute Action

AGENDA ITEM: 2

Date: *March 9, 2022*

Subject:

State Legislative Update

Recommendation:

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

Background:

February 18th was the deadline for bills to be introduced for the 2022 Legislative Session. On the last day, hundreds of new bills were introduced in the Assembly and Senate. A total of 2,020 bills were introduced for 2022, of which 1361 were Assembly measures and 659 were Senate measures. These figures do not include special session bills, constitutional amendments, or resolutions. It should also be noted that Committees can still introduce bills past the deadline. Further, of the legislation introduced, a significant portion of measures are considered “spot bills” which make technical, non-substantive changes in the law as a placeholder for a later proposal.

The number of bill introductions for 2022 is relatively consistent with those in prior years. Generally, the Legislature has introduced about 2,250 bills per year and the first year of the two-year session usually has a higher number of bill introductions. By way of comparison, the following are the bill introduction totals from the past few years:

- 2021 total bill introductions as of the deadline: 2,369
- 2020 total bill introductions as of the deadline: 2,203
- 2019 total bill introductions as of the deadline: 2,576

Over the course of the next several weeks, these measures will be referred to policy committees where they will be heard and ultimately voted on. Additionally, those “spot bills” will need to be amended by mid-March for them to move this year.

The Governor announced in early February 2022 that Toks Omishakin would be appointed as the Secretary of the California State Transportation Agency. Secretary Omishakin had previously been the Director of the California Department of Transportation since 2019. He fills the spot of former Secretary David Kim who resigned in January 2022. This position does require a confirmation process in the Senate.

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

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Approved
Legislative Policy Committee
Date: March 9, 2022
Witnessed By:

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 3-22 (7975 : State Legislative Update)

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

Attachment: Bill position matrix 3-22 (7975 : State Legislative Update)

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

Legislation / Author	Description	Bill Status	Position	Date Position Adopted
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 3-22 (7975 : State Legislative Update)

ATTACHMENT B

Status Report

Wednesday, February 23, 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	Chapered
	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	Chapered
	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	Chapered
	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 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	Chapered
	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 PRINT

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: Supply Chain Coordinator.

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							

Current law, the Economic Revitalization Act, establishes the Governor’s Office of Business and Economic Development, known as "GO-Biz," 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 Governor to appoint a Supply Chain Coordinator within the office to be the principal advocate in the state for supply chain participants and advise the Governor on legislation, administrative regulations, and other issues affecting the state’s supply chain.

Position: Watch

AB 1680 Lee D (Dist. 25) Transit operators: ticket machines: access for visually impaired persons.

Location: ASSEMBLY PRINT

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

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

Current law requires a transit operator that improves or replaces a ticket vending machine at a public transit station to include video instructions, to also equip the ticket vending machine with audio instructions that will enable visually impaired persons to follow the visual prompts. This bill would make nonsubstantive changes to this provision.

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

Location: ASSEMBLY NAT. RES.

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

Current 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. Current law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Current law requires an air district encompassing any location selected by the state board to adopt a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures as specified, to submit the program to the state board for review and approval as prescribed, and to prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to the community emissions reduction program, among other things. This bill would require the state board to identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants in disadvantaged communities, as provided.

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

Location: ASSEMBLY TRANS.

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

Current 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. Current 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 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.

Position: Watch

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

Location: ASSEMBLY L. GOV.

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

The North County Transit District Act creates the North County Transit District with specified powers and duties related to the operation of public transit services in a different portion of the County of San Diego. The San Diego Regional Transportation Consolidation Act creates the consolidated agency, commonly known as the San Diego Association of Governments (SANDAG), through the consolidation of certain regional transportation planning, programming, and related functions in the County of San Diego from various agencies. Current law requires the board, 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, or land surveying services, or construction project management services. Federal regulations define the "simplified acquisition threshold" as \$250,000, except as specified, and the "micro-purchase threshold" as

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

\$10,000, except as specified. This bill would revise and recast the contracting procedures applicable to the district, and consolidated agency.

AB 1919 Holden D (Dist. 41) Transportation: free student transit passes.

Location: ASSEMBLY PRINT

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. This bill would state the intent of the Legislature to enact future legislation to ensure all public school pupils and all students attending the California State University, the University of California, and the California Community Colleges receive free and unfettered access to student transit passes.

AB 1938 Friedman D (Dist. 43) Local transportation funds.

Location: ASSEMBLY PRINT

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

Current law transfers revenues from a 0.25% sales tax in each county to the county’s local transportation fund. The Mills-Alquist-Deddeh Act requires the local transportation fund to be allocated by the transportation planning agency and generally requires the revenues in the local transportation fund to be allocated for transit purposes. Before revenues in the local transportation fund are allocated for that purpose and other specified purposes, the act requires sums necessary to administer the act to be allocated to the county and the transportation planning agency. This bill would make nonsubstantive changes to the latter provision.

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							

Current law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those 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 specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

AB 2039 Rivas, Luz D (Dist. 39) Los Angeles Metropolitan Transportation Authority: contracting.

Location: ASSEMBLY PRINT

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

The Local Agency Public Construction Act sets forth procedures that a local agency is required to follow when procuring certain services or work. Current law also sets forth specific public contracting requirements for certain transit districts. This bill would state the intent of the Legislature to enact legislation that authorizes the Los Angeles County Metropolitan Transportation Authority to enter into specified contracts.

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

Location: ASSEMBLY PRINT

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

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

Current law requires the Transportation Agency to prepare a state freight plan on or before December 31, 2014, and every 5 years thereafter, with specified elements to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. This bill would require the agency to collect and consolidate 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.

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

Location: ASSEMBLY PRINT

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. 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 aid, without reference to any specific federal program.

AB 2237 Friedman D (Dist. 43) Regional transportation plan: Active Transportation Program.

Location: ASSEMBLY PRINT

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

Current law requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will influence the configuration of the statewide integrated multimodal transportation system, and review of the potential impacts and opportunities for coordination of specified funding programs. This bill would require the council to convene key state agencies, metropolitan planning agencies, regional transportation agencies, and local governments to assist the council in completing the report.

AB 2254 Muratsuchi D (Dist. 66) State highways: permits.

Location: ASSEMBLY PRINT

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 issue a permit to the owner or developer of property adjacent to or near a state highway to construct, alter, repair, or improve any portion of the highway for the purpose of improving local traffic access, as provided. This bill would make nonsubstantive changes in the above provision.

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

Location: ASSEMBLY PRINT

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 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,

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

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 2438 Friedman D (Dist. 43) Transportation projects: alignment with state plans.

Location: ASSEMBLY PRINT

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

Would 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.

Position: Watch

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

Location: ASSEMBLY PRINT

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.

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							

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

The California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used on 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 PRINT

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

This measure 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	Chapered
	1st House				2nd House							

This bill 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	Chapered
	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 GOV. & F.

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

Current law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area, as defined, to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. Existing law provides for the financing of these activities by, among other things, the issuance of bonds serviced by property tax increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities. 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 for the purposes of raising and allocating funding for eligible projects and the operating expenses of eligible projects. The bill would define "eligible project" for these purposes.

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

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: housing projects.

Location: SENATE RLS.

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

Would exempt from CEQA a student housing project, as defined, or a faculty and staff housing 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 E.Q.

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 extend the above exemption indefinitely. The bill would also repeal the requirement that the bicycle transportation plan is for an urbanized area and would extend the exemption to an active transportation plan or pedestrian plan, or for a feasibility and planning study for active transportation, bicycle facilities, or pedestrian facilities.

Position: Pending

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

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

Location: SENATE TRANS.

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.

SB 959 [Portantino D \(Dist. 25\) Surplus residential property: State Route 710.](#)

Location: SENATE RLS.

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

Current law establishes priorities and procedures that any state agency disposing of surplus residential property is required to follow, including specified procedures for the sale of specified property in the State Route 710 corridor. This bill would declare the intent of the Legislature to enact legislation relating to the sale of surplus residential properties in the State Route 710 corridor.

SB 1049 [Dodd D \(Dist. 3\) Transportation Resilience Program.](#)

Location: SENATE RLS.

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

Existing law generally provides for programming and allocation of state and federal transportation capital improvement program funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. Existing law provides for allocation of certain other transportation capital improvement funds outside the state transportation improvement program process, including funds set aside for state highway rehabilitation under the state highway operation and protection program and funds from various other sources. This bill 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 RLS.

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

Would authorize the members of the legislative body conducting a meeting to remove an individual for willfully interrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning, either by the presiding member of the legislative body or a law enforcement officer, that the individual is disrupting the proceedings and a request that the individual curtail their disruptive behavior or be subject to removal. The bill would similarly require a warning before clearing a meeting room for willful interruptions by a group or groups. The bill would define “willfully interrupting” to mean intentionally engaging in behavior during a meeting of a legislative body that substantially impairs or renders infeasible the orderly conduct of the meeting in accordance with law. The term would include failure to comply with a reasonable regulation adopted in accordance with existing law after a warning and request in accordance with the bill, as applicable. By establishing new requirements for local legislative bodies, this bill would impose a state-mandated program.

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

Location: SENATE RLS.

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 ports and 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) Transportation funding: plan.

Location: SENATE RLS.

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

Existing law establishes the Transportation Agency, which consists of various departments and state entities, including the California Transportation Commission and the Department of Transportation. Existing law establishes policy for expenditure of certain state and federal funds available to the state for transportation purposes. Under this policy, the department and the commission are required to develop a fund estimate of available funds for purposes of adopting the state transportation improvement program, which is a listing of capital improvement projects. This bill would state the intent of the Legislature to enact subsequent legislation to determine the level of government-provided capital and operating expenditures to meet the state’s transportation needs for the next 10 years and to develop a plan to provide for those needs.

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

Location: ASSEMBLY DESK

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.

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	C	2.b
	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: 41

Total Tracking Forms: 41

Attachment: Bill Report 2-23-22 (7975 : State Legislative Update)

Minute Action

AGENDA ITEM: 3

Date: *March 9, 2022*

Subject:

Bill Recommendation

Recommendation:

That the Legislative Policy Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

- A. Approve a support position on Senate Bill 922 by Senator Scott Weiner regarding California Environmental Quality Act exemptions for certain transportation projects.
- B. Approve a support position on Assembly Bill 2120 by Assemblyman Christopher Ward regarding funding for local bridge projects.

Background:

Senate Bill 922 (Weiner) – California Environmental Quality Act (CEQA) Exemptions for Certain Transportation Projects

Bill Status: Senate Committee on Environmental Quality

Summary:

The CEQA requires a lead agency, as defined, to prepare and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment.

CEQA includes exemptions from its environmental review requirements for numerous categories of projects, including, among others, projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use and projects for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, as specified.

Senate Bill (SB) 288 by Senator Scott Weiner was signed into law in September, 2020. The bill revised and recast the above-described exemptions and further exempted from the requirements of CEQA certain projects for the institution or increase of bus rapid transit and regional rail services on public rail or highway rights-of-way, as specified, whether or not they were presently used for public transit, as specified, and projects for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes or existing roadway shoulders. Additionally, it exempted projects for rail, light rail, and bus maintenance, repair, storage, administrative, and operations facilities; and projects for the repair or rehabilitation of publicly-owned local, major or minor collector, or minor arterial or major arterial bridges, as specified. The bill requires those exempt projects to meet additional specified criteria, and that the lead agency to certify that those projects will be carried out by a skilled and trained workforce, except as provided.

SB 288 also exempted from the requirements of CEQA projects for fueling stations and chargers for zero-emission buses and projects for pedestrian and bicycle facilities.

SB 288 repeals the above-described exemptions on January 1, 2023.

Entity: San Bernardino County Transportation Authority

Legislative Policy Committee Agenda Item

March 9, 2022

Page 2

CEQA 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. SB 288 extended those exemptions from January 1, 2021, until January 1, 2030.

This bill:

SB 922 eliminates the sunset dates contained in SB 288 and provides a statutory exemption to CEQA for sustainable transportation projects in an effort to reduce the associated costs and time burdens.

Specifically, projects that apply must meet one of the following requirements:

- Make streets safer for walking and biking
- Speed up bus service on streets
- Run faster bus service on highways
- Construct infrastructure or facilities to refuel zero-emission transit vehicles
- Expand carpooling options
- Build new, or modernize old light rail stations
- Support parking policies that reduces drive-alone trips & congestion
- Improve wayfinding for people using transit, biking or walking

Additionally, to ensure that the exemption is not misapplied to projects with detrimental impacts, these projects must also:

- Be located in an existing public right of way
- Must not add new auto capacity
- Must not demolish affordable housing
- Must use a skilled and trained workforce or have a project labor agreement in place

Lastly, for projects estimated to cost over \$100 million, the lead agency or project sponsor must also:

- Expand public participation requirements so they occur early in a project and when input can be most meaningful
- Complete a project business case to evaluate benefits and costs and enable communities to shape the project early in the planning and alternatives development process
- Complete a racial equity analysis and suggest mitigations to address any disproportionate impacts

Staff Recommendation:

San Bernardino County Transportation Authority (SBCTA) was part of a broad coalition of transportation and transit organizations that supported the passage of SB 288. As this bill extends and expands the CEQA exemptions in SB 288, Legislative Affairs staff recommends that SBCTA take a support position on SB 922. Per the SBCTA 2021-2022 State Legislative Platform, the agency supports efforts to “Revise the California Environmental Quality Act (CEQA) to streamline the environmental review process, to improve timelines for project approvals and avoid costly duplicative steps while maintaining critical environmental protections.”

SB 922 bill text can be found in Attachment A.

San Bernardino County Transportation Authority

Assembly Bill 2120 (Ward) – Local Bridge Funding**Bill Status:** Assembly Rules Committee**Summary:**

Cities and counties own and maintain 12,339 bridges across California, representing almost half of the state's bridges. Over 4,300 of these bridges need costly repairs, and 451 are irreparable and must be replaced. Despite a standard design life of 75 to 100 years, nearly one-fifth of local bridges are at least 80 years old. There is a significant disparity in the condition of our state and local bridges, with 11.5% of local bridges in poor condition versus 3.3% of state bridges.

Federal funding from the Highway Bridge Replacement and Rehabilitation Program (HBRRP) was historically the primary source of funding for local bridge projects. When federal legislation ended the HBRRP in 2012, California continued to invest a fixed annual amount of approximately \$300 million of federal transportation funds for local bridge repair, replacement, and preventative maintenance projects.

At this funding level, the number of local bridges in poor condition will climb to above 50% within 20 years. Simply maintaining the current condition of local bridges across the state would require a yearly budget of \$800 million—an increase of approximately \$500 million annually.

On November 15, 2021, President Joe Biden signed the Infrastructure Investment and Jobs Act (IIJA), which dedicates approximately \$4.2 billion to California for state and local bridge projects over a five-year period.

This bill:

Assembly Bill (AB) 2120 by Assemblyman Christopher Ward would restore a previously used formula to distribute dedicated federal bridge funding from the IIJA to state and local projects.

To ensure a fair allocation of funding that is responsive to significant bridge repair and replacement needs in local communities, AB 2120 would apply California's historic (California Transportation Commission Resolution G-97-05, May 1, 1997) 55% local / 45% state funding formula from the HBRRP to the new dedicated bridge funding from the IIJA.

AB 2120 would also require California Department of Transportation (Caltrans) to maintain its current commitment of funding from the National Highway Performance Program to local bridges on federal-aid highways.

Staff Recommendation:

AB 2120 is sponsored/supported by the California State Association of Counties. Legislative Affairs staff recommends that SBCTA take a support position on AB 2120. Per the SBCTA 2021-2022 State Legislative Platform, the agency supports efforts to “Enact state policies that assure timely allocation of transportation revenue and allow for regions to advance projects with local funds as needed.”

AB 2120 bill text can be found in Attachment B.

Financial Impact:

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

Reviewed By:

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

San Bernardino County Transportation Authority

Legislative Policy Committee Agenda Item
March 9, 2022
Page 4

Responsible Staff:

Louis Vidaure, Management Analyst II

Approved
Legislative Policy Committee
Date: March 9, 2022

Witnessed By:

San Bernardino County Transportation Authority

SENATE BILL

No. 922

Introduced by Senator Wiener

February 3, 2022

An act to amend Sections 21080.20 and 21080.25 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 922, as introduced, Wiener. California Environmental Quality Act: exemptions: transportation-related projects.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

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 extend the above exemption indefinitely. The bill would also repeal the requirement that the bicycle transportation plan is for an urbanized area and would extend the exemption to an active transportation plan or pedestrian plan, or for a feasibility and planning study for active transportation, bicycle facilities, or pedestrian facilities.

CEQA exempts from its requirements certain projects located in an urbanized area, including transit prioritization projects, as defined, and projects for pedestrian and bicycle facilities or for the institution or increase of new bus rapid transit, bus, or light rail services on public or highway rights-of-way. For those exempted projects exceeding \$100,000,000 in 2020 United States dollars, CEQA, except as provided, requires the lead agency to complete and consider the results of a project business case and a racial equity analysis, as specified, and would require the lead agency, before exempting a project from CEQA, to hold at least 3 noticed public meetings in the project area, as provided. CEQA requires the lead agency, before granting an exemption for projects under the above provisions, to certify that those projects will be carried out by a skilled and trained workforce, except as provided. If the lead agency determines to carry out a project exempt under the above provisions, CEQA requires the lead agency to file a notice of exemption with the Office of Planning and Research and the county clerk of the county in which the project is located. Existing law repeals the above-described exemption on January 1, 2023.

This bill would extend the exemption indefinitely. The bill would revise and recast the exemption to, among other things, repeal the requirement that the exempted projects are located in an urbanized area, extend the exemption by revising the definition of transit prioritization projects, and require projects for the institution or increase of new bus rapid transit, bus, or light rail service to be located on a site that is wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau. The bill would revise the requirements for the project business case and racial equity analysis and noticed public meetings to apply to exempted projects exceeding \$100,000,000 and would additionally require the lead agency to complete an analysis of residential displacement and suggest anti-displacement strategies, designs, or actions for those projects for which at least 50% of the project or projects' stops and stations are located in an area at risk of residential displacement and will have a maximum of 15-minute peak headways. The bill would provide that the lead agency may make the skilled and trained workforce certification concurrent with the granting of the exemption and would provide that the certification requirement is not required under specified circumstances.

The bill would specify that the revision made by this measure to the exemption for projects for the institution or increase of new bus rapid

transit, bus, or light rail service may apply to projects for which a notice of exemption is filed before January 1, 2023. The bill would, for projects exempted by the above-described provisions for which a notice of exemption was filed before January 1, 2023, authorize the lead agency to either certify that the project will be completed by a skilled and trained workforce after the granting of the exemption or exempt those projects from the certification requirement if the lead agency demonstrates compliance with certain conditions.

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. The Legislature finds and declares all of the
2 following:

3 (a) Transit and sustainable transportation are critical to achieving
4 California’s ambitious environmental goals. Transportation makes
5 up 40 percent of the state’s emissions of greenhouse gases. To
6 encourage people to drive less, the state must continue to build
7 high-quality transit, bicycle lanes, and pedestrian-friendly
8 infrastructure. Bringing down our transportation emissions by
9 providing more sustainable options is essential for limiting global
10 warming and avoiding the most devastating climate impacts.

11 (b) California has invested billions of dollars in reducing the
12 environmental impacts stemming from the transportation sector,
13 including almost \$4,000,000,000 as part of the fiscal year 2021–22,
14 to convert the state’s light- and heavy-duty vehicle fleet to zero
15 emission, including its transit vehicles.

16 (c) Additionally, on July 12, 2021, the Transportation Agency
17 adopted the Climate Action Plan for Transportation Infrastructure.
18 The plan outlines how the state will prioritize sustainable
19 transportation projects in all discretionary funding decisions. The
20 plan builds on Executive Order N-19-19 and Executive Order
21 N-79-20 signed by Governor Newsom in 2019 and 2020,
22 respectively, targeted at reducing emissions of greenhouse gases
23 in transportation to reach the state’s ambitious climate goals.

24 SEC. 2. Section 21080.20 of the Public Resources Code is
25 amended to read:

26 21080.20. (a) This division does not apply to *an active*
27 *transportation plan, a pedestrian plan, or a bicycle transportation*

1 ~~plan for an urbanized area~~ for the restriping of streets and
 2 highways, bicycle parking and storage, signal timing to improve
 3 street and highway intersection operations, and the related signage
 4 for bicycles, pedestrians, and ~~vehicles.~~ *vehicles, or for a feasibility*
 5 *and planning study as described in Section 15262 of Title 14 of*
 6 *the California Code of Regulations.*

7 (b) Before determining that a project *described in subdivision*
 8 *(a)* is exempt pursuant to this section, the lead agency shall hold
 9 noticed public hearings in areas affected by the ~~bicycle~~
 10 ~~transportation plan~~ *project* to hear and respond to public comments.
 11 Publication of the notice shall be no fewer times than required by
 12 Section 6061 of the Government Code by the public agency in a
 13 newspaper of general circulation in the area affected by the
 14 proposed project. If more than one area will be affected, the notice
 15 shall be published in the newspaper of largest circulation from
 16 among the newspapers of general circulation in those areas.

17 (c) If a local agency determines that a project is not subject to
 18 this division pursuant to this section and it determines to approve
 19 or carry out that project, the notice shall be filed with the Office
 20 of Planning and Research and the county clerk in the county in
 21 which the project is located in the manner specified in subdivisions
 22 (b) and (c) of Section 21152.

23 ~~(d) This section shall remain in effect only until January 1, 2030,~~
 24 ~~and as of that date is repealed.~~

25 SEC. 3. Section 21080.25 of the Public Resources Code is
 26 amended to read:

27 21080.25. (a) For purposes of this section, the following
 28 definitions apply:

29 (1) “Affordable housing” means any of the following:

30 (A) Housing that is subject to a recorded covenant, ordinance,
 31 or law that restricts rents or sales prices to levels affordable, as
 32 defined in Section 50052.5 or 50053 of the Health and Safety
 33 Code, to persons and families of moderate, lower, or very low
 34 income, as defined in Section 50079.5, 50093, or 50105 of the
 35 Health and Safety Code, respectively.

36 (B) Housing that is subject to any form of rent or price control
 37 through a public entity’s valid exercise of its police power.

38 (C) Housing that had been occupied by tenants within five years
 39 from the date of approval of the development agreement by a
 40 primary tenant who was low income and did not leave voluntarily.

1 (2) “Bicycle facilities” includes, but is not limited to, bicycle
 2 parking, bicycle sharing facilities, and bikeways as defined in
 3 Section 890.4 of the Streets and Highways Code.

4 (3) “High occupancy vehicle” means a vehicle with two or more
 5 occupants.

6 ~~(2)~~

7 (4) “Highway” means a way or place of whatever nature,
 8 publicly maintained and open to the use of the public for purposes
 9 of vehicular travel. “Highway” includes a street.

10 (5) “Local agency” means a public transit operator, city, county,
 11 city and county, special district, joint powers authority, local or
 12 regional transportation agency, or congestion management agency.

13 ~~(3)~~

14 (6) “New automobile capacity” means any new lane mileage
 15 of any kind other than sidewalks or bike lanes.

16 (7) “Part-time transit lanes” means designated highway
 17 shoulders that support the operation of transit vehicles during
 18 specified times.

19 ~~(4)~~

20 (8) “Project labor agreement” has the same meaning as defined
 21 in paragraph (1) of subdivision (b) of Section 2500 of the Public
 22 Contract Code.

23 (9) “Public transit operator” has the same meaning as in
 24 Section 99210 of the Public Utilities Code.

25 ~~(5)~~

26 (10) “Skilled and trained workforce” has the same meaning as
 27 provided in Chapter 2.9 (commencing with Section 2600) of Part
 28 1 of Division 2 of the Public Contract Code.

29 ~~(6)~~

30 (11) “Transit lanes” means street design elements that delineate
 31 space within the roadbed as exclusive to transit use, either full or
 32 part time.

33 ~~(7)~~

34 (12) “Transit prioritization projects” means any of the following
 35 transit project types on ~~highways~~: highways or in the public
 36 right-of-way:

37 ~~(A) Signal coordination.~~

38 ~~(B) Signal timing modifications.~~

39 ~~(C) Signal phasing modifications.~~

1 (A) Signal and stop sign changes, such as signal coordination,
 2 signal timing modifications, signal modifications, or the installation
 3 of traffic signs.

4 ~~(D)~~

5 (B) The installation of wayside technology and onboard
 6 technology.

7 ~~(E)~~

8 (C) The installation of ramp meters.

9 ~~(F)~~

10 (D) The installation of dedicated transit lanes, transit queue
 11 jump or bypass lanes, or ~~very high occupancy~~ high-occupancy
 12 vehicle lanes, and shared turning lanes, lanes and turn restrictions,
 13 the narrowing of lanes to allow for dedicated transit lanes or
 14 transit reliability improvements, or the widening of existing transit
 15 travel lanes by removing or restricting street parking.

16 (E) Transit stop changes, including, but not limited to, the
 17 installation of transit bulbs and the installation of transit boarding
 18 islands.

19 (F) Pedestrian improvements, including, but not limited to,
 20 widening sidewalks, pedestrian bulbs and pedestrian refuge
 21 islands, and other improvements that increase pedestrian access
 22 to transit.

23 ~~(8) “Very high occupancy vehicle” means a vehicle with six or~~
 24 ~~more occupants.~~

25 (b) This division does not apply to any of the following projects:

26 (1) Pedestrian and bicycle facilities, including new facilities.
 27 For purposes of this paragraph, “bicycle facilities” include, but
 28 are not limited to, bicycle parking, bicycle sharing facilities, and
 29 bikeways as defined in Section 890.4 of the Streets and Highways
 30 Code, facilities, within the public right-of-way.

31 (2) Projects that improve customer information and wayfinding
 32 for transit riders, bicyclists, or ~~pedestrians~~: pedestrians within the
 33 public right-of-way.

34 (3) Transit prioritization projects.

35 (4) On highways with existing public transit service or that will
 36 be implementing public transit service within six months of the
 37 conversion, a project for the designation and conversion of general
 38 purpose lanes to bus-only lanes or highway shoulders to bus-only
 39 part-time transit lanes, for use either during peak congestion hours
 40 or all day.

1 (5) A project for the institution or increase of new bus rapid
 2 transit, bus, or light rail service, including the construction of
 3 ~~stations, stations or terminals~~, on existing public rights-of-way or
 4 existing highway rights-of-way, whether or not the right-of-way
 5 is in use for public mass transit. *The project shall be located on a*
 6 *site that is wholly within the boundaries of an urbanized area or*
 7 *urban cluster, as designated by the United States Census Bureau.*

8
 9 (6) A project to construct or maintain infrastructure *or facilities*
 10 to charge or refuel zero-emission transit ~~buses, vehicles~~, provided
 11 the project is carried out by a public transit agency ~~that is subject~~
 12 ~~to, and~~ in compliance with, the State Air Resources Board's
 13 Innovative Clean Transit regulations (Article 4.3 (commencing
 14 with Section 2023) of Chapter 1 of Division 3 of Title 13 of the
 15 California Code of Regulations) *or any regulations identified by*
 16 *the State Air Resources Board's 2020 Mobile Source Strategy,*
 17 *adopted on October 28, 2021,* and the project is located on property
 18 owned by the ~~transit local~~ agency or within an existing public
 19 ~~right-of-way.~~ *right-of-way or on property owned by a public or*
 20 *private utility.*

21 (7) The maintenance, repair, relocation, replacement, or removal
 22 of any utility infrastructure associated with a project identified in
 23 paragraphs (1) to (6), inclusive.

24 (8) A project that consists exclusively of a combination of any
 25 of the components of a project identified in paragraphs (1) to (7),
 26 inclusive.

27 (9) A project carried out by a ~~city or county~~ *local agency* to
 28 ~~reduce or eliminate minimum parking requirements.~~ *requirements*
 29 *or institute parking maximums, remove or restrict parking, or*
 30 *implement transportation demand management requirements.*

31 (c) Except as provided in subdivision ~~(e); (f)~~, a project exempt
 32 from this division under this section shall meet all of the following
 33 criteria:

34 (1) A ~~public~~ *local* agency is carrying out the project and is the
 35 lead agency for the project.

36 ~~(2) The project is located in an urbanized area.~~

37 ~~(3) The project is located on or within an existing public~~
 38 ~~right-of-way.~~

39 ~~(4)~~

1 (2) The project ~~shall~~ *does* not add physical infrastructure *or*
 2 *striping* that increases new automobile capacity on existing
 3 rights-of-way except for minor modifications needed for the
 4 efficient and safe movement of transit vehicles, such as extended
 5 merging lanes. The project shall not include the addition of any
 6 auxiliary lanes.

7 ~~(5)~~

8 (3) The construction of the project shall not require the
 9 demolition of affordable housing units.

10 ~~(6)~~

11 (d) (1) For a project exceeding one hundred million dollars
 12 ~~(\$100,000,000) in 2020 United States dollars; (\$100,000,000)~~, a
 13 project exempt from this division under this section shall also meet
 14 all of the following:

15 (A) The project is incorporated in a regional transportation plan,
 16 sustainable communities strategy, general plan, or other plan that
 17 has undergone a programmatic-level environmental review
 18 pursuant to this division within 10 years of the approval of the
 19 project.

20 (B) The project's construction impacts are fully mitigated
 21 consistent with applicable law.

22 (C) (i) The lead agency shall complete and consider the results
 23 of a project business case and a racial equity analysis. The Office
 24 of Planning and Research may set standards for the project business
 25 case and the racial equity analysis or delegate that authority to
 26 metropolitan planning organizations.

27 (ii) The project business case required under this subparagraph
 28 shall set forth the rationale for why the project should be
 29 implemented to solve a problem or address an opportunity, outline
 30 strategic goals and objectives of the project, evaluate other options
 31 to achieve the project's objectives, describe the economic costs
 32 and benefits of the project, describe the financial implications of
 33 the project, and establish what is required to deliver and operate
 34 the project.

35 (iii) The racial equity analysis required under this subparagraph
 36 shall identify the racial equity impacts of the project, identify who
 37 will benefit from and be burdened by the project, and, where
 38 significant or disproportionate impacts exist, suggest strategies,
 39 designs, or actions to mitigate those impacts.

1 (D) The lead agency shall hold noticed public meetings as
2 follows:

3 (i) Before determining that a project is exempt pursuant to this
4 section, the lead agency shall hold at least three noticed public
5 meetings in the project area to hear and respond to public
6 comments.

7 (ii) At least one of the three public meetings shall review the
8 project business case and the racial equity analysis. The review of
9 these documents does not inhibit or preclude application of this
10 section.

11 (iii) The lead agency shall conduct at least two noticed public
12 meetings annually during project construction for the public to
13 provide comments.

14 (iv) The public meetings held pursuant to clauses (i) to (iii),
15 inclusive, shall be in the form of either a public community
16 planning meeting held in the project area or in the form of a
17 regularly scheduled meeting of the governing body of the lead
18 agency.

19 (E) The lead agency shall give public notice of the meetings in
20 subparagraph (D) to the last known name and address of all the
21 organizations and individuals that have previously requested notice
22 and shall also give the general public notice using at least one of
23 the following procedures:

24 (i) Publication of the notice in a newspaper of general circulation
25 in the area affected by the project. If more than one area will be
26 affected, the notice shall be published in the newspaper of largest
27 circulation from among the newspapers of general circulation in
28 those areas.

29 (ii) Posting of the notice onsite and offsite in the area where the
30 project is located.

31 (iii) Posting of the notice on the lead agency's internet website
32 and social media accounts.

33 (2) *In addition to the requirements of paragraph (1), for a*
34 *project described in that paragraph for which at least 50 percent*
35 *of the project or project's stops and stations are located in an area*
36 *that is at risk of residential displacement and that will have a*
37 *maximum of 15-minute peak headways, the local agency shall*
38 *complete an analysis of residential displacement and suggest*
39 *anti-displacement strategies, designs, or actions.*

40 (d)

1 (e) (1) (A) Except as provided in subdivision ~~(e)~~, (f), in
 2 addition to the requirements of subdivision (c), before *or*
 3 *concurrent with* granting an exemption under this section, the lead
 4 agency shall *take an action at a public meeting of its governing*
 5 *board to certify that the project will be completed by a skilled and*
 6 *trained workforce.*

7 (B) *Subparagraph (A) does not apply if the lead agency has an*
 8 *existing policy or certification approved by its governing board*
 9 *that requires the use of a skilled and trained workforce to complete*
 10 *the project if the lead agency is a signatory to a project labor*
 11 *agreement that will require the use of a skilled and trained*
 12 *workforce on the project.*

13 (2) (A) Except as provided in subparagraph (B), for a project
 14 that is exempted under this section, the lead agency shall not enter
 15 into a construction contract with any entity unless the entity
 16 provides to the lead agency an enforceable commitment that the
 17 entity and its subcontractors at every tier will use a skilled and
 18 trained workforce to perform all work on the project or a contract
 19 that falls within an apprenticeship occupation in the building and
 20 construction trades in accordance with Chapter 2.9 (commencing
 21 with Section 2600) of Part 1 of Division 2 of the Public Contract
 22 Code.

23 (B) Subparagraph (A) does not apply if any of the following
 24 requirements are met:

25 (i) The lead agency has entered into a project labor agreement
 26 that will bind all contractors and subcontractors performing work
 27 on the project ~~or the lead agency has contracted~~ to use a skilled
 28 and trained workforce and the entity has agreed to be bound by
 29 that project labor agreement.

30 (ii) The project or contract is being performed under the
 31 extension or renewal of a project labor agreement that was entered
 32 into by the lead agency before January 1, 2021.

33 (iii) ~~The lead agency has~~ *entity contracted to perform the project*
 34 *entered into a project labor agreement that will bind the lead agency*
 35 *entity and all its subcontractors at every tier performing the project*
 36 *or the lead agency has contracted* to use a skilled and trained
 37 workforce.

38 ~~(e)~~

39 (f) Subdivisions (c) and ~~(d)~~ (e) do not apply to a project
 40 described in paragraph (9) of subdivision (b).

1 ~~(f)~~

2 (g) If the lead agency determines that a project is not subject to
3 this division pursuant to this section, and the lead agency
4 determines to carry out that project, the lead agency shall file a
5 notice of exemption with the Office of Planning and Research and
6 the county clerk of the county in which the project is located in
7 the manner specified in subdivisions (b) and (c) of Section 21152.

8 ~~(g) This section shall remain in effect only until January 1, 2023,~~
9 ~~and as of that date is repealed.~~

10 (h) (1) *The amendments made to paragraph (5) of subdivision*
11 *(b) by the measure adding this paragraph may apply to projects*
12 *for which a lead agency has filed a notice of exemption under this*
13 *section before January 1, 2023.*

14 (2) *For projects for which a lead agency has filed a notice of*
15 *exemption under this section before January 1, 2023,*
16 *notwithstanding subdivision (d), as it read on December 31, 2022,*
17 *the lead agency may certify that the project will be completed by*
18 *a skilled and trained workforce after the granting of the exemption*
19 *under this section or the lead agency may demonstrate compliance*
20 *with subparagraph (B) of paragraph (1) of subdivision (e).*

ASSEMBLY BILL

No. 2120

Introduced by Assembly Member Ward

February 14, 2022

An act to amend Sections 179.2, 2401, 2412, 2413, and 2414 of the Streets and Highways Code, relating to transportation finance.

LEGISLATIVE COUNSEL’S DIGEST

AB 2120, as introduced, Ward. Transportation finance: federal funding: bridges.

Under existing 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.

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 aid, without reference to any specific federal program. The bill would instead require that the division and allocation of federal Highway Infrastructure Program funds occur pursuant to a specified formula approved by the California Transportation Commission, and authorize the department to revise the other procedures for allocating federal bridge funding and selecting projects, as specified.

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

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

1 SECTION 1. Section 179.2 of the Streets and Highways Code
2 is amended to read:

3 179.2. The department may allocate State Highway Account
4 funds in lieu of the local matching requirements of subdivision ~~(b)~~
5 *(d)* of Section 2413 to the extent funding for this purpose is
6 included in the annual Budget Act.

7 SEC. 2. Section 2401 of the Streets and Highways Code is
8 amended to read:

9 2401. By the ~~Federal-Aid Highway Act of 1970; federal~~
10 *Infrastructure Investment and Jobs Act (Public Law 117-58) of*
11 *2021*, Congress has enacted Section 144 of Title 23 of the United
12 States Code, and has authorized appropriations ~~thereby~~ for
13 expenditures under the ~~Special Bridge Replacement~~ *federal*
14 *Highway Infrastructure Program* to ~~replace or reconstruct bridges~~
15 ~~when the state and the federal government determine that the bridge~~
16 ~~is of significant importance and is unsafe because of structural~~
17 ~~deficiencies, including seismic deficiencies, or physical~~
18 ~~deterioration, or functional obsolescence.~~ *replace, rehabilitate,*
19 *preserve, protect, or construct state and locally owned bridges.*
20 The purpose of this chapter is to implement this program in this
21 state. The boards of supervisors, city councils, the department, and
22 the commission may do all things necessary and proper in their
23 respective jurisdictions to secure the federal funds under the
24 program for county highways, city streets, and state highways in
25 accordance with the intent of the federal act and this chapter.

26 SEC. 3. Section 2412 of the Streets and Highways Code is
27 amended to read:

28 2412. The boards of supervisors, city councils, and the
29 department ~~are authorized to~~ *may* enter into cooperative
30 agreements, and ~~to~~ do all other things necessary and proper in their
31 respective jurisdictions, to secure federal aid ~~under the Special~~
32 ~~Bridge Replacement Program~~ in accordance with the intent of this
33 chapter.

34 SEC. 4. Section 2413 of the Streets and Highways Code is
35 amended to read:

1 2413. (a) The department may allocate to the counties and the
 2 cities federal funds received for approved bridge reconstruction
 3 or replacement projects on county roads or city ~~streets~~ in
 4 accordance with procedures promulgated by the director *streets*.

5 (b) *The ratio for the division of federal bridge funds between*
 6 *state and local agency uses that was approved by the commission*
 7 *in Resolution G-97-05 (May 1, 1997) Procedure for Allocating*
 8 *Funds and Selecting Projects for the Federal Highway Bridge*
 9 *Replacement and Rehabilitation (HBRR) Program, shall apply to*
 10 *the division and allocation of federal Highway Infrastructure*
 11 *Program funds received by the state and dedicated to bridge*
 12 *projects pursuant to the federal Infrastructure Investment and Jobs*
 13 *Act (Public Law 117-58).*

14 (c) *Except as specified in subdivision (b), the department may*
 15 *revise the procedures for allocating federal bridge funding and*
 16 *selecting projects in cooperation with the counties and the cities*
 17 *and approved subject to approval by the commission.*

18 ~~(b)~~

19 (d) The cities and the counties may use any funds available to
 20 them to match funds made available to them under this chapter, if
 21 the use of funds for such matching purposes is not prohibited by
 22 federal law. "Match," as used in this chapter, means to provide for
 23 the payment of the cost of any project to the extent that ~~such~~ *the*
 24 cost is not to be reimbursed from federal funds.

25 SEC. 5. Section 2414 of the Streets and Highways Code is
 26 amended to read:

27 2414. (a) The Legislature finds and declares that it is in the
 28 state's vital interest to participate fully in the federal ~~highway~~
 29 ~~bridge replacement program~~. *Highway Infrastructure Program to*
 30 *replace, rehabilitate, preserve, protect, and construct state and*
 31 *locally owned bridges.*

32 (b) *Federal Highway Infrastructure Program funds for state*
 33 *and local bridge projects available pursuant to the federal*
 34 *Infrastructure Investment and Jobs Act (Public Law 117-58) shall*
 35 *supplement and not supplant other federal funding dedicated to*
 36 *local bridge repair and replacement projects in California pursuant*
 37 *to paragraph (i) of Section 119 of Title 23 of the United States*
 38 *Code.*

39 ~~(b)~~

AB 2120

— 4 —

1 (c) The department shall, with its available resources, expedite
2 bridge replacement projects in order that federal funds be used to
3 full advantage as soon as they become available.

4 (e)

5 (d) The commission, in allocating funds, and the department,
6 in expending funds, for bridge replacement projects, shall follow
7 federal design standards so that the projects will be eligible for
8 federal funds, except that this subdivision shall not apply to a
9 project if the commission finds by resolution, after a public hearing,
10 that application of the federal design standards would adversely
11 affect public health or safety or would significantly increase the
12 cost of the project to the state.

13 ~~(d) Nothing in this section shall~~

14 (e) *This section does not* affect the authority of the department
15 to negotiate with the appropriate federal agency for the purpose
16 of gaining approval of a project.

Minute Action

AGENDA ITEM: 4

Date: March 9, 2022

Subject:

Federal Legislative Update

Recommendation:

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

Background:

FISCAL YEAR 2022 APPROPRIATIONS

On February 8th the House of Representatives, and then on February 17th, the Senate passed a Continuing Resolution (CR) to fund the federal government through March 11th, sending the bill to the President, who signed it on February 18th. Having temporarily avoided a government shutdown, negotiators now have additional time to reach a deal on a Fiscal Year (FY) 2022 Omnibus appropriations package. As previously reported, House and Senate Appropriations Committee leadership announced last week they had reached a deal on a “framework” for the Omnibus, and while no specific details were released reports indicate that the two sides agreed to parity between any increases to defense and non-defense discretionary spending.

FISCAL YEAR 2023 APPROPRIATIONS

Congressional offices are preparing to solicit for FY 2023 Community Project Funding Requests. Office deadlines for these requests have not yet been determined, but we are projecting early April 2022 deadlines when project and programmatic requests must be submitted.

GAS TAX LEGISLATION

In an attempt to relieve economic pressures on families amidst rising gas prices and inflation, six Senate Democrats introduced legislation last week called the *Gas Prices Relief Act of 2022*. The bill would institute a federal gas tax holiday through the end of year by essentially providing a temporary exemption on the excise tax on gasoline (18.4 cents per gallon). The bill was discussed by Senate Democrats in their internal caucus lunch, although afterwards Senate Majority Leader Chuck Schumer (D-NY) stopped short of promising a vote on it.

The bill was met with criticism from transportation groups, who argue that the legislation would undermine the funding mechanisms used to implement the recently enacted Infrastructure Investment and Jobs Act (IIJA).

In particular, critics argue that even a short-term reprieve from the gas tax through the end of the year could result in decrease revenues to the Highway Trust Fund (HTF) by more than \$20 billion. The HTF already faces a funding shortfall caused in large part by the discrepancy between gas tax receipts and current spending levels, forcing the Congress to rely on short-term funding patches including transfers from the General Fund. Transportation advocates argue that further cuts to the HTF’s revenue would further exacerbate this problem. That point was

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

Legislative Policy Committee Agenda Item

March 9, 2022

Page 2

reiterated by House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR), who criticized the bill suggesting that not only would the ‘holiday’ produce minimal savings to consumers but that it would ultimately only serve to “blow a \$26 billion hole in the Highway Trust Fund.” The proposal was also met with strong criticism from Senate Republicans who described it merely as a convenient means of lowering gas prices in an attempt to win favor leading up to the midterm elections.

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: March 9, 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										
Janice Rutherford Board of Supervisors	X	X										
Art Bishop Town of Apple Valley	X	X										
Frank Navarro City of Colton	X	X										
Rick Denison Town of Yucca Valley	X	X										
Larry McCallon City of Highland	X	X										
Alan Wapner City of Ontario	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

Acronym List

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
S RTP	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