

BILL: AB 179 (Cervantes, D-Corona)
Amended February 14, 2017
Introduced January 18, 2017

SUBJECT: AB 179 would set forward qualification requirements for members of the California Transportation Commission and provide for increased collaboration with the California Air Resources Board and formation of an Environmental Justice Advisory Committee.

STATUS: Pending in the Assembly Transportation Committee

SUMMARY AS OF MARCH 3, 2017:

AB 179 would detail requirements that seven of the eleven voting members of the California Transportation Commission (CTC) must meet to be appointed. If enacted, the bill would require appointments after January 1, 2018, to ensure the membership includes the following training and experience:

- Two members to have background in working with communities most significantly burdened pollution, including those with diverse or low-income populations.
- One member to have background in sustainable transportation, including bicycle and pedestrian safety issues.
- One member to have background in sustainable transportation, including addressing transit issues.
- One member to have background, or be an authority on, the public health impacts of transportation.
- One member to have background, or be an authority on, climate change mitigation, including the role of transportation as a mitigation measure.
- One member to have background, or be an authority on, air pollution.

The CTC would also be required to create a five-member Environmental Justice Advisory Committee (EJAC) to advise the CTC on the allocation and programming of transportation funds and related policy issues. Members of the EJAC are to represent communities disproportionately burdened by pollution and other environmental justice issues. Each calendar year, the CTC and the California Air Resources Board (ARB) would also have to hold two joint meetings to coordinate implementation of transportation programs and policies, including the sustainable freight action plan and the California Transportation Plan (CTP).

EFFECTS ON ORANGE COUNTY:

The CTC currently has eleven voting members and two ex-officio members. The Governor appoints nine of the voting members, which must all be confirmed by the Senate. One member is appointed by the Speaker of the Assembly and one member is appointed by the Senate Rules Committee; neither member requiring confirmation. The two ex-officio members are representatives from the Assembly and Senate, now

represented by the Chair of the Assembly Transportation Committee and Chair of the Senate Transportation and Housing Committee.

The CTC is responsible for the programming and allocation of transportation funding for highway, passenger rail and transit improvements in the State, and advises the Administration and Legislature on transportation policies and planning documents related to transportation. These responsibilities include: the adoption of the State Transportation Improvement Program; reviewing the State Highway Operation and Protection Program (SHOPP); adopting fund estimates for funding available to the State Transportation Improvement Program (STIP) and SHOPP; allocating funds related to the STIP, SHOPP, and bond funded projects; adopting guidelines for the Regional Transportation Plan (RTP) and CTP; approving toll facilities within the state; authorizing public-private partnerships; and administration and project selection for the Active Transportation Program (ATP).

The requirements imposed by AB 179 would disproportionately require members of the CTC to have background in issues surrounding the environment and public health, while ignoring other prominent issues related to transportation including project delivery, funding and financing, technology advancement, labor and jobs, among others. While environmental issues are a key component of project planning, these issues are thoroughly covered in existing transportation planning documents, including the RTP. Furthermore, all agencies seeking funding from the CTC are already subject to numerous environmental regulations and laws including SB 375 (Chapter 728, Statutes of 2008), AB 32 (Chapter 488, Statutes of 2006), the California Environmental Quality Act, and water and endangered species protections. Recently, additional requirements have been put in place for funding related to disadvantaged communities, including funding provided through cap-and-trade and the ATP. These actions show a growing emphasis already of issues related to the environment and public health in transportation planning. Rather than requiring the CTC to be overwhelmingly focused on these issues, the CTC should include a broad, geographically balanced set of interests to ensure that not only the environment, environmental justice, and public health issues are addressed, but also to ensure projects are delivered in a fiscally responsible manner and within a reasonable period of time.

The CTC is also already able to convene joint hearings with the ARB, if deemed necessary, and create task forces focused on specific policy issues. Statutory authority is not needed to allow for these actions. It is also not clear whether these additional processes are needed to protect these interests, when these policies are already being extensively integrated into program guidelines. In addition, the CTC and ARB are already required to collaborate in various program areas, including that related to freight planning and cap-and-trade programming.

An oppose position is consistent with the OCTA 2017-18 State Legislative Platform's principles to "Oppose efforts to unnecessarily subject projects to additional reviews and project selection approvals that could adversely affect delivery timelines and processes."

OCTA POSITION:

Staff recommends: OPPOSE

AMENDED IN ASSEMBLY FEBRUARY 14, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 179

Introduced by Assembly Member Cervantes

January 18, 2017

An act to amend Section 14502 of, and to add Sections 14506.7 and 14516 to, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 179, as amended, Cervantes. California Transportation Commission.

Existing law creates the California Transportation Commission, with various powers and duties relative to the programming of transportation capital projects and allocation of funds to those projects pursuant to the state transportation improvement program and various other transportation funding programs.

Existing law provides that the commission consists of 13 members: 11 voting members, of which 9 are appointed by the Governor subject to Senate confirmation, one is appointed by the Senate Committee on Rules, and one is appointed by the Speaker of the Assembly, and 2 Members of the Legislature who are appointed as nonvoting ex officio members.

This bill would require that 6 7 of those voting members have specified qualifications.

This bill would require the commission to create an Environmental Justice Advisory Committee, comprised of at least 5 members, to advise the commission in its allocation and programming of transportation moneys and any other pertinent transportation policy matters. The bill would require that the members of the committee represent communities

disproportionately burdened by, and vulnerable to, high levels of pollution and other environmental justice issues, and would require that the commission appoint only individuals nominated by environmental justice organizations and community groups to that committee.

This bill would require the commission and the State Air Resources Board to hold at least 2 joint meetings per calendar year to coordinate their implementation of transportation policies.

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 14502 of the Government Code is
2 amended to read:

3 14502. The commission consists of 13 members appointed as
4 follows:

5 (a) (1) Nine members shall be appointed by the Governor with
6 the advice and consent of the Senate. One member shall be
7 appointed by the Speaker of the Assembly and one member shall
8 be appointed by the Senate Committee on Rules, with neither of
9 these members subject to confirmation by the Senate. A member
10 appointed pursuant to this subdivision shall not simultaneously
11 hold an elected public office, or serve on any local or regional
12 public board or commission with business before the commission.

13 (2) Of the members appointed pursuant to this subdivision, ~~six~~
14 ~~seven~~ members shall have the following qualifications:

15 (A) Two members shall have worked directly with those
16 communities in the state that are most significantly burdened by,
17 and vulnerable to, high levels of pollution, including, but not
18 limited to, those communities with racially and ethnically diverse
19 populations or with low-income populations.

20 (B) One member shall have training and experience in
21 sustainable transportation that includes addressing bicycle and
22 pedestrian safety issues in transportation.

23 (C) One member shall have training and experience in
24 sustainable transportation that includes addressing transit issues.

25 (D) One member shall have training and experience in, or be
26 an authority on, the public health effects of ~~transportation~~,
27 ~~including the health effects of air pollution.~~ *transportation.*

1 (E) One member shall have training and experience in, or be an
2 authority on, climate change mitigation, including the role of
3 transportation projects on that mitigation.

4 (F) *One member shall have training and experience in, or be*
5 *an authority on, air pollution.*

6 (3) When an appointment is made to the commission after
7 January 1, 2018, the Governor, Speaker of the Assembly, and
8 Senate Committee on Rules shall ensure that it is made in
9 conformance with this subdivision.

10 (b) One Member of the Senate appointed by the Senate
11 Committee on Rules and one Member of the Assembly appointed
12 by the Speaker of the Assembly shall be ex officio members
13 without vote and shall participate in the activities of the
14 commission to the extent that that participation is not incompatible
15 with their positions as Members of the Legislature.

16 (c) Notwithstanding any other provision of law, a voting member
17 of the commission may serve on the High-Speed Rail Authority
18 as established in Division 19.5 (commencing with Section 185000)
19 of the Public Utilities Code.

20 SEC. 2. Section 14506.7 is added to the Government Code, to
21 read:

22 14506.7. (a) The commission shall create an Environmental
23 Justice Advisory Committee to advise the commission in its
24 allocation and programming of transportation moneys and any
25 other pertinent transportation policy matters.

26 (b) (1) The committee shall be comprised of at least five
27 members.

28 (2) Each member of the committee shall represent a community
29 disproportionately burdened by, and vulnerable to, high levels of
30 pollution and other environmental justice issues, including, but
31 not limited to, communities with diverse racial and ethnic
32 populations or low-income populations.

33 (3) The commission shall appoint only individuals nominated
34 by environmental justice organizations and community groups to
35 the committee.

36 (c) The commission shall provide members of the committee
37 with a reasonable per diem for attending the committee's meetings.

38 SEC. 3. Section 14516 is added to the Government Code, to
39 read:

1 14516. The commission and the State Air Resources Board
2 shall hold at least two joint meetings per calendar year to
3 coordinate their implementation of transportation policies,
4 including interagency efforts, which shall include, but not be
5 limited to, implementation of the sustainable freight action plan
6 ~~develop~~ *developed* pursuant to Executive Order B-32-15,
7 development of the California Transportation Plan update pursuant
8 to Section 65071, and the setting of targets pursuant to
9 subparagraph (A) of paragraph (2) of subdivision (b) of Section
10 65080.

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