



BOARD OF DIRECTORS
POLICY, GRANTS, AND TECHNOLOGY COMMITTEE

May 15, 2024

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

COMMITTEE MEMBERS

VICKI VEENKER – CHAIR
MARGARET ABE-KOGA
NOELIA CORZO
JUAN GONZÁLEZ III
KATIE RICE

SERGIO LOPEZ – VICE-CHAIR
KEN CARLSON
JOELLE GALLAGHER
ERIN HANNIGAN

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY
COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC**

**Bay Area Metro Center
1st Floor Board Room
375 Beale Street
San Francisco, CA 94105**

**Napa County Administration Building
Crystal Conference Room
1195 Third Street, Suite 310
Napa, CA 94559**

**Office of Contra Costa County
Supervisor Ken Carlson
2255 Contra Costa Blvd., Suite 202
Pleasant Hill, CA 94523**

**County of San Mateo
1st Floor CEO BOS Conference Room
400 County Center
Redwood City, CA 94063**

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Policy, Grants, and Technology Committee reserves the right to conduct the meeting without remote webcast and/or Zoom access.

The public may observe this meeting through the webcast by clicking the link available on the air district's agenda webpage at www.baaqmd.gov/bodagendas.

Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/86129405314>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 861 2940 5314

Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on a matter on the agenda will have two minutes each to address the Committee on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.

The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.

POLICY, GRANTS, AND TECHNOLOGY COMMITTEE MEETING AGENDA

**WEDNESDAY, MAY 15, 2024
1:00 PM**

Chairperson, Vicki Veenker

1. Call to Order - Roll Call

The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.

2. Pledge of Allegiance

CONSENT CALENDAR (Item 3)

The Consent Calendar consists of routine items that may be approved together as a group by one action of the Committee. Any Committee member or member of the public may request that an item be removed and considered separately.

3. Approval of the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of March 20, 2024

The Committee will consider approving the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of March 20, 2024.

ACTION ITEM(S)

4. Transportation Fund for Clean Air Regional Fund Policies & Evaluation Criteria Commencing Fiscal Year Ending 2025

The Committee will consider recommending the Board of Directors approve the proposed updates to Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria commencing in Fiscal Year Ending (FYE) 2025. This item will be presented by Linda Hui, Supervising Staff Specialist.

5. Projects and Contracts with Proposed Grant Awards Over \$500,000 and Solicitation for Electric Charging Infrastructure

The Committee will consider recommending the Board of Directors (i) approve the award of state and local incentive funding to four projects with a proposed grant award in excess of \$500,000, (ii) authorize the Executive Officer/APCO to execute grant agreements for the recommended projects, and (iii) approve the process and selection criteria for a competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment. This item will be presented by Chad White, Supervising Staff Specialist.

INFORMATIONAL ITEM(S)

6. State Legislative Update

The Committee will receive an update on state legislation, including Air District sponsored and co-sponsored bills, other bills of interest, and the May Revision to the Governor's proposed Fiscal Year 2024-25 State Budget. This item will be presented by Alan Abbs, Legislative Officer.

OTHER BUSINESS

7. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Committee. Members of the public will have two minutes each to address the Committee, unless a different time limit is established by the Chair. The Committee welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Committee. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Committee meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Committee meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

8. Committee Member Comments

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

9. Time and Place of Next Meeting

Wednesday, July 24, 2024, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Policy, Grants, and Technology Committee members and members of the public will be able to either join in-person or via webcast.

10. Adjournment

The Committee meeting shall be adjourned by the Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at spesapati@baaqmd.gov.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
375 BEALE STREET, SAN FRANCISCO, CA 94105
FOR QUESTIONS PLEASE CALL (415) 749-4941**

**EXECUTIVE OFFICE:
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS**

MAY 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Finance and Administration Committee	Wednesday	15	10:00 a.m.	1 st Floor Board Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	15	1:00 p.m.	1 st Floor Board Room
Board of Directors Community Advisory Council Meeting	Thursday	16	6:00 p.m.	California State University East Bay Oakland Professional & Conference Center Trans Pacific Center 1000 Broadway, Suite 109 Oakland, CA 94607

JUNE 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation	Wednesday	5	9:45 a.m.	1 st Floor Board Room
Board of Directors Meeting	Wednesday	5	10:00 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	12	10:00 a.m.	1st Floor, Temazcal Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	12	1:00 p.m.	1st Floor, Temazcal Room
Board of Directors Finance and Administration Committee	Wednesday	26	10:00 a.m.	1st Floor, Temazcal Room

JULY 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting - CANCELLED	Wednesday	10	10:00 a.m.	1st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	17	10:00 a.m.	1st Floor, Temazcal Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	17	1:00 p.m.	1st Floor, Temazcal Room
Board of Directors Community Advisory Council Meeting	Thursday	18	6:00 p.m.	1st Floor Board Room
Board of Directors Policy, Grants, and Technology Committee	Wednesday	24	10:00 a.m.	1st Floor, Temazcal Room

MV 5/8/2024 – 12:09 p.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Vicki Veenker and Members
of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: May 15, 2024

Re: Approval of the Draft Minutes of the Policy, Grants, and Technology Committee
Meeting of March 20, 2024

RECOMMENDED ACTION

Approve the attached Draft Minutes of the Policy, Grants, and Technology Committee Meeting of March 20, 2024.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of March 20, 2024.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Policy, Grants, and Technology Committee Meeting of March 20, 2024

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 749-5073

Policy, Grants, and Technology Committee Meeting
Wednesday, March 20, 2024

DRAFT MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Policy, Grants, and Technology Committee (Committee) Chairperson, Vicki Veenker, called the meeting to order at 1:00 p.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Committee Chairperson Vicki Veenker; Committee Vice Chairperson Sergio Lopez; and Directors Ken Carlson, Noelia Corzo and Juan González III.

Present, In-Person Satellite Location (Napa County Administration Building, 1195 Third St., Suite 310, Crystal Conference Room, Napa, CA 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location (Mountain View City Hall, 500 Castro Street, 2nd Floor Council Chambers, Mountain View, California, 94041): Director Margaret Abe-Koga.

Absent: Directors Erin Hannigan and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE POLICY, GRANTS, AND TECHNOLOGY COMMITTEE MEETING OF FEBRUARY 21, 2024**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director González made a motion, seconded by Director Carlson, to **approve** the Draft Minutes of the Policy, Grants, and Technology Committee Meeting of February 21, 2024; and the motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Lopez, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Hannigan, Rice.

ACTION ITEMS

4. TRANSPORTATION FUND FOR CLEAN AIR ALLOCATION FISCAL YEAR ENDING 2025 - 60% FUNDS

Dr. Minda Berbeco, Manager in the Strategic Incentives Division, gave the staff presentation *Allocation of Fiscal Year Ending (FYE) 2025 Transportation for Clean Air (TFCA) 60% Funds*, including: action items; outline; TFCA background; eligible strategies for reducing emissions; proposed FYE 2025 TFCA funding allocation; proposed cost effectiveness Air District-sponsored programs; FYE 2025 TFCA timeline; and action items.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District has evaluation/outcome data for trip reduction category (Spare the Air and Commuter Benefits program) projects; the manner in which the Air District determines cost-effectiveness; whether the Air District has additional TFCA objectives, besides emission reductions; whether heavy duty passenger vehicles and commercial trucks are eligible for Clean Air Vehicles category funding; the comparison of cost-effectiveness levels of commercial vehicle replacement projects and those of passenger vehicles replacement projects; cost-effectiveness limits for heavy-duty trucks, and the suggestion of not letting large ambitions (cost-effectiveness maximums) prevent the implementation of smaller but attainable improvements to air quality, especially in overburdened communities; the current cost-effectiveness of the Vehicle Buy Back (VBB) Program, and whether it is anticipated that the California Air Resources Board (CARB) will increase its Mobile Source Incentive Fund (MSIF) and Carl Moyer Program (CMP) cost-effectiveness limits; whether the Air District may add funds on top of the State-allocated funding for the VBB program; why the proposed FYE 2025 TFCA funding allocation is not more balanced (between trip reduction and clean air vehicle categories); the number of trip reductions that could be funded by \$3M; whether funds allocated to one category may be carried over to a different category; whether bicycle facility projects are limited to new bikeways, or whether they may they enhance existing or planned bikeways; whether projects that enhance bicycle safety are eligible, and challenges presented by current limitations in this area; and whether cost-effectiveness limits of Air District-sponsored programs distinguish between funding sources.

Committee Action

Director Gonzalez made a motion, seconded by Director Carlson, to recommend the Board of Directors **approve** the proposed allocation of the estimated new TFCA monies to the programs and projects for FYE 2025 that will be funded by the 60% portion of the TFCA, and **authorize** the proposed cost-effectiveness limits for the Air District-sponsored programs and projects that would be paid for by the TFCA 60% Fund; and the motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Lopez, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Hannigan, Rice.

5. **STATE LEGISLATIVE BILL REVIEW**

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Bill Review*, including: outcome; outline; requested action; Assembly Bill (AB) 2958 (Calderon); AB 3076 (Essayli); Senate Bill (SB) 1298 (Cortese); AB 1921 (Papan); AB 2188 (Ta); AB 2401 (Ting); AB 2480 (Garcia); AB 2781 (Irwin); AB 2851 (Bonta); AB 3243 (Ta); and presentation requested action recap.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed (**SB 1298 - Certification of thermal powerplants: data centers**) alternate power supply options, and whether data centers would still have to comply with Air District regulations and permitting requirements; (**AB 1921 - Energy: renewable electrical generation facilities: linear generators**) advantages and disadvantages of linear generators, and whether they are really a zero-emission technology; and (**AB 2851 - Metal shredding facilities: fence-line monitoring**) whether Schnitzer Steel Industries in Oakland applies to the bill.

Committee Action

Director Gonzalez made a motion, seconded by Vice Chair Lopez, to recommend the Board of Directors **adopt** the following positions on the following bills:

1. Support AB 2958 (Calderon) – State Air Resources Board: board members: compensation.
2. Oppose AB 3076 (Essayli) – Energy: gas stoves.
3. Oppose SB 1298 (Cortese) – Certification of thermal powerplants: data centers.

The motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Lopez, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Hannigan, Rice.

6. AIR DISTRICT BOARD MEMBER COMPENSATION POLICY DISCUSSION

Mr. Abbs gave the staff presentation *Air District Board Member Compensation Policy Discussion*, including: outcome; outline; requested action; current statute – Health & Safety Code 40227; and Options #1, 2, and 3.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the anticipated timeline, should the Board wish to support AB 2522 (Carrillo) - South Coast Air Quality Management District: district board: compensation, and/or sponsor a Bay Area-specific bill to amend Health & Safety Code (HSC) Section 40227 with different Board compensation amounts; whether a dollar amount would have to be stated beforehand, should the Board wish to sponsor a separate bill in the future to amend HSC 40227, relative to board compensation for the Bay Area AQMD Board; reasons to weigh in on another air district's board's compensation, and reasons not to do so; equity issues and pay disparity between county supervisors and city councilmembers; suggested methods of making compensation among Board members more equitable; the suggestion of looking to AB 2958 (Calderon) – State Air Resources Board: board members: compensation, for structural alignment and reference; potential impacts of not aligning the Bay Area AQMD's Board compensation with that of the South Coast AQMD's, and whether the Board should support AB 2522 if it proposes amounts that deviate from what South Coast AQMD is proposing; whether the stipends of the Bay Area AQMD Board members have reached their maximum (historically); and the request ongoing discussion regarding pay equity for Bay Area AQMD Board members, regardless of what action is taken by the Board.

Committee Action

The Committee considered the following options related to Air District Board Member compensation:

- Request to participate and provide amendments to the South Coast Air Quality Management District (South Coast AQMD) sponsored AB 2522 (Carrillo) - South Coast Air Quality Management District: district board: compensation – to include changes to Health and Safety Code Section 40227 relative to board compensation for the Bay Area AQMD Board; or
- Sponsor a separate bill in the future to amend Health and Safety Code 40227 relative to board compensation for the Bay Area AQMD Board; or
- Decline to take any action.

Chair Veenker made a motion, seconded by Director González, to recommend the Board of Directors:

- **Approve** the Air District's participation in AB 2522 (Carrillo), to provide amendments to that bill that would align the Air District's board member compensation provisions in the Health and Safety Code with the bill's proposed amendments to the South Coast Air Quality Management District's board member compensation provisions.
- **Direct** staff to initiate a review of the Air District's Administrative Code provisions on Board Member compensation to evaluate equity considerations with respect to how Board members are compensated for their service on the Board of Directors.

The motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Lopez, Veenker.
NOES: None.
ABSTAIN: None.
ABSENT: Hannigan, Rice.

INFORMATIONAL ITEMS

7. AIR DISTRICT SPONSORED AND CO-SPONSORED BILLS

Alan Abbs, Legislative Officer, gave the staff presentation *Air District Sponsored and Co-Sponsored Bills*, including: presentation for information only; outline; AB 1465 (Wicks); AB 2298 (Hart, et al.); SB 382 (Becker); and SB 1095 (Becker).

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

8. UPDATE ON U.S. ENVIRONMENTAL PROTECTION AGENCY CLIMATE POLLUTION REDUCTION GRANT

Jamesine Rogers-Gibson, Senior Advanced Projects Advisor, gave the staff presentation *Update on United States Environmental Protection Agency (EPA) Climate Pollution Reduction Grant*, including: outcome; outline; requested action; US EPA Climate Pollution Reduction Grant overview; Bay Area Regional Climate Action Planning (BARCAP) Initiative; BARCAP planning deliverables; input from the Advisory Work Group and local governments; building upon community engagement efforts; measure design working sessions; priority measure focus areas for Priority Climate Action Plan (PCAP); holistic building decarbonization for clean, healthy, and secure housing; safe, affordable, clean, and equitable multi-modal transportation; implementation grant proposals; and next steps.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the Air District’s role in the multi-agency effort to produce two regional plans that incorporate input from and reflect the priorities of the region’s local governments and communities (Priority Climate Action Plan and Comprehensive Climate Action Plan); and details about the implementation grant applications.

Committee Action

None; receive and file.

OTHER BUSINESS

9. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

10. COMMITTEE MEMBER COMMENTS

None.

11. TIME AND PLACE OF NEXT MEETING

At the end of the meeting, the next meeting was scheduled for April 17, 2024. After the meeting adjourned, the next meeting was scheduled for Wednesday, May 15, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Policy, Grants, and Technology Committee members and members of the public will be able to either join in-person or via webcast.

12. ADJOURNMENT

The meeting was adjourned at 3:31 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Vicki Veenker and Members
of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: May 15, 2024

Re: Transportation Fund for Clean Air Regional Fund Policies & Evaluation Criteria
Commencing Fiscal Year Ending 2025

RECOMMENDED ACTION

Recommend to the Board of Directors that the Board approve proposed updates to the Transportation Fund for Clean Air (TFCA) Regional Fund Policies and Evaluation Criteria commencing in Fiscal Year Ending (FYE) 2025.

BACKGROUND

In 1991, the California State Legislature authorized the California Department of Motor Vehicles (DMV) to impose a \$4 surcharge on each motor vehicle registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District’s jurisdiction. The statutory authority and requirements for the TFCA are set forth in California Health and Safety Code Sections 44241, 44241.5, and 44242.

Sixty percent (60%) of TFCA funds are allocated annually by the Board to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air) and to a program referred to as the Regional Fund. The remaining forty percent (40%) of TFCA funds are passed through to the 40% Fund (also called the County Program Manager Fund), based on each county’s proportionate share of vehicle registration fees paid, and are awarded by the nine designated Bay Area Congestion Management Agencies within the Air District’s jurisdiction. On April 3, 2024, the Board approved an allocation of \$33.81 million in TFCA monies for award in FYE 2025 through the Regional Fund and to Air District sponsored programs. This includes an estimated \$13.46 million in new revenue and additional funds from prior years and interest.

The authorizing legislation requires the Board approve the policies governing the use of TFCA funds, which establish the eligibility and evaluation criteria for projects. The Regional Policies (Policies) include both general requirements, applicable to all Regional Fund projects, and project category-specific requirements. This report discusses the proposed updates to the Policies commencing in FYE 2025 and the public process through which these updates were developed.

DISCUSSION

Public Outreach Process

On February 29, 2024, the Air District posted the draft Policies on its website and opened the public comment period, which closed on April 5, 2024. The public comment process was advertised via the Air District's TFCA grants email notification system and sent to more than 1,700 stakeholders, including representatives from each of the nine Bay Area Congestion Management Agencies. The updates proposed were presented and discussed at a public webinar on March 14. Attachment 3 provides a summary of the public comments submitted, along with staff's responses.

Proposed Updates

Proposed updates were made to the current-year Policies based on feedback received through the public outreach process and comments received from stakeholders throughout the year. Language revisions were also made for clarification purposes. A red-lined copy of the Policies commencing in FYE 2025 is included as Attachment 2. Below is a summary of the key proposed updates:

- Increase the maximum cost-effectiveness for On-Road Zero- and Partial- Zero Emissions Vehicles to \$522,000 (policy #23) to align with the Carl Moyer Program cost-effectiveness limit.
- Revert the amount of time in which a grantee must commence a project from 24 to 12 months (policy #8).
- Allow for upgrades from a Class III or a Class II (non-buffered) to Class II buffered bike line as an eligible project category (policy #32).
- Update the evaluation criteria to prioritize projects in communities identified through the Assembly Bill (AB) 617 process, or that benefit Priority Populations as defined by SB 535 disadvantaged communities, AB 1550 low-income communities, and low-income households.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. TFCA funds are generated from DMV registration fees and distributed to sponsors of eligible projects on a reimbursement basis. Administrative costs are also covered by TFCA.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Clair Keleher
Reviewed by: Ken Mak, Minda Berbeco and Karen Schkolnick

ATTACHMENTS:

1. Proposed TFCA Regional Fund Policies Commencing in FYE 2025
2. Proposed TFCA Regional Fund Policies Commencing in FYE 2025 - Redlined Version
3. Public Comments and Responses
4. TFCA Regional Fund Policies Commencing 2025 Presentation

**TFCA REGIONAL FUND POLICIES
AND EVALUATION CRITERIA COMMENCING FYE 2025**

The following policies apply to the Bay Area Air Quality Management District’s (Air District) Transportation Fund for Clean Air (TFCA) Regional Fund commencing fiscal year ending (FYE) 2025.

BASIC ELIGIBILITY

- 1. Eligible Projects:** Only projects that result in the reduction of motor vehicle emissions within the Air District’s jurisdiction are eligible. Projects must conform to the provisions of the California Health and Safety Code (HSC) sections 44220 et seq. and Air District Board of Directors adopted TFCA Regional Fund Policies and Evaluation Criteria.

Projects must achieve surplus emission reductions, i.e., reductions that are beyond what is required through regulations, contracts, and other legally binding obligations at the time the Air District executes the project’s funding agreement.

- 2. TFCA Cost-Effectiveness:** Projects must not exceed the maximum cost-effectiveness (C-E) limit specified in Table 1, except for projects that are being co-funded by other Air District-administered programs (e.g., Carl Moyer Program). Emissions benefits for co-funded projects may be reported under other Air District-administered programs. Cost-effectiveness (\$/weighted ton) is the ratio of TFCA funds awarded to the sum of surplus emissions reduced, during a project’s operational period, of reactive organic gases (ROG), nitrogen oxides (NOx), and weighted PM10 (particulate matter 10 microns in diameter and smaller).

Table 1: Maximum Cost-Effectiveness for TFCA Regional Fund Projects

Policy #	Project Category	Maximum C-E (\$/weighted ton)
23	On-Road Zero- and Partial- Zero- Emissions Vehicles	\$522,000
25	Hydrogen Stations	N/A*
26	Electric Vehicle Charging Infrastructure	N/A*
27	Vehicle Scrapping	\$50,000**
28	Existing Last-Mile Commuter Connections	Evaluated as part of the Spare the Air Program
29	Pilot Trip Reduction	\$500,000
30	Existing Regional Ridesharing Services	Evaluated as part of the Spare the Air Program
31	Bicycle Parking	\$250,000
32	Bikeways	\$500,000
33	Infrastructure Improvements for Trip-Reduction	\$500,000

* These projects provide electric vehicle charging/hydrogen refueling infrastructure needed to enable emission reductions from electric and fuel cell electric vehicles. To maximize emissions reductions and public health benefits, projects will be evaluated based on project characteristics including, but not limited to, cost of the project, anticipated equipment usage, and anticipated benefits to environmental justice communities and communities highly impacted by air pollution but shall not be subject to a maximum cost-effectiveness limit.

** Maximum C-E for vehicle scrapping if entirely funded by TFCA. If TFCA is used as a match for state funds, all emissions reductions will be claimed by the state program.

3. **Consistent with Existing Plans and Programs:** All projects must comply with the Transportation Control and Mobile Source Control Measures included in the Air District's most recently approved strategies for achieving and maintaining State and national ozone standards (2017 Clean Air Plan); those plans and programs established pursuant to California Health & Safety Code (HSC) sections 40233, 40717 and 40919; and, when specified, other adopted federal, State, regional, and local plans and programs.
4. **Eligible Recipients and Authority to Apply:** Applicants must have the legal authority, as well as the financial and technical capability, to complete projects. In addition, the following conditions apply:
 - a. **Eligible Recipients:**
 - i. **Public agencies** are eligible to apply for all project categories.
 - ii. **Non-public entities** are eligible to apply for only Clean Air Vehicle Projects and advanced technology demonstrations that are permitted pursuant to HSC section 44241(b)(7).
 - b. **Authority to Apply:** Applicants must demonstrate that they have the authority to submit the application, to enter into a funding agreement, to carry out the project, and to bind the entity to perform these tasks by including either: 1) a signed letter of commitment from the applicant's representative with authority (e.g., Chief Executive or Financial Officer, Executive Director, or City Manager); or 2) a signed resolution from the governing body (e.g., City Council, Board of Supervisors, or Board of Directors).
5. **Viable Project and Matching Funds:** Applicants must demonstrate that they have adequate funds to cover all stages of their proposed project(s) from commencement through completion. Unless otherwise specified in policies #22 through 33, project applicants must provide evidence that they have at least 10% of the total eligible project costs (matching funds) from a non-Air District source available and ready to commit to the proposed projects.
6. **Minimum Grant Amount:** \$10,000 per project.
7. **Maximum Grant Amount:** the maximum TFCA grant award amounts are:
 - a. Each public agency may be awarded up to a total award of \$5,500,000 per agency per fiscal year; and
 - b. Each non-public entity may be awarded up to a total award of \$5,000,000 per entity per fiscal year.
8. **Readiness:** Unless otherwise specified in policies #22 through 33, projects must commence by the end of calendar year 2025 or within 12 months from the date of execution of the funding agreement with the Air District, whichever is later. For purposes of this policy, "commence" means either (a) a discrete, necessary and tangible action, such as the issuance of a purchase order to secure project vehicles or equipment or the delivery of the award letter for a construction contract, taken for a project to begin implementation, or (b) commencement or continuation of transportation service, such as last-mile commuter connections or ridesharing service, for which the project sponsor can provide documentation of date the action occurred.
9. **Maximum Two Years Operating Costs for Service-Based Projects:** Unless otherwise specified in policies #22 through 33, TFCA Regional Funds may be used to support up to two years of

operating costs for service- based projects (i.e., Trip Reduction Projects).

10. **Project Revisions:** The Air District will consider only requests for modifications to approved projects that are within the same project categories, achieve the same or better cost-effectiveness, comply with all TFCA Regional Fund Policies, and are in compliance with all applicable federal and State laws, and Air District rules and regulations. The Air District may also approve minor modifications, such as to correct typographical mistakes in the grant agreements or to change the name of the grantees, without re-evaluating the proposed modification in light of the regulations, contracts, and other legally binding obligations that are in effect at the time the minor modification was proposed.

APPLICANT IN GOOD STANDING

11. **In Compliance with Air Quality Regulations:** Applicants must certify that, at the time of the application and at the time of issuance of the grant, they are in compliance with all local, state, and federal air quality regulations. Applicants who are in compliance with those laws, rules and regulations, but who have pending litigation or who have unpaid civil penalties owed to the Air District, may be eligible for funding, following a review and approval by the Air District. The Air District may terminate a grant agreement and seek reimbursement of distributed funds from a project sponsor who was not eligible for funding at the time of the grant.
12. **In Compliance with Agreement Requirements:** Project sponsors who have failed to meet contractual requirements such as project implementation milestones or monitoring and reporting requirements for any project funded by the Air District may not be considered eligible for new funding until such time as all of the unfulfilled obligations are met.
13. **Independent Air District Audit Findings and Determinations:** Project sponsors who have failed either a fiscal audit or a performance audit for a prior Air District funded project will be excluded from future funding for three (3) years from the date of the Air District's final determination in accordance with HSC section 44242. Additionally, project sponsors with open projects will not be reimbursed until all audit recommendations and remedies have been satisfactorily implemented.

A failed fiscal audit means an uncorrected audit finding that confirms an ineligible expenditure of funds. A failed performance audit means an uncorrected audit finding that confirms a project was not implemented as set forth in the project funding agreement.

Project sponsors must return funds under any of the following circumstances:

- a. The funds were expended in a manner contrary to the TFCA Regional Funds' requirements and/or requirements of HSC Code section 44220 et seq;
- b. The project did not result in a surplus reduction of air pollution from the mobile sources or transportation control measures pursuant to the applicable plan;
- c. The funds were not spent for surplus reduction of air pollution pursuant to a plan or program to be implemented by the TFCA Regional Fund;
- d. The project sponsor failed to comply with the approved project scope, as set forth in the project funding agreement.

Applicants who failed to reimburse such funds to the Air District from prior Air District funded

projects will be excluded from future TFCA funding.

14. **Executed Funding Agreement:** Only a fully executed funding agreement (i.e., signed by both the project sponsor and the Air District) constitutes the Air District's award of funds for a project. Approval of an application for the project by the Air District Board of Directors or Air District's notices such as a transmittal letter announcing the proposed award do not constitute a final obligation on the part of the Air District to fund a project.

Applicants must sign funding agreements within 60 days from the date the agreements were transmitted to them in order to remain eligible for award of TFCA Regional Funds. Applicants may request, in writing, an extension of up to no more than 180 days from the transmittal date to sign the grant agreements. The request shall include the basis for an extended signature period. At its discretion, the Air District may authorize such an extension.

15. **Maintain Appropriate Insurance:** Project sponsors must obtain and maintain general liability insurance and additional insurance that is appropriate for its specific project type throughout the life of the project, with coverage being no less than the amounts specified in the respective funding agreement. Project sponsors shall require their subcontractors to obtain and maintain such insurance of the type and in the amounts required by the grant agreements.

INELIGIBLE PROJECTS

16. **Planning Activities:** The costs of preparing or conducting feasibility studies are not eligible. Other planning activities may be eligible, but only if the activities are directly related to the implementation of a specific project or program.
17. **Cost of Developing Proposals and Grant Applications:** The costs to prepare proposals and/or grant applications are not eligible.
18. **Duplication:** Projects that have previously received any TFCA funds, e.g., TFCA Regional Funds or 40% Funds (also called the County Program Manager Fund) , and that do not propose to achieve additional emission reductions are not eligible.

USE OF TFCA FUNDS

19. **Combined Funds:** Unless otherwise specified in policies #22 through 33, TFCA 40% Funds (also called the County Program Manager Fund) may not be combined with TFCA Regional Funds to fund a TFCA Regional Fund project.
20. **Administrative Costs:** Unless otherwise specified in policies #22 through 33, TFCA Regional Funds may not be used to pay for administrative costs (i.e., the costs associated with administering a TFCA Regional Fund grant). In cases where administrative costs may be paid for by TFCA Regional Funds, they are limited to a maximum of 6.25% of total TFCA Regional Funds expended on a project and are only available to projects sponsored by public agencies. To be eligible for reimbursement, administrative costs must be clearly identified in the project budget at the time of application and in the funding agreement between the Air District and the project sponsor.
21. **Expend Funds within Two Years:** Project sponsors must expend the grant funding within two (2) years of the effective date of their grant agreement. Applicants may request a longer period in the application, by submitting evidence that a longer period is justified to complete the project

due to its unique circumstance. Project sponsors may request a longer period before the end of the agreements' second year in the event that significant progress has been made in the implementation of the project. If the Air District approves a longer period, the parties shall memorialize the approval and length of the extension formally (i.e., in writing) in the grant agreement or in an amendment to the executed grant agreement.

ELIGIBLE PROJECT CATEGORIES

To be eligible for funding from the TFCA Regional Fund, a proposed project must meet the purpose and requirements for the applicable Project Category.

Clean Air Vehicle Projects

22. Reserved.
23. **On-Road Zero- and Partial-Zero-Emissions Vehicles:** The project will help vehicle owners and operators achieve significant voluntary emission reductions by accelerating the deployment of zero- and partial-zero-emissions motorcycles, cars, light- and medium- duty vehicles, trucks, and buses:
 - a. Reserved.
 - b. Vehicles may be purchased or leased;
 - c. Eligible vehicle types are limited to plug-in hybrid-electric, plug-in electric, and fuel cell vehicles. Vehicles must also be approved by the CARB;
 - d. Project Sponsors may request authorization of up to 100% of the TFCA Funds awarded for each vehicle to be used to pay for costs directly related to the purchase and installation of alternative fueling infrastructure and/or equipment used to power the new vehicle;
 - e. Projects that seek to scrap and replace a vehicle may qualify for additional TFCA funding toward the purchase or lease of a new vehicle. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds;
 - f. Vehicles that are solely powered by gasoline, natural gas, or diesel, and retrofit projects are not eligible; and
 - g. The total amount of TFCA funds awarded may not exceed 100% of the project's eligible cost for School Buses and 90% of the project's eligible cost for all other vehicle types; the sum of TFCA funds awarded combined with all other grants and applicable manufacturer and local/state/federal rebates and discounts may not exceed total project costs.
24. Reserved.
25. **Hydrogen Stations:** The project is intended to accelerate the deployment of hydrogen fueling stations. Funding may be used for the purchase and installation of equipment for new dispensing facilities and for upgrades and improvements that expand access to existing refueling sites. The following additional conditions must also be met:
 - a. Stations must be located within the Air District's jurisdiction and be available and accessible to the public;
 - b. Equipment and infrastructure must be designed, installed, and maintained as required by

- the existing recognized codes and standards and approved by the local/State authority;
- c. Each station must be maintained and operated for a minimum of three years;
- d. TFCA funding may not be used to pay for fuel or on-going operations or maintenance costs;
- e. TFCA funding is limited to 25% of the total eligible project cost and may not exceed a maximum award amount of \$250,000 per station; and
- f. Stations must have received a passing score and/or received approval for funding from a State or federal agency.

26. **Electric Vehicle Charging Infrastructure:** The project is intended to accelerate the adoption of zero- emissions vehicles through the deployment of new electric vehicle charging stations:

- a. Each station must be maintained and operated for a minimum of three years;
- b. Project equipment must be certified by Underwriters Laboratories, Inc. or equivalent safety standard; and
- c. TFCA funding may not be used to pay for on-going operations or maintenance costs.

27. **Vehicle Scrapping:** The project is intended to accelerate the removal of highly polluting vehicles from Bay Area roads. Funding will be provided to owners of on-road motor vehicles who voluntarily scrap vehicles that meet the following requirements:

- a. Vehicles must be roadworthy and pass an inspection by the Air District or its designee;
- b. Vehicles must be currently registered with the DMV to an address within the Air District's jurisdiction and have had continuous registration to the same owner for a minimum of two years; and
- c. Owners may receive up to the total incentive amount offered for this program from the TFCA only or a combination of TFCA and other Air District programs. Program participants may not apply for funding from any other public agencies for scrapping.

Trip Reduction Projects

28. **Existing Last-Mile Commuter Connections:** The project will reduce single-occupancy vehicle commute-hour trips by providing the short-distance connection between a mass transit hub and one or more definable commercial hubs or employment centers:

- a. The project must provide local feeder bus or shuttle service between stations (e.g., rail stations, ferry stations, Bus Rapid Transit (BRT) stations, or airports) and a distinct commercial or employment location;
- b. The service's schedule must be coordinated to have a timely connection with the corresponding mass transit service;
- c. The service must be available for use by all members of the public;
- d. TFCA Regional Funds may be used to fund only shuttle services to locations that are underserved and lack other comparable service. For the purposes of this policy, "comparable service" means that there exists, either currently or within the last three years, a direct, timed, and publicly accessible service that brings passengers to within one-third (1/3) mile of the proposed commercial or employment location from a mass transit hub. A proposed service will not be deemed "comparable" to an existing service if the passengers' proposed

travel time will be at least 15 minutes shorter and at least 33% shorter than the existing service's travel time to the proposed destination;

- e. Reserved.
- f. TFCA Regional Funds may be used to fund services only during commuter peak-hours, i.e., 5:00-10:00 AM and/or 3:00-7:00 PM;
- g. Reserved.
- h. Project Sponsors must be either: (1) a public transit agency or transit district that directly operates the shuttle/feeder bus service, or (2) a city, county, or any other public agency; and
- i. Applicants must submit a letter of concurrence from all transit districts or transit agencies that provide service in the area of the proposed route, certifying that the service does not conflict with existing service.

29. **Pilot Trip Reduction:** The project will reduce single-occupancy commute-hour vehicle trips by encouraging mode-shift to other forms of shared transportation. Pilot projects are defined as projects that serve an area where no similar service was available within the past three years, or will result in significantly expanded service to an existing area. Funding is designed to provide the necessary initial capital to a public agency for the start-up of a pilot project so that by the end of the third year of the trip reduction project's operation, the project will be financially self-sustaining or require minimal public funds, such as grants, to maintain its operation:

- a. Applicants must demonstrate the project will reduce single-occupancy commute-hour vehicle trips and result in a reduction in emissions of criteria pollutants (i.e., ROG, NOx, and PM10);
- b. The proposed service must be available for use by all members of the public;
- c. Applicants must provide a written plan documenting steps that would be taken to ensure that the project will be financially self-sustaining or require minimal public funds to maintain its operation by the end of the third year;
- d. If the local transit provider is not a partner, the applicant must demonstrate they have attempted to get the service provided by the local transit agency. The transit provider must have been given the first right of refusal and determined that the proposed project does not conflict with existing service;
- e. Applicants must provide data and/or other evidence demonstrating the public's need for the service, including a demand assessment survey and letters of support from potential users; and
- f. Pilot trip reduction projects that propose to provide shuttle/feeder bus and ridesharing service projects must comply with all applicable requirements in policies #28 and #30.

30. **Existing Regional Ridesharing Services:** The project will provide carpool, vanpool, and other rideshare services. For TFCA Regional Fund eligibility, ridesharing projects must be comprised of riders from at least five counties within Air District's jurisdiction, with no one county accounting for more than 80% of all riders, as verified by documentation submitted with the application.

If a project includes ride-matching services, *only* ride-matches that are not already included in the Metropolitan Transportation Commission's (MTC) regional ridesharing program are eligible for TFCA Regional Funds. Projects that provide a direct or indirect financial transit or rideshare subsidy are also eligible under this category. Applications for projects that provide a direct or

indirect financial transit or rideshare subsidy *exclusively* to employees of the project sponsor are not eligible.

31. **Bicycle Parking:** The project will expand public access to new bicycle parking facilities. The project must be included in an adopted countywide bicycle plan, Congestion Management Plan (CMP), countywide transportation plan (CTP), city general plan or area-specific plan, the MTC's Regional Active Transportation Plan, or other similar plan, and serve a major activity center (e.g. transit station, office building, or school). The bicycle parking facility must be publicly accessible and available for use by all members of the public.

TFCA Regional Funds may not be used to pay for costs related to maintenance, repairs, upgrades, rehabilitation, operations, or project administration.

Monies expended by the Project Sponsor to maintain, repair, upgrade, rehabilitate, or operate bicycle parking facilities are not eligible for use as matching funds.

32. **Bikeways:** The project will construct and/or install bikeways that are included in an adopted countywide bicycle plan, CMP, CTP, city general plan or area-specific plan, the MTC's Regional Active Transportation Plan, or other similar plan. To be eligible for funding, the purpose of bikeways that are included in an adopted city general plan or area-specific plan must be to reduce motor vehicle emissions or traffic congestion. Projects must have completed all applicable State and federal environmental reviews and either have been deemed exempt by the lead agency or have been issued the applicable negative declaration or environmental impact report or statement. All bikeway projects must follow applicable local and state standards.

Projects must reduce vehicle trips made for utilitarian purposes (e.g., work or school commuting) and cannot be used exclusively for recreational use. Projects must also meet at least one of the following conditions:

- a. Be located within one-half mile biking distance from the closer of a public transit station/stop (e.g., local, county-wide or regional transit stops/stations/terminals) or a bike share station;
- b. Be located within one-half mile biking distance from a major activity center that serves at least 2,500 people per day (e.g., employment centers, schools, business districts); or
- c. Be located within one-half mile biking distance from three activity centers (e.g., employment centers, schools, business districts).

Projects are limited to the following types of bikeways:

- a. Class I Bikeway (Bike Path), new or upgrade improvement from Class II or Class III Bikeway;
- b. New Class II Bikeway (Bike Lane) or upgrade improvement from either a Class III or a Class II (non-buffered) to a Class II buffered bike lane;
- c. New Class III Bikeway (Bike Route); or
- d. Class IV Bikeway (Separated Bikeway), new or upgrade improvement from Class II or Class III bikeway.

33. **Infrastructure Improvements for Trip-Reduction:** The project will expand the public's access to alternative transportation modes through the design and construction by local public agencies of physical improvements that support development projects that achieve motor vehicle emission reductions. The projects and physical improvements shall be identified in an approved area-

specific plan, redevelopment plan, general plan, or other similar plan.

REGIONAL FUND EVALUATION CRITERIA:

Applications may be reviewed on either a first-come, first-served basis or a competitive basis. Projects will be evaluated using the criteria listed below.

1. Eligible projects will be evaluated based on cost-effectiveness and conformity to additional specific requirements discussed in the adopted policies and project-specific solicitation guidance.
2. TFCA Regional Funds will be prioritized for projects that meet one or more of the following criteria:
 - a. Projects in communities identified through the Assembly Bill (AB) 617 (2017) process, or that benefit Priority Populations as defined by SB 535 disadvantaged communities, AB 1550 low-income communities, and low-income households; and
 - b. Projects in Priority Development Areas (PDAs).

**TFCA REGIONAL FUND POLICIES
AND EVALUATION CRITERIA ~~FOR FYE 2024~~ COMMENCING FYE 2025**

The following policies apply to the Bay Area Air Quality Management District’s (Air District) Transportation Fund for Clean Air (TFCA) Regional Fund ~~for commencing~~ fiscal year ending (FYE) 20242025.

BASIC ELIGIBILITY

- Eligible Projects:** Only projects that result in the reduction of motor vehicle emissions within the Air District’s jurisdiction are eligible. Projects must conform to the provisions of the California Health and Safety Code (HSC) sections 44220 et seq. and Air District Board of Directors adopted TFCA Regional Fund Policies and Evaluation Criteria.

Projects must achieve surplus emission reductions, i.e., reductions that are beyond what is required through regulations, contracts, and other legally binding obligations at the time the Air District executes the project’s funding agreement.

- TFCA Cost-Effectiveness:** Projects must not exceed the maximum cost-effectiveness (C-E) limit specified in Table 1, except for projects that are being co-funded by other Air District-administered programs (e.g., Carl Moyer Program). Emissions benefits for co-funded projects may be reported under other Air District-administered programs. Cost-effectiveness (\$/weighted ton) is the ratio of TFCA funds awarded to the sum of surplus emissions reduced, during a project’s operational period, of reactive organic gases (ROG), nitrogen oxides (NOx), and weighted PM10 (particulate matter 10 microns in diameter and smaller).

Table 1: Maximum Cost-Effectiveness for TFCA Regional Fund Projects

Policy #	Project Category	Maximum C-E (\$/weighted ton)
23	On-Road Zero- and Partial- Zero- Emissions Vehicles	\$500,000 <u>\$522,000</u>
25	Hydrogen Stations	N/A*
26	Electric Vehicle Charging Infrastructure	N/A*
27	Vehicle Scrapping	\$50,000**
28	Existing Last-Mile Commuter Connections	Evaluated as part of the Spare the Air Program
29	Pilot Trip Reduction	\$500,000
30	Existing Regional Ridesharing Services	Evaluated as part of the Spare the Air Program
31	Bicycle Parking	\$250,000
32	Bikeways	\$500,000
33	Infrastructure Improvements for Trip-Reduction	\$500,000

* These projects provide electric vehicle charging/hydrogen refueling infrastructure needed to enable emission reductions from electric and fuel cell electric vehicles. To maximize emissions reductions and public health benefits, projects will be evaluated based on project characteristics including, but not limited to, cost of the project, anticipated equipment usage, and anticipated benefits to environmental justice communities and communities highly impacted by air pollution but shall not be subject to a maximum cost-effectiveness limit.

** Maximum C-E for vehicle scrapping if entirely funded by TFCA. If TFCA is used as a match for state funds, all emissions reductions will be claimed by the state program.

3. **Consistent with Existing Plans and Programs:** All projects must comply with the Transportation Control and Mobile Source Control Measures included in the Air District's most recently approved strategies for achieving and maintaining State and national ozone standards (2017 Clean Air Plan); those plans and programs established pursuant to California Health & Safety Code (HSC) sections 40233, 40717 and 40919; and, when specified, other adopted federal, State, regional, and local plans and programs.
4. **Eligible Recipients and Authority to Apply:** Applicants must have the legal authority, as well as the financial and technical capability, to complete projects. In addition, the following conditions apply:
 - a. **Eligible Recipients:**
 - i. **Public agencies** are eligible to apply for all project categories.
 - ii. **Non-public entities** are eligible to apply for only Clean Air Vehicle Projects and advanced technology demonstrations that are permitted pursuant to HSC section 44241(b)(7).
 - b. **Authority to Apply:** Applicants must demonstrate that they have the authority to submit the application, to enter into a funding agreement, to carry out the project, and to bind the entity to perform these tasks by including either: 1) a signed letter of commitment from the applicant's representative with authority (e.g., Chief Executive or Financial Officer, Executive Director, or City Manager); or 2) a signed resolution from the governing body (e.g., City Council, Board of Supervisors, or Board of Directors).
5. **Viable Project and Matching Funds:** Applicants must demonstrate that they have adequate funds to cover all stages of their proposed project(s) from commencement through completion. Unless otherwise specified in policies #22 through 33, project applicants must provide evidence that they have at least 10% of the total eligible project costs (matching funds) from a non-Air District source available and ready to commit to the proposed projects.
6. **Minimum Grant Amount:** \$10,000 per project.
7. **Maximum Grant Amount:** the maximum TFCA grant award amounts are:
 - a. Each public agency may be awarded up to a total award of \$5,500,000 per agency per fiscal year; and
 - b. Each non-public entity may be awarded up to a total award of \$5,000,000 per entity per fiscal year.
8. **Readiness:** Unless otherwise specified in policies #22 through 33, projects must commence by the end of calendar year 20254 or within 1224 months from the date of execution of the funding agreement with the Air District, whichever is later. For purposes of this policy, "commence" means either (a) a discrete, necessary and tangible action, such as the issuance of a purchase order to secure project vehicles or equipment or the delivery of the award letter for a construction contract, taken for a project to begin implementation, or (b) commencement or continuation of transportation service, such as last-mile commuter connections or ridesharing service, for which the project sponsor can provide documentation of date the action occurred.
9. **Maximum Two Years Operating Costs for Service-Based Projects:** Unless otherwise specified in policies #22 through 33, TFCA Regional Funds may be used to support up to two years of

operating costs for service- based projects (i.e., Trip Reduction Projects).

10. **Project Revisions:** The Air District will consider only requests for modifications to approved projects that are within the same project categories, achieve the same or better cost-effectiveness, comply with all TFCA Regional Fund Policies, and are in compliance with all applicable federal and State laws, and Air District rules and regulations. The Air District may also approve minor modifications, such as to correct typographical mistakes in the grant agreements or to change the name of the grantees, without re-evaluating the proposed modification in light of the regulations, contracts, and other legally binding obligations that are in effect at the time the minor modification was proposed.

APPLICANT IN GOOD STANDING

11. **In Compliance with Air Quality Regulations:** Applicants must certify that, at the time of the application and at the time of issuance of the grant, they are in compliance with all local, state, and federal air quality regulations. Applicants who are in compliance with those laws, rules and regulations, but who have pending litigation or who have unpaid civil penalties owed to the Air District, may be eligible for funding, following a review and approval by the Air District. The Air District may terminate a grant agreement and seek reimbursement of distributed funds from a project sponsor who was not eligible for funding at the time of the grant.
12. **In Compliance with Agreement Requirements:** Project sponsors who have failed to meet contractual requirements such as project implementation milestones or monitoring and reporting requirements for any project funded by the Air District may not be considered eligible for new funding until such time as all of the unfulfilled obligations are met.
13. **Independent Air District Audit Findings and Determinations:** Project sponsors who have failed either a fiscal audit or a performance audit for a prior Air District funded project will be excluded from future funding for three (3) years from the date of the Air District's final determination in accordance with HSC section 44242. Additionally, project sponsors with open projects will not be reimbursed until all audit recommendations and remedies have been satisfactorily implemented.

A failed fiscal audit means an uncorrected audit finding that confirms an ineligible expenditure of funds. A failed performance audit means an uncorrected audit finding that confirms a project was not implemented as set forth in the project funding agreement.

Project sponsors must return funds under any of the following circumstances:

- a. The funds were expended in a manner contrary to the TFCA Regional Funds' requirements and/or requirements of HSC Code section 44220 et seq;
- b. The project did not result in a surplus reduction of air pollution from the mobile sources or transportation control measures pursuant to the applicable plan;
- c. The funds were not spent for surplus reduction of air pollution pursuant to a plan or program to be implemented by the TFCA Regional Fund;
- d. The project sponsor failed to comply with the approved project scope, as set forth in the project funding agreement.

Applicants who failed to reimburse such funds to the Air District from prior Air District funded

projects will be excluded from future TFCA funding.

14. **Executed Funding Agreement:** Only a fully executed funding agreement (i.e., signed by both the project sponsor and the Air District) constitutes the Air District's award of funds for a project. Approval of an application for the project by the Air District Board of Directors or Air District's notices such as a transmittal letter announcing the proposed award do not constitute a final obligation on the part of the Air District to fund a project.

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15. **Maintain Appropriate Insurance:** Project sponsors must obtain and maintain general liability insurance and additional insurance that is appropriate for its specific project type throughout the life of the project, with coverage being no less than the amounts specified in the respective funding agreement. Project sponsors shall require their subcontractors to obtain and maintain such insurance of the type and in the amounts required by the grant agreements.

INELIGIBLE PROJECTS

16. **Planning Activities:** The costs of preparing or conducting feasibility studies are not eligible. Other planning activities may be eligible, but only if the activities are directly related to the implementation of a specific project or program.
17. **Cost of Developing Proposals and Grant Applications:** The costs to prepare proposals and/or grant applications are not eligible.
18. **Duplication:** Projects that have previously received any TFCA funds, e.g., TFCA Regional Funds or ~~40% Funds (also called the County Program Manager Fund) County Program Manager Funds~~, and that do not propose to achieve additional emission reductions are not eligible.

USE OF TFCA FUNDS

19. **Combined Funds:** Unless otherwise specified in policies #22 through 33, TFCA ~~County Program Manager~~40% Funds (also called the County Program Manager Fund) may not be combined with TFCA Regional Funds to fund a TFCA Regional Fund project.
20. **Administrative Costs:** Unless otherwise specified in policies #22 through 33, TFCA Regional Funds may not be used to pay for administrative costs (i.e., the costs associated with administering a TFCA Regional Fund grant). In cases where administrative costs may be paid for by TFCA Regional Funds, they are limited to a maximum of 6.25% of total TFCA Regional Funds expended on a project and are only available to projects sponsored by public agencies. To be eligible for reimbursement, administrative costs must be clearly identified in the project budget at the time of application and in the funding agreement between the Air District and the project sponsor.
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due to its unique circumstance. Project sponsors may request a longer period before the end of the agreements' second year in the event that significant progress has been made in the implementation of the project. If the Air District approves a longer period, the parties shall memorialize the approval and length of the extension formally (i.e., in writing) in the grant agreement or in an amendment to the executed grant agreement.

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To be eligible for funding from the TFCA Regional Fund, a proposed project must meet the purpose and requirements for the applicable Project Category.

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22. Reserved.
23. **On-Road Zero- and Partial-Zero-Emissions Vehicles:** The project will help vehicle owners and operators achieve significant voluntary emission reductions by accelerating the deployment of zero- and partial-zero-emissions motorcycles, cars, light- and medium- duty vehicles, trucks, and buses:
 - a. Reserved.
 - b. Vehicles may be purchased or leased;
 - c. Eligible vehicle types are limited to plug-in hybrid-electric, plug-in electric, and fuel cell vehicles. Vehicles must also be approved by the CARB;
 - d. Project Sponsors may request authorization of up to 100% of the TFCA Funds awarded for each vehicle to be used to pay for costs directly related to the purchase and installation of alternative fueling infrastructure and/or equipment used to power the new vehicle;
 - e. Projects that seek to scrap and replace a vehicle may qualify for additional TFCA funding toward the purchase or lease of a new vehicle. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds;
 - f. Vehicles that are solely powered by gasoline, natural gas, or diesel, and retrofit projects are not eligible; and
 - g. The total amount of TFCA funds awarded may not exceed 100% of the project's eligible cost for School Buses and 90% of the project's eligible cost for all other vehicle types; the sum of TFCA funds awarded combined with all other grants and applicable manufacturer and local/state/federal rebates and discounts may not exceed total project costs.
24. Reserved.
25. **Hydrogen Stations:** The project is intended to accelerate the deployment of hydrogen fueling stations. Funding may be used for the purchase and installation of equipment for new dispensing facilities and for upgrades and improvements that expand access to existing refueling sites. The following additional conditions must also be met:
 - a. Stations must be located within the Air District's jurisdiction and be available and accessible to the public;
 - b. Equipment and infrastructure must be designed, installed, and maintained as required by

- the existing recognized codes and standards and approved by the local/State authority;
- c. Each station must be maintained and operated for a minimum of three years;
- d. TFCA funding may not be used to pay for fuel or on-going operations or maintenance costs;
- e. TFCA funding is limited to 25% of the total eligible project cost and may not exceed a maximum award amount of \$250,000 per station; and
- f. Stations must have received a passing score and/or received approval for funding from a State or federal agency.

26. **Electric Vehicle Charging Infrastructure:** The project is intended to accelerate the adoption of zero- emissions vehicles through the deployment of new electric vehicle charging stations:

- a. Each station must be maintained and operated for a minimum of three years;
- b. Project equipment must be certified by Underwriters Laboratories, Inc. or equivalent safety standard; and
- c. TFCA funding may not be used to pay for on-going operations or maintenance costs.

27. **Vehicle Scrapping:** The project is intended to accelerate the removal of highly polluting vehicles from Bay Area roads. Funding will be provided to owners of on-road motor vehicles who voluntarily scrap vehicles that meet the following requirements:

- a. Vehicles must be roadworthy and pass an inspection by the Air District or its designee;
- b. Vehicles must be currently registered with the DMV to an address within the Air District's jurisdiction and have had continuous registration to the same owner for a minimum of two years; and
- c. Owners may receive up to the total incentive amount offered for this program from the TFCA only or a combination of TFCA and other Air District programs. Program participants may not apply for funding from any other public agencies for scrapping.

Trip Reduction Projects

28. **Existing Last-Mile Commuter Connections:** The project will reduce single-occupancy vehicle commute-hour trips by providing the short-distance connection between a mass transit hub and one or more definable commercial hubs or employment centers:

- a. The project must provide local feeder bus or shuttle service between stations (e.g., rail stations, ferry stations, Bus Rapid Transit (BRT) stations, or airports) and a distinct commercial or employment location;
- b. The service's schedule must be coordinated to have a timely connection with the corresponding mass transit service;
- c. The service must be available for use by all members of the public;
- d. TFCA Regional Funds may be used to fund only shuttle services to locations that are underserved and lack other comparable service. For the purposes of this policy, "comparable service" means that there exists, either currently or within the last three years, a direct, timed, and publicly accessible service that brings passengers to within one-third (1/3) mile of the proposed commercial or employment location from a mass transit hub. A proposed service will not be deemed "comparable" to an existing service if the passengers' proposed

travel time will be at least 15 minutes shorter and at least 33% shorter than the existing service's travel time to the proposed destination;

- e. Reserved.
- f. TFCA Regional Funds may be used to fund services only during commuter peak-hours, i.e., 5:00-10:00 AM and/or 3:00-7:00 PM;
- g. Reserved.
- h. Project Sponsors must be either: (1) a public transit agency or transit district that directly operates the shuttle/feeder bus service, or (2) a city, county, or any other public agency; and
- i. Applicants must submit a letter of concurrence from all transit districts or transit agencies that provide service in the area of the proposed route, certifying that the service does not conflict with existing service.

29. **Pilot Trip Reduction:** The project will reduce single-occupancy commute-hour vehicle trips by encouraging mode-shift to other forms of shared transportation. Pilot projects are defined as projects that serve an area where no similar service was available within the past three years, or will result in significantly expanded service to an existing area. Funding is designed to provide the necessary initial capital to a public agency for the start-up of a pilot project so that by the end of the third year of the trip reduction project's operation, the project will be financially self-sustaining or require minimal public funds, such as grants, to maintain its operation:

- a. Applicants must demonstrate the project will reduce single-occupancy commute-hour vehicle trips and result in a reduction in emissions of criteria pollutants (i.e., ROG, NOx, and PM10);
- b. The proposed service must be available for use by all members of the public;
- c. Applicants must provide a written plan documenting steps that would be taken to ensure that the project will be financially self-sustaining or require minimal public funds to maintain its operation by the end of the third year;
- d. If the local transit provider is not a partner, the applicant must demonstrate they have attempted to get the service provided by the local transit agency. The transit provider must have been given the first right of refusal and determined that the proposed project does not conflict with existing service;
- e. Applicants must provide data and/or other evidence demonstrating the public's need for the service, including a demand assessment survey and letters of support from potential users; and
- f. Pilot trip reduction projects that propose to provide shuttle/feeder bus and ridesharing service projects must comply with all applicable requirements in policies #28 and #30.

30. **Existing Regional Ridesharing Services:** The project will provide carpool, vanpool, and other rideshare services. For TFCA Regional Fund eligibility, ridesharing projects must be comprised of riders from at least five counties within Air District's jurisdiction, with no one county accounting for more than 80% of all riders, as verified by documentation submitted with the application.

If a project includes ride-matching services, *only* ride-matches that are not already included in the Metropolitan Transportation Commission's (MTC) regional ridesharing program are eligible for TFCA Regional Funds. Projects that provide a direct or indirect financial transit or rideshare subsidy are also eligible under this category. Applications for projects that provide a direct or

indirect financial transit or rideshare subsidy *exclusively* to employees of the project sponsor are not eligible.

31. **Bicycle Parking:** The project will expand public access to new bicycle parking facilities. The project must be included in an adopted countywide bicycle plan, Congestion Management Plan (CMP), countywide transportation plan (CTP), city general plan or area-specific plan, the MTC's Regional Active Transportation Plan, or other similar plan, and serve a major activity center (e.g. transit station, office building, or school). The bicycle parking facility must be publicly accessible and available for use by all members of the public.

TFCA Regional Funds may not be used to pay for costs related to maintenance, repairs, upgrades, rehabilitation, operations, or project administration.

Monies expended by the Project Sponsor to maintain, repair, upgrade, rehabilitate, or operate bicycle parking facilities are not eligible for use as matching funds.

32. **Bikeways:** The project will construct and/or install bikeways that are included in an adopted countywide bicycle plan, CMP, CTP, city general plan or area-specific plan, the MTC's Regional Active Transportation Plan, or other similar plan. To be eligible for funding, the purpose of bikeways that are included in an adopted city general plan or area-specific plan must be to reduce motor vehicle emissions or traffic congestion. Projects must have completed all applicable State and federal environmental reviews and either have been deemed exempt by the lead agency or have been issued the applicable negative declaration or environmental impact report or statement.

All bikeway projects must ~~follow applicable local and state standards, where applicable, be consistent with design standards published in the California Highway Design Manual or conform to the provisions of the Protected Bikeway Act of 2014.~~

Projects must reduce vehicle trips made for utilitarian purposes (e.g., work or school commuting) and cannot be used exclusively for recreational use. Projects must also meet at least one of the following conditions:

- a. Be located within one-half mile biking distance from the closer of a public transit station/stop (e.g., local, county-wide or regional transit stops/stations/terminals) or a bike share station;
- b. Be located within one-half mile biking distance from a major activity center that serves at least 2,500 people per day (e.g., employment centers, schools, business districts); or
- c. Be located within one-half mile biking distance from three activity centers (e.g., employment centers, schools, business districts).

Projects are limited to the following types of bikeways:

- a. Class I Bikeway (Bike Path), new or upgrade improvement from Class II or Class III Bikeway;
- b. New Class II Bikeway (Bike Lane) or upgrade improvement from either a Class III or a Class II (non-buffered) to a Class II buffered bike lane;
- c. New Class III Bikeway (Bike Route); or
- d. Class IV Bikeway (Separated Bikeway), new or upgrade improvement from Class II or Class III bikeway.

33. **Infrastructure Improvements for Trip-Reduction:** The project will expand the public's access to alternative transportation modes through the design and construction by local public agencies of

physical improvements that support development projects that achieve motor vehicle emission reductions. The projects and physical improvements shall be identified in an approved area-specific plan, redevelopment plan, general plan, or other similar plan.

REGIONAL FUND EVALUATION CRITERIA:

Applications may be reviewed on either a first-come, first-served basis or a competitive basis. Projects will be evaluated using the criteria listed below.

1. Eligible projects will be evaluated based on cost-effectiveness and conformity to additional specific requirements discussed in the adopted policies and project-specific solicitation guidance.
2. TFCA Regional Funds will be prioritized for projects that meet one or more of the following criteria:
 - a. Projects in ~~Highly Impacted Communities or Episodic Areas as defined in the Air District's Community Air Risk Evaluation (CARE) Program, in other~~ communities identified through the Assembly Bill (AB) 617 (2017) process, or that benefit Priority Populations as defined by SB 535 disadvantaged communities, AB 1550 low-income communities, and low-income households; and
 - b. Projects in Priority Development Areas (PDAs).

Attachment 3: Comments Received and Staff Responses to Proposed TFCA Regional Fund Policies Commencing in FYE 2025

Commenter & Agency	Comment	Staff Response
<p>Celestine Do San Francisco Bay Area Rapid Transit District</p>	<p>Bicycle Parking: Question: what is the basis for disallowing usage of TFCA Regional Funds for maintenance, repair, upgrade, rehab or operation of bike parking facilities?</p>	<p>All TFCA projects must achieve surplus emission reductions. Generally, maintenance and upgrades to bike parking do not achieve surplus emissions reductions and these projects are not cost-effective. Air District staff will continue to explore whether allowing upgrades to bicycle parking could result in surplus emission reductions in the future.</p>
	<p>[Proposed changes by commenter to TFCA Regional Policy #33 in red]</p> <p>Infrastructure Improvements for Trip-Reduction: The project will expand the public’s access to alternative transportation modes through the design and construction [by local public agencies] of publicly accessible physical improvements that support development projects that achieve motor vehicle emission reductions. The projects and physical improvements shall be identified in an approved area specific plan, redevelopment plan, general plan, station access plan or other similar plan.</p>	<p>The authorizing legislation for the Transportation Fund for Clean Air states that the design and construction need to be sponsored by a local public agency.</p> <p>This policy is designed to “expand the public’s access” so adding the term “publicly accessible physical improvements” is redundant and already addressed in the policy language.</p> <p>The legislation also requires that the physical improvements be identified in the plans listed in the policy language. Station access plans can be considered under “other similar plan.”</p>
	<p>Infrastructure Improvements for Trip-Reduction:</p> <ol style="list-style-type: none"> 1. Clarify “physical improvements that support development projects that achieve motor vehicle emission reductions”: Does it include a transit-oriented development itself (like housing/mixed use buildings?) Or only bike/ped/transit improvements associated with development projects (I assume the development projects here mean housing/commercial developments?) 	<p>The authorizing legislation for the Transportation Fund for Clean Air limits the eligible physical improvements to those designed and constructed by local public agencies and those that are identified in an approved area-specific plan, redevelopment plan, general plan, or other similar plan.</p>

Attachment 3: Comments Received and Staff Responses to Proposed TFCA Regional Fund Policies Commencing in FYE 2025

Commenter & Agency	Comment	Staff Response
	<ul style="list-style-type: none"> a. I'd assume that TOD itself may not be eligible in the current policy; but placing housing and jobs next to transit significantly helps mode shifts, and therefore achieve motor vehicle emission reductions. b. Off-site improvements and TODs are designed and constructed by BART's partner developers. The phrase "the design and construction by local public agencies of physical improvements" limits eligible projects under this category. c. I suggest not limiting it to "local public agencies" and also allow development projects to be eligible under this category (maybe to fund TDM measures like a bike parking room for tenants, etc) <p>2. "The projects and physical improvements shall be identified in an approved area[1]specific plan, redevelopment plan, general plan, or other similar plan." Not many approved specific plans or general plans specify certain improvements. They are usually very general like 'improve access to BART.' Can we use this general policy? In addition, many of these plans are outdated, and they may not reflect the latest thinking/best practices for improvements. I'd suggest deleting this sentence, or change it to say the projects identified in the approved plans get more points?</p>	<p>In relation to TOD projects, TFCA funding can support infrastructure improvements such as a pedestrian-way that would encourage vehicle emission reductions.</p> <p>More examples of the types of eligible physical improvements will be included in the solicitation guidance document and the Air District encourages potential applicants with projects to reach out and discuss their project's eligibility in more detail prior to submitting an application.</p> <p>Regarding "partner developers," see the response to the previous comment regarding sponsorship by a local agency.</p>



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 4

Transportation Fund for Clean Air Regional Fund Policies & Evaluation Criteria Commencing Fiscal Year Ending 2025

Policy, Grants, and Technology Committee Meeting
May 15, 2024

Linda Hui
Supervising Staff Specialist, Strategic Incentives
lhui@baaqmd.gov

Action Item



The Committee will consider recommending the Board of Directors:

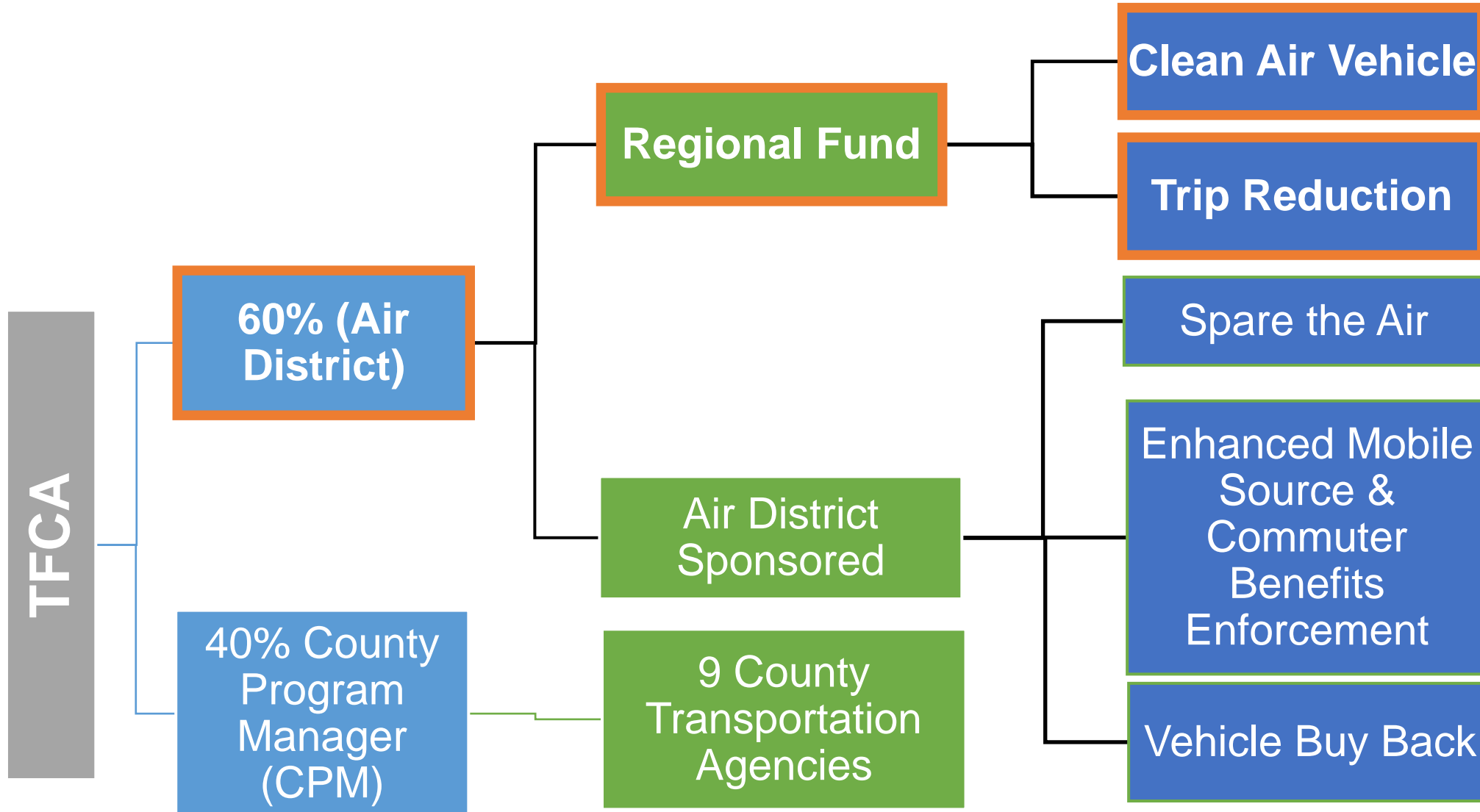
Approve the proposed updates to the Transportation Fund for Clean Air (TFCA) Regional Fund Policies and Evaluation Criteria Commencing Fiscal Year Ending (FYE) 2025.

Outline



- Background
- Public Outreach Process
- Proposed Updates to TFCA Policies
- Recommendations

TFCA Background



Public Outreach Process

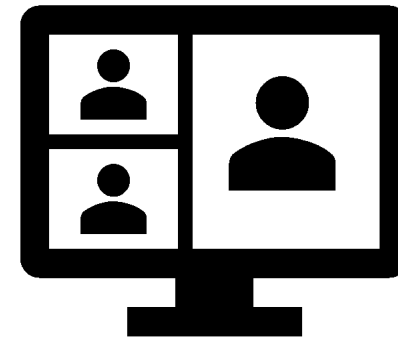


Public Comment Period: February 29, 2024, to April 5, 2024

- Email notifications:
1,700+ stakeholders



- Webinar:
March 14, 2024



Proposed Updates



- Increase the maximum cost-effectiveness for On-Road Zero- and Partial- Zero Emissions Vehicles to \$522,000 (**policy #23**).
- Revert the amount of time in which a grantee must commence a project from 24 to 12 months (**policy #8**).

Proposed Updates (cont.)



- Allow for upgrades from a Class III or a Class II (non-buffered) to Class II buffered bike line as an eligible project category (**policy #32**).
- Update the evaluation criteria to prioritize projects in communities identified through the Assembly Bill (AB) 617 process, or that benefit Priority Populations as defined by Senate Bill (SB) 535 disadvantaged communities, AB 1550 low-income communities, and low-income households.

Recommendation



The Committee will consider recommending the Board of Directors:

Approve the proposed updates to the Transportation Fund for Clean Air Regional Fund Policies and Evaluation Criteria Commencing FYE 2025.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Vicki Veenker and Members
of the Policy, Grants, and Technology Committee

From: Philip M. Fine
Executive Officer/APCO

Date: May 15, 2024

Re: Projects and Contracts with Proposed Grant Awards Over \$500,000 and Solicitation
for Electric Charging Infrastructure

RECOMMENDED ACTION

Recommend to the Board of Directors that the Board:

1. Approve four recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1;
2. Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding, and to execute grant agreements and amendments for the projects; and
3. Approve the process and selection criteria for a competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment.

BACKGROUND

Carl Moyer Program and Mobile Source Incentive Fund

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of nitrogen oxides (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Projects eligible under the CMP guidelines include heavy-duty diesel engine applications such as on-road trucks and buses, off-road construction, agricultural equipment, marine vessels, locomotives, stationary agricultural pump engines, and refueling or recharging infrastructure that supports the deployment of new zero-emission vehicles and equipment. Per Assembly Bill (AB) 1390, at least 50% of CMP funds must be awarded to projects that benefit communities with the most significant exposure to air contaminants or localized air contaminants.

AB 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor-vehicle-registration surcharges by up to \$2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District's Mobile Source Incentive Fund (MSIF).

Community Air Protection Program - Incentives

In 2017, AB 617 directed CARB, in conjunction with local air districts, to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for the development of community-identified strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the state, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources.

Beginning in the fiscal year ending (FYE) 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases for the Community Air Protection (CAP) Incentives program. CAP Incentives funds may be used to fund projects eligible under the CMP and on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program. Following additional approvals from CARB, CAP Incentive funds may also potentially be used to fund other types of projects that have been identified and prioritized by communities with an approved Community Emissions Reduction Program, pursuant to HSC Section 44391.2. At least 80% of CAP Incentives funds must be allocated to projects that benefit disadvantaged communities (Senate Bill (SB) 535), and low-income communities (AB 1550).

Funding Agricultural Replacement Measures for Emission Reductions

In February 2018, CARB developed the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program Guidelines that outline requirements for eligible agricultural equipment replacement projects evaluated under the CMP guidelines, including harvesting equipment, pump engines, tractors, and other equipment used in agricultural operations. Subsequent updates to the FARMER guidelines expanded eligible projects to include zero-emission demonstration projects and added flexibility for funding zero-emission equipment. Under the California State Budget, GGRF funds are appropriated to CARB for each new cycle of the FARMER program for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector.

Transportation Fund for Clean Air

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. The statutory authority and requirements for the Transportation Fund for Clean Air (TFCA) are set forth in HSC Sections 44241 and 44242. Sixty percent of TFCA monies are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air program) and

to a program referred to as the Regional Fund. The legislation also requires the remaining forty percent to be allocated by formula to the nine designated Bay Area transportation agencies, who in turn award these monies to eligible projects within their county. Each year, the Air District's Board of Directors (Board) allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA monies. On April 5, 2023, the Board authorized funding allocations of the sixty-percent portion of the TFCA revenue for use in FYE 2024, and cost-effectiveness limits for Air District-sponsored programs that will be implemented during FYE 2024. On May 17, 2023, the Board adopted policies and evaluation criteria that will govern use of the 60% portion during FYE 2024. This report discusses only the 60% Fund, which is the portion that is awarded directly by the Air District.

Program Revenues, Project Selection, and Results

Attachment 4 shows a list of the Air District's sources of new revenue, including CMP, TFCA, CAP, MSIF and FARMER, by funding cycle, that is anticipated to be available for award to incentive projects in FYE 2024. Funding from each cycle must be awarded and liquidated (paid out) within two to four years of the date of award/receipt, depending on the funding source. As new projects are recommended for award, staff work to obligate (encumber) the oldest source/cycle of funding for which a specific project is eligible. For this reason, a portion of the oldest funding shown in Attachment 4 may have been awarded to projects in the previous fiscal year, and some of the newer funding may remain unallocated during the current year and will be awarded in future years.

Applications for grant funding received by the Air District are reviewed and evaluated for eligibility under the respective governing policies and guidelines established by each funding source, e.g., CARB, the Board. At least quarterly, staff provides updates to the Policy, Grants, and Technology Committee or Board of Directors on the status of the CMP, TFCA, CAP, MSIF and FARMER incentive funding for the current fiscal year, including:

- The total amount of funds awarded to date and amount of funding awarded to projects that will achieve emissions reductions in priority areas, including AB 617 selected communities, disadvantaged SB 535 communities, low-income AB 1550 communities, Air District-identified Community Air Risk Evaluation (CARE) areas, and awards to low-income residents;
- The amount of remaining funds available for award; and
- A summary of total funds allocated/awarded by county and by equipment category type.

The reported award/allocations and emissions reduction benefits to impacted communities and counties, which are based on information provided by each applicant, does not include "regional" projects, where all communities receive benefits, or projects where the location of the benefit has not yet been determined.

On April 6, 2022, the Board authorized the Air Pollution Control Office (APCO)/Executive Officer to approve projects with awards up to \$500,000. For all CMP, TFCA, CAP, MSIF and FARMER projects with proposed awards greater than \$500,000, staff bring recommendations of these projects to the Board for consideration.

Competitive Solicitation for Electric Charging Infrastructure for Medium- and Heavy-duty Vehicles and Equipment

To meet state air quality and greenhouse gas reduction targets, the State of California has started adopting regulations targeting mobile sources that, when phased in, will require fleet owners of medium- and heavy-duty vehicles to transition to zero-emission. Though manufacturers have committed to increasing the quantity of zero-emission equipment and vehicles, manufacturing and adoption is at a very emerging stage, with very high start-up costs, limited quantities, and long lead-times for delivery. Additionally, while zero-emission alternatives are now available in limited quantities for school, transit buses, and lighter duty equipment, like forklifts, they are not yet available for all other types of equipment. It is critical that supporting infrastructure be available, however the deployment has its own challenges, including costs, long lead-times for delivery of equipment, permitting, and connection to utility grids.

To help prepare the region and ensure that sufficient charging infrastructure is available to support and accelerate the transition of medium and heavy-duty vehicles and equipment, Air District staff have been developing a competitive infrastructure incentive program solicitation, similar to the pilot electric charging infrastructure program in 2023. This solicitation would offer up to \$35 million from a combination of Air District administered funding sources, including the CAP Incentives, CMP, MSIF, TFCA, FARMER, and Bay Area Clean Air Foundation (BACAF). More information on the recommended process, evaluation criteria and timeline are below.

DISCUSSION

Projects and Contracts with Proposed Grant Awards Over \$500,000

On July 1, 2023, the Air District had approximately \$145 million available in CMP, MSIF, CAP Incentives, FARMER, and TFCA funds for eligible projects from new revenue and prior year funds. The mobile source projects that are currently recommended for award were evaluated through a first-come, first-served solicitation that opened November 28, 2023, and closed on April 11, 2024. Under this solicitation, applications were accepted on a rolling basis. Between November 28, 2023, and April 16, 2024, staff completed an evaluation of four applications that have proposed awards of over \$500,000. These four projects will replace four older diesel tractors with the cleanest available diesel tractors, replace five pieces of construction equipment with the cleanest available diesel equipment, and repower a marine tugboat's two diesel propulsion engines to the cleanest available diesel engines.

The four proposed projects are estimated to reduce over 49.2 tons of NO_x, ROG, and PM emissions per year. All four projects will provide emissions benefits in priority areas. Staff recommend approval of the allocation of up to \$8,503,300 for these four projects from a combination of CMP, MSIF, FARMER, and CAP Incentives revenues. Attachment 1 provides additional information on the recommended projects.

Attachment 2 lists all eligible projects that have been either recommended for award or awarded by the Air District between July 1, 2023, and April 16, 2024, including information about project equipment, award amounts, project locations, estimated emissions reductions, and whether the project will benefit air quality in the Air District’s priority areas. As of April 16, 2024, over \$74.9 million has been awarded or recommended, of which approximately \$3.1 million was allocated to “regional” projects that benefit all communities or where the benefit has not yet been determined. Of the remaining \$71.8 million, over 85% of these funds have been awarded or allocated to projects that reduce emissions in disadvantaged SB 535 communities, low-income AB 1550 communities, and/or CARE communities, or to low-income residents. The percentage will change over time as the remaining funds are awarded later in the fiscal year and as more complete information about the location of projects and program participants becomes available.

Attachment 3 provides fiscal year facts and figures on the status of funding available and allocations by county and category as of April 16, 2024, and is updated at least quarterly.

Competitive Solicitation for Electric Charging Infrastructure for Medium- and Heavy-duty Vehicles and Equipment

In June 2023, the Board of Directors approved the process and selection criteria for a newly developed electric charging infrastructure grant program that funded stand-alone infrastructure projects through a competitive solicitation. The program launched over that summer and successfully awarded \$19.5 million across 13 electric charging infrastructure projects. Building off lessons learned from the 2023 program, the Air District began a public input process on March 20, 2024, to receive feedback for a second cycle of the competitive electric charging infrastructure solicitation. The Air District posted a draft solicitation guidance document online and emailed over 6,000 people to announce the availability of the guidance document and a pre-solicitation workshop. The workshop, held on March 28, 2024, provided an overview of the solicitation, including a proposed process and selection criteria, and requested public input. Over 60 attendees were present, and staff responded to approximately 30 written and oral comments and questions. By the April 5, 2024, deadline, staff received 10 additional comments. Through these discussions, staff have incorporated input and feedback from stakeholders for the development of a competitive solicitation that is outlined below.

Proposed Process and Selection Criteria

Under this program, all completed applications that are received by the deadline would first be reviewed for basic eligibility according to the Chapter 10: Infrastructure section of the Carl Moyer Program Guidelines, shown in Attachment 5. All projects that meet the basic eligibility requirements would then be ranked based on the Board-approved selection criteria that are listed below. Once a ranking list is created, staff will bring a recommendation to the Board to award funding to the highest ranked projects.

At least 80% of the available funds will be awarded to infrastructure projects that support vehicles or equipment that operate within the Air District’s Priority Communities. For the purposes of this solicitation, Priority Communities include those that have been identified through the AB 617 process (i.e., West and East Oakland in Alameda County, Richmond San/Pablo in

Contra Costa County, and Bay View Hunters Point in San Francisco), SB 535 Disadvantaged Communities (DAC), and AB 1550 Low-Income Communities (LIC). DAC and LIC are shown in the California Climate Investments Priority Populations 2023 map (website: <https://webmaps.arb.ca.gov/PriorityPopulations/>).

Proposed selection criteria:

- First, projects would be reviewed to determine whether the chargers will be used at the proposed location by evaluating the project’s Statement of Need documentation that may include **one or more** of the following:
 - Evidence that the applicant or another entity owns or has a purchase order for the vehicles or equipment that would use the chargers.
 - Evidence that there is going to be a need for the chargers, such as an upcoming compliance deadline coupled with documentation about the inventory of vehicles in the area.
 - Other documentation showing that chargers would be used immediately after installation.
- Second, eligible projects would be evaluated to determine their potential to be installed and operating within two years from the Notice of Award, as evidenced by the project meeting **at least two** of the following Readiness Criteria:
 - Completed all applicable California Environmental Quality Act (CEQA) requirements: filed a notice of exemption or a completed CEQA determination, or if a public agency, a plan to complete CEQA within 6 months of the Notice of Award.
 - Obtained all applicable permits.
 - Completed 60% of design or determination that no designs are needed.
 - Approved site plan by the permitting agency or determination that no site plan is needed.
 - Completed utility assessment of the site that demonstrates sufficient capacity, including information such as distance to the grid and/or power access.
- Next, all projects that passed the first two criteria would be ranked by grant dollars requested divided by total amount of kilowatts (kW) available for charging at the site.

If oversubscribed or if a tiebreaker is required between two or more projects, projects would be further prioritized based on their proximity to sensitive receptors, which include schools, daycare centers, and healthcare facilities.

Timeline

This competitive solicitation would open shortly after Board approval and would remain open for at least 6 weeks. After the solicitation closes, staff will evaluate applications for completeness within two weeks and begin the ranking process. Staff anticipates being able to bring a rank list to the Board by early 2025, with contracting and project initiation shortly thereafter.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Air District distributes the CMP, MSIF, CAP Incentive, FARMER, and TFCA funding to project sponsors on a reimbursement basis. The four recommended projects listed on Attachment 1 will be awarded a total of \$8,503,300 that will be paid for by one or more of these state and local incentive fund sources upon project completion, expected within the next one to three years. Up to \$35 million in funding for the infrastructure program will be awarded in FYE 2025, and projects will be paid for by one or more of these state and local incentive fund sources upon project completion, expected within two to three years after projects are awarded. Funding for administrative costs to implement these programs, including evaluating, contracting, and monitoring projects for multiple years, is provided by each funding source.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Daniel Langmaid and Linda Hui
Reviewed by: Minda Berbeco, Alona Davis, Adam Shapiro, and Karen Schkolnick

ATTACHMENTS:

1. Recommended Projects with Grant Awards Greater than \$500,000 (Evaluated 11/28/23 to 4/16/24)
2. All Projects - Awarded, Allocated, and Recommended (7/1/23 to 4/16/24)
3. Funding Facts and Figures (7/1/23 through 4/16/24)
4. Sources of New Funding Revenues
5. Chapter 10 Infrastructure of the Carl Moyer Program (Updated 01/18/2023)
6. Projects and Contracts with Proposed Grant Awards Over \$500,000 and Solicitation for Electric Charging Infrastructure Presentation

ATTACHMENT 1

Recommended Projects with Grant Awards Greater than \$500k Evaluated between 11/28/2023 and 4/16/2024

Funding Sources: Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Incentives

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Total Project Cost	Emissions Reductions (tons per year)			County	Benefits Disadvantaged or Low-income areas
						NOx	ROG	PM		
25MOY15	B & T Farms	Ag/ off-road	Replace a Tier-0 diesel-powered tractor with a Tier-4 tractor and a Tier-3 diesel-powered tractor with a Tier-4 tractor	\$ 582,800	\$ 958,304	1.41	0.15	0.08	Santa Clara	Yes
25MOY18	Amazon Recycling and Disposal Inc	Off-Road	Replace 5 pieces of older diesel-powered construction equipment with cleanest available Tier-4 diesel equipment including a Tier-0 shredder, a Tier-0 rubber-tired loader, a Tier-1 compact loader, a Tier-0 excavator, and a Tier-1 excavator.	\$ 3,897,100	\$ 4,916,385	22.45	2.19	1.33	Alameda, Contra Costa, and San Francisco	Yes
25MOY53	Morrison Chopping, LLC	Ag/off-road	Replace one Tier-0 and one Tier-3 diesel-powered utility tractors with two Tier-4 diesel powered tractors	\$ 873,400	\$ 1,465,554	2.02	0.19	0.11	Sonoma	Yes
25MOY85	Amnav Maritime, LLC	Marine	Replace two Tier-3 diesel-powered marine propulsion engines with two Tier-4 engines in a tugboat	\$ 3,150,000	\$ 4,395,334	16.88	2.11	0.33	Alameda	Yes
4	Projects			Totals \$ 8,503,300	\$ 11,735,577	42.76	4.64	1.85		

ATTACHMENT 2

All Projects

Awarded and Allocated between 7/1/23 and 4/16/24

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						NOx	ROG	PM				
24R01	BAAQMD	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	\$ 150,000	N/A	TBD ¹	TBD ¹	TBD ¹	Regional	6/7/2023 ²	N/A	1
24R02	BAAQMD	Light Duty (LD) Vehicles	Vehicle Buy Back Program Implementation	\$ 700,000	N/A	-	-	-	Regional	6/7/2023 ²	N/A	1
24R03	BAAQMD	Trip Reduction	Spare The Air/ Intermittent Control/ Flex Your Commute Programs	\$ 2,290,000	N/A	TBD ¹	TBD ¹	TBD ¹	Regional	6/7/2023 ²	N/A	1
2302-34214	1567 McAllister Street HOA	LD Infrastructure	Install and operate 5 Level 2 (high) chargers at a MFH facility in San Francisco	\$ 17,500	N/A	0.002	0.001	0.000	San Francisco	6/7/2023 ²	Yes	1
2301-33229	Carmel Gardens HOA, Burlingame	LD Infrastructure	Install and operate 18 Level 1 chargers at a MFH facility in Burlingame	\$ 45,000	N/A	0.000	0.000	0.000	San Mateo	6/7/2023 ²	Yes	1
2302-34181	San Rafael Manor	LD Infrastructure	Install and operate 7 Level 2 (high) chargers at a MFH facility in San Rafael	\$ 24,500	N/A	0.007	0.004	0.003	Marin	6/7/2023 ²	No	1
2302-33758	City of Pittsburg	LD Infrastructure	Install and operate 38 Level 2 (high) and 4 DC Fast chargers at one destination and five workplace facilities in Pittsburg	\$ 349,000	N/A	0.125	0.074	0.009	Contra Costa	6/7/2023 ²	Yes	1
2303-34270	Contra Costa County	LD Infrastructure	Install and operate 151 Level 2 (high) chargers at 19 workplace facilities in Antioch, Concord, Hercules, Martinez, and Richmond	\$ 748,000	N/A	0.102	0.060	0.038	Contra Costa	6/7/2023 ²	Yes	1
2303-34330	EVgo Services LLC	LD Infrastructure	Install and operate 66 DC Fast chargers at nine transportation corridor facilities in Antioch, Berkeley, Colma, Concord, Hayward, Oakland, Petaluma, San Jose, and San Mateo	\$ 2,950,000	N/A	1.083	0.671	0.449	Regional	6/7/2023 ²	Yes	1
2302-33844	Grand Petroleum, Inc.	LD Infrastructure	Install and operate 8 DC Fast chargers at one destination and three transportation corridor facilities in Campbell, Concord, Hayward, and Pleasant Hill	\$ 260,000	N/A	0.016	0.010	0.007	Alameda / Contra Costa / Santa Clara	6/7/2023 ²	Yes	1
2302-33921	Alameda County Government	LD Infrastructure	Install and operate 7 Level 2 (high) chargers at a destination facility in Castro Valley	\$ 38,500	N/A	0.014	0.008	0.005	Alameda	6/7/2023 ²	Yes	1
2301-33528	7-Eleven, Inc.	LD Infrastructure	Install and operate 36 DC Fast chargers at nine transportation corridor facilities in Hayward, Millbrae, Redwood City, San Jose, San Ramon, South San Francisco, and Sunnyvale	\$ 990,000	N/A	0.091	0.056	0.038	Regional	6/7/2023 ²	Yes	1
2302-34083	Circle K	LD Infrastructure	Install and operate 6 DC Fast chargers at a transportation corridor facility in Gilroy	\$ 270,000	N/A	0.041	0.026	0.017	Santa Clara	6/7/2023 ²	Yes	1
23SBP53	Safrans Transportation, Inc.	School Bus + Infrastructure	Replace 14 diesel school buses with 14 new electric school buses, and install 11 chargers	\$ 4,822,770	14	0.739	0.040	0.004	Santa Clara	7/19/23	Yes	1, 2
23MOY44	Everport Terminal Services	Off-Road	Repower two Tier-1, one Tier-4 Interim, and two Tier-4 final diesel-powered rubber-tired gantry cranes (RTGs) with five Hybrid, diesel-electric Tier-4 final RTGs	\$ 1,065,200	5	3.707	0.308	0.051	Alameda	7/19/23	Yes	2
23MOY119	Richmond Pacific Railroad	Locomotive	Replace one Tier-0 diesel-powered locomotive with a Tier-4 final diesel-powered locomotive	\$ 828,000	1	2.501	0.431	0.124	Contra Costa	7/19/23	Yes	2
23MOY62	B/S Ranch	Ag/ off-road	Replace two Tier-0 with two Tier-4 diesel-powered agriculture loaders	\$ 88,000	2	0.140	0.024	0.017	Marin	7/14/23	Yes	2
23MOY155	Kistler Vineyards LLC	Ag/ off-road	Replace three Tier-1 with three Tier-4 diesel-powered agriculture tractors, and two Tier-2 with two Tier-4 diesel-powered agriculture tractor	\$ 232,950	3	0.609	0.085	0.066	Sonoma	7/24/23	Yes	2

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						NOx	ROG	PM				
23MOY93	Massa LLC	Ag/ off-road	Replace one Tier-2 with one Tier-4 diesel-powered agriculture tractor	\$ 58,250	1	0.091	0.005	0.005	Napa	7/24/23	No	2
23MOY118	Renteria Vineyard Management, LLC	Ag/ off-road	Replace two Tier-1 to two Tier-4 diesel-powered agriculture tractor/crawler	\$ 147,600	2	0.239	0.045	0.035	Napa	7/26/23	Yes	2
23MOY96	T and M Agricultural Services LLC	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor/crawler, and one Tier-0 with one Tier-4 diesel-powered agriculture tractor	\$ 55,600	2	0.052	0.046	0.012	Napa	7/26/23	No	2
23MOY98	Fiorio Farm, Inc	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor	\$ 73,900	1	0.588	0.076	0.044	Santa Clara	8/4/23	No	2
23MOY116	Tru2Earth Farm LLC	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor	\$ 21,000	1	0.029	0.024	0.006	Santa Clara	8/10/23	Yes	2
23MOY74	Sequoia Grove Vineyards, LP	Ag/ off-road	Replace one Tier-1 with one Tier-4 diesel-powered agriculture other equipment	\$ 45,000	1	0.036	0.007	0.005	Napa	8/15/23	No	2
23MOY166	V. Sattui Winery	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor, and one Tier-1 with one Tier-4 diesel-powered agriculture tractor	\$ 145,600	2	0.274	0.045	0.033	Napa	8/16/23	No	2
23MOY132	Dotu Bros. LLC	Ag/ off-road	Replace two Tier-0 with two Tier-4 diesel-powered agriculture other equipment	\$ 182,500	2	0.352	0.045	0.028	Sonoma	8/16/23	No	2
23MOY126	Krasilsa Pacific Farms, LLC	Ag/ off-road	Replace one Tier-0 with one Tier-4 diesel-powered agriculture tractor	\$ 76,300	1	0.134	0.016	0.011	Sonoma	8/18/23	No	2
23MOY108	Rocca Family Vineyards	Ag/ off-road	Replace one Tier-1 with one Tier-4 diesel-powered agriculture tractor	\$ 62,900	1	0.130	0.033	0.026	Napa	8/21/23	No	2
23MOY128	Golden Gate Scenic Steamship	Marine	Replace two Tier-2 with two Tier-3 diesel-powered auxiliary engine on a ferry/excursion vessel	\$ 15,750	2	0.052	0.009	0.003	Alameda / Marin / San Francisco	8/4/23	Yes	2
23SBP54	Sunnyvale School District	School Bus	Replace 2 compressed natural gas school buses with 2 electric school buses	\$ 847,000	2	0.078	0.004	0.000	Santa Clara	9/20/23	Yes	1, 2
23MOY150	Sysco	EV Trucks + Infrastructure	Replace 18 diesel-powered heavy heavy-duty trucks with 18 electric heavy heavy-duty trucks and install 23 electric vehicle charging stations	\$ 4,595,084	18	0.967	0.064	0.002	Alameda	9/20/23	No	1,2
23SBP10	San Mateo Union High School District	School Bus + Infrastructure	Replace 8 diesel school buses with 8 electric school buses and associated infrastructure	\$ 2,749,666	8	0.295	0.017	0.005	San Mateo	9/20/23	Yes	1,2
23MOY52	Napa Valley Wine Train	Locomotive	Replace 7 switcher locomotives with 3 switcher locomotives using two 3-for-1 replacements and one 1-for-1 replacement	\$ 3,345,000	7	11.878	1.204	0.417	Napa	9/20/23	Yes	2
23MOY12	Brian Collier	Marine	Repower two Tier 0 engines to Tier 4 engines on a commercial fishing vessel	\$ 444,800	1	2.554	0.119	0.077	Alameda / Contra Costa	9/20/23	Yes	2
23MOY145	Amnav Maritime, LLC	Marine	Repower two 2018 Tier 3 main engines to 2023 Tier 4 diesel engines on the tug boat Revolution	\$ 2,900,000	1	15.478	1.935	0.302	Alameda / Contra Costa / San Francisco / San Mateo / Solano	9/20/23	Yes	2
23MOY146	Amnav Maritime, LLC	Marine	Repower two 2018 Tier 3 main engines to 2023 Tier 4 diesel engines on the tug boat Sandra Hugh	\$ 3,150,000	1	16.885	2.110	0.330	Alameda / Contra Costa / San Francisco / San Mateo / Solano	9/20/23	Yes	2

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						NOx	ROG	PM				
23MOY130	Ramaiah Ale	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered agriculture tractor/crawler	\$ 31,400	1	0.049	0.007	0.004	Contra Costa	8/24/23	Yes	2
23MOY66	Cobb Creek Holdings, LLC DBA CCH Ag Services	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered agriculture excavator	\$ 172,400	1	0.119	0.020	0.014	Napa	8/28/23	No	2
23MOY113	E & M Deniz Dairy	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered agriculture tractor	\$ 351,400	1	0.788	0.076	0.041	Sonoma	8/30/23	No	2
23MOY176	Dirt Farmer & Company, A California Corporation	Ag/ off-road	Replace two Tier-2 with Tier-4 diesel-powered agriculture tractor, and two Tier-3 with Tier-4 diesel-powered agriculture tractor	\$ 295,600	4	0.572	0.041	0.036	Sonoma	8/30/23	No	2
23MOY117	Heritage Vineyard Management, Inc	Ag/ off-road	Replace one Tier-2 with Tier-4 diesel-powered agriculture tractor	\$ 39,400	1	0.035	0.003	0.005	Napa	8/30/23	No	2
23MOY90	Ilsley Brothers Farming, LLC	Ag/ off-road	Replace three Tier-0 to Tier-4 diesel-powered agriculture equipment, including one tractor, one tractor/crawler, and one loader/backhoe	\$ 172,400	3	0.163	0.068	0.026	Napa	9/1/23	No	2
23MOY136	Barbour Vineyards Management LLC	Ag/ off-road	Replace two Tier-1 with Tier-4 diesel-powered agriculture equipment, including one tractor, and one tractor/crawler	\$ 121,150	2	0.180	0.031	0.023	Napa	9/5/23	No	2
23MOY177	A Cut Above Viticulture Service inc.	Ag/ off-road	Replace one Tier-1 with Tier-4 diesel-powered agriculture tractor, and one Tier-0 with Tier-4 diesel-powered agriculture tractor	\$ 88,600	2	0.127	0.038	0.019	Napa	9/6/23	No	2
23MOY127	Circle R Ranch Management LLC	Ag/ off-road	Replace one Tier-1 with Tier-4 diesel-powered agriculture tractor	\$ 85,200	1	0.135	0.021	0.016	Napa	9/6/23	No	2
23MOY129	Tim McDonald	Ag/ off-road	Replace one Tier-1 with one Tier-4 diesel-powered agriculture other equipment	\$ 93,700	1	0.082	0.019	0.015	Napa	9/12/23	No	2
23SBP172	Zum Services	School Bus Infrastructure	Install 13 electric charging stations and associated infrastructure to support electric school buses	\$ 225,000	0	-	-	-	Alameda	9/13/23	Yes	2
23SBP167	Zum Services Inc	School Bus Infrastructure	Install 221 electric charging stations and associated infrastructure to support electric school buses	\$ 1,000,000	0	-	-	-	San Francisco	11/1/23	Yes	2
23SBP171	Zum Services Inc	School Bus Infrastructure	Install 74 electric charging stations and associated infrastructure to support electric school buses	\$ 985,930	0	-	-	-	Alameda	11/1/23	Yes	2, 3
23MOY152	US Foods, Inc.	EV Trucks + Infrastructure	Replace 27 diesel-powered heavy-duty trucks with electric trucks and install 27 electric charging stations and associated infrastructure	\$ 4,252,751	27	1.024	0.069	0.002	Alameda	11/1/23	Yes	1, 2
23MOY174	Swissport USA Inc.	Off-Road	Replace 13 large-spark ignition airport ground support equipment units with 13 zero-emissions units	\$ 685,975	13	0.662	0.151	0.031	San Mateo	11/1/23	Yes	2
23MOY182	City of Fairfield	On-road Infrastructure	Install 16 electric charging stations and associated infrastructure	\$ 330,000	0	-	-	-	Solano	9/19/23	Yes	2
23MOY107	Brisa Ranch, LLC	Off-Road	Replace two Tier-0 with Tier-4 diesel-powered agriculture equipment, including one tractor and one tractor/loader	\$ 144,100	2	0.325	0.049	0.029	San Mateo	9/22/23	No	2
23MOY122	FM Greenville	On-road Infrastructure	Install 40 electric charging stations and associated infrastructure	\$ 495,000	0	-	-	-	Alameda	9/25/23	No	2

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23MOY160	Bains Farms LLC	Off-Road	Replace two Tier-0 with Tier-4 diesel-powered agriculture tractors	\$ 162,900	2	0.395	0.057	0.039	Solano	9/28/23	No	2
23MOY151	Napa Select Vineyard Services, Inc.	Off-Road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor/loader	\$ 103,400	1	0.093	0.021	0.017	Napa	9/29/23	No	2
23MOY144	Moraga Organic Farms LLC	Off-Road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor/loader	\$ 100,500	1	0.136	0.031	0.025	Alameda	9/29/23	No	2
23MOY183	Fathom Ventures, LLC	Marine	Repower one propulsion and four auxiliary marine engines to a marine diesel-electric hybrid system in a registered historic survey-capable excursion vessel	\$ 1,085,000	5	2.239	0.141	0.082	Alameda / San Francisco / Contra Costa / Solano / Marin	11/15/23	Yes	2
23MOY162	Valley View Dairy	Ag/ off-road	Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader	\$ 52,600	1	0.148	0.023	0.014	Sonoma	10/17/23	No	2
23MOY124	Glen E Dejesus	Ag/ off-road	Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader/backhoe	\$ 45,900	1	0.025	0.022	0.006	Contra Costa	10/17/23	Yes	2
23MOY184	Altamura Winery Inc.	Ag/ off-road	Replace one Tier 0 with a Tier-4 diesel-powered agriculture loader and one Tier 0 with a Tier-4 diesel-powered agriculture loader/backhoe	\$ 116,100	2	0.159	0.037	0.016	Napa	10/17/23	No	2
23SBP137	Napa Valley Unified School District	School bus	Replace two CNG buses with two LPG buses	\$ 193,577	2	0.209	0.017	-	Napa	10/19/23	Yes	2
23MOY173	Chasin Goat Grazing LLC	Ag/ off-road	Replace two Tier-0 with Tier-4 diesel-powered agriculture tractors	\$ 70,500	1	0.167	0.021	0.014	Sonoma	10/20/23	Yes	2
23MOY123	Melgoza Dino	Ag/ off-road	Replace one Tier-0 with a Tier-4 diesel-powered agriculture tractor/loader	\$ 35,200	1	0.103	0.016	0.009	Contra Costa	10/24/23	Yes	2
23MOY99	Garvey Vineyard Management, LLC	Ag/ off-road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor, one Tier-2 with a Tier-4 diesel-powered agriculture tractor, and one Tier-3 with a Tier-4 diesel-powered agriculture tractor	\$ 170,900	3	0.248	0.030	0.025	Napa	10/27/23	No	2
23MOY175	Emanuel Correia	Ag/ off-road	Replace one Tier-0 with a Tier-4 diesel-powered agriculture loader	\$ 45,700	1	0.067	0.012	0.009	Sonoma	10/30/23	Yes	2
23MOY112	Grgich Hills Cellar dba Grgich Hills Estate	Ag/ off-road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor, one Tier-2 with a Tier-4 diesel-powered agriculture tractor, and two Tier-1 agriculture tractor/crawlers with a Tier-4 diesel-powered agriculture tractor	\$ 260,600	4	0.394	0.055	0.043	Napa	11/3/23	No	2
23MOY156	Four Seasons Vineyard Management	Ag/ off-road	Replace one Tier-1 with a Tier-4 diesel-powered agriculture tractor and one Tier-0 with a Tier-4 diesel-powered agriculture tractor	\$ 99,000	2	0.245	0.042	0.026	Sonoma	11/6/23	No	2
23MOY111	County Line Harvest, Inc.	Ag/ off-road	Replace one Tier-1 with Tier-4 diesel-powered agriculture tractors	\$ 152,300	1	0.338	0.037	0.023	Sonoma	11/6/23	Yes	2
24MOY14	WattEV CA4, Inc.	On-road Infrastructure	Installation of 30 DC Fast 360 kW electric charging stations and associated infrastructure for a public EV Charging Depot to support Heavy Duty Trucks in West Oakland near Interstate 880	\$ 5,000,000	0	-	-	-	Alameda	12/6/23	Yes	1,2
24MOY20	Prologis Mobility LLC	On-road Infrastructure	Installation of 69 9.9 kW level 2 and 3 180 kW DC Fast electric charging stations and associated infrastructure to support heavy duty trucks and last-mile delivery vehicles for private fleets	\$ 1,500,000	0	-	-	-	Alameda	12/6/23	Yes	1,2
24MOY4	Saltchuk Resources, Inc. dba AmNav Maritime, LLC	Marine Infrastructure	Installation of a 1MW marine power system to support a 6 MWh electric tug	\$ 5,000,000	0	-	-	-	Alameda	12/6/23	Yes	2

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24SBP17	Half Moon Bay High School	School Bus Infrastructure	Installation of three 60 kW DC Fast and four 30 kW DC Fast electric charging stations and associated infrastructure to support public school bus fleet	\$ 416,634	0	-	-	-	San Mateo	12/6/23	Yes	2
24MOY11	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 7 electric chargers to support electric utility carts and riding lawn mowers	\$ 126,510	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY9	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 6 electric chargers to support electric utility carts	\$ 115,448	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY8	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 3 electric chargers to support electric utility carts and riding lawn mowers	\$ 63,700	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY12	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 1 electric charger to support electric riding lawn mowers	\$ 24,460	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY7	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 3 electric chargers to support electric utility carts and riding lawn mowers	\$ 105,033	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY10	City & County of San Francisco - Recreation & Park	Off-road Infrastructure	Installation of 5 electric chargers to support electric utility carts	\$ 183,931	0	-	-	-	San Francisco	12/6/23	Yes	2
24MOY13	CA-ALA-002 PROJECT LLC (EV Realty, Inc.)	On-road Infrastructure	Installation of fifty-eight DC Fast ports, and associated electric infrastructure for a public EV Charging Depot to support mixed private fleets in Livermore	\$ 3,950,000	0	-	-	-	Alameda	12/6/23	Yes	1,2
23MOY158	Delta Air Lines, Inc	Off-road Infrastructure	Installation of 8 electric chargers to support electric ground support equipment	\$ 211,680	0	-	-	-	San Mateo	11/15/23	Yes	2
23MOY143	Larry's Produce LLC	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered skid steer loader	\$ 56,300	1	0.067	0.010	0.006	Solano	11/17/23	No	2
23MOY181	San Francisco Water Taxi	Marine	Install a ChargePoint CPE 250 marine fast charging station for Navier N30 electric hydrofoil water taxis at Pier 39 in San Francisco	\$ 87,200	0	-	-	-	San Francisco	11/28/23	Yes	2
23MOY131	Palm Drive Vineyards LLC	Ag/ off-road	Replace one Tier-0 with Tier-4 diesel-powered loader/backhoe	\$ 66,900	1	0.037	0.031	0.008	Sonoma	11/29/23	No	2
23MOY121	Crowl Holdings, LLC	Marine	Repower one Tier-0 with one Tier-3 diesel-powered engine on a commercial fishing boat	\$ 89,000	1	0.205	(0.005)	0.009	Marin / San Francisco	12/20/23	Yes	2
23MOY147	Terpene Belt Farms LLC	Ag/ off-road	Replace two Tier-0 with Tier-4 diesel-powered tractors	\$ 153,200	2	0.619	0.084	0.048	Contra Costa	12/21/23	No	2
25MOY1	McClelland's Dairy	Ag/ off-road	Replace one Tier-0 with a Tier-4 diesel powered rubber-tired loader	\$ 260,400	1	0.770	0.071	0.041	Sonoma	1/19/24	No	2
25MOY4	Tunzi Brothers Cattle Co	Ag/ off-road	Replace one Tier-0 with a Tier-4 diesel powered tractor/loader	\$ 46,800	1	0.035	0.035	0.009	Sonoma	1/24/24	No	2
25MOY24	HARJIT DHANOA LLC	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 76,630	1	0.217	0.027	0.018	Solano	3/26/24	No	2
25MOY19	Donald Dow	Ag/ off-road	Replace one Tier-0 tractor/loader with a Tier-4 diesel powered tractor/loader	\$ 64,400	1	0.074	0.012	0.009	Sonoma	3/27/24	Yes	2

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						NOx	ROG	PM				
25MOY28	Larry Martin Petersen	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 70,300	1	0.216	0.028	0.016	Sonoma	3/28/24	No	2
25MOY21	Martinelli Farms, Inc.	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 51,400	1	0.155	0.026	0.018	Sonoma	4/4/24	No	2
25MOY49	Terpene Belt Farms LLC	Ag/ off-road	Replace two Tier-0 tractors with two Tier-4 diesel powered tractors	\$ 154,500	1	0.488	0.067	0.039	Alameda	4/4/24	No	2
25MOY8	Farm Napa Valley, LLC	Ag/ off-road	Replace two Tier-2 tractors with two Tier-4 diesel powered tractors and one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 224,200	3	0.450	0.054	0.045	Napa	4/9/24	No	2
25MOY14	Rocky Hill Enterprise	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 59,200	1	0.161	0.025	0.014	Sonoma	4/9/24	No	2
25MOY2	The Bay Leaf Spice Company	Ag/ off-road	Replace one Tier-0 agricultural excavator with a Tier-4 diesel powered agricultural excavator	\$ 126,200	1	0.186	0.031	0.023	Solano	4/11/24	No	2
25MOY10	Shafer Vineyards	Ag/ off-road	Replace one Tier-1 tractor with a Tier-4 diesel powered tractor and one Tier-2 tractor/crawler with a Tier-4 diesel powered tractor/crawler	\$ 159,140	2	0.347	0.043	0.037	Napa	4/11/24	No	2
25MOY7	Opatz Vineyard Management, Inc.	Ag/ off-road	Replace one Tier-3 tractor/crawler with a Tier-4 diesel powered tractor/crawler	\$ 89,000	1	0.119	0.011	0.008	Napa	4/11/24	No	2
25MOY20	GERMAN VINEYARDS LLC	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor	\$ 111,800	1	0.246	0.032	0.022	Solano	4/12/24	No	2
25MOY18	Amazon Recycling and Disposal Inc	Off-road	Replace one Tier-0 with a Tier-4 diesel shredder used to shred construction debris and waste	\$ 3,897,100	5	22.447	2.190	1.334	Contra Costa/San Francisco/Alameda	TBD	Yes	2
25MOY53	Morrison Chopping, LLC	Ag/ off-road	Replace one Tier-0 utility tractor with a Tier-4 diesel powered tractor and one Tier-3 utility tractor with a Tier-4 diesel powered tractor	\$ 873,400	2	2.017	0.192	0.114	Sonoma	TBD	Yes	2
25MOY15	B & T Farms	Ag/ off-road	Replace one Tier-0 tractor with a Tier-4 diesel powered tractor and one Tier-3 tractor with a Tier-4 diesel powered tractor	\$ 582,800	2	1.409	0.145	0.075	Santa Clara	TBD	Yes	2
25MOY85	Amnav Maritime, LLC	Marine	Replace two remanufactured Tier 3 marine propulsion engines with Tier 4 marine propulsion engines in a tugboat	\$ 3,150,000	2	16.885	2.110	0.330	Alameda/Contra Costa/San Francisco	TBD	Yes	2
VBB-FY24	Various	Light Duty (LD) Vehicles	Vehicle retirements under the Vehicle Buy Back program	\$ 711,860	557	5.398	8.154	0.030	All	As of 12/31/2023	Yes	2
104	Projects		Totals	\$ 74,908,679	755	121.1	22.1	5.0				

¹ Projected Funding Source includes (1) Transportation Fund for Clean Air; (2) CMP/MSIF, FARMER and Community Air Protection Program; (3) Reformulated Gasoline Fund. At the time of award, this funding source is assigned based on funding availability and project eligibility. However, the actual funding source used to pay out a project may be different from the Projected Funding Source due to a variety of factors such as delays in project implementation or other funding sources becoming available.

² Funds have been allocated to these programs and projects and results will be determined at the end of project period

³ Date when BOD approved the program budget for FYE 2024

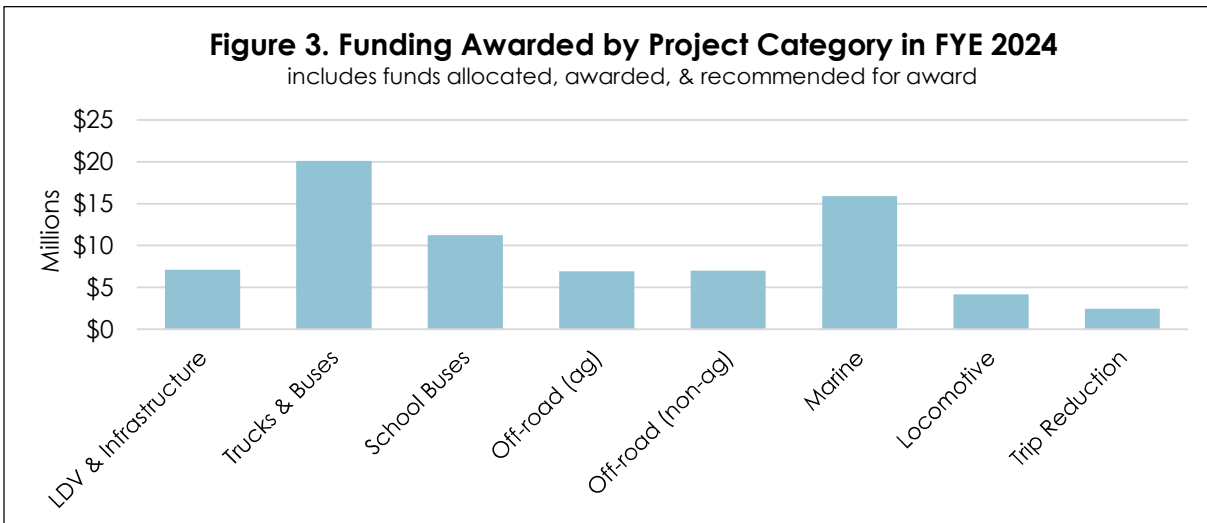
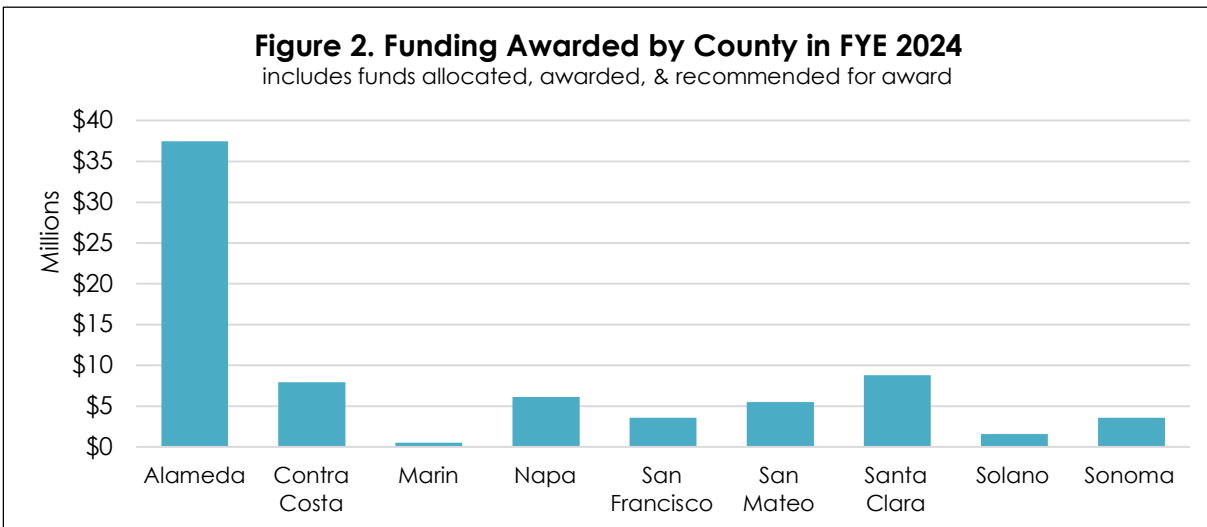
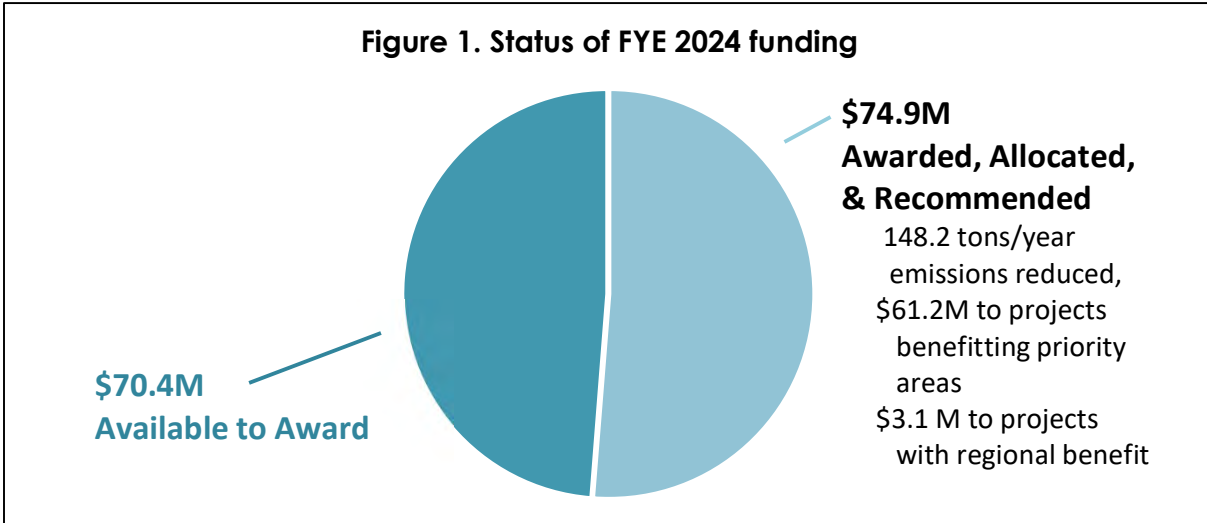
Note: Projects that were previously awarded, but then withdrawn by the grantee, are not shown.

ATTACHMENT 3

Funding Facts and Figures

7/1/23 through 4/16/24

Funding Sources: Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Incentives



Attachment 4

Sources of Incentive Program Revenue (FYE 2024)¹

Funding Source Cycle ²	\$ for Projects and Programs (in Millions)	Award Date	Source
CMP Year 24	\$ 26.7*	3/16/2022	CARB
CMP Year 24 State Reserve	\$ 4.5	6/3/2022	CARB
CMP Year 25	\$ 13.6	2/22/2023	CARB
CMP Year 25 State Reserve	\$ 2.8	5/19/2023	CARB
CAPP Incentives Year 5	\$ 35.4*	6/23/2022	CARB
CAPP Incentives Year 6	\$ 32.7	12/27/2022	CARB
FARMER Year 5	\$ 2.4*	12/14/2022	CARB
TFCA 60% Fund FYE 2024	\$ 13.5	accrues monthly	\$4 DMV fees
Mobile Source Incentive Fund FYE 2024	\$ 11.2	accrues monthly	\$2 DMV fees
CMP Year 26	\$ 13.4	11/21/2023	CARB
<i>CMP Year 26 State Reserve</i>	<i>Up to \$2.4</i>	<i>TBD FYE 2024</i>	<i>CARB</i>
CAPP Incentives Year 7	\$ 31.9	11/20/2023	CARB
FARMER Year 6	\$ 1.2	11/13/2023	CARB
Total Incentive Revenues	\$186.9		

¹ This is not a complete listing of all sources of incentive funds managed by the Air District but covers the sources that are discussed in this report.

² Includes Carl Moyer Program (CMP), Community Air Protection (CAP) Incentives, Funding Agricultural Replacement Measures for Emissions Reduction (FARMER), and Transportation Fund for Clean Air (TFCA).

* Some revenues were partially obligated to projects in fiscal year ending (FYE) 2023 and therefore full amounts may not have been available for award to projects in FYE 2024.

Chapter 10: INFRASTRUCTURE

Senate Bill 513 (Beall, Chapter 610, Statutes of 2015) provides the California Air Resources Board’s (CARB) Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program) the ability to incorporate infrastructure projects into its program. It authorizes the funding of projects that enable the deployment of alternative, advanced, and cleaner technologies to support the State’s air quality goals. Specifically, Health and Safety Code section 44281(c) gives CARB the ability to provide funding toward the installation of fueling or energy infrastructure to fuel or power covered sources. Statute does not require infrastructure projects to meet a cost-effectiveness threshold.

This chapter provides project criteria for selecting and funding infrastructure projects that enable emission reductions in meeting State and local air quality goals. All infrastructure projects must be used to fuel or power a covered source as defined by Health and Safety Code section 44275(a)(7). These covered sources include, but are not limited to, on-road (including light-duty), off-road, agricultural, and marine vessel emission sources.

A. Funding

Air quality management districts or air pollution control districts (Air Districts) determine project priority and select projects funded within their region.

**Table 10-1
 Maximum Percentage of Eligible Cost for Moyer Program Infrastructure Projects**

Maximum Percentage of Eligible Cost ^(b)	Infrastructure Projects
50%	All Projects
60%	Publicly Accessible Projects
65%	Projects with Solar/Wind Power Systems ^(a)
75%	Publicly Accessible Projects with Solar/Wind Power Systems ^(a)
100%	Public School Bus Projects ^(c)

^(a) At least 50 percent of the total energy provided to covered sources by the project must be generated from solar/wind.

^(b) Additional 5% funding available to applicants of heavy-duty truck parking facilities that provide communal charging opportunities (e.g., truck yards, truck depot, truck stops etc.)

^(c) Also, may include solar/wind power systems.

B. Eligible Projects

Eligible projects are those that provide fuel or power to a covered source, and include, but are not limited to, the following:

1. **Battery Charging Station.** New, conversion of existing stations, and expansion to existing battery charging stations. (e.g., stations in priority populations, stations in multi-unit dwellings, workplace charging, direct current fast chargers along freeway roadway corridors, long-term charging at destination areas such as airports and shopping centers and charging at distribution centers and warehouses). Refer to Appendix B for definitions to the terms mentioned above (e.g., new, conversion of existing, and expansion of existing).
2. **Hydrogen Fueling Station.** New, conversion of existing stations, and expansion to existing hydrogen fueling stations.
3. **Stationary Agricultural Pump Electrification.** Agricultural pump must be funded by the Carl Moyer Program.
4. **Shore Power.** Shore-side electrification or electrical power being provided by either the local utility or by distributed generation to a watercraft at berth.
5. Additional projects may be considered on a case-by-case basis (e.g., infrastructure for transport refrigeration units and truckstop electrification). Please contact CARB Moyer staff for further guidance on these case-by-case projects.

To be eligible to partner with other funding sources or programs, the project must not have begun, must not be in progress, must not be completed, nor invoiced and paid. The Air District must evaluate the co-funded project prior to approval and verify the co-funded project with CARB. All requirements of the Moyer program must be met for co-funded projects.

C. Eligible Applicants

Public and private entities are eligible to apply unless otherwise stated. Public entities include, but are not limited to, State, metropolitan, county, city, multi-county special district (e.g., water district), school district, university, and federal agencies and organizations. Private entities include, but are not limited to, private organizations and corporations. Out of State applicants are eligible to apply provided that the infrastructure is situated in California. Air Districts or other entities receiving administration funding through the program are not eligible.

D. Eligible Costs

Eligible costs are limited to the purchase and installation of the equipment for power delivery or fueling directly related to the infrastructure project. The eligible costs listed below must utilize commercially available technologies.

1. Eligible project costs include:

- (A) Cost of design and engineering, (i.e., labor, site preparation, Americans with Disabilities Act accessibility, signage).
- (B) Cost of equipment (e.g., charging/fueling units, electrical parts, energy storage equipment, materials).
- (C) Cost of installation directly related to the construction of the station.
- (D) Meter/data loggers.
- (E) On-site power generation system that fuels or powers covered sources (i.e., solar and wind power generation equipment).
- (F) Fees incurred pre-contract execution (i.e., permits, design, engineering, site preparation), license fees, environmental fees, commissioning fees (safety testing), and onsite required safety equipment.

2. Air Districts have the option to fund the following discretionary costs:

- (A) Federal, sales, and other taxes.
- (B) Shipping and delivery costs. Consulting fees associated with the preparation of Environmental Assessment, Environmental Impact Statement, Environmental Impact Report, or other California Environmental Quality Act (CEQA) documents, etc.

E. Ineligible Costs

Ineligible costs include but are not limited to:

1. Existing station upgrade. See definition in Appendix B.
2. Fuel and energy costs.
3. Non-essential equipment hardware.
4. Operation cost (e.g., operational fees, maintenance, repairs, improvements, spare parts).
5. Extended warranty.
6. Insurance.

7. Grantee administrative costs.
8. Travel/lodging.
9. Employee training and salaries.
10. Legal fees.
11. Real estate property purchases/leases.
12. Performance bond costs.
13. Construction management.
14. Storm water plan costs.
15. Security costs.
16. Testing and soil sampling.
17. Hazardous materials, including permitting, handling and disposal.

F. Project Eligibility Criteria

The minimum qualifications for infrastructure projects are listed below. All projects must also conform to the requirements in Chapter 2: General Criteria, and in Chapter 3: Program Administration. Participating Air Districts retain the authority to impose additional requirements to address local concerns.

1. General Criteria

- (A) The project must be permanently installed and located in California.
- (B) The project must comply with all applicable federal, State, local laws and requirements including environmental laws, and State building, environmental and fire codes. For instance, Air Districts may need to perform CEQA review and obtain approval prior to funding a project.
- (C) All infrastructure projects that include on-site power generation (e.g., solar, wind) and/or are publicly accessible, must be selected through competitive bidding. For public school districts, their existing competitive bidding process fulfills the competitive bidding requirement. See the competitive bidding process definition in Appendix B.
- (D) Work must be performed by contractors and/or electricians that meet all required licensing, certification, and statutory requirements for the eligible project type. CARB may request proof of compliance with any

licensing, certification, and statutory requirements before performing any work on an eligible project.

- (E) For projects that contain Moyer Program funding for both infrastructure and engine replacement or repower within the same contract, only the cost of the engine replacement or repower will be considered when performing a cost-effectiveness calculation.
- (F) Publicly accessible stations must be accessible to the public 24 hours a day or as many hours as allowed by local ordinance.
- (G) Equipment and parts must be new. Remanufactured or refurbished equipment and parts are not eligible.
- (H) Except for stationary agricultural pump projects, a completed Uniform Commercial Code-1 Financing Statement Form must be submitted by the Air District to the California Secretary of State for infrastructure projects with a grant funding amount of \$50K or greater. The financing statement must list the Air District as the secured party.
- (I) Low Carbon Fuel Standard (LCFS) credit generation associated with eligible activities is not prohibited by the Moyer statute.

2. Battery Charging Station

- (A) Charging equipment must be a level 2 or higher.
- (B) Publicly accessible charging stations must use a valid and universally accepted charge connector protocol (e.g., Society of Automotive Engineers (SAE), CHAdeMO).
- (C) Equipment must be certified by a Nationally Recognized Testing Laboratory (e.g., Underwriter's Laboratories, Intertek) located at <https://www.osha.gov/dts/otpca/nrtl/nrtllist.html>.
- (D) Equipment must have at least a one-year warranty.

3. Stationary Agricultural Pump Electrification. To be eligible for funding, infrastructure must directly power a zero-emission stationary agricultural pump funded by the Air District with Moyer Program funds, including match (see Chapter 5 for specific criteria related to funding agricultural pumps).

4. Shore Power

- (A) Funding is available to install shore-side electrical grid-based power at a berth that receives visits solely by vessels not subject to the control

requirements of CARB's Shore Power Regulation (Title 17, California Code Regs., section 93118.3.).

- (B) Shore-side projects meeting the eligibility criteria of the Goods Movement Program are eligible for Moyer Program funding only on a case-by-case basis. Moyer Program project funds cannot be co-funded with Proposition 1B Goods Movement Program funds.

5. Hydrogen Fueling Station. Equipment must have at least a one-year warranty.

G. Applicant Requirements

1. General Criteria

- (A) The applicant must be able to demonstrate to the Air District that the applicant can obtain all required land use permits from agencies needed to install and operate the station.
- (B) For a publicly accessible station, the applicant must provide a description of the geographic location, including an aerial map (i.e., satellite view from an internet-based map or city/county map) and specific street address of the proposed station.
- (C) Applicants must demonstrate that they either own the land on which the project will be located, or control it through a long-term lease, easement, or other legal arrangement, for the duration of the project life. For a proposed project where the land is not owned by the applicant, an executed lease agreement or letters of commitment lasting for the duration of the project life must be signed by property owners/authorized representatives and must be submitted with the application.
- (D) Applicants must be able to provide documentation that power or fuel is being, or will be, provided to the site (e.g., application, payment to the local utility company for power installation, or contract).

2. Shore Power

- (A) Applicants who own/operate at a terminal must submit a copy of the Initial Terminal Plan per Section (g) of CARB's Shore Power Regulation (Title 17, California Code Regs, section 93118.3). All subsequent project reports to Air Districts must include a copy of the terminal plan in order to evaluate compliance with the project contract.
- (B) Only a port authority, terminal operator, or marine vessel owner may apply to receive Moyer Program funding for a shore power project.

H. Project Life

1. All projects must have a minimum project life of three years.
2. Maximum project life is 15 years, except stationary agricultural pump electrification projects which have a maximum project life of ten years.

I. Contract Requirements

1. General Criteria

- (A) Contracts must include anticipated usage in terms of projected throughput and number of vehicles that will be using the station for the term of the contract.
- (B) Contracts must require that the equipment be in operating condition throughout the contract term.
- (C) Contracts must specify that publicly accessible infrastructure projects must maintain a 95 percent uptime with 24/7 customer service available on site, via toll free telephone number. Contracts must also specify that if equipment is not functional, the grantee is responsible for ensuring that repairs are made and stations are up and running within 48 hours. The grantee must notify Air Districts of any downtime beyond the 48 hours and work with Air Districts to ensure publicly accessible stations are operational.
- (D) For non-publicly accessible infrastructure projects, contracts must specify that if equipment is not functional, the grantee has 15 business days to report the problem to the Air District and begin working with the Air District promptly to ensure infrastructure equipment is operational.
- (E) Contracts must specify that, if during the project life the fuel/energy meter fails for any reason, the fuel/energy meter must be repaired or replaced as soon as possible and is considered a maintenance expense, therefore not an eligible cost.
- (F) Contracts must specify the maximum grant amount.
- (G) Contracts must identify milestone dates including project completion, invoice, and annual reporting dates.

2. Battery Charging Station

- (A) Contracts must include the number of electric vehicle supply equipment (EVSE) ports and connectors.

- (B) Contracts must include that grantee must report all publicly accessible battery charging station installations to the Department of Energy Alternative Fuel Data Center located at <http://www.afdc.energy.gov/locator/stations/>

3. Hydrogen Fueling Station. For publicly accessible hydrogen fueling stations, contracts must include that grantee must register and report to the Station Operational Status System (SOSS) maintained by the California Fuel Cell Partnership (www.cafcp.org). In addition, grantee must abide by the requirements of the reporting system. For additional information about the SOSS requirements, please contact the California Fuel Cell Partnership.

J. Pre-Inspection

1. General Criteria

- (1) All Projects must follow the pre-inspection sections which include requirements, compliance certification, record keeping, and inspection after contract requirements in Chapter 3: Program Administration. Participating Air Districts retain the authority to impose additional requirements to address local concerns.
- (2) The minimum documentation requirements that must be collected and be included in the pre-inspection form include:
 - a. Name of inspector.
 - b. Date of inspection.
 - c. Name and contact information of land/site owner.
 - d. Location (address/GPS coordinates).
 - e. Photo documentation of land/site. The district must also take photos of the existing equipment (if applicable). At the minimum, the photos must include equipment, product label, manufacturer name, date of manufacturer, model number, and serial number.
 - f. Any other information regarding the land/site needed to uniquely identify, establish eligibility, populate the Clean Air Reporting Log (CARL) dataset, and ensure contract enforceability.

K. Post-Inspection

1. General Criteria

- (A) Air Districts must verify and document that each infrastructure project is operational. Inspections must include verification of operation by connecting a vehicle or equipment to the charging or fueling station, or in the case of an agricultural pump or shore power project, by connecting to the electrical grid. For projects that incorporate solar or wind power, the inspection must verify that infrastructure has been installed and connected to the power generation equipment (i.e., solar panels or wind turbines). Air Districts may be exempted from this requirement if the grantee does not own a vehicle/equipment, and no vehicle/equipment can reasonably be obtained for the inspection. Air Districts must document such instances and obtain other types of verification that the infrastructure is capable of dispensing fuel/electricity, or in the case of an agricultural pump or shore power project, capable of being powered by the electrical grid.
- (B) Air District must take photos of the equipment and keep photos in the project file. At the minimum, the photos must include equipment, product label, manufacturer name, date of manufacture, model number, and serial number. For a battery charging station, also include input and output voltage and amperage.

L. Invoice and Payment

A project may be considered for final payment once the necessary infrastructure has been installed and connected to the power generation equipment (i.e., solar panels, wind turbine) and/or electricity grid and has been demonstrated to the Air District that it is fully operational during a post-inspection.

M. Data Collection and Annual Reporting

- 1. Solar or Wind Power Generating Equipment.** For infrastructure projects that incorporate solar or wind power generating equipment, the grantee must annually provide to the Air District the amount of electricity generated (e.g., kilowatt-hour) from the solar or wind power generating equipment for the duration of the project life.
- 2. Battery Charging Station.** Grantee must annually provide to the Air District the following data for the entire project life:
 - (A) Qualitative description of public and private uses.
 - (B) Annual usage per charger (e.g., kilowatt-hour).
 - (C) Any scheduled or unscheduled downtime, including duration of downtime and causes of downtime.

3. **Stationary Agricultural Pump Electrification.** Grantee must annually provide to the Air District the following data for the entire project life:
 - (A) Annual usage (e.g., kilowatt-hour) using an energy meter.
 - (B) Episodes of electrical service interruption by the local utility company.
4. **Shore Power.** Grantee must annually provide to the Air District the following data per berth for the entire project life:
 - (A) Total ship visits utilizing berth and ship visits utilizing program funded equipment.
 - (B) Annual usage (e.g., kilowatt-hour).
 - (C) Episodes of electrical service interruption by the local utility company.
5. **Hydrogen Fueling Station.** Grantee must annually provide to the Air District the following data for the entire project life:
 - (A) Annual usage (e.g., kilograms, standard cubic feet).
 - (B) Any scheduled or unscheduled downtime, including duration of downtime and causes of downtime.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 5

Projects and Contracts with Grant Awards Over \$500,000 & Solicitation for Electric Charging Infrastructure

**Policy, Grants, and Technology Committee Meeting
May 15, 2024**

**Chad White
Supervising Staff Specialist, Strategic Incentives
cwhite@baaqmd.gov**

Presentation Outcome



Action item *for the Committee to consider :*

Recommend the Board of Directors:

1. Approve recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1;
2. Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding, and to execute grant agreements and amendments for the projects; and
3. Approve the process and selection criteria for the competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment.

Presentation Outline



- Background and funding sources
- Proposed Projects with Grants Over \$500k
- Status of incentive funding in Fiscal Year Ending (FYE) 2024
 - Funds available and awarded as of 4/16/24
 - Community benefits as of 4/16/24
- Competitive Infrastructure Solicitation - Proposed Process and Selection Criteria
- Recommendations

CMP/MSIF, CAP, and FARMER



Carl Moyer
Program
(CMP)

Funding Agricultural
Replacement Measures
for Emission
Reductions **(FARMER)**

Community Air
Protection **(CAP)**
Incentives

Mobile
Source
Incentive
Fund
(MSIF)

California Air Resources Board
\$104.6 Million (M)

DMV Fees
\$11.2 Million (M)

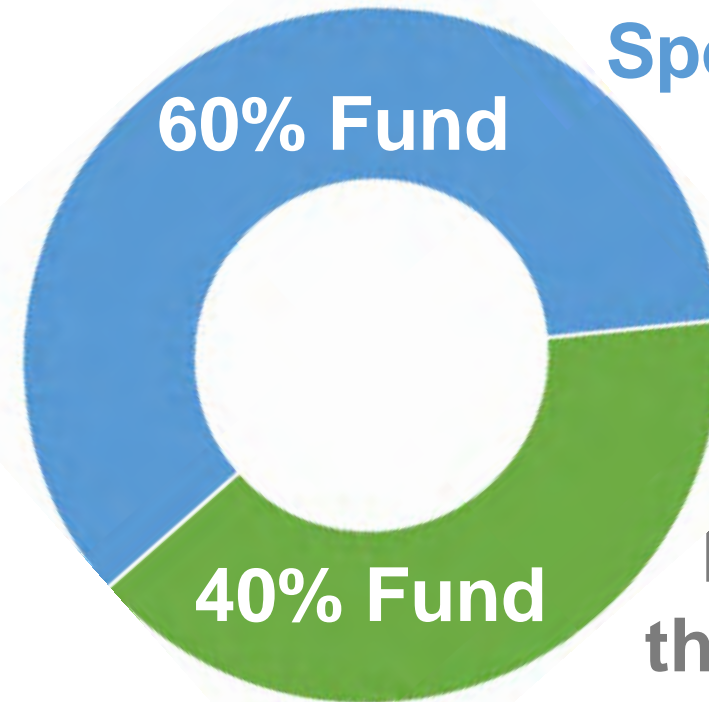
Transportation Fund for Clean Air (TFCA)



- Statutory authority set forth in California Health and Safety Code Sections 44241 and 44242.
- Funding provided by a \$4 surcharge on motor vehicles.
- \$29.5 M available for distribution through 60% Fund in FYE 2024.



**Regional Fund
& Air District-
Sponsored**



**Passed
through to
Counties**

Proposed Projects



Recommend \$8,503,300 in awards for four projects that will:

- Replace four older diesel agricultural tractors with the cleanest available diesel engines.
- Replace five pieces of older diesel construction equipment with the cleanest available diesel engines.
- Repower two older marine engines to the cleanest available diesel engines.

Emissions Reductions

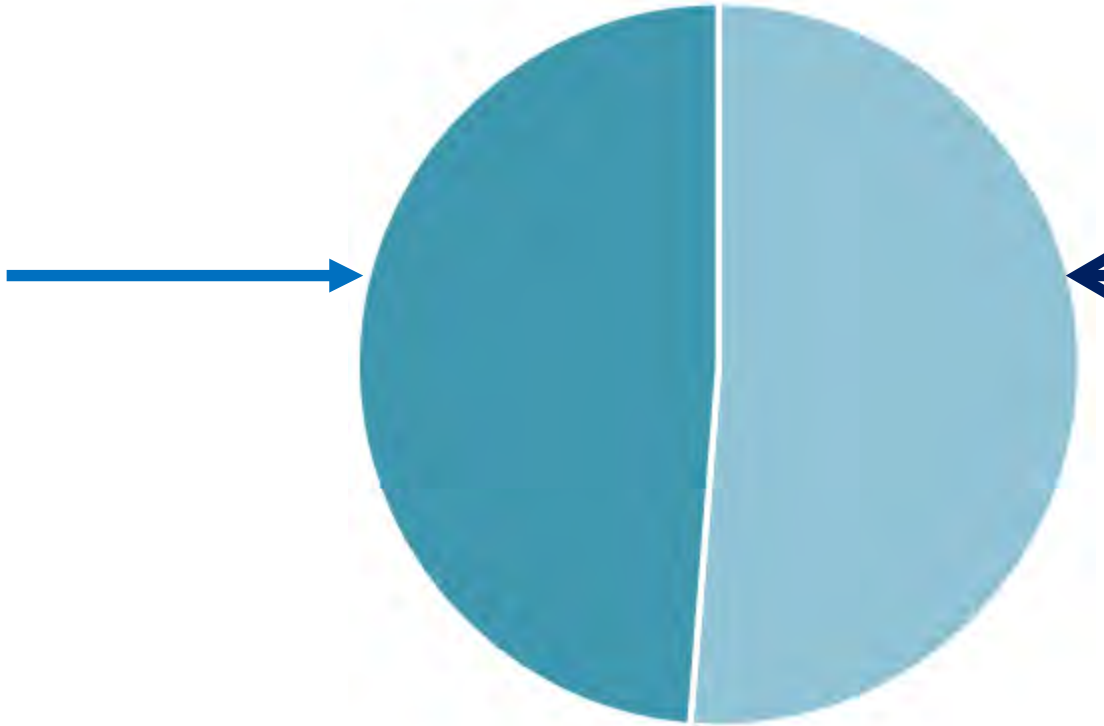
- Over 49.2 tons per year of criteria pollutants.



Incentive Funds Awarded & Remaining since July 2023



\$70.4 M
Available
to Award in
FYE 2024



\$74.9 M
Awarded,
Allocated,
& Recommended

List of all projects is
shown in Attachment 3

Updated as of 4/16/2024

Funds Awarded by Project Category since July 2023 (in Millions)



Total = \$74.9



Light-duty Infrastructure and Cars

Trucks & Buses

School Buses

Off-road Equipment

Marine & Rail

Air District Sponsored

\$7.1

\$20.1

\$11.2

\$14.0

\$20.1

\$2.4

Updated as of 4/16/2024

Funds Awarded by County since July 2023



\$74.9 M

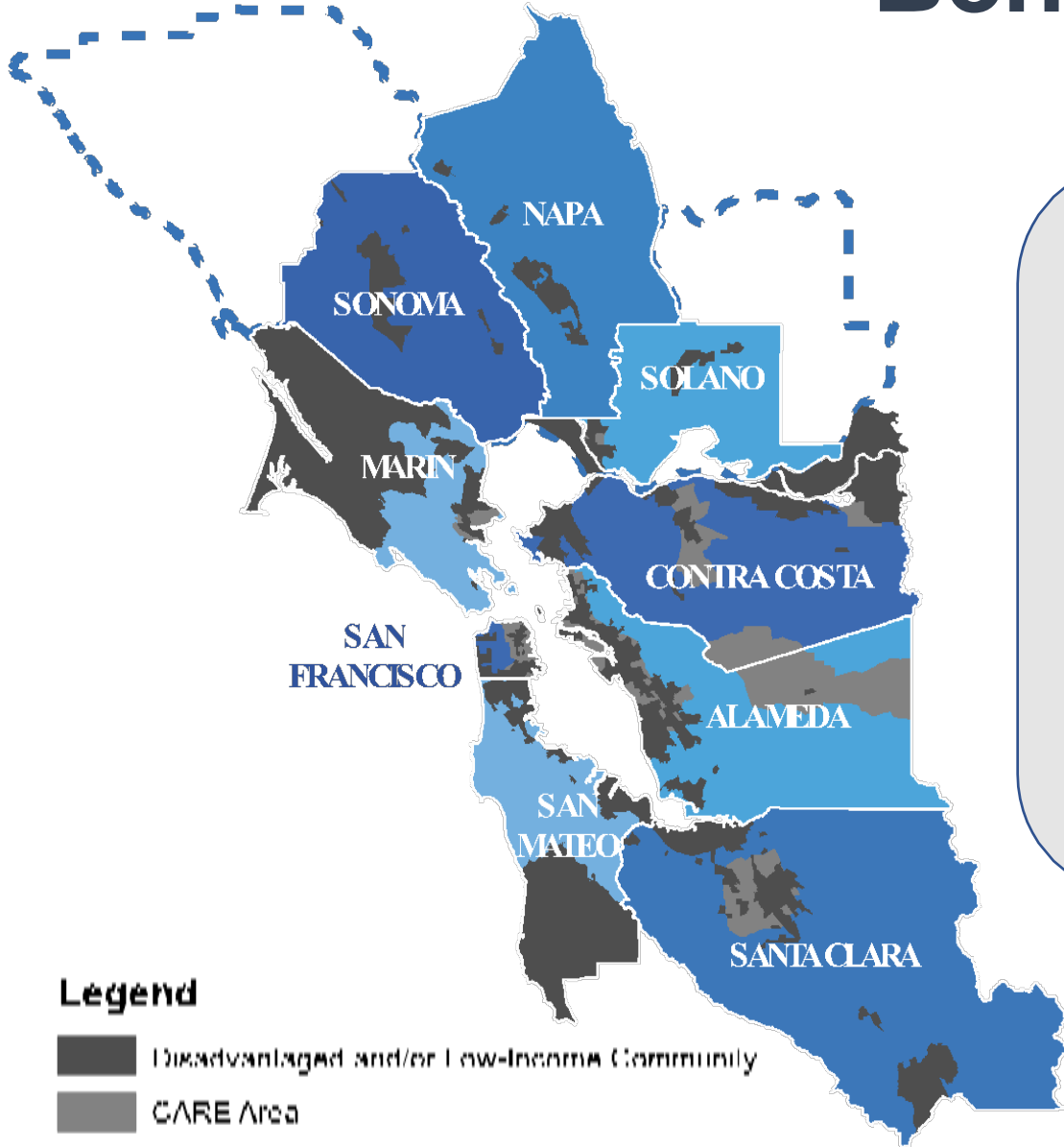
Total Funds Awarded

Projects estimated to achieve emissions reductions of *148.2 tons/year, including NOx, ROG, PM

*Reductions from regional allocations not reported

COUNTY	FUNDS AWARDED	
Alameda	\$ 37.5 M	50.0 %
Contra Costa	\$ 7.9 M	10.6 %
Marin	\$ 0.5 M	0.6 %
Napa	\$ 6.1 M	8.1 %
San Francisco	\$ 3.5 M	4.8 %
San Mateo	\$ 5.5 M	7.3 %
Santa Clara	\$ 8.8 M	11.7 %
Solano	\$ 1.6 M	2.1 %
Sonoma	\$ 3.5 M	4.8 %

Benefits to Priority Areas since July 2023



~\$61.2 M to projects benefitting Priority Areas

- AB 617 Selected Communities
- Disadvantaged communities
- Low-income communities
- CARE areas

Total Awards = \$74.9 M

~\$3.1M allocated to regional grants

Infrastructure Solicitation Background



- Goal:** Fund permanent new infrastructure installations or expansions to existing infrastructure that will:
- Spur deployment of zero-emission vehicles and equipment in the Bay Area
 - Expedite air quality improvements in Priority Areas
 - Be placed into service by **early 2027**
- Propose \$35 M available for public and private applicants.
 - Projects must meet CARB-adopted Carl Moyer Program Guidelines and the proposed selection criteria.
 - Solicitation would be planned to be open in Summer 2024.

Infrastructure Solicitation Eligible Categories



Electric charging infrastructure that supports:



On-Road Vehicles

- Transit Buses
- School Buses
- Medium- and Heavy-duty Trucks

Off-road Equipment

- Agricultural Equipment
- Construction Equipment
- Forklifts
- Cargo Handling Equipment

Marine & Locomotives

Infrastructure Solicitation Proposed Process



- Open a competitive solicitation for 6-8 weeks, with the potential to extend, if needed.
- After solicitation closes, review applications for completeness and basic eligibility according to the Carl Moyer Program Guidelines.
- Rank projects that meet the basic eligibility requirements.
- Bring to the Board the ranking list and recommendation to award funding to the highest ranked projects.

Infrastructure Solicitation Proposed Selection Criteria



- Sites will be evaluated ***competitively*** based on the following criteria:
 - Statement of Need
 - Readiness Criteria (minimum 2)
 - Potential Impact of Grant (\$ requested/kW available for charging)
 - Oversubscribed/Tiebreaker: proximity to sensitive receptors
- At least 80% of the funds will be awarded to projects that support vehicles/equipment that operate in Priority Communities.

Actions Requested



Action item *for the Committee to consider:*

Recommend the Board of Directors:

1. Approve recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1.
2. Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding, and to execute grant agreements and amendments for the projects.
3. Approve the process and selection criteria for the competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Memorandum

To: Chairperson Vicki Veenker and Members
 of the Policy, Grants, and Technology Committee

From: Philip M. Fine
 Executive Officer/APCO

Date: May 15, 2024

Re: State Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The last day for each house to pass bills introduced in that house is May 24, 2024.

Attached is a matrix of bills that the Air District is currently tracking and has been arranged by category. Below are bills the Air District has taken positions on during the 2023-2024 Legislative Session that are still moving through the process:

- Sponsored Bills
 - **Assembly Bill (AB) 1465 (Wicks)** – Nonvehicular air pollution: civil penalties.
 - **Senate Bill (SB) 1095 (Becker)** – Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.
 - ***SB 382 (Becker)** – Single-family residential property: disclosures.
 - Proposed Sponsor/Co-Sponsor
- Co-Sponsored Bills
 - **AB 2298 (Hart, et al.)** – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.
- Support
 - **AB 817 (Pacheco)** – Open Meetings: Teleconferencing: Subsidiary Body.
 - **AB 2851 (Bonta)** – Metal shredding facilities: fence-line air quality monitoring.
 - **AB 2958 (Calderon)** – State Air Resources Board: board members: compensation.
 - **SB 537 (Becker)** – Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences.
 - **SB 674 (Gonzalez)** – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

- **SB 1158 (Archuleta)** – Carl Moyer Memorial Air Quality Standards Attainment Program.
- **SB 1193 (Menjivar)** – Airports: leaded aviation gasoline.
- ***AB 2522 (Carrillo, Wendy)**– South Coast Air Quality Management District: district board: compensation.
 - The Air District has submitted language to be included in the next round of amendments for the bill.
- Oppose
 - **AB 1894 (Ta)** – Nonvehicular air pollution: civil penalties.
- Oppose Unless Amended
 - **SB 1298 (Cortese)** – Certification of thermal powerplants: data centers.

Status and Upcoming Deadlines for Fiscal Year (FY) 2024-25 State Budget

On January 10, 2024, Governor Newsom released the initial proposal for the FY 2024-25 State Budget. On or before May 14, the Governor will release the May Revision (May Revise) to the proposed FY 2024-25 State Budget. The Senate and Assembly must vote on and pass their proposed budget bill by June 15 – which as of this writing, has yet to be introduced – to meet the state’s constitutional deadline. Prior to the Assembly and Senate voting on a budget bill, the bill must be in print for 72 hours, or no later than June 12. The budget bill must be signed by the Governor by July 1. After July 1, the Legislature may pass budget amendments and other changes to the adopted budget package.

DISCUSSION

The Policy, Grants, and Technology Committee (Committee) will receive an update on state legislation, including Air District sponsored and co-sponsored bills, other bills of interest, and the May Revision to the Governor's proposed FY 2024-25 State Budget.

Staff Note: The May Revise to the proposed FY 2024-25 State Budget was not released prior to the deadline for agenda materials submittal, therefore, staff will provide a verbal update to the Committee.

Specifically, staff will discuss the following bills (additional information provided below): AB 817 (Pacheco), AB 1465 (Wicks), AB 1894 (Ta), AB 2298 (Hart, et al.), AB 2522 (Carrillo, Wendy), AB 2760 (Muratsuchi), AB 2851 (Bonta), AB 2958 (Calderon), SB 382 (Becker), SB 537 (Becker), SB 674 (Gonzalez), SB 1031 (Wiener), SB 1095 (Becker), SB 1158 (Archuleta), SB 1193 (Menjivar), and SB 1298 (Cortese).

AB 817 (Pacheco) – Open Meetings: Teleconferencing: Subsidiary Body.

CapitolTrack Summary: The Ralph M. Brown Act requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires

for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. (Based on 01/17/2024 text)

Status: AB 817 passed the Assembly favorably. The bill has been double-referred to the Senate Local Government Committee and the Senate Judiciary Committee – a hearing date has not yet been set.

Board-Approved Position (if any): Support

AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Current law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Current law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs. This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the discharge contains or includes one or more air contaminants, as specified. The bill would define “source” for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified. (Based on 07/13/2023 text)

Status: AB 1465 passed the Assembly favorably. The bill was double-referred to the Senate Judiciary Committee and the Senate Environmental Quality Committee and passed each committee favorably. The bill was referred to the Senate Floor and was subsequently placed on the inactive file where it can be taken up at a later date.

Board-Approved Position (if any): Sponsor

AB 1894 (Ta) – Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties. This bill would require a district to provide a small business, as defined, with a period of not less than 30 days to rectify a violation before the small business may be subject to those civil penalties. (Based on 03/11/2024 text)

Status: AB 1894 was double-referred to the Assembly Natural Resources Committee and the Assembly Judiciary Committee. The bill was set to be heard in Assembly Natural Resources but was canceled at the request of the author. Failed to meet the deadline for fiscal bills to get out of their referred policy committees. This bill is dead.

Board-Approved Position (if any): Oppose

AB 2298 (Hart, et al.) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

CapitolTrack Summary: Would require the Ocean Protection Council, on or before January 1, 2027, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to expand a certain existing program and would authorize the program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. The bill would limit application of the program to vessels that are 300 gross tons or greater. The bill would require the council, on or before December 31, 2028, to submit a report to the Legislature regarding the implementation of the program. (Based on 03/20/2024 text)

Status: AB 2298 was double-referred to the Assembly Water, Parks, and Wildlife Committee and the Assembly Natural Resources Committee and passed each committee favorably. The bill has been referred to the Assembly Appropriations Committee Suspense File – a hearing date has not yet been set.

Board-Approved Position (if any): Co-Sponsor

AB 2522 (Carrillo, Wendy) – South Coast Air Quality Management District: district board: compensation.

CapitolTrack Summary: Current law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Current law

provides that the south coast district is governed by a district board consisting of 13 members. This bill would provide that each member of the board shall receive compensation of \$200 for each day, or portion thereof, but not to exceed \$2,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties. The bill would provide that the compensation of each member of the board may be increased beyond this amount by the board, as specified. (Based on 02/13/2024 text)

Status: AB 2522 passed the Assembly favorably. The bill has been double-referred to the Senate Environmental Quality Committee and the Senate Local Government Committee – a hearing date has not yet been set.

Board-Approved Position (if any): Support

Staff Note: AB 2522 is in the process of being amended to expand the bill from being a South Coast Air Quality Management District (South Coast AQMD) specific bill to include other air districts in California, should they wish to be included in the bill. At the April 3, 2024, Board of Directors (Board) meeting, the Board approved the Air District's participation in AB 2522 and staff has since provided amendments to South Coast AQMD that would align the Air District's board member compensation provisions in the Health and Safety Code with the bill's proposed amendments to the South Coast Air Quality Management District's (South Coast AQMD's) board member compensation provisions.

AB 2760 (Muratsuchi) – Lower Emissions Equipment at Seaports and Intermodal Yards Program.

CapitolTrack Summary: Would, until January 1, 2032, enact the Lower Emissions Equipment at Seaports and Intermodal Yards Program. The program would be administered by the State Air Resources Board and would require the state board to approve as covered equipment applicable cargo handling equipment that will reduce cumulative emissions at seaports and intermodal yards in the state. The bill would require a covered equipment application to be approved by the state board if the applicant demonstrates that the total surplus emissions from covered equipment are lower cumulative emissions than the emissions resulting from compliance with the current applicable cargo handling equipment statute, regulation, or rule, as determined by the state board pursuant to the methodology established by the bill, or that the covered equipment meets the standards and definitions for zero emissions set forth under a specified European Union regulation. The bill would require the state board to establish and certify the useful lifespan of each item of covered equipment, and to certify cargo handling equipment as covered equipment if the applicant seller, reseller, distributor, or manufacturer of the cargo handling equipment demonstrates to the state board that the equipment satisfies specified criteria. The bill would require the state board to establish an application fee, as specified, and would require the application fees to be deposited in the Air Pollution Control Fund and made available to the state board upon appropriation by the Legislature. The bill would require a covered equipment application to be provided to the state board for approval before December 31, 2025. The bill would require the state board, by January 1, 2027, and January 1, 2031, to evaluate the impact of the program on state and local clean air efforts to meet state and local clean air goals and to hold at least one public workshop before completing the evaluation. (Based on 04/24/2024 text)

Status: AB 2760 was double-referred to the Assembly Transportation Committee and the Assembly Natural Resources Committee and passed each committee favorably. The bill has been referred to the Assembly Appropriations Committee – a hearing date has not yet been set.

Board-Approved Position (if any): None

AB 2851 (Bonta) – Metal shredding facilities: fence-line air quality monitoring.

CapitolTrack Summary: Current law requires the Department of Toxic Substances Control to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment, including the operation of metal shredding facilities for appliance recycling. Current law authorizes the department to collect an annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, and to deposit those fees into a subaccount in the Hazardous Waste Control Account. Current law makes those moneys available to the department, upon appropriation by the Legislature, to reimburse the department's costs to implement the hazardous waste control laws applicable to metal shredder facilities. This bill would require, on or before July 1, 2025, the department, in consultation with affected local air pollution control and air quality management districts, to develop requirements for facilitywide fence-line air quality monitoring at metal shredding facilities. Those requirements would include, among other things, monitoring light fibrous material, lead, zinc, cadmium, and any other substance required to be monitored by the department, and a requirement that, if the monitoring indicates a potential adverse impact on air quality or public health, the local public health department issue a community notification, as provided. The bill would also require all metal shredding facilities that are subject to the hazardous waste control laws to implement the fence-line air quality monitoring requirements. The bill would require the department to oversee and enforce the implementation of the fence-line air quality monitoring requirements on or before December 31, 2025. The bill would also authorize any regulatory costs incurred by the department in implementing the bill's requirements to be reimbursed from the subaccount in the Hazardous Waste Control Account. (Based on 04/04/2024 text)

Status: AB 2851 was double-referred to the Assembly Environmental Safety and Toxic Materials Committee and the Assembly Natural Resources Committee and passed each committee favorably. The bill has been referred to the Assembly Appropriations Committee – a hearing date has not yet been set.

Board-Approved Position (if any): Support

AB 2958 (Calderon) – State Air Resources Board: board members: compensation.

CapitolTrack Summary: Existing law establishes the State Air Resources Board consisting of 14 members with 12 members appointed by the Governor, with the consent of the Senate. Existing law provides that, of the 12 members appointed by the Governor, 6 of those members are to be from certain air quality management districts or air pollution control districts, as provided. In addition to the 14 members of the state board, existing law provides that 2 Members of the Legislature serve on the state board as ex officio, nonvoting members of the state board. Existing law provides that members appointed as members from the air districts serve on the state board

without compensation. Existing law provides that the elected official members of the state board receive \$100 for each day, or a portion of that amount, but not to exceed \$1,000 in any month, attending meetings of the state board or its committees, or upon authorization of the state board while on official business of the state board (per diem amount). Existing law specifies the annual salary of each member of the state board. This bill would repeal the prohibition on compensation of the members of the state board from air districts and would specify that those members are to receive the annual salary provided to other members of the state board. The bill would repeal the per diem amount provided to elected official members of the state board. (Based on 03/21/2024 text)

Status: AB 2958 was referred to the Assembly Natural Resources Committee and passed the committee favorably. The bill has been referred to the Assembly Appropriations Committee Suspense File – a hearing date has not yet been set.

Board-Approved Position (if any): Support

SB 382 (Becker) – Single-family residential property: disclosures.

CapitolTrack Summary: Current law requires that specified disclosures be made upon any transfer by sale, exchange, real property sales contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential property. This bill would, on or after January 1, 2026, require a seller of a single-family residential property to deliver a specified disclosure statement to the prospective buyer regarding the electrical systems of the property. (Based on 01/04/2024 text)

Status: SB 382 passed out of the Senate favorably. The bill has been referred to the Assembly Judiciary Committee – a hearing date has not yet been set.

Board-Approved Position (if any): Proposed Sponsor/Co-Sponsor

SB 537 (Becker) – Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences.

CapitolTrack Summary: Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows “just cause,” including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of “just cause” to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the

legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction. (Based on 09/05/2023 text)

Status: SB 527 passed the Senate favorably. The bill was referred to the Assembly Local Government Committee and passed the committee favorably. The bill was referred to the Assembly Floor and was subsequently placed on the inactive file where it can be taken up at a later date.

Board-Approved Position (if any): Support

SB 674 (Gonzalez) – Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

CapitolTrack Summary: Current law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, maintain records of that data, and, to the extent feasible, provide to the public the data in a publicly accessible format. This bill would expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be updated or installed on or before January 1, 2028, after a 30-day public comment period, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. (Based on 09/01/2023 text)

Status: SB 674 passed the Senate favorably. The bill was double-referred to the Assembly Natural Resources Committee and the Assembly Judiciary Committee, then referred to the Assembly Appropriations Committee and passed each committee favorably. The bill was referred to the Assembly Floor and was subsequently placed on the inactive file where it can be taken up at a later date.

Board-Approved Position (if any): Support

SB 1031 (Wiener) – San Francisco Bay area: local revenue measure: transportation improvements.

CapitolTrack Summary: Current law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Current law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services. This bill would authorize the commission to raise and allocate new revenue and incur and issue bonds and other indebtedness, as specified. In this regard, the bill would authorize the commission to impose a retail transactions and use tax, a regional payroll tax, a parcel tax, and a regional vehicle registration surcharge in all or a subset of the 9 counties of the San Francisco Bay area, in accordance with applicable constitutional requirements. (Based on 04/16/2024 text)

Status: SB 1031 was double-referred to the Senate Transportation Committee and the Senate Revenue and Taxation Committee. The bill has been referred to the Senate Appropriations Committee – a hearing date has not yet been set.

Board-Approved Position (if any): None

SB 1095 (Becker) – Single-family residential property: disclosures.

CapitolTrack Summary: The Manufactured Housing Act of 1980 (the “act”), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified. This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome. (Based on 04/08/2024 text)

Status: SB 1095 was double-referred to the Senate Housing Committee and the Senate Judiciary Committee and passed each committee favorably. The bill has been referred to the Senate Appropriations Committee Suspense File – a hearing date has not yet been set.

Board-Approved Position (if any): Sponsor

SB 1158 (Archuleta) – Carl Moyer Memorial Air Quality Standards Attainment Program.

CapitolTrack Summary: Current law requires that funds be allocated under the Carl Moyer Memorial Air Quality Standards Attainment Program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the State Air Resources Board. Current law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Current law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, current law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation. This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes. (Based on 04/16/2024 text)

Status: SB 1158 was double-referred to the Senate Environmental Quality Committee and the Senate Transportation Committee. The bill has been referred to the Senate Appropriations Committee and is scheduled to be heard on May 6, 2024.

Board-Approved Position (if any): Support

SB 1193 (Menjivar) – Airports: leaded aviation gasoline.

CapitolTrack Summary: Would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided. The bill would exempt an airport operator or aviation retail establishment from that prohibition if the board of supervisors of the county in which the point of sale occurs has made a final, written determination supported by clear and convincing evidence, after a noticed public hearing, that an unleaded aviation replacement fuel is not commercially available in the county. The bill would authorize an airport operator or aviation retail establishment to make a written request to the board of supervisors of a county to make the above determination, as provided. (Based on 04/11/2024 text)

Status: SB 1193 was referred to the Senate Transportation Committee and passed out of the committee favorably. The bill has been referred to the Assembly Appropriations Committee Suspense File – a hearing date has not yet been set.

Board-Approved Position (if any): Support

SB 1298 (Cortese) – Certification of thermal powerplants: data centers.

CapitolTrack Summary: Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive power to certify all locations on which an electrical transmission line or thermal powerplant is constructed, or is proposed to be constructed, and related electrical transmission lines or thermal powerplants. Existing law authorizes the commission to exempt from certification a thermal powerplant with a generating capacity of up to 100 megawatts, and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications. This bill would additionally authorize the commission to exempt from certification a thermal powerplant with a generating capacity of up to 150 megawatts if it is used solely as a backup generation facility for a data center, it is located on the customer side of the meter and is not interconnected to the distribution system, and the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction and operation of the facility. (Based on 04/22/2024 text)

Status: SB 1298 was referred to the Senate Energy, Utilities, and Communications Committee and passed out of the committee favorably. The bill has been referred to the Senate Appropriations Committee and is scheduled to be heard on May 6, 2024.

Board-Approved Position (if any): Oppose Unless Amended

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. Bills of Interest Matrix - As of May 8, 2024
2. AB 817 (Pacheco) - Bill Text - As Amended on January 17, 2024
3. AB 1465 (Wicks) - Bill Text - As Amended on July 13, 2023
4. AB 1894 (Ta) - Bill Text - As Amended on March 11, 2024
5. AB 2298 (Hart) - Bill Text - As Amended on March 20, 2024
6. AB 2522 (Carrillo, Wendy) - Bill Text - As Introduced on February 13, 2024

7. AB 2760 (Muratsuchi) - Bill Text - As Amended on April 24, 2024
8. AB 2851 (Bonta) - Bill Text - As Amended on April 4, 2024
9. AB 2958 (Calderon) - Bill Text - As Amended on March 21, 2024
10. SB 382 (Becker) - Bill Text - As Amended on January 4, 2024
11. SB 537 (Becker) - Bill Text - As Amended on September 5, 2023
12. SB 674 (Gonzalez) - Bill Text - As Amended on September 1, 2023
13. SB 1031 (Wiener) - Bill Text - As Amended on April 16, 2024
14. SB 1095 (Becker) - Bill Text - As Amended on April 8, 2024
15. SB 1158 (Archuleta) - Bill Text - As Amended on April 16, 2024
16. SB 1193 (Menjivar) - Bill Text - As Amended on April 11, 2024
17. SB 1298 (Cortese) - Bill Text - As Amended on April 22, 2024
18. State Legislative Update Presentation

Bill #	Author	Subject	Last Amended	Last Status - As of 5/8/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 593	Haney	Carbon emission reduction strategy: building sector.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Climate Change
AB 1992	Boerner	Coastal resources: coastal development permits: blue carbon demonstration projects.		04/10/2024 - In committee: Set, first hearing. Referred to suspense file.	04/10/2024 - Assembly APPR. SUSPENSE FILE			Low	Climate Change
AB 2008	Wallis	Reliable Energy Needs for Everyone in the West Program.	3/6/2024	05/02/2024 - Coauthors revised.	03/07/2024 - Assembly U. & E.			Low	Climate Change
AB 2331	Gabriel	Voluntary carbon market disclosures.	3/21/2024	04/25/2024 - Read second time. Ordered to third reading.	04/25/2024 - Assembly THIRD READING			Low	Climate Change
AB 2372	Bains	Greenhouse gas emissions: state board: report.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/26/2024)	04/25/2024 - Assembly DEAD			Low	Climate Change
AB 2569	Connolly	Climate change.		05/02/2024 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was PRINT on 2/14/2024)	05/02/2024 - Assembly DEAD	Intent Bill		Low	Climate Change
AB 2623	Arambula	Carbon dioxide transport.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 3/21/2024)	04/25/2024 - Assembly DEAD			Low	Climate Change
AB 2732	Papan	Grant Information Act of 2018: internet web portal: climate-related grants: childcare sector.	4/16/2024	04/24/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 6. Noes 0.) (April 23). Re-referred to Com. on APPR.	04/23/2024 - Assembly APPR.			Low	Climate Change
AB 2870	Muratsuchi	Low Carbon Fuel Standard regulations: carbon intensity calculation: avoided methane emissions from livestock manure: prohibition.	4/15/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was AGRI. on 4/22/2024)	04/25/2024 - Assembly DEAD			Low	Climate Change
AB 3208	Boerner	Greenhouse gases: methane.		05/02/2024 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was PRINT on 2/16/2024)	05/02/2024 - Assembly DEAD	Spot Bill		Low	Climate Change
AB 3230	Petrie-Norris	Greenhouse gas emissions reduction: state agencies.	3/21/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/21/2024)	04/25/2024 - Assembly DEAD			Low	Climate Change
SB 308	Becker	Carbon Dioxide Removal Market Development Act.	5/18/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 6/8/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Climate Change
SB 422	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.	3/20/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Medium	Climate Change
SB 941	Skinner	California Global Warming Solutions Act of 2006: scoping plan: industrial sources of emissions.	3/18/2024	05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Low	Climate Change
SB 972	Min	Methane emissions: organic waste: landfills.	4/15/2024	05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Low	Climate Change
SB 1036	Limón	Voluntary carbon offsets: business regulation.		04/22/2024 - April 22 hearing: Placed on APPR suspense file.	04/22/2024 - Senate APPR. SUSPENSE FILE			Low	Climate Change
SB 1136	Stern	California Global Warming Solutions Act of 2006: report.		04/09/2024 - Read second time. Ordered to third reading.	04/09/2024 - Senate THIRD READING			Low	Climate Change
SB 1497	Menjivar	Polluters Pay Climate Cost Recovery Act of 2024.	4/25/2024	05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Low	Climate Change
AB 124	Committee on Budget	Energy.	6/26/2023	08/14/2023 - Re-referred to Com. on B. & F.R.	08/14/2023 - Senate BUDGET & F.R.			Low	Energy
AB 1176	Zbur	General plans: Local Electrification Planning Act.	5/26/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/14/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	Energy
AB 1921	Papan	Energy: renewable electrical generation facilities: linear generators.	4/8/2024	04/16/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 10. Noes 0.) (April 15). Re-referred to Com. on APPR.	04/15/2024 - Assembly APPR.			Medium	Energy
AB 2083	Berman	Industrial facilities' heat application equipment and process emissions.	4/29/2024	04/30/2024 - Re-referred to Com. on APPR.	04/24/2024 - Assembly APPR.			Low	Energy
AB 2092	Mathis	Energy: small modular reactors: feasibility study.	3/18/2024	04/10/2024 - In committee: Set, first hearing. Referred to suspense file.	04/10/2024 - Assembly APPR. SUSPENSE FILE			Low	Energy
AB 2204	Bennett	Green hydrogen.	3/21/2024	05/02/2024 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was NAT. RES. on 4/15/2024)	05/02/2024 - Assembly DEAD			Low	Energy
AB 2495	Muratsuchi	Electricity: state policy: joint report.	4/8/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 4/15/2024)	04/25/2024 - Assembly DEAD			Low	Energy
AB 2601	Ramos	Energy Savings Assistance Program: energy-efficient appliances.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 3/4/2024)	04/25/2024 - Assembly DEAD			Low	Energy
AB 2805	Essayli	Electricity: fixed charges: repeal.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 3/4/2024)	04/25/2024 - Assembly DEAD			Low	Energy
AB 2912	Dixon	Energy: retail gasoline pricing.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was U. & E. on 3/11/2024)	04/25/2024 - Assembly DEAD			Low	Energy
AB 3118	Wallis	Solar energy: official state energy.		05/02/2024 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was U. & E. on 3/11/2024)	05/02/2024 - Assembly DEAD			Low	Energy
ACR 175	Essayli	State energy policies: implications for the state.		04/11/2024 - From printer.	04/10/2024 - Assembly PRINT			Low	Energy
SB 438	Caballero	Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program: incidental and unintentional residual oil production.	6/6/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 5/26/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Energy
SB 983	Wahab	Energy: gasoline stations and alternative fuel infrastructure.	3/21/2024	05/06/2024 - May 6 hearing: Placed on APPR suspense file.	05/06/2024 - Senate APPR. SUSPENSE FILE			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 5/8/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 993	Becker	Clean energy development incentive rate tariff.	5/6/2024	05/06/2024 - May 6 hearing: Placed on APPR suspense file. From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.	04/16/2024 - Senate APPR.			Low	Energy
SB 1006	Padilla	Electricity: transmission capacity: reconductoring and grid-enhancing technologies.	4/17/2024	04/29/2024 - April 29 hearing: Placed on APPR suspense file.	04/29/2024 - Senate APPR. SUSPENSE FILE			Low	Energy
SB 1095	Becker	Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.	4/8/2024	04/15/2024 - April 15 hearing: Placed on APPR suspense file.	04/15/2024 - Senate APPR. SUSPENSE FILE		Air District-Sponsored	High	Energy
SB 1148	Blakespear	Electrical service: master meters.	4/4/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was E. U., & C. on 2/21/2024)	04/25/2024 - Senate DEAD			Low	Energy
SB 1420	Caballero	Hydrogen.	4/30/2024	05/03/2024 - Set for hearing May 13.	04/22/2024 - Senate APPR.			Low	Energy
AB 2250	Weber	Social determinants of health: screening and outreach.		05/01/2024 - In committee: Set, first hearing. Referred to suspense file.	05/01/2024 - Assembly APPR. SUSPENSE FILE			Low	Environmental Justice
AB 2851	Bonta	Metal shredding facilities: fence-line air quality monitoring.	4/4/2024	04/23/2024 - From committee: Do pass and re-fer to Com. on APPR. (Ayes 8. Noes 2.) (April 22). Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.	Board Approval 5/1/2024	Support	Medium	Environmental Justice
SB 720	Stern	Aviation: airports: report: emissions: GO-Biz.	7/10/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 7/5/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Environmental Justice
AB 985	Arambula	San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.	7/6/2023	09/13/2023 - Assembly refused to concur in Senate amendments. Motion to reconsider made by Assembly Member Arambula.	09/12/2023 - Assembly RECONSIDERATION			Low	General-Air District
AB 2188	Ta	Vehicles: pollution control devices.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 2/26/2024)	04/25/2024 - Assembly DEAD			Low	General-Air District
AB 2298	Hart	Coastal resources: voluntary vessel speed reduction and sustainable shipping program.	3/20/2024	04/17/2024 - In committee: Set, first hearing. Referred to suspense file.	04/17/2024 - Assembly APPR. SUSPENSE FILE		Air-District Co-Sponsor	High	General-Air District
AB 2522	Carrillo, Wendy	South Coast Air Quality Management District: district board: compensation.		05/01/2024 - Referred to Coms. on E.Q. and L. GOV.	05/01/2024 - Senate E.Q.	Board Approval 4/3/2024	Support	Medium	General-Air District
AB 3136	Reyes	Attorney General: Bureau of Environmental Justice.		05/01/2024 - In committee: Set, first hearing. Referred to suspense file.	05/01/2024 - Assembly APPR. SUSPENSE FILE			Low	General-Air District
SB 336	Umberg	State grant programs: negotiated indirect cost rates.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	General-Air District
SB 674	Gonzalez	Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/14/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR	Board Approval 4/19/2023	Support	Medium	General-Air District
SB 1158	Archuleta	Carl Moyer Memorial Air Quality Standards Attainment Program.	4/16/2024	05/07/2024 - Read second time. Ordered to consent calendar.	05/06/2024 - Senate CONSENT CALENDAR	Board Approval 3/6/2024	Support	Medium	General-Air District
AB 627	Jackson	Drayage trucks: voucher incentive project.	1/22/2024	05/01/2024 - Referred to Coms. on E.Q. and TRANS.	05/01/2024 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 637	Jackson	Zero-emission vehicles: fleet owners: rental vehicles.	9/6/2023	05/01/2024 - Referred to Coms. on E.Q. and TRANS.	05/01/2024 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1122	Bains	Vessels: equipment.	5/1/2024	05/01/2024 - From committee chair, with author's amendments: Amend, and re-fer to committee. Read second time, amended, and re-referred to Com. on RLS.	09/14/2023 - Senate RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1349	Irwin	Electric vehicle charging station networks: data fields.	6/5/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E. U., & C. on 6/13/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1567	Garcia	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.	5/26/2023	06/14/2023 - Referred to Coms. on N.R. & W. and GOV. & F.	06/14/2023 - Senate N.R. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1969	Hart	State Air Resources Board: Clean Off-Road Equipment Voucher Incentive Project: unmanned aerial systems.		04/10/2024 - In committee: Set, first hearing. Referred to suspense file.	04/10/2024 - Assembly APPR. SUSPENSE FILE			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2061	Wilson	Sales and Use Tax: exemptions: zero-emission public transportation ferries.	5/1/2024	05/02/2024 - Re-referred to Com. on APPR.	04/30/2024 - Assembly APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2266	Petrie-Norris	California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: vehicle eligibility.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 2/26/2024)	04/25/2024 - Assembly DEAD			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2401	Ting	Clean Cars 4 All Program.	4/9/2024	04/23/2024 - From committee: Do pass and re-fer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (April 22). Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2418	Patterson, Jim	Vehicular air pollution: heavy-duty trucks.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 2/26/2024)	04/25/2024 - Assembly DEAD			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2480	Garcia	Zero-emission schoolbus replacement grants: private contractors.	4/16/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/4/2024)	04/25/2024 - Assembly DEAD			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 5/8/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 2626	Dixon	Advanced Clean Fleets regulations: local governments.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/4/2024)	04/25/2024 - Assembly DEAD			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2760	Muratsuchi	Lower Emissions Equipment at Seaports and Intermodal Yards Program.	4/24/2024	04/25/2024 - Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2796	Alvarez	Equitable Access to Zero-Emissions Vehicles Fund.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/11/2024)	04/25/2024 - Assembly DEAD			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2815	Petrie-Norris	Clean Transportation Program: electric vehicle charging stations.	4/3/2024	04/23/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 11, Noes 0.) (April 22). Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 3153	Dixon	Emission standards: marine vessels: exemption.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was TRANS. on 3/11/2024)	04/25/2024 - Assembly DEAD			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 3243	Ta	Vehicle registration fees: penalties.	4/3/2024	04/23/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15, Noes 0.) (April 22). Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 301	Portantino	Vehicle air pollution: Zero-Emission Aftermarket Conversion Project.	9/1/2023	04/23/2024 - From inactive file. Ordered to third reading.	04/23/2024 - Assembly THIRD READING			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 638	Eggman	Climate Resiliency and Flood Protection Bond Act of 2024.	6/28/2023	07/06/2023 - July 11 hearing postponed by committee.	06/15/2023 - Assembly W.P. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 867	Allen	Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.	6/22/2023	07/06/2023 - July 10 hearing postponed by committee.	06/20/2023 - Assembly NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1054	Rubio	Climate Pollution Reduction in Homes Initiative: natural gas: customer credit.	4/30/2024	05/03/2024 - Set for hearing May 13.	04/22/2024 - Senate APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1135	Limón	Greenhouse Gas Reduction Fund: income taxes: credit.	4/25/2024	05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1387	Newman	California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: vehicle eligibility.	4/25/2024	05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 817	Pacheco	Open meetings: teleconferencing: subsidiary body.	1/17/2024	05/01/2024 - Referred to Coms. on L. GOV. and JUD.	05/01/2024 - Senate L. GOV.	Board Approval 4/19/2023	Support	Medium	Other
AB 1465	Wicks	Nonvehicular air pollution: civil penalties.	7/13/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/6/2023)(May be acted upon Jan 2024)	09/14/2023 - Senate 2 YEAR		Air District-Sponsored	High	Other
AB 1812	Gabriel	Budget Act of 2024.		01/16/2024 - Referred to Com. on BUDGET.	01/16/2024 - Assembly BUDGET	January Budget Proposal		High	Other
AB 1857	Jackson	State Air Resources Board: air quality regulation: valleys.		04/10/2024 - In committee: Set, first hearing. Referred to suspense file.	04/10/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 1864	Connolly	Pesticides: agricultural use near schoolsites: notification and reporting.	4/1/2024	04/25/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 4, Noes 1.) (April 24). Re-referred to Com. on APPR.	04/25/2024 - Assembly APPR.			Low	Other
AB 1866	Hart	Oil and gas: idle wells.	3/11/2024	04/10/2024 - In committee: Set, first hearing. Referred to suspense file.	04/10/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 1894	Ta	Nonvehicular air pollution: civil penalties.	3/11/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/12/2024)	04/25/2024 - Assembly DEAD	Board Approval 3/6/2024	Oppose	Medium	Other
AB 1922	Davies	California Conservation Corps: Green Collar Certification Program.		04/10/2024 - In committee: Set, first hearing. Referred to suspense file.	04/10/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 1923	Davies	Green Assistance Program.		04/10/2024 - In committee: Set, first hearing. Referred to suspense file.	04/10/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 2037	Papan	Weights and measures: electric vehicle chargers.	3/14/2024	04/29/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 73, Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.	04/29/2024 - Senate RLS.			Low	Other
AB 2153	Lowenthal	California Public Records Act: public agency employees: notice requirements: personnel and medical information.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was JUD. on 2/20/2024)	04/25/2024 - Assembly DEAD			Low	Other
AB 2190	Mathis	California Environmental Quality Act: expedited judicial review: infrastructure projects: hydrogen.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/26/2024)	04/25/2024 - Assembly DEAD			Low	Other
AB 2208	Zbur	California Ports Development and Offshore Wind Infrastructure Bond Act of 2024.	3/21/2024	04/08/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.	03/21/2024 - Assembly NAT. RES.			Low	Other
AB 2302	Addis	Open meetings: local agencies: teleconferences.		04/15/2024 - Read second time. Ordered to third reading.	04/15/2024 - Assembly THIRD READING			Low	Other
AB 2309	Muratsuchi	City attorney: state law: misdemeanor.	4/17/2024	04/25/2024 - Read second time. Ordered to third reading.	04/25/2024 - Assembly THIRD READING			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 5/8/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 2394	Grayson	California Environmental Quality Act.		05/02/2024 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was PRINT on 2/12/2024)	05/02/2024 - Assembly DEAD			Low	Other
AB 2404	Lee	State and local public employees: labor relations: strikes.	3/21/2024	04/23/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 2.) (April 23). Re-referred to Com. on APPR.	04/23/2024 - Assembly APPR.			Low	Other
AB 2432	Gabriel	Corporations: criminal enhancements.	4/10/2024	04/24/2024 - In committee: Set, first hearing. Referred to suspense file.	04/24/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 2439	Quirk-Silva	Public works: prevailing wages: access to records.	4/1/2024	04/18/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (April 17). Re-referred to Com. on APPR.	04/18/2024 - Assembly APPR.			Low	Other
AB 2453	Villapudua	Weights and measures: electric vehicle supply equipment.	4/18/2024	04/24/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (April 23). Re-referred to Com. on APPR.	04/24/2024 - Assembly APPR.			Low	Other
AB 2487	Fong, Mike	Deputy Secretary for Climate.	3/21/2024	05/01/2024 - In committee: Set, first hearing. Referred to suspense file.	05/01/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 2513	Pellerin	Gas stoves and ranges: warning label.	4/17/2024	04/25/2024 - Read second time. Ordered to third reading.	04/25/2024 - Assembly THIRD READING			Low	Other
AB 2561	McKinnor	Local public employees: vacant positions.	3/11/2024	05/01/2024 - In committee: Set, first hearing. Referred to suspense file.	05/01/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 2577	Irwin	Organic waste: reduction regulations.		04/10/2024 - In committee: Set, first hearing. Referred to suspense file.	04/10/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 2658	Bains	Short-lived climate pollutants: organic waste: reduction regulations: exemption.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/4/2024)	04/25/2024 - Assembly DEAD			Low	Other
AB 2715	Boerner	Ralph M. Brown Act: closed sessions.	4/24/2024	05/02/2024 - Read second time. Ordered to third reading.	05/02/2024 - Assembly THIRD READING			Low	Other
AB 2751	Haney	Employer communications during nonworking hours.	3/21/2024	04/18/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 2.) (April 17). Re-referred to Com. on APPR.	04/18/2024 - Assembly APPR.			Low	Other
AB 2781	Irwin	Public contracting: state grants: prohibition.	4/10/2024	04/18/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 21. Noes 0.) (April 17). Re-referred to Com. on APPR.	04/17/2024 - Assembly APPR.			Low	Other
AB 2900	Soria	Small agricultural truck fleet assistance program.	3/21/2024	05/01/2024 - In committee: Set, first hearing. Referred to suspense file.	05/01/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 2902	Wood	Organic waste: reduction regulations: exemptions.	4/10/2024	05/01/2024 - In committee: Set, first hearing. Referred to suspense file.	05/01/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 2937	Wicks	California Environmental Quality Act: streamlined environmental reviews.		05/02/2024 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was PRINT on 2/15/2024)	05/02/2024 - Assembly DEAD	Spot Bill		Low	Other
AB 2940	Muratsuchi	California Environmental Quality Act: environmental leadership development projects: transmission projects.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/18/2024)	04/25/2024 - Assembly DEAD			Low	Other
AB 2958	Calderon	State Air Resources Board: board members: compensation.	3/21/2024	04/17/2024 - In committee: Set, first hearing. Referred to suspense file.	04/17/2024 - Assembly APPR. SUSPENSE FILE	Board Approval 4/3/2024	Support	Medium	Other
AB 3114	Low	California Environmental Quality Act: expedited judicial review: sustainable aviation fuel projects.	3/18/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 3/18/2024)	04/25/2024 - Assembly DEAD			Low	Other
AB 3155	Friedman	Oil and gas wells: health protection zones: civil liability.		05/01/2024 - In committee: Set, first hearing. Referred to suspense file.	05/01/2024 - Assembly APPR. SUSPENSE FILE			Low	Other
AB 3233	Addis	Oil and gas: operations: restrictions: local authority.	3/21/2024	04/24/2024 - In committee: Hearing postponed by committee.	04/22/2024 - Assembly APPR.			Low	Other
SB 312	Wiener	California Environmental Quality Act: university housing development projects: exemption.	1/11/2024	01/25/2024 - Read third time. Passed. (Ayes 34. Noes 1.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	01/25/2024 - Assembly DESK			Low	Other
SB 382	Becker	Single-family residential property: disclosures.	1/4/2024	04/29/2024 - Referred to Com. on JUD.	04/29/2024 - Assembly JUD.	Board Approval 3/6/2024 Proposed Sponsor/Co-Sponsor	Support	Medium	Other
SB 537	Becker	Open meetings: multijurisdictional, cross-county agencies: teleconferences.	9/5/2023	09/14/2023 - Ordered to inactive file on request of Assembly Member Bryan.	09/14/2023 - Assembly INACTIVE FILE	Board Approval 4/19/2023	Support	Medium	Other
SB 917	Skinner	Budget Act of 2024.		01/10/2024 - Introduced. Read first time. Referred to Com. on B. & F.R. To print.	01/10/2024 - Senate BUDGET & F.R.	January Budget Proposal		High	Other
SB 979	Grove	Oil and gas: operations: notices of intention: written response for denied notice.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was N.R. & W. on 2/14/2024)	04/25/2024 - Senate DEAD			Low	Other
SB 1045	Blakespear	Composting facilities: zoning.	4/29/2024	05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Medium	Other
SB 1046	Laird	Organic waste reduction: program environmental impact report: small and medium compostable material handling facilities or operations.	4/9/2024	05/06/2024 - Referred to Com. on NAT. RES.	05/06/2024 - Assembly NAT. RES.			Low	Other
SB 1062	Dahle	Energy: conversion of biomass energy generation facilities.	4/29/2024	05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 5/8/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 1087	Grove	Oil imports: air quality emissions data.	4/30/2024	05/03/2024 - Set for hearing May 13.	04/22/2024 - Senate APPR.	Intent Bill		Low	Other
SB 1193	Menjivar	Airports: leaded aviation gasoline.	4/11/2024	04/29/2024 - April 29 hearing: Placed on APPR suspense file.	04/29/2024 - Senate APPR.	Board Approval 3/6/2024	Support	Medium	Other
SB 1204	Archuleta	Planning and Zoning Law: electric vehicle charging stations.		02/29/2024 - Referred to Com. on RLS.	02/15/2024 - Senate RLS.	Spot Bill		Low	Other
SB 1221	Min	Gas corporations: priority neighborhood decarbonization zones: pilot projects.	4/25/2024	05/03/2024 - Set for hearing May 13.	04/29/2024 - Senate APPR.			Low	Other
SB 1232	Grove	Organic waste: collection requirements: exemption.	3/18/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.Q. on 4/3/2024)	04/25/2024 - Senate DEAD			Low	Other
SB 1298	Cortese	Certification of thermal powerplants: data centers.	4/22/2024	05/06/2024 - May 6 hearing: Placed on APPR suspense file.	05/06/2024 - Senate APPR.	Board Approval 4/3/2024	Oppose unless amended	Medium	Other
SB 1308	Gonzalez	Ozone: indoor air cleaning devices.	3/18/2024	04/23/2024 - Read second time. Ordered to third reading.	04/23/2024 - Senate THIRD READING			Low	Other
SB 1426	Blakespear	Waste reduction: undiverted materials.	4/10/2024	05/02/2024 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was E.Q. on 4/3/2024)	05/02/2024 - Senate DEAD			Low	Other
SB 1505	Stern	Aircraft registration.		04/09/2024 - April 9 set for first hearing canceled at the request of author.	02/29/2024 - Senate TRANS.			Low	Other
SB 1510	Stern	Permitting: electric vehicle charging.		02/29/2024 - Referred to Com. on RLS.	02/16/2024 - Senate RLS.	Intent Bill		Low	Other
SCR 136	Durazo	Equity impact analysis of legislation.		04/15/2024 - Introduced. Referred to Com. on RLS.	04/15/2024 - Senate RLS.			Low	Other
AB 6	Friedman	Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.	3/16/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/14/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	Transportation
AB 99	Connolly	Department of Transportation: state roads and highways: integrated pest management.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Transportation
AB 1774	Dixon	Vehicles: electric bicycles.		05/02/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 73. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.	05/02/2024 - Senate RLS.			Low	Transportation
AB 1778	Connolly	Vehicles: electric bicycles.	4/18/2024	04/29/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 72. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.	04/29/2024 - Senate RLS.			Low	Transportation
AB 1837	Papan	San Francisco Bay area: public transit: Regional Network Management Council.	3/21/2024	04/23/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (April 22). Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.			Low	Transportation
AB 1953	Villapudua	Vehicles: weight limits.		05/01/2024 - Referred to Com. on TRANS.	05/01/2024 - Senate TRANS.			Low	Transportation
AB 2029	Jackson	Electric vehicle charging stations assessment.	4/22/2024	04/23/2024 - Re-referred to Com. on APPR.	04/17/2024 - Assembly APPR.			Low	Transportation
AB 2147	Mathis	Clean Transportation Program: hydrogen-fueling stations: report: job creation and workforce development.	4/1/2024	04/24/2024 - In committee: Set, first hearing. Referred to suspense file.	04/24/2024 - Assembly APPR. SUSPENSE FILE			Low	Transportation
AB 2234	Boerner	Vehicles: electric bicycles.	4/17/2024	04/23/2024 - Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 1.) (April 22). Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.			Low	Transportation
AB 2290	Friedman	Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program.	4/1/2024	04/09/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 4.) (April 8). Re-referred to Com. on APPR.	04/08/2024 - Assembly APPR.			Low	Transportation
AB 2325	Lee	San Francisco Bay Area Rapid Transit District: officers: designation and appointment.		05/02/2024 - Read second time. Ordered to Consent Calendar.	05/01/2024 - Assembly CONSENT CALENDAR			Low	Transportation
AB 2427	McCarty	Electric vehicle charging stations: permitting: curbside charging.	4/2/2024	04/23/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (April 22). Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.			Low	Transportation
AB 2448	Jackson	Electric Vehicle Economic Opportunity Zone: County of Riverside.		05/01/2024 - In committee: Set, first hearing. Referred to suspense file.	05/01/2024 - Assembly APPR. SUSPENSE FILE			Low	Transportation
AB 2535	Bonta	Trade Corridor Enhancement Program.	4/24/2024	04/25/2024 - Re-referred to Com. on APPR.	04/22/2024 - Assembly APPR.			Low	Transportation
AB 2559	Petrie-Norris	Local planning: electric vehicle service equipment: permitting delays.	3/21/2024	04/16/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (April 16). Re-referred to Com. on APPR.	04/16/2024 - Assembly APPR.			Low	Transportation
AB 2678	Wallis	Vehicles: high-occupancy vehicle lanes.	3/18/2024	04/24/2024 - In committee: Set, first hearing. Referred to suspense file.	04/24/2024 - Assembly APPR. SUSPENSE FILE			Low	Transportation
AB 2697	Irwin	Transportation electrification: electric vehicle charging infrastructure.	4/9/2024	04/25/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (April 24). Re-referred to Com. on APPR.	04/24/2024 - Assembly APPR.			Low	Transportation
AB 3219	Sanchez	Advanced Clean Fleets Regulation: local governments.	3/11/2024	05/02/2024 - Failed Deadline pursuant to Rule 61(b)(6). (Last location was TRANS. on 3/11/2024)	05/02/2024 - Assembly DEAD			Low	Transportation
SB 532	Wiener	San Francisco Bay area toll bridges: tolls: transit operating expenses.	6/29/2023	08/23/2023 - August 23 set for first hearing canceled at the request of author.	07/05/2023 - Assembly APPR.			Low	Transportation
SB 768	Caballero	California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.	1/11/2024	04/29/2024 - Referred to Com. on NAT. RES.	04/29/2024 - Assembly NAT. RES.	Board Approval 4/19/2023	Work with Author	Medium	Transportation

Bill #	Author	Subject	Last Amended	Last Status - As of 5/8/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 1031	Wiener	San Francisco Bay area: local revenue measure: transportation improvements.	4/16/2024	05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Medium	Transportation
SB 1393	Niello	Advanced Clean Fleets Regulation Appeals Advisory Committee.		04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.Q. on 2/29/2024)	04/25/2024 - Senate DEAD			Low	Transportation
AB 1951	Fong, Vince	California Environmental Quality Act: exemption: roadside wildfire prevention projects.	3/21/2024	04/25/2024 - Failed Deadline pursuant to Rule 61(b)(5). (Last location was NAT. RES. on 2/12/2024)	04/25/2024 - Assembly DEAD			Low	Wildfire/Smoke/PSPS
SB 310	Dodd	Prescribed fire: civil liability: cultural burns.	6/28/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Wildfire/Smoke/PSPS
SB 945	Alvarado-Gil	The Wildfire Smoke and Health Outcomes Data Act.	3/21/2024	04/29/2024 - April 29 hearing: Placed on APPR suspense file.	04/29/2024 - Senate APPR.			Low	Wildfire/Smoke/PSPS
SB 1176	Niello	Wildfires: workgroup: toxic heavy metals.		05/03/2024 - Set for hearing May 13.	04/24/2024 - Senate APPR.			Low	Wildfire/Smoke/PSPS
Total Active Bills								118	Low: 97 Medium: 16 High: 5

Note: "Dead" bills - highlighted in grey - do not count toward the "Total Active Bills" and will be removed from the next iteration of the bill matrix.

AMENDED IN ASSEMBLY JANUARY 17, 2024

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 817

**Introduced by Assembly Member Pacheco
(Coauthor: Assembly Member Wilson)**

February 13, 2023

An act to add *and repeal* Section 54953.05 ~~to~~ of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 817, as amended, Pacheco. Open meetings: teleconferencing: subsidiary body.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. The act also requires that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

~~Existing law, until January 1, 2024, law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). Existing law imposes different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to specific means by which the public may remotely hear and visually observe the meeting.~~

~~Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body.~~

~~This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency, and would impose requirements for notice, agenda, and public participation, as prescribed. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.~~

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54953.05 is added to the Government
2 Code, to read:
3 54953.05. (a) (1) The definitions in Section 54953, as that
4 section may be amended from time to time, apply for purposes of
5 this section.
6 (2) For purposes of this section, “subsidiary body” means a
7 legislative body that meets all of the following:
8 (A) Is described in subdivision (b) of Section 54952.
9 (B) Serves exclusively in an advisory capacity.
10 (C) Is not authorized to take final action on legislation,
11 regulations, contracts, licenses, permits, or any other entitlements.
12 (b) A subsidiary body may use teleconferencing without
13 complying with paragraph (3) of subdivision (b) of Section 54953,
14 if the subsidiary body complies with all of the following:
15 (1) The teleconferenced meetings shall be conducted in a manner
16 that protects the statutory and constitutional rights of the parties
17 or the public appearing before the subsidiary body.
18 (2) Each member of the subsidiary body shall participate through
19 both audio and visual technology.
20 (3) The subsidiary body shall provide at least one of the
21 following as a means by which the public may remotely hear and
22 visually observe the meeting, and remotely address the subsidiary
23 body:
24 (A) A two-way audiovisual platform.
25 (B) A two-way telephonic service and a live webcasting of the
26 meeting.

1 (4) The subsidiary body shall give notice of the meeting and
2 post agendas as otherwise required by this chapter.

3 (5) In each instance in which notice of the time of the
4 teleconferenced meeting is otherwise given or the agenda for the
5 meeting is otherwise posted, the subsidiary body shall also give
6 notice of the means by which members of the public may access
7 the meeting and offer public comment.

8 (6) The agenda shall identify and include an opportunity for all
9 persons to attend and address the subsidiary body directly pursuant
10 to Section 54954.3 via a call-in option or via an internet-based
11 service option.

12 (7) In the event of a disruption that prevents the subsidiary body
13 from broadcasting the meeting to members of the public using the
14 call-in option or internet-based service option, or in the event of
15 a disruption within the subsidiary body's control that prevents
16 members of the public from offering public comments using the
17 call-in option or internet-based service option, the subsidiary body
18 shall take no further action on items appearing on the meeting
19 agenda until public access to the meeting via the call-in option or
20 internet-based service option is restored. Actions taken on agenda
21 items during a disruption that prevents the subsidiary body from
22 broadcasting the meeting may be challenged pursuant to Section
23 54960.1.

24 (8) Notwithstanding Section 54953.3, an individual desiring to
25 provide public comment through the use of an internet website, or
26 other online platform, not under the control of the subsidiary body,
27 that requires registration to log in to a teleconference may be
28 required to register as required by the third-party internet website
29 or online platform to participate.

30 (9) The subsidiary body shall not require public comments to
31 be submitted in advance of the meeting and must provide an
32 opportunity for the public to address the subsidiary body and offer
33 comment in real time.

34 (A) A subsidiary body that provides a timed public comment
35 period for each agenda item shall not close the public comment
36 period for the agenda item, or the opportunity to register, pursuant
37 to paragraph (8), to provide public comment until that timed public
38 comment period has elapsed.

39 (B) A subsidiary body that does not provide a timed public
40 comment period, but takes public comment separately on each

1 agenda item, shall allow a reasonable amount of time per agenda
2 item to allow public members the opportunity to provide public
3 comment, including time for members of the public to register
4 pursuant to paragraph (8), or otherwise be recognized for the
5 purpose of providing public comment.

6 (C) A subsidiary body that provides a timed general public
7 comment period that does not correspond to a specific agenda item
8 shall not close the public comment period or the opportunity to
9 register, pursuant to paragraph (8), until the timed general public
10 comment period has elapsed.

11 (c) In order to use teleconferencing pursuant to this section, the
12 legislative body that established the subsidiary body by charter,
13 ordinance, resolution, or other formal action shall make the
14 following findings by majority vote before the subsidiary body
15 uses teleconferencing pursuant to this section for the first time,
16 and every 12 months thereafter:

17 (1) The legislative body has considered the circumstances of
18 the subsidiary body.

19 (2) Teleconference meetings of the subsidiary body would
20 enhance public access to meetings of the subsidiary body.

21 (3) Teleconference meetings of the subsidiary body would
22 promote the attraction, retention, and diversity of subsidiary body
23 members.

24 (d) *This section shall remain in effect only until January 1, 2026,*
25 *and as of that date is repealed.*

26 SEC. 2. The Legislature finds and declares that Section 1 of
27 this act, which adds *and repeals* Section 54953.05-~~to~~ of the
28 Government Code, imposes a limitation on the public's right of
29 access to the meetings of public bodies or the writings of public
30 officials and agencies within the meaning of Section 3 of Article
31 I of the California Constitution. Pursuant to that constitutional
32 provision, the Legislature makes the following findings to
33 demonstrate the interest protected by this limitation and the need
34 for protecting that interest:

35 By removing the requirement for agendas to be placed at the
36 location of each public official participating in a public meeting
37 remotely, this act protects the personal, private information of
38 public officials and their families while preserving the public's
39 right to access information concerning the conduct of the people's
40 business.

1 SEC. 3. The Legislature finds and declares that Section 1 of
2 this act, which adds Section 54953.05 to the Government Code,
3 furthers, within the meaning of paragraph (7) of subdivision (b)
4 of Section 3 of Article I of the California Constitution, the purposes
5 of that constitutional section as it relates to the right of public
6 access to the meetings of local public bodies or the writings of
7 local public officials and local agencies. Pursuant to paragraph (7)
8 of subdivision (b) of Section 3 of Article I of the California
9 Constitution, the Legislature makes the following findings:
10 This act is necessary to provide opportunities for public
11 participation in meetings of specified public agencies and to
12 promote the attraction and retention of members of those agencies.

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AMENDED IN SENATE JULY 13, 2023

AMENDED IN SENATE JUNE 21, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Wicks

February 17, 2023

An act to amend Section 42403 of, and to add Section 42402.6 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1465, as amended, Wicks. Nonvehicular air pollution: civil penalties.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Existing law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. Existing law provides that civil penalties for specified violations are to be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

This bill would triple specified civil penalties if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, and the discharge

contains or includes one or more air contaminants, as specified. The bill would define “source” for this purpose. The bill would require, in assessing penalties, that health impacts, community disruptions, and other circumstances related to the violation be considered, as specified. The bill would also require that civil penalties for a violation be assessed and recovered in a civil action brought by the Attorney General, by any district attorney, or by the attorney for any district in which the violation occurs.

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 42402.6 is added to the Health and Safety
2 Code, to read:
3 42402.6. (a) Penalties prescribed pursuant to Sections 42402,
4 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 for violations
5 shall be tripled if both of the following occur:
6 (1) The discharge is from a Title V source.
7 (2) The discharge contains or includes one or more air
8 contaminants, as identified by the state board pursuant to Section
9 ~~39567~~, 39657, and as defined in Section 39013, or as listed in the
10 Table of Standards pursuant to Section 70200 of Title 17 of the
11 California Code of Regulations.
12 (b) For purposes of this section, “source” means an
13 establishment that is located on one or more contiguous or adjacent
14 properties.
15 (c) In assessing penalties, health impacts, community
16 disruptions, and other circumstances related to the violation shall
17 be considered, pursuant to Section 42403.
18 SEC. 2. Section 42403 of the Health and Safety Code is
19 amended to read:
20 42403. (a) The civil penalties prescribed in Sections 39674,
21 42401, 42402, 42402.1, 42402.2, 42402.3, and 42402.6 shall be
22 assessed and recovered in a civil action brought in the name of the
23 people of the State of California by the Attorney General, by any
24 district attorney, or by the attorney for any district in which the
25 violation occurs in any court of competent jurisdiction.

- 1 (b) In determining the amount assessed, the court, or in reaching
2 any settlement, the district, shall take into consideration all relevant
3 circumstances, including, but not limited to, the following:
- 4 (1) The extent of harm caused by the violation.
 - 5 (2) The nature and persistence of the violation.
 - 6 (3) The length of time over which the violation occurs.
 - 7 (4) The frequency of past violations.
 - 8 (5) The record of maintenance.
 - 9 (6) The unproven or innovative nature of the control equipment.
 - 10 (7) Any action taken by the defendant, including the nature,
11 extent, and time of response of the cleanup and construction
12 undertaken, to mitigate the violation.
 - 13 (8) The financial burden to the defendant.

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AMENDED IN ASSEMBLY MARCH 11, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1894

Introduced by Assembly Member Ta

January 23, 2024

An act to add Section 42407.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1894, as amended, Ta. Nonvehicular air pollution: civil penalties.

Existing law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties.

This bill would require a district to provide a ~~person~~ *small business, as defined*, with a period of not less than 30 days to rectify a violation before the ~~person~~ *small business* may be subject to those civil penalties. By increasing the duties of air pollution control districts and air quality management districts, the bill would impose a state-mandated local program.

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

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,~~

reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

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

1 SECTION 1. Section 42407.5 is added to the Health and Safety
2 Code, to read:

3 42407.5. (a) Before a ~~person~~ *small business* may be subject
4 to civil penalties for a violation described in this article, the district
5 shall provide the ~~person~~ *small business* an opportunity to rectify
6 the violation. The period for rectifying a violation shall be not less
7 than 30 days and not more than 60 days, except that a district, in
8 its discretion, may provide more than 60 days.

9 (b) For purposes of this section, “small business” means a
10 business that is all of the following:

- 11 (1) Independently owned and operated.
- 12 (2) Not dominant in its field of operation.
- 13 (3) Has fewer than 100 employees.

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

19 *SEC. 2. No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *a local agency or school district has the authority to levy service*
22 *charges, fees, or assessments sufficient to pay for the program or*
23 *level of service mandated by this act, within the meaning of Section*
24 *17556 of the Government Code.*

O

AMENDED IN ASSEMBLY MARCH 20, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2298

Introduced by Assembly Members Hart, Bennett, and Connolly
(Coauthors: Assembly Members Addis and Davies)
(Coauthor: Senator Blakespear)

February 12, 2024

An act to add Section 35618 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, Hart. Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood.

This bill would require the council, on or before January 1, 2027, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require

the program to expand a certain existing program and would authorize the program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. The bill would limit application of the program to vessels that are 300 gross tons or greater. The bill would require the council, on or before December 31, 2027, 2028, to submit a report to the Legislature regarding the implementation of the program.

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) California’s seaports are North America’s primary intermodal
4 gateway to Asia and Transpacific trade. Maritime industry activities
5 at California’s public seaports are responsible for employing more
6 than 500,000 people in the state. Nationwide, more than 2,000,000
7 jobs are linked to maritime industry business conducted at
8 California’s public seaports, contributing to California having the
9 largest state economy in the United States.

10 (b) Every year, the world’s largest container ships and auto
11 carriers make thousands of transits along the California coast, with
12 an estimated ~~120~~ 185 tons per day of nitrogen ~~dioxides~~, *oxides*, an
13 ozone precursor, being emitted ~~within 100 nautical miles of~~ *along*
14 the coast. These emissions negatively affect the public health of
15 coastal communities and cause some areas of the coast to be in
16 nonattainment with the national ambient air quality standards for
17 ozone and particulate matter.

18 (c) Since 2014, the Santa Barbara County Air Pollution Control
19 District, the Ventura County Air Pollution Control District, and
20 the Bay Area Air Quality Management District, with the federal
21 Office of National Marine Sanctuaries, marine sanctuary
22 foundations, and environmental groups, have administered and
23 promoted the Blue Whales and Blue Skies Program, a voluntary
24 vessel speed reduction program off the Santa Barbara, Ventura,
25 and Bay Area coasts to encourage transit speeds of 10 knots or
26 less to reduce air pollution, the risk of harmful whale strikes, and
27 the level of ocean noise.

1 (d) Since its inception, through ~~2021, 2023~~, the Protecting Blue
2 Whales and Blue Skies Program has provided small incentives
3 and publicity to program participants and has achieved ~~526,211~~
4 *over 1,100,000* slow speed miles, a reduction of more than ~~2,300~~
5 *4,400* tons of nitrogen oxides, a reduction of over ~~76,000~~ *150,000*
6 metric tons of regional greenhouse gas emissions, and an estimated
7 50 percent decreased risk of whale strikes during prime migration
8 season in the affected coastal areas.

9 (e) This highly cost-effective voluntary pollution reduction
10 program benefits public health, protects the marine ecosystem,
11 and showcases the beneficial partnership between shipping
12 companies, public health agencies, marine sanctuaries, and
13 environmental organizations.

14 (f) Creation of a statewide vessel speed reduction program and
15 expansion to other areas of the California coast, including the San
16 Diego and Monterey coasts and the North Coast, would yield
17 additional public health and ecosystem benefits.

18 SEC. 2. Section 35618 is added to the Public Resources Code,
19 to read:

20 35618. (a) On or before January 1, 2027, the council shall, in
21 coordination with air pollution control districts and air quality
22 management districts along the coast and in consultation with the
23 federal Office of National Marine Sanctuaries, the federal
24 Environmental Protection Agency, the United States Navy, the
25 United States Coast Guard, the State Air Resources Board, and
26 maritime industry, implement a statewide voluntary vessel speed
27 reduction and sustainable shipping program for the California coast
28 in order to reduce air pollution, the risk of fatal vessel strikes on
29 whales, and harmful underwater acoustic impacts.

30 (b) The program shall expand the existing Protecting Blue
31 Whales and Blue Skies Program and may include all of the
32 following components developed in a manner that is consistent
33 with how the program components were developed for the
34 Protecting Blue Whales and Blue Skies Program:

35 (1) A marketing program to engage cargo owners and other
36 commercial interests to promote voluntary vessel speed reduction
37 and sustainable shipping, and an acknowledgment of the program's
38 participants.

1 (2) Data collection on ship speeds along the California coast in
2 order to analyze the program for future refinement, expansion, or
3 both.

4 (3) Data collection on underwater acoustic impacts or fatal
5 vessel strikes on whales, to the extent data is available.

6 (4) Data collection on the regional air quality impacts on the
7 coast and impacts to air quality in coastal disadvantaged
8 communities from oceangoing vessel traffic, as collected and
9 provided by the regional air pollution control districts and air
10 quality management districts.

11 (5) Incentives to program participants based on a percentage of
12 distance traveled by a participating vessel at a reduced speed,
13 including speed zones at 10 knots or less, to the extent that local
14 or federal funding is available.

15 (6) Development of vessel speed reduction zones along the coast
16 that take into account navigational safety, protected marine
17 mammal migration and breeding seasons, federal marine
18 sanctuaries and state marine protected areas, shipping lanes, and
19 any other relevant variables.

20 (7) Seasonality of the program.

21 (8) Description of covered vessels.

22 (c) The program shall exclude any ocean territories that are
23 covered by any vessel speed reduction program other than the
24 Protecting Blue Whales and Blue Skies Program or a memorandum
25 of understanding entered into before January 1, ~~2025~~ 2025.

26 (d) The program shall only apply to vessels that are 300 gross
27 tons or greater.

28 (e) The council may impose additional qualifying criteria on
29 program participants in order to receive incentives under the
30 program, including, but not limited to, individual transit speeds,
31 such as maximum speed in transit or maximum transit average
32 speed.

33 (f) (1) On or before December 31, ~~2027~~, 2028, the council shall
34 submit a report to the Legislature regarding the implementation
35 of the program.

36 (2) The report required in paragraph (1) shall be submitted in
37 compliance with Section 9795 of the Government Code.

38 (3) Pursuant to Section 10231.5 of the Government Code, the
39 requirement for submitting a report imposed by paragraph (1) is
40 inoperative on December 31, ~~2031~~, 2032.

1 (g) The program, each component of the program, and actions
2 taken by the council to implement the program are based upon
3 voluntary actions initiated by entities pursuant to this section and
4 are not regulations as defined in Section 11342.600 of the
5 Government Code, and shall not be implemented in a way that
6 conflicts with federal law and regulations.

O

ASSEMBLY BILL

No. 2522

Introduced by Assembly Member Wendy Carrillo

February 13, 2024

An act to amend Section 40426 of the Health and Safety Code, relating to air districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2522, as introduced, Wendy Carrillo. South Coast Air Quality Management District: district board: compensation.

Existing law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Existing law provides that the south coast district is governed by a district board consisting of 13 members and that each member of the board shall receive compensation of \$100 for each day, or portion thereof, but not to exceed \$1,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties.

This bill would provide that each member of the board shall receive compensation of \$200 for each day, or portion thereof, but not to exceed \$2,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties. The bill would provide that the compensation of each member of the board may be increased beyond this amount by the board, as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the board.

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

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

1 SECTION 1. Section 40426 of the Health and Safety Code is
2 amended to read:

3 40426. (a) Each member of the south coast district board shall
4 receive compensation of ~~one~~ *two* hundred dollars ~~(\$100)~~ *(\$200)*
5 for each day, or portion thereof, but not to exceed ~~one~~ *two* thousand
6 dollars ~~(\$1,000)~~ *(\$2,000)* per month, while attending meetings of
7 the south coast district board or any committee thereof or, upon
8 authorization of the south coast district board, while on official
9 business of the south coast district, and the actual and necessary
10 expenses incurred in performing the member’s official duties.

11 (b) *The compensation of each member of the south coast district*
12 *board may be increased beyond the amount provided in this section*
13 *by the south coast district board, but the amount of the increase*
14 *shall not exceed the greater of either of the following:*

15 (1) *An amount equal to 5 percent for each calendar year from*
16 *the operative date of the last adjustment of the compensation.*

17 (2) *Beginning January 1, 2025, an amount not exceeding 10*
18 *percent for each calendar year that is equal to the annual change*
19 *in inflation as determined by the California Consumer Price Index.*

20 SEC. 2. The Legislature finds and declares that a special statute
21 is necessary and that a general statute cannot be made applicable
22 within the meaning of Section 16 of Article IV of the California
23 Constitution because of the need to modernize the decades old
24 nominal compensation structure unique to the south coast district
25 board to ensure board members are adequately compensated for
26 the important public service they perform.

O

AMENDED IN ASSEMBLY APRIL 24, 2024

AMENDED IN ASSEMBLY APRIL 8, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2760

Introduced by Assembly Member Muratsuchi

February 15, 2024

An act to add and repeal Chapter 6 (commencing with Section 39900) of Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2760, as amended, Muratsuchi. Lower Emissions Equipment at Seaports and Intermodal Yards Program.

Existing law, upon the appropriation of funds by the Legislature, requires the State Air Resources Board to allocate funds on a competitive basis for projects that are shown to achieve the greatest emission reductions from each emission source identified, as specified, from activities related to the movement of freight along California's trade corridors, commencing at the state's airports, seaports, and land ports of entry.

This bill would, until January 1, 2032, enact the Lower Emissions Equipment at Seaports and Intermodal Yards Program. The program would be administered by the state board and would require the state board to approve as covered equipment applicable cargo handling equipment that will reduce cumulative emissions at seaports and intermodal yards in the state. The bill would require a covered equipment application to be approved by the state board if the applicant

demonstrates that the total surplus emissions from covered equipment are lower cumulative emissions than the emissions resulting from compliance with the current applicable cargo handling equipment statute, regulation, or rule, as determined by the state board pursuant to the methodology established by the bill, or that the covered equipment meets the standards and definitions for zero emissions set forth under a specified European Union regulation. The bill would require the state board to *establish and certify the useful lifespan of each item of covered equipment, and to certify* cargo handling equipment as covered equipment if the applicant seller, reseller, distributor, or manufacturer of the cargo handling equipment demonstrates to the state board that the equipment satisfies specified criteria. The bill would require the state board to establish an application fee, as specified, and would require the application fees to be deposited in the Air Pollution Control Fund and made available to the state board upon appropriation by the Legislature. The bill would require a covered equipment application to be provided to the state board for approval before December 31, 2025. The bill would require the state board, by January 1, 2027, and January 1, 2031, to evaluate the impact of the program on state and local clean air efforts to meet state and local clean air goals and to hold at least one public workshop before completing the evaluation.

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. Chapter 6 (commencing with Section 39900) is
 2 added to Part 2 of Division 26 of the Health and Safety Code, to
 3 read:

4
 5 CHAPTER 6. LOWER EMISSIONS EQUIPMENT AT SEAPORTS AND
 6 INTERMODAL YARDS PROGRAM

7
 8 39900. The Legislature finds and declares all of the following:

- 9 (a) It is in the best interests of all Californians to find innovative
 10 and cost-effective ways to eliminate the localized impacts from
 11 emissions of toxic air contaminants, including diesel emissions
 12 and other criteria pollutants, as quickly as possible, while it is in
 13 the best interests of all global citizens to reduce the total volume
 14 of greenhouse gas emissions.

1 (b) The state has accelerated emission reductions in many
2 manners that benefit both local and global emission goals, including
3 through regulatory enactments and the use of strategic incentives.

4 (c) The state must maintain its aggressive long-term priority
5 emission reductions goals for reducing greenhouse gases through
6 the implementation of zero-emission technologies while also
7 addressing the priority of reducing the public health and air quality
8 impacts of toxic air contaminants and criteria pollutants during
9 the intervening years leading up to and during the implementation
10 of zero-emission technologies.

11 (d) In those instances where zero-emission technologies are not
12 yet commercially available, required by law, or economically
13 feasible, transitional technologies can provide an effective bridging
14 technology that results in significant reductions in toxic air
15 contaminants and criteria pollutants in the short term until
16 zero-emission technologies are implemented.

17 (e) Impacted California communities benefit from the reduction
18 of toxic air contaminants and criteria pollutants earlier and greater
19 than otherwise required by law.

20 (f) The state benefits from the enactment of programs that
21 encourage regulators and regulated industry to work cooperatively
22 in the creation of programs that successfully result in the utilization
23 and development of innovative new concepts to introduce
24 zero-emission and lower emission equipment into seaport
25 operations in California.

26 (g) It is in the best interests of the people of the State of
27 California to achieve cumulative lower emission reduction
28 outcomes at seaports and intermodal yards by application of
29 innovative concepts in partnership with industry in a manner that
30 protects public health and the environment.

31 39901. The Legislature further finds and declares that all
32 emission reductions generated by this chapter that result in a
33 cumulative reduction in diesel air toxic contaminants contribute
34 to public health by reducing, for the life of the equipment being
35 approved, the total amount of emissions in the state.

36 39902. It is the intent of the Legislature to do all of the
37 following:

38 (a) Facilitate an innovative program that produces early and
39 extra reductions of local criteria and toxic air contaminant

1 emissions and greenhouse gas emissions like an incentive program,
2 but with little to no cost to the state or taxpayers.

3 (b) Maximize near-term local emission reductions of toxic air
4 contaminants and criteria pollutants and to accelerate global
5 reductions of greenhouse gas emissions resulting in reductions
6 that are greater than those that would otherwise occur under current
7 law.

8 (c) Ensure that the cumulative emission reductions from seaport
9 and intermodal yard equipment pursuant to this chapter will result
10 in emissions that are less than the cumulative outcome of acting
11 pursuant to the current and expected regulatory baseline.

12 (d) Provide owners of cargo handling equipment at California
13 seaports and intermodal yards certainty about the useful life of
14 equipment purchased pursuant to programs implemented by the
15 state board pursuant to this chapter to meet required environmental
16 standards.

17 (e) Encourage, in California, the investment in, purchase of,
18 and use of cargo handling equipment that meets the standards and
19 definitions for zero emissions set forth in European Union (EU)
20 Regulation No. 2019/1242.

21 39903. As used in this chapter, the following definitions apply:

22 (a) “Cargo handling equipment” means any off-road,
23 self-propelled vehicle or equipment used at a port or intermodal
24 railyard to lift or move container, bulk, or liquid cargo carried by
25 ship, train, or another vehicle, or used to perform maintenance and
26 repair activities that are routinely scheduled or that are due to
27 predictable process upsets.

28 (1) Cargo handling equipment includes, but is not limited to,
29 rubber-tired gantry cranes, yard trucks, top handlers, side handlers,
30 reach stackers, forklifts, loaders, aerial lifts, excavators, and dozers.
31 Cargo handling equipment does not include any yard truck that is
32 licensed as an on-road vehicle.

33 (2) For purposes of this chapter, cargo handling equipment does
34 not mean any fully automated cargo handling equipment or
35 infrastructure that is used to support fully automated cargo handling
36 equipment, including equipment that is remotely operated and
37 remotely monitored with or without the exercise of human
38 intervention or control. This section does not limit the use of
39 devices that support human-operated cargo handling equipment,

1 including equipment to evaluate the utilization and environmental
2 benefits of that human-operated equipment.

3 (b) (1) “Covered equipment” means any hydrogen-powered
4 cargo handling equipment or off-road hybridized rubber-tired
5 gantry cranes that significantly reduce criteria pollutants, toxic air
6 contaminants, and greenhouse gas emissions.

7 (2) “Covered equipment” includes any of the following:

8 (A) New equipment sold for operation at a seaport or intermodal
9 yard.

10 (B) Retrofit or replacement of old engines powering equipment
11 with new or retrofitted engines, motors, or drives for operation at
12 a seaport or intermodal yard.

13 (C) Development and demonstration of advanced technologies
14 for equipment for operation at a seaport or intermodal yard.

15 (c) “Regulatory baseline” means the state board’s 2022 Cargo
16 Handling Equipment Emission Inventory, and any subsequent
17 updates to the inventory.

18 ~~(e)~~

19 (d) “Repower” means to replace an existing engine with a newer
20 engine or power source.

21 39904. (a) The state board shall approve as covered equipment
22 applicable cargo handling equipment that will reduce cumulative
23 emissions at seaports and intermodal yards in the state.

24 (b) Eligibility for covered equipment approvals shall be
25 determined by the state board in accordance with this chapter.

26 (c) A covered equipment application shall be approved by the
27 state board if the applicant demonstrates either of the following:

28 (1) The total surplus emissions from covered equipment are
29 lower cumulative emissions than the emissions resulting from
30 compliance with the current applicable cargo handling equipment
31 statute, regulation, or rule, as determined by the state board
32 pursuant to the methodology established by this chapter.

33 (2) The covered equipment meets the standards and definitions
34 for zero emissions set forth under European Union (EU) Regulation
35 No. 2019/1242.

36 (d) An application for covered equipment shall not be deemed
37 ineligible for approval solely on the basis that the subsequent
38 purchase or funding for the acquisition of covered equipment may
39 be purchased with the use of any state or federal grant funding,
40 funded or used for credit under any state or federal emissions

1 averaging, banking, or trading program, or used in any other
2 voluntary emission reduction program.

3 (e) An application for covered equipment shall not be deemed
4 ineligible for approval solely on the basis that the subsequent
5 purchase of covered equipment is entered into pursuant to a
6 corporate or a controlling board's policy, plan, tenancy agreement,
7 port lease, or any other contract.

8 (f) Eligible applicants may be any individual, company, or public
9 agency that sells, resells, distributes, or manufactures cargo
10 handling equipment for the purposes of operating at a seaport or
11 intermodal yard in the state.

12 (g) A covered equipment application shall not be approved for
13 the sale, manufacture, distribution, or retrofit of fully automated
14 cargo handling equipment or infrastructure that is used to support
15 fully automated cargo handling equipment.

16 39905. (a) *The state board shall establish and certify the useful*
17 *lifespan of each item of covered equipment.*

18 ~~(a)~~

19 (b) The state board shall certify cargo handling equipment as
20 covered equipment under this chapter if the applicant seller,
21 reseller, distributor, or manufacturer of the cargo handling
22 equipment demonstrates to the state board that the equipment
23 satisfies all of the following:

24 (1) Demonstrates cumulative emission reductions of nitrogen
25 oxides greater than the regulatory baseline over the useful life of
26 the cargo handling equipment identified in an application.

27 (2) Demonstrates cumulative emission reductions of diesel
28 particulate matter greater than the regulatory baseline over the
29 useful life of the cargo handling equipment identified in an
30 application.

31 (3) Demonstrates cumulative emission reductions of greenhouse
32 gases greater than the regulatory baseline over the useful life of
33 the cargo handling equipment identified in an application.

34 (4) Demonstrates immediate emission reductions of nitrogen
35 oxides and diesel particulate matter upon initial use in operations
36 that will be at least 10 percent greater than the regulatory baseline
37 at the time of application.

38 ~~(b)~~

39 (c) The applicant shall provide in an application all of the
40 following:

- 1 (1) A methodology for evaluating cumulative emission
2 reductions of nitrogen oxides emissions.
- 3 (2) A methodology for evaluating cumulative emission
4 reductions of diesel particulate matter.
- 5 (3) A methodology for evaluating cumulative emission
6 reductions of greenhouse gases.
- 7 ~~(4) A methodology for determining the useful life for a piece~~
8 ~~of cargo handling equipment.~~
- 9 ~~(5)~~
- 10 (4) A baseline emissions profile for regulated emission
11 reductions of nitrogen oxides, diesel particulate matter, and
12 greenhouse gases based on the application of both the current
13 applicable statutes, regulations, and rules regarding cargo handling
14 equipment regulation.
- 15 ~~(e)~~
- 16 (d) An application shall be provided to the state board for
17 approval pursuant to this section before December 31, 2025.
- 18 ~~(f)~~
- 19 (e) Applicants shall submit all information required by the state
20 board at the time of submission and upon subsequent request as
21 necessary to process the application.
- 22 ~~(e)~~
- 23 (f) The state board shall establish an application fee in a
24 reasonable amount to cover the administrative costs of processing
25 applications. Application fees collected pursuant to this subdivision
26 shall be deposited in the Air Pollution Control Fund and made
27 available to the state board for those purposes upon appropriation
28 by the Legislature.
- 29 39906. (a) Except for rubber-tired gantry cranes, covered
30 equipment that is purchased before January 1, 2027, shall not be
31 required by any rule or regulation adopted by the state board to be
32 retired, replaced, retrofitted, or repowered until the end of the
33 useful life of the equipment as established by the state board for
34 each piece of equipment certified pursuant to Section 39905.
- 35 (b) The retirement, replacement, retrofit, or repower of covered
36 equipment rubber-tired gantry cranes that are purchased before
37 January 1, 2027, shall not be required by any rule or regulation
38 adopted by the state board until the end of the useful life of the
39 equipment as established by the state board for the equipment

1 certified pursuant to Section 39905 or January 1, 2045, whichever
2 date is earlier.

3 39907. (a) The state board shall, by January 1, 2027, and
4 January 1, 2031, evaluate the impact of the provisions of this
5 chapter on state and local clean air efforts to meet state and local
6 clean air goals.

7 (b) The state board shall hold at least one public workshop prior
8 to the completion of the evaluations required pursuant to
9 subdivision (a).

10 39908. This chapter shall remain in effect only until January
11 1, 2032, and as of that date is repealed.

O

AMENDED IN ASSEMBLY APRIL 4, 2024
AMENDED IN ASSEMBLY MARCH 21, 2024
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2851

Introduced by Assembly Member Bonta

February 15, 2024

An act to add Section 25150.87 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2851, as amended, Bonta. Metal shredding facilities: fence-line *air quality* monitoring.

~~Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.~~

Existing law defines a “fence-line monitoring system,” for purposes of specified laws requiring the monitoring of toxic air contaminants from nonvehicular sources, to mean monitoring equipment that measures and records air pollutant concentrations at or adjacent to a stationary source that may be useful for detecting or estimating emissions of pollutants from the source, including the quantity of fugitive emissions, and in supporting enforcement efforts.

Existing law requires the Department of Toxic Substances Control to adopt, and revise when appropriate, standards and regulations for the

management of hazardous wastes to protect against hazards to the public health, to domestic livestock, to wildlife, or to the environment, including the operation of metal shredding facilities for appliance recycling. *Existing law authorizes the department to collect an annual fee from all metal shredding facilities that are subject to the requirements of the hazardous waste control laws, and to deposit those fees into a subaccount in the Hazardous Waste Control Account. Existing law makes those moneys available to the department, upon appropriation by the Legislature, to reimburse the department's costs to implement the hazardous waste control laws applicable to metal shredder facilities.*

This bill would require, on or before July 1, 2025, the department, in consultation with ~~the state board and~~ affected local air pollution control and air quality management districts, to develop ~~standards requirements~~ for facilitywide fenceline air quality monitoring at metal shredding facilities. ~~The bill would require the standards to require monitoring of specified substances, such as lead and zinc.~~ *facilities. Those requirements would include, among other things, monitoring light fibrous material, lead, zinc, cadmium, and any other substance required to be monitored by the department, and a requirement that, if the monitoring indicates a potential adverse impact on air quality or public health, the local public health department issue a community notification, as provided.* The bill would also require ~~each local public health department to issue a community notification regarding the adverse impacts on air quality and public health as a result of the operation of metal shredding facilities in that jurisdiction, as provided, and to provide a biannual assessment to the local governmental entity for the jurisdiction in which the metal shredding facility is located.~~ *all metal shredding facilities that are subject to the hazardous waste control laws to implement the fenceline air quality monitoring requirements.* The bill would require the department to ~~ensure the successful~~ *oversee and enforce the* implementation of ~~those the~~ fenceline air quality monitoring ~~standards requirements~~ on or before December 31, 2025. *The bill would also authorize any regulatory costs incurred by the department in implementing the bill's requirements to be reimbursed from the subaccount in the Hazardous Waste Control Account.* By imposing new duties on local public health departments, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 25150.87 is added to the Health and
2 Safety Code, to read:

3 25150.87. (a) On or before July 1, 2025, the department, in
4 consultation with ~~the State Air Resources Board~~ and affected local
5 air pollution control and air quality management districts, shall
6 develop ~~standards~~ *requirements* for facilitywide fenceline air
7 quality monitoring at metal shredding facilities, as defined in
8 Section 25150.82, that are subject to this chapter.

9 (b) ~~The standards requirements~~ developed pursuant to
10 subdivision (a) shall ~~do~~ *include, but not be limited to*, all of the
11 following:

12 (1) ~~Require monitoring of the following substances previously~~
13 ~~identified by the department: Monitoring of light fibrous material,~~
14 ~~lead, zinc, cadmium, and nickel. These standards may also require~~
15 ~~the monitoring of additional substances: nickel, and any other~~
16 ~~substance required to be monitored by the department.~~

17 (2) ~~Require each local public health department to issue a~~
18 ~~community notification regarding the adverse impacts on air quality~~
19 ~~and public health as a result of the operation of metal shredding~~
20 ~~facilities in that jurisdiction and assist in identifying the underlying~~
21 ~~causes of the air pollution.~~

22 (3) ~~Require each local public health department to provide a~~
23 ~~biannual assessment to the local governmental entity for the~~
24 ~~jurisdiction in which the metal shredding facility is located.~~

25 (2) *Monitoring at prescribed frequencies of substances*
26 *monitored pursuant to paragraph (1).*

27 (3) *Reporting on the results of the monitoring required pursuant*
28 *to this subdivision to the department, the local air district or local*

1 *air quality management district, and the local public health*
2 *department.*

3 *(4) If the monitoring required pursuant to this subdivision*
4 *indicates a potential adverse impact on air quality or public health,*
5 *requiring the local public health department to issue a community*
6 *notification to the public for the area in which the metal shredding*
7 *facility is located that informs the public that the facility is causing*
8 *the potential adverse impact on air quality or public health.*

9 *(c) All metal shredding facilities subject to this chapter shall*
10 *implement the facilitywide fenceline air quality monitoring*
11 *requirements developed pursuant to this section.*

12 ~~(e)~~
13 *(d) The department shall ~~ensure the successful~~ oversee and*
14 *enforce the implementation of the facilitywide fenceline air quality*
15 *monitoring ~~standards~~ requirements developed pursuant to this*
16 *section on or before December 31, 2025.*

17 *(e) Any regulatory costs incurred by the department in*
18 *implementing this section may be reimbursed by the fee on metal*
19 *shredding facilities imposed pursuant to subdivision (a) of Section*
20 *25150.84.*

21 SEC. 2. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

O

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2958

Introduced by Assembly Member Calderon

February 16, 2024

An act to amend Section 39512.5 of the Health and Safety Code, relating to the State Air Resources Board.

LEGISLATIVE COUNSEL'S DIGEST

AB 2958, as amended, Calderon. State Air Resources Board: board members: compensation.

Existing law establishes the State Air Resources Board consisting of 14 members with 12 members appointed by the Governor, with the consent of the Senate. Existing law provides that, of the 12 members appointed by the Governor, 6 of those members are to be from certain air quality management districts or air pollution control districts, as provided. In addition to the 14 members of the state board, existing law provides that 2 Members of the Legislature serve on the state board as ex officio, nonvoting members of the state board. Existing law provides that members appointed as members from the air districts serve on the state board without compensation. Existing law provides that the elected official members of the state board receive \$100 for each day, or a portion of that amount, but not to exceed \$1,000 in any month, attending meetings of the state board or its committees, or upon authorization of the state board while on official business of the state board (per diem amount). *Existing law specifies the annual salary of each member of the state board.*

This bill would repeal the prohibition on compensation of the members of the state board from air districts and would ~~provide for the per diem~~

~~amount for all members of the state board. specify that those members are to receive the annual salary provided to other members of the state board. The bill would repeal the per diem amount provided to elected official members of the state board.~~

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 39512.5 of the Health and Safety Code
2 is amended to read:

3 39512.5. (a) With respect to the members appointed pursuant
4 to subdivision (d) of Section 39510, those members shall be
5 reimbursed for actual and necessary expenses incurred in the
6 performance of their duties to the extent that reimbursement for
7 expenses is not otherwise provided or payable by another public
8 agency or agencies. ~~Each member of the state board shall receive
9 one hundred dollars (\$100) for each day, or portion of that amount,
10 but not to exceed one thousand dollars (\$1,000) in any month,
11 attending meetings of the state board or committees of the state
12 board, or upon authorization of the state board while on official
13 business of the state board.~~

14 (b) Reimbursements made pursuant to subdivision (a) shall be
15 made as follows:

16 (1) A member appointed from a district that is specifically
17 named in subdivision (d) of Section 39510 shall be reimbursed by
18 the district from which the person qualified for membership.

19 (2) The member appointed as a board member of a district that
20 is not specifically named in subdivision (d) of Section 39510 shall
21 be reimbursed by the state board.

22 (c) *Each member described in subdivision (a) shall receive the*
23 *salary specified in Section 11564 of the Government Code to be*
24 *paid by the state board.*

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AMENDED IN SENATE JANUARY 4, 2024

AMENDED IN SENATE JANUARY 3, 2024

AMENDED IN SENATE APRIL 18, 2023

SENATE BILL

No. 382

Introduced by Senator Becker

February 9, 2023

An act to add Section 1102.6i to the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

SB 382, as amended, Becker. Single-family residential property: disclosures.

Existing law requires that specified disclosures be made upon any transfer by sale, exchange, real property sales contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential property.

This bill would, on or after January 1, 2026, require a seller of a single-family residential property to ~~obtain a safety inspection of the building's electrical systems, as specified, and provide~~ *deliver a specified disclosure notice statement* to the prospective buyer ~~of any issues identified in the inspection that may impact the safety of the building or require the prospective buyer to upgrade or replace~~ *regarding* the electrical systems ~~to comply with building codes or health and safety codes.~~ *of the property.*

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

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

1 SECTION 1. Section 1102.6i is added to the Civil Code, to
2 read:

3 1102.6i. ~~(a)~~ On or after January 1, 2026, in addition to any
4 other disclosure required pursuant to this article, the seller of any
5 real property subject to this article, or the seller's agent, shall ~~do~~
6 ~~both of the following~~: *deliver to the prospective buyer a disclosure*
7 *statement that provides as follows: "In a purchase of real property,*
8 *it may be advisable to obtain an inspection of the electrical*
9 *system(s) of any buildings, including, but not limited to, the main*
10 *service panel, the subpanel(s), and wiring. Substandard, recalled,*
11 *or faulty wiring may cause a fire risk and may make it difficult to*
12 *obtain property insurance. Limited electrical capacity may make*
13 *it difficult to support future electrical additions to the building(s),*
14 *such as solar generation, electric space heating, electric water*
15 *heating, or electric vehicle charging equipment."*

16 ~~(1) Obtain a safety inspection of the building's electrical~~
17 ~~systems, including, but not limited to, all of the following:~~

18 ~~(A) The main service panel.~~

19 ~~(B) Subpanels.~~

20 ~~(C) Wiring.~~

21 ~~(2) Provide a disclosure notice to the prospective buyer of any~~
22 ~~issues identified in the safety inspection that may do either of the~~
23 ~~following:~~

24 ~~(A) Impact the safety of the building.~~

25 ~~(B) Require the buyer to upgrade or replace the electrical~~
26 ~~systems to comply with building codes or health and safety codes.~~

27 ~~(b) The safety inspection shall consider, at minimum, all of the~~
28 ~~following:~~

29 ~~(1) An electrical service panel or subpanel model that has been~~
30 ~~subject to a recall.~~

31 ~~(2) An electrical service panel or subpanel model that is~~
32 ~~considered to be unsafe according to standard industry practice.~~

33 ~~(3) An electrical service panel or subpanel that employs fuses~~
34 ~~instead of circuit breakers.~~

35 ~~(4) An electrical service panel that lacks a single main~~
36 ~~disconnect breaker.~~

37 ~~(5) An electrical service panel or subpanel with significant signs~~
38 ~~of faulty wiring, wear, corrosion, infiltration of moisture, or other~~

- 1 ~~issues that indicate the electrical panel has an elevated risk of~~
- 2 ~~malfunction.~~

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AMENDED IN ASSEMBLY SEPTEMBER 5, 2023

AMENDED IN ASSEMBLY AUGUST 14, 2023

AMENDED IN SENATE APRIL 24, 2023

AMENDED IN SENATE MARCH 22, 2023

SENATE BILL

No. 537

Introduced by Senator Becker

February 14, 2023

An act to amend Section 54953 of, and to add and repeal Section 54953.4 of, the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Becker. Open meetings: multijurisdictional, cross-county agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Existing law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely.

This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance *of the members of the legislative body, the number of community members in attendance in the teleconference meeting*, and the number of public comments on its internet website within ~~7~~ 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction. The bill would require a member who receives compensation for their service, as specified, on the legislative body to participate from a physical location that is open to the public. The bill would require the legislative body to identify in the agenda each member who plans to participate remotely and to include the address of the publicly accessible building from which each member will participate via teleconference. The bill would prohibit a member from participating remotely pursuant to these provisions unless the

remote location is the member’s office or another location in a publicly accessible building and is more than 40 miles from the in-person location of the meeting. The bill would repeal these alternative teleconferencing provisions on January 1, 2026.

This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 557 to be operative only if this bill and AB 557 are enacted and this bill is enacted last.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 54953 of the Government Code, as
- 2 amended by Section 1 of Chapter 285 of the Statutes of 2022, is
- 3 amended to read:
- 4 54953. (a) All meetings of the legislative body of a local
- 5 agency shall be open and public, and all persons shall be permitted
- 6 to attend any meeting of the legislative body of a local agency,
- 7 except as otherwise provided in this chapter.
- 8 (b) (1) Notwithstanding any other provision of law, the
- 9 legislative body of a local agency may use teleconferencing for
- 10 the benefit of the public and the legislative body of a local agency
- 11 in connection with any meeting or proceeding authorized by law.
- 12 The teleconferenced meeting or proceeding shall comply with all
- 13 otherwise applicable requirements of this chapter and all otherwise

1 applicable provisions of law relating to a specific type of meeting
2 or proceeding.

3 (2) Teleconferencing, as authorized by this section, may be used
4 for all purposes in connection with any meeting within the subject
5 matter jurisdiction of the legislative body. If the legislative body
6 of a local agency elects to use teleconferencing, the legislative
7 body of a local agency shall comply with all of the following:

8 (A) All votes taken during a teleconferenced meeting shall be
9 by rollcall.

10 (B) The teleconferenced meetings shall be conducted in a
11 manner that protects the statutory and constitutional rights of the
12 parties or the public appearing before the legislative body of a
13 local agency.

14 (C) The legislative body shall give notice of the meeting and
15 post agendas as otherwise required by this chapter.

16 (D) The legislative body shall allow members of the public to
17 access the meeting and the agenda shall provide an opportunity
18 for members of the public to address the legislative body directly
19 pursuant to Section 54954.3.

20 (3) If the legislative body of a local agency elects to use
21 teleconferencing, it shall post agendas at all teleconference
22 locations. Each teleconference location shall be identified in the
23 notice and agenda of the meeting or proceeding, and each
24 teleconference location shall be accessible to the public. During
25 the teleconference, at least a quorum of the members of the
26 legislative body shall participate from locations within the
27 boundaries of the territory over which the local agency exercises
28 jurisdiction, except as provided in subdivisions (d) and (e).

29 (c) (1) No legislative body shall take action by secret ballot,
30 whether preliminary or final.

31 (2) The legislative body of a local agency shall publicly report
32 any action taken and the vote or abstention on that action of each
33 member present for the action.

34 (3) Prior to taking final action, the legislative body shall orally
35 report a summary of a recommendation for a final action on the
36 salaries, salary schedules, or compensation paid in the form of
37 fringe benefits of a local agency executive, as defined in
38 subdivision (d) of Section 3511.1, during the open meeting in
39 which the final action is to be taken. This paragraph shall not affect
40 the public's right under the California Public Records Act (Division

1 10 (commencing with Section 7920.000) of Title 1) to inspect or
2 copy records created or received in the process of developing the
3 recommendation.

4 (d) (1) Notwithstanding the provisions relating to a quorum in
5 paragraph (3) of subdivision (b), if a health authority conducts a
6 teleconference meeting, members who are outside the jurisdiction
7 of the authority may be counted toward the establishment of a
8 quorum when participating in the teleconference if at least 50
9 percent of the number of members that would establish a quorum
10 are present within the boundaries of the territory over which the
11 authority exercises jurisdiction, and the health authority provides
12 a teleconference number, and associated access codes, if any, that
13 allows any person to call in to participate in the meeting and the
14 number and access codes are identified in the notice and agenda
15 of the meeting.

16 (2) Nothing in this subdivision shall be construed as
17 discouraging health authority members from regularly meeting at
18 a common physical site within the jurisdiction of the authority or
19 from using teleconference locations within or near the jurisdiction
20 of the authority. A teleconference meeting for which a quorum is
21 established pursuant to this subdivision shall be subject to all other
22 requirements of this section.

23 (3) For purposes of this subdivision, a health authority means
24 any entity created pursuant to Sections 14018.7, 14087.31,
25 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
26 and Institutions Code, any joint powers authority created pursuant
27 to Article 1 (commencing with Section 6500) of Chapter 5 of
28 Division 7 for the purpose of contracting pursuant to Section
29 14087.3 of the Welfare and Institutions Code, and any advisory
30 committee to a county-sponsored health plan licensed pursuant to
31 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
32 Health and Safety Code if the advisory committee has 12 or more
33 members.

34 (e) (1) The legislative body of a local agency may use
35 teleconferencing without complying with the requirements of
36 paragraph (3) of subdivision (b) if the legislative body complies
37 with the requirements of paragraph (2) of this subdivision in any
38 of the following circumstances:

1 (A) The legislative body holds a meeting during a proclaimed
2 state of emergency, and state or local officials have imposed or
3 recommended measures to promote social distancing.

4 (B) The legislative body holds a meeting during a proclaimed
5 state of emergency for the purpose of determining, by majority
6 vote, whether as a result of the emergency, meeting in person
7 would present imminent risks to the health or safety of attendees.

8 (C) The legislative body holds a meeting during a proclaimed
9 state of emergency and has determined, by majority vote, pursuant
10 to subparagraph (B), that, as a result of the emergency, meeting
11 in person would present imminent risks to the health or safety of
12 attendees.

13 (2) A legislative body that holds a meeting pursuant to this
14 subdivision shall do all of the following:

15 (A) In each instance in which notice of the time of the
16 teleconferenced meeting is otherwise given or the agenda for the
17 meeting is otherwise posted, the legislative body shall also give
18 notice of the means by which members of the public may access
19 the meeting and offer public comment. The agenda shall identify
20 and include an opportunity for all persons to attend via a call-in
21 option or an internet-based service option.

22 (B) In the event of a disruption that prevents the legislative body
23 from broadcasting the meeting to members of the public using the
24 call-in option or internet-based service option, or in the event of
25 a disruption within the local agency's control that prevents
26 members of the public from offering public comments using the
27 call-in option or internet-based service option, the legislative body
28 shall take no further action on items appearing on the meeting
29 agenda until public access to the meeting via the call-in option or
30 internet-based service option is restored. Actions taken on agenda
31 items during a disruption that prevents the legislative body from
32 broadcasting the meeting may be challenged pursuant to Section
33 54960.1.

34 (C) The legislative body shall not require public comments to
35 be submitted in advance of the meeting and must provide an
36 opportunity for the public to address the legislative body and offer
37 comment in real time.

38 (D) Notwithstanding Section 54953.3, an individual desiring to
39 provide public comment through the use of an internet website, or
40 other online platform, not under the control of the local legislative

1 body, that requires registration to log in to a teleconference may
2 be required to register as required by the third-party internet
3 website or online platform to participate.

4 (E) (i) A legislative body that provides a timed public comment
5 period for each agenda item shall not close the public comment
6 period for the agenda item, or the opportunity to register, pursuant
7 to subparagraph (F), to provide public comment until that timed
8 public comment period has elapsed.

9 (ii) A legislative body that does not provide a timed public
10 comment period, but takes public comment separately on each
11 agenda item, shall allow a reasonable amount of time per agenda
12 item to allow public members the opportunity to provide public
13 comment, including time for members of the public to register
14 pursuant to subparagraph (F), or otherwise be recognized for the
15 purpose of providing public comment.

16 (iii) A legislative body that provides a timed general public
17 comment period that does not correspond to a specific agenda item
18 shall not close the public comment period or the opportunity to
19 register, pursuant to subparagraph (F), until the timed general
20 public comment period has elapsed.

21 (3) If a state of emergency remains active, or state or local
22 officials have imposed or recommended measures to promote
23 social distancing, in order to continue to teleconference without
24 compliance with paragraph (3) of subdivision (b), the legislative
25 body shall, not later than 30 days after teleconferencing for the
26 first time pursuant to subparagraph (A), (B), or (C) of paragraph
27 (1), and every 30 days thereafter, make the following findings by
28 majority vote:

29 (A) The legislative body has reconsidered the circumstances of
30 the state of emergency.

31 (B) Any of the following circumstances exist:

32 (i) The state of emergency continues to directly impact the
33 ability of the members to meet safely in person.

34 (ii) State or local officials continue to impose or recommend
35 measures to promote social distancing.

36 (4) This subdivision shall not be construed to require the
37 legislative body to provide a physical location from which the
38 public may attend or comment.

39 (f) (1) The legislative body of a local agency may use
40 teleconferencing without complying with paragraph (3) of

1 subdivision (b) if, during the teleconference meeting, at least a
2 quorum of the members of the legislative body participates in
3 person from a singular physical location clearly identified on the
4 agenda, which location shall be open to the public and situated
5 within the boundaries of the territory over which the local agency
6 exercises jurisdiction and the legislative body complies with all
7 of the following:

8 (A) The legislative body shall provide at least one of the
9 following as a means by which the public may remotely hear and
10 visually observe the meeting, and remotely address the legislative
11 body:

12 (i) A two-way audiovisual platform.

13 (ii) A two-way telephonic service and a live webcasting of the
14 meeting.

15 (B) In each instance in which notice of the time of the
16 teleconferenced meeting is otherwise given or the agenda for the
17 meeting is otherwise posted, the legislative body shall also give
18 notice of the means by which members of the public may access
19 the meeting and offer public comment.

20 (C) The agenda shall identify and include an opportunity for all
21 persons to attend and address the legislative body directly pursuant
22 to Section 54954.3 via a call-in option, via an internet-based service
23 option, and at the in-person location of the meeting.

24 (D) In the event of a disruption that prevents the legislative body
25 from broadcasting the meeting to members of the public using the
26 call-in option or internet-based service option, or in the event of
27 a disruption within the local agency's control that prevents
28 members of the public from offering public comments using the
29 call-in option or internet-based service option, the legislative body
30 shall take no further action on items appearing on the meeting
31 agenda until public access to the meeting via the call-in option or
32 internet-based service option is restored. Actions taken on agenda
33 items during a disruption that prevents the legislative body from
34 broadcasting the meeting may be challenged pursuant to Section
35 54960.1.

36 (E) The legislative body shall not require public comments to
37 be submitted in advance of the meeting and must provide an
38 opportunity for the public to address the legislative body and offer
39 comment in real time.

1 (F) Notwithstanding Section 54953.3, an individual desiring to
2 provide public comment through the use of an internet website, or
3 other online platform, not under the control of the local legislative
4 body, that requires registration to log in to a teleconference may
5 be required to register as required by the third-party internet
6 website or online platform to participate.

7 (2) A member of the legislative body shall only participate in
8 the meeting remotely pursuant to this subdivision, if all of the
9 following requirements are met:

10 (A) One of the following circumstances applies:

11 (i) The member notifies the legislative body at the earliest
12 opportunity possible, including at the start of a regular meeting,
13 of their need to participate remotely for just cause, including a
14 general description of the circumstances relating to their need to
15 appear remotely at the given meeting. The provisions of this clause
16 shall not be used by any member of the legislative body for more
17 than two meetings per calendar year.

18 (ii) The member requests the legislative body to allow them to
19 participate in the meeting remotely due to emergency circumstances
20 and the legislative body takes action to approve the request. The
21 legislative body shall request a general description of the
22 circumstances relating to their need to appear remotely at the given
23 meeting. A general description of an item generally need not exceed
24 20 words and shall not require the member to disclose any medical
25 diagnosis or disability, or any personal medical information that
26 is already exempt under existing law, such as the Confidentiality
27 of Medical Information Act (Chapter 1 (commencing with Section
28 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
29 of this clause, the following requirements apply:

30 (I) A member shall make a request to participate remotely at a
31 meeting pursuant to this clause as soon as possible. The member
32 shall make a separate request for each meeting in which they seek
33 to participate remotely.

34 (II) The legislative body may take action on a request to
35 participate remotely at the earliest opportunity. If the request does
36 not allow sufficient time to place proposed action on such a request
37 on the posted agenda for the meeting for which the request is made,
38 the legislative body may take action at the beginning of the meeting
39 in accordance with paragraph (4) of subdivision (b) of Section
40 54954.2.

1 (B) The member shall publicly disclose at the meeting before
2 any action is taken, whether any other individuals 18 years of age
3 or older are present in the room at the remote location with the
4 member, and the general nature of the member’s relationship with
5 any such individuals.

6 (C) The member shall participate through both audio and visual
7 technology.

8 (3) The provisions of this subdivision shall not serve as a means
9 for any member of a legislative body to participate in meetings of
10 the legislative body solely by teleconference from a remote location
11 for a period of more than three consecutive months or 20 percent
12 of the regular meetings for the local agency within a calendar year,
13 or more than two meetings if the legislative body regularly meets
14 fewer than 10 times per calendar year.

15 (g) The legislative body shall have and implement a procedure
16 for receiving and swiftly resolving requests for reasonable
17 accommodation for individuals with disabilities, consistent with
18 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
19 Sec. 12132), and resolving any doubt in favor of accessibility. In
20 each instance in which notice of the time of the meeting is
21 otherwise given or the agenda for the meeting is otherwise posted,
22 the legislative body shall also give notice of the procedure for
23 receiving and resolving requests for accommodation.

24 (h) The legislative body shall conduct meetings subject to this
25 chapter consistent with applicable civil rights and
26 nondiscrimination laws.

27 (i) (1) Nothing in this section shall prohibit a legislative body
28 from providing the public with additional teleconference locations.

29 (2) Nothing in this section shall prohibit a legislative body from
30 providing members of the public with additional physical locations
31 in which the public may observe and address the legislative body
32 by electronic means.

33 (j) For the purposes of this section, the following definitions
34 shall apply:

35 (1) “Emergency circumstances” means a physical or family
36 medical emergency that prevents a member from attending in
37 person.

38 (2) “Just cause” means any of the following:

39 (A) A childcare or caregiving need of a child, parent,
40 grandparent, grandchild, sibling, spouse, or domestic partner that

1 requires them to participate remotely. “Child,” “parent,”
2 “grandparent,” “grandchild,” and “sibling” have the same meaning
3 as those terms do in Section 12945.2.

4 (B) A contagious illness that prevents a member from attending
5 in person.

6 (C) A need related to a physical or mental disability as defined
7 in Sections 12926 and 12926.1 not otherwise accommodated by
8 subdivision (g).

9 (D) Travel while on official business of the legislative body or
10 another state or local agency.

11 (E) An immunocompromised child, parent, grandparent,
12 grandchild, sibling, spouse, or domestic partner that requires them
13 to participate remotely.

14 (3) “Remote location” means a location from which a member
15 of a legislative body participates in a meeting pursuant to
16 subdivision (f), other than any physical meeting location designated
17 in the notice of the meeting. Remote locations need not be
18 accessible to the public.

19 (4) “Remote participation” means participation in a meeting by
20 teleconference at a location other than any physical meeting
21 location designated in the notice of the meeting. Watching or
22 listening to a meeting via webcasting or another similar electronic
23 medium that does not permit members to interactively hear,
24 discuss, or deliberate on matters, does not constitute remote
25 participation.

26 (5) “State of emergency” means a state of emergency proclaimed
27 pursuant to Section 8625 of the California Emergency Services
28 Act (Article 1 (commencing with Section 8550) of Chapter 7 of
29 Division 1 of Title 2).

30 (6) “Teleconference” means a meeting of a legislative body,
31 the members of which are in different locations, connected by
32 electronic means, through either audio or video, or both.

33 (7) “Two-way audiovisual platform” means an online platform
34 that provides participants with the ability to participate in a meeting
35 via both an interactive video conference and a two-way telephonic
36 function.

37 (8) “Two-way telephonic service” means a telephone service
38 that does not require internet access, is not provided as part of a
39 two-way audiovisual platform, and allows participants to dial a
40 telephone number to listen and verbally participate.

1 (9) “Webcasting” means a streaming video broadcast online or
2 on television, using streaming media technology to distribute a
3 single content source to many simultaneous listeners and viewers.

4 (k) This section shall remain in effect only until January 1, 2024,
5 and as of that date is repealed.

6 *SEC. 1.5. Section 54953 of the Government Code, as amended*
7 *by Section 1 of Chapter 285 of the Statutes of 2022, is amended*
8 *to read:*

9 54953. (a) All meetings of the legislative body of a local
10 agency shall be open and public, and all persons shall be permitted
11 to attend any meeting of the legislative body of a local agency,
12 except as otherwise provided in this chapter.

13 (b) (1) Notwithstanding any other provision of law, the
14 legislative body of a local agency may use teleconferencing for
15 the benefit of the public and the legislative body of a local agency
16 in connection with any meeting or proceeding authorized by law.
17 The teleconferenced meeting or proceeding shall comply with all
18 otherwise applicable requirements of this chapter and all otherwise
19 applicable provisions of law relating to a specific type of meeting
20 or proceeding.

21 (2) Teleconferencing, as authorized by this section, may be used
22 for all purposes in connection with any meeting within the subject
23 matter jurisdiction of the legislative body. If the legislative body
24 of a local agency elects to use teleconferencing, the legislative
25 body of a local agency shall comply with all of the following:

26 (A) All votes taken during a teleconferenced meeting shall be
27 by rollcall.

28 (B) The teleconferenced meetings shall be conducted in a
29 manner that protects the statutory and constitutional rights of the
30 parties or the public appearing before the legislative body of a
31 local agency.

32 (C) The legislative body shall give notice of the meeting and
33 post agendas as otherwise required by this chapter.

34 (D) The legislative body shall allow members of the public to
35 access the meeting and the agenda shall provide an opportunity
36 for members of the public to address the legislative body directly
37 pursuant to Section 54954.3.

38 (3) If the legislative body of a local agency elects to use
39 teleconferencing, it shall post agendas at all teleconference
40 locations. Each teleconference location shall be identified in the

1 notice and agenda of the meeting or proceeding, and each
2 teleconference location shall be accessible to the public. During
3 the teleconference, at least a quorum of the members of the
4 legislative body shall participate from locations within the
5 boundaries of the territory over which the local agency exercises
6 jurisdiction, except as provided in subdivisions (d) and (e).

7 (c) (1) No legislative body shall take action by secret ballot,
8 whether preliminary or final.

9 (2) The legislative body of a local agency shall publicly report
10 any action taken and the vote or abstention on that action of each
11 member present for the action.

12 (3) Prior to taking final action, the legislative body shall orally
13 report a summary of a recommendation for a final action on the
14 salaries, salary schedules, or compensation paid in the form of
15 fringe benefits of a local agency executive, as defined in
16 subdivision (d) of Section 3511.1, during the open meeting in
17 which the final action is to be taken. This paragraph shall not affect
18 the public's right under the California Public Records Act (Division
19 10 (commencing with Section 7920.000) of Title 1) to inspect or
20 copy records created or received in the process of developing the
21 recommendation.

22 (d) (1) Notwithstanding the provisions relating to a quorum in
23 paragraph (3) of subdivision (b), if a health authority conducts a
24 teleconference meeting, members who are outside the jurisdiction
25 of the authority may be counted toward the establishment of a
26 quorum when participating in the teleconference if at least 50
27 percent of the number of members that would establish a quorum
28 are present within the boundaries of the territory over which the
29 authority exercises jurisdiction, and the health authority provides
30 a teleconference number, and associated access codes, if any, that
31 allows any person to call in to participate in the meeting and the
32 number and access codes are identified in the notice and agenda
33 of the meeting.

34 (2) Nothing in this subdivision shall be construed as
35 discouraging health authority members from regularly meeting at
36 a common physical site within the jurisdiction of the authority or
37 from using teleconference locations within or near the jurisdiction
38 of the authority. A teleconference meeting for which a quorum is
39 established pursuant to this subdivision shall be subject to all other
40 requirements of this section.

1 (3) For purposes of this subdivision, a health authority means
 2 any entity created pursuant to Sections 14018.7, 14087.31,
 3 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
 4 and Institutions Code, any joint powers authority created pursuant
 5 to Article 1 (commencing with Section 6500) of Chapter 5 of
 6 Division 7 for the purpose of contracting pursuant to Section
 7 14087.3 of the Welfare and Institutions Code, and any advisory
 8 committee to a county-sponsored health plan licensed pursuant to
 9 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
 10 Health and Safety Code if the advisory committee has 12 or more
 11 members.

12 (e) (1) The legislative body of a local agency may use
 13 teleconferencing without complying with the requirements of
 14 paragraph (3) of subdivision (b) if the legislative body complies
 15 with the requirements of paragraph (2) of this subdivision in ~~any~~
 16 *either* of the following circumstances:

17 ~~(A) The legislative body holds a meeting during a proclaimed~~
 18 ~~state of emergency, and state or local officials have imposed or~~
 19 ~~recommended measures to promote social distancing.~~

20 ~~(B)~~

21 (A) The legislative body holds a meeting during a proclaimed
 22 state of emergency for the purpose of determining, by majority
 23 vote, whether as a result of the emergency, meeting in person
 24 would present imminent risks to the health or safety of attendees.

25 ~~(C)~~

26 (B) The legislative body holds a meeting during a proclaimed
 27 state of emergency and has determined, by majority vote, pursuant
 28 to subparagraph ~~(B)~~; (A), that, as a result of the emergency, meeting
 29 in person would present imminent risks to the health or safety of
 30 attendees.

31 (2) A legislative body that holds a meeting pursuant to this
 32 subdivision shall do all of the following:

33 (A) In each instance in which notice of the time of the
 34 teleconferenced meeting is otherwise given or the agenda for the
 35 meeting is otherwise posted, the legislative body shall also give
 36 notice of the means by which members of the public may access
 37 the meeting and offer public comment. The agenda shall identify
 38 and include an opportunity for all persons to attend via a call-in
 39 option or an internet-based service option.

1 (B) In the event of a disruption that prevents the legislative body
2 from broadcasting the meeting to members of the public using the
3 call-in option or internet-based service option, or in the event of
4 a disruption within the local agency's control that prevents
5 members of the public from offering public comments using the
6 call-in option or internet-based service option, the legislative body
7 shall take no further action on items appearing on the meeting
8 agenda until public access to the meeting via the call-in option or
9 internet-based service option is restored. Actions taken on agenda
10 items during a disruption that prevents the legislative body from
11 broadcasting the meeting may be challenged pursuant to Section
12 54960.1.

13 (C) The legislative body shall not require public comments to
14 be submitted in advance of the meeting and must provide an
15 opportunity for the public to address the legislative body and offer
16 comment in real time.

17 (D) Notwithstanding Section 54953.3, an individual desiring to
18 provide public comment through the use of an internet website, or
19 other online platform, not under the control of the local legislative
20 body, that requires registration to log in to a teleconference may
21 be required to register as required by the third-party internet
22 website or online platform to participate.

23 (E) (i) A legislative body that provides a timed public comment
24 period for each agenda item shall not close the public comment
25 period for the agenda item, or the opportunity to register, pursuant
26 to subparagraph ~~(F)~~; (D), to provide public comment until that
27 timed public comment period has elapsed.

28 (ii) A legislative body that does not provide a timed public
29 comment period, but takes public comment separately on each
30 agenda item, shall allow a reasonable amount of time per agenda
31 item to allow public members the opportunity to provide public
32 comment, including time for members of the public to register
33 pursuant to subparagraph ~~(F)~~; (D), or otherwise be recognized for
34 the purpose of providing public comment.

35 (iii) A legislative body that provides a timed general public
36 comment period that does not correspond to a specific agenda item
37 shall not close the public comment period or the opportunity to
38 register, pursuant to subparagraph ~~(F)~~; (D), until the timed general
39 public comment period has elapsed.

1 (3) If a state of emergency remains active, ~~or state or local~~
 2 ~~officials have imposed or recommended measures to promote~~
 3 ~~social distancing~~, in order to continue to teleconference without
 4 compliance with paragraph (3) of subdivision (b), the legislative
 5 body shall, not later than ~~30~~ 45 days after teleconferencing for the
 6 first time pursuant to subparagraph ~~(A), (B), or (C)~~ (A) or (B) of
 7 paragraph (1), and every ~~30~~ 45 days thereafter, make the following
 8 findings by majority vote:

9 (A) The legislative body has reconsidered the circumstances of
 10 the state of emergency.

11 ~~(B) Any of the following circumstances exist:~~

12 ~~(i)~~

13 (B) The state of emergency continues to directly impact the
 14 ability of the members to meet safely in person.

15 ~~(ii) State or local officials continue to impose or recommend~~
 16 ~~measures to promote social distancing.~~

17 (4) This subdivision shall not be construed to require the
 18 legislative body to provide a physical location from which the
 19 public may attend or comment.

20 (f) (1) The legislative body of a local agency may use
 21 teleconferencing without complying with paragraph (3) of
 22 subdivision (b) if, during the teleconference meeting, at least a
 23 quorum of the members of the legislative body participates in
 24 person from a singular physical location clearly identified on the
 25 agenda, which location shall be open to the public and situated
 26 within the boundaries of the territory over which the local agency
 27 exercises jurisdiction and the legislative body complies with all
 28 of the following:

29 (A) The legislative body shall provide at least one of the
 30 following as a means by which the public may remotely hear and
 31 visually observe the meeting, and remotely address the legislative
 32 body:

33 (i) A two-way audiovisual platform.

34 (ii) A two-way telephonic service and a live webcasting of the
 35 meeting.

36 (B) In each instance in which notice of the time of the
 37 teleconferenced meeting is otherwise given or the agenda for the
 38 meeting is otherwise posted, the legislative body shall also give
 39 notice of the means by which members of the public may access
 40 the meeting and offer public comment.

1 (C) The agenda shall identify and include an opportunity for all
2 persons to attend and address the legislative body directly pursuant
3 to Section 54954.3 via a call-in option, via an internet-based service
4 option, and at the in-person location of the meeting.

5 (D) In the event of a disruption that prevents the legislative body
6 from broadcasting the meeting to members of the public using the
7 call-in option or internet-based service option, or in the event of
8 a disruption within the local agency's control that prevents
9 members of the public from offering public comments using the
10 call-in option or internet-based service option, the legislative body
11 shall take no further action on items appearing on the meeting
12 agenda until public access to the meeting via the call-in option or
13 internet-based service option is restored. Actions taken on agenda
14 items during a disruption that prevents the legislative body from
15 broadcasting the meeting may be challenged pursuant to Section
16 54960.1.

17 (E) The legislative body shall not require public comments to
18 be submitted in advance of the meeting and must provide an
19 opportunity for the public to address the legislative body and offer
20 comment in real time.

21 (F) Notwithstanding Section 54953.3, an individual desiring to
22 provide public comment through the use of an internet website, or
23 other online platform, not under the control of the local legislative
24 body, that requires registration to log in to a teleconference may
25 be required to register as required by the third-party internet
26 website or online platform to participate.

27 (2) A member of the legislative body shall only participate in
28 the meeting remotely pursuant to this subdivision, if all of the
29 following requirements are met:

30 (A) One of the following circumstances applies:

31 (i) The member notifies the legislative body at the earliest
32 opportunity possible, including at the start of a regular meeting,
33 of their need to participate remotely for just cause, including a
34 general description of the circumstances relating to their need to
35 appear remotely at the given meeting. The provisions of this clause
36 shall not be used by any member of the legislative body for more
37 than two meetings per calendar year.

38 (ii) The member requests the legislative body to allow them to
39 participate in the meeting remotely due to emergency circumstances
40 and the legislative body takes action to approve the request. The

1 legislative body shall request a general description of the
2 circumstances relating to their need to appear remotely at the given
3 meeting. A general description of an item generally need not exceed
4 20 words and shall not require the member to disclose any medical
5 diagnosis or disability, or any personal medical information that
6 is already exempt under existing law, such as the Confidentiality
7 of Medical Information Act (Chapter 1 (commencing with Section
8 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
9 of this clause, the following requirements apply:

10 (I) A member shall make a request to participate remotely at a
11 meeting pursuant to this clause as soon as possible. The member
12 shall make a separate request for each meeting in which they seek
13 to participate remotely.

14 (II) The legislative body may take action on a request to
15 participate remotely at the earliest opportunity. If the request does
16 not allow sufficient time to place proposed action on such a request
17 on the posted agenda for the meeting for which the request is made,
18 the legislative body may take action at the beginning of the meeting
19 in accordance with paragraph (4) of subdivision (b) of Section
20 54954.2.

21 (B) The member shall publicly disclose at the meeting before
22 any action is taken, whether any other individuals 18 years of age
23 or older are present in the room at the remote location with the
24 member, and the general nature of the member's relationship with
25 any such individuals.

26 (C) The member shall participate through both audio and visual
27 technology.

28 (3) The provisions of this subdivision shall not serve as a means
29 for any member of a legislative body to participate in meetings of
30 the legislative body solely by teleconference from a remote location
31 for a period of more than three consecutive months or 20 percent
32 of the regular meetings for the local agency within a calendar year,
33 or more than two meetings if the legislative body regularly meets
34 fewer than 10 times per calendar year.

35 (g) The legislative body shall have and implement a procedure
36 for receiving and swiftly resolving requests for reasonable
37 accommodation for individuals with disabilities, consistent with
38 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
39 Sec. 12132), and resolving any doubt in favor of accessibility. In
40 each instance in which notice of the time of the meeting is

1 otherwise given or the agenda for the meeting is otherwise posted,
2 the legislative body shall also give notice of the procedure for
3 receiving and resolving requests for accommodation.

4 (h) The legislative body shall conduct meetings subject to this
5 chapter consistent with applicable civil rights and
6 nondiscrimination laws.

7 (i) (1) Nothing in this section shall prohibit a legislative body
8 from providing the public with additional teleconference locations.

9 (2) Nothing in this section shall prohibit a legislative body from
10 providing ~~members~~ of the public with additional physical locations
11 in which the public may observe and address the legislative body
12 by electronic means.

13 (j) For the purposes of this section, the following definitions
14 shall apply:

15 (1) “Emergency circumstances” means a physical or family
16 medical emergency that prevents a member from attending in
17 person.

18 (2) “Just cause” means any of the following:

19 (A) A childcare or caregiving need of a child, parent,
20 grandparent, grandchild, sibling, spouse, or domestic partner that
21 requires them to participate remotely. “Child,” “parent,”
22 “grandparent,” “grandchild,” and “sibling” have the same meaning
23 as those terms do in Section 12945.2.

24 (B) A contagious illness that prevents a member from attending
25 in person.

26 (C) A need related to a physical or mental disability as defined
27 in Sections 12926 and 12926.1 not otherwise accommodated by
28 subdivision (g).

29 (D) Travel while on official business of the legislative body or
30 another state or local agency.

31 (E) *An immunocompromised child, parent, grandparent,*
32 *grandchild, sibling, spouse, or domestic partner that requires them*
33 *to participate remotely.*

34 (3) “Remote location” means a location from which a member
35 of a legislative body participates in a meeting pursuant to
36 subdivision (f), other than any physical meeting location designated
37 in the notice of the meeting. Remote locations need not be
38 accessible to the public.

39 (4) “Remote participation” means participation in a meeting by
40 teleconference at a location other than any physical meeting

1 location designated in the notice of the meeting. Watching or
2 listening to a meeting via webcasting or another similar electronic
3 medium that does not permit members to interactively hear,
4 discuss, or deliberate on matters, does not constitute remote
5 participation.

6 (5) “State of emergency” means a state of emergency proclaimed
7 pursuant to Section 8625 of the California Emergency Services
8 Act (Article 1 (commencing with Section 8550) of Chapter 7 of
9 Division 1 of Title 2).

10 (6) “Teleconference” means a meeting of a legislative body,
11 the members of which are in different locations, connected by
12 electronic means, through either audio or video, or both.

13 (7) “Two-way audiovisual platform” means an online platform
14 that provides participants with the ability to participate in a meeting
15 via both an interactive video conference and a two-way telephonic
16 function.

17 (8) “Two-way telephonic service” means a telephone service
18 that does not require internet access, is not provided as part of a
19 two-way audiovisual platform, and allows participants to dial a
20 telephone number to listen and verbally participate.

21 (9) “Webcasting” means a streaming video broadcast online or
22 on television, using streaming media technology to distribute a
23 single content source to many simultaneous listeners and viewers.

24 (k) This section shall remain in effect only until January 1, ~~2024,~~
25 ~~2026,~~ and as of that date is repealed.

26 SEC. 2. Section 54953 of the Government Code, as amended
27 by Section 2 of Chapter 285 of the Statutes of 2022, is amended
28 to read:

29 54953. (a) All meetings of the legislative body of a local
30 agency shall be open and public, and all persons shall be permitted
31 to attend any meeting of the legislative body of a local agency,
32 except as otherwise provided in this chapter.

33 (b) (1) Notwithstanding any other provision of law, the
34 legislative body of a local agency may use teleconferencing for
35 the benefit of the public and the legislative body of a local agency
36 in connection with any meeting or proceeding authorized by law.
37 The teleconferenced meeting or proceeding shall comply with all
38 otherwise applicable requirements of this chapter and all otherwise
39 applicable provisions of law relating to a specific type of meeting
40 or proceeding.

1 (2) Teleconferencing, as authorized by this section, may be used
2 for all purposes in connection with any meeting within the subject
3 matter jurisdiction of the legislative body. If the legislative body
4 of a local agency elects to use teleconferencing, the legislative
5 body of a local agency shall comply with all of the following:

6 (A) All votes taken during a teleconferenced meeting shall be
7 by rollcall.

8 (B) The teleconferenced meetings shall be conducted in a
9 manner that protects the statutory and constitutional rights of the
10 parties or the public appearing before the legislative body of a
11 local agency.

12 (C) The legislative body shall give notice of the meeting and
13 post agendas as otherwise required by this chapter.

14 (D) The legislative body shall allow members of the public to
15 access the meeting and the agenda shall provide an opportunity
16 for members of the public to address the legislative body directly
17 pursuant to Section 54954.3.

18 (3) If the legislative body of a local agency elects to use
19 teleconferencing, it shall post agendas at all teleconference
20 locations. Each teleconference location shall be identified in the
21 notice and agenda of the meeting or proceeding, and each
22 teleconference location shall be accessible to the public. During
23 the teleconference, at least a quorum of the members of the
24 legislative body shall participate from locations within the
25 boundaries of the territory over which the local agency exercises
26 jurisdiction, except as provided in subdivision (d).

27 (c) (1) No legislative body shall take action by secret ballot,
28 whether preliminary or final.

29 (2) The legislative body of a local agency shall publicly report
30 any action taken and the vote or abstention on that action of each
31 member present for the action.

32 (3) Prior to taking final action, the legislative body shall orally
33 report a summary of a recommendation for a final action on the
34 salaries, salary schedules, or compensation paid in the form of
35 fringe benefits of a local agency executive, as defined in
36 subdivision (d) of Section 3511.1, during the open meeting in
37 which the final action is to be taken. This paragraph shall not affect
38 the public's right under the California Public Records Act (Division
39 10 (commencing with Section 7920.000) of Title 1) to inspect or

1 copy records created or received in the process of developing the
2 recommendation.

3 (d) (1) Notwithstanding the provisions relating to a quorum in
4 paragraph (3) of subdivision (b), if a health authority conducts a
5 teleconference meeting, members who are outside the jurisdiction
6 of the authority may be counted toward the establishment of a
7 quorum when participating in the teleconference if at least 50
8 percent of the number of members that would establish a quorum
9 are present within the boundaries of the territory over which the
10 authority exercises jurisdiction, and the health authority provides
11 a teleconference number, and associated access codes, if any, that
12 allows any person to call in to participate in the meeting and the
13 number and access codes are identified in the notice and agenda
14 of the meeting.

15 (2) Nothing in this subdivision shall be construed as
16 discouraging health authority members from regularly meeting at
17 a common physical site within the jurisdiction of the authority or
18 from using teleconference locations within or near the jurisdiction
19 of the authority. A teleconference meeting for which a quorum is
20 established pursuant to this subdivision shall be subject to all other
21 requirements of this section.

22 (3) For purposes of this subdivision, a health authority means
23 any entity created pursuant to Sections 14018.7, 14087.31,
24 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
25 and Institutions Code, any joint powers authority created pursuant
26 to Article 1 (commencing with Section 6500) of Chapter 5 of
27 Division 7 for the purpose of contracting pursuant to Section
28 14087.3 of the Welfare and Institutions Code, and any advisory
29 committee to a county-sponsored health plan licensed pursuant to
30 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
31 Health and Safety Code if the advisory committee has 12 or more
32 members.

33 (e) (1) The legislative body of a local agency may use
34 teleconferencing without complying with paragraph (3) of
35 subdivision (b) if, during the teleconference meeting, at least a
36 quorum of the members of the legislative body participates in
37 person from a singular physical location clearly identified on the
38 agenda, which location shall be open to the public and situated
39 within the boundaries of the territory over which the local agency

1 exercises jurisdiction and the legislative body complies with all
2 of the following:

3 (A) The legislative body shall provide at least one of the
4 following as a means by which the public may remotely hear and
5 visually observe the meeting, and remotely address the legislative
6 body:

7 (i) A two-way audiovisual platform.

8 (ii) A two-way telephonic service and a live webcasting of the
9 meeting.

10 (B) In each instance in which notice of the time of the
11 teleconferenced meeting is otherwise given or the agenda for the
12 meeting is otherwise posted, the legislative body shall also give
13 notice of the means by which members of the public may access
14 the meeting and offer public comment.

15 (C) The agenda shall identify and include an opportunity for all
16 persons to attend and address the legislative body directly pursuant
17 to Section 54954.3 via a call-in option, via an internet-based service
18 option, and at the in-person location of the meeting.

19 (D) In the event of a disruption that prevents the legislative body
20 from broadcasting the meeting to members of the public using the
21 call-in option or internet-based service option, or in the event of
22 a disruption within the local agency's control that prevents
23 members of the public from offering public comments using the
24 call-in option or internet-based service option, the legislative body
25 shall take no further action on items appearing on the meeting
26 agenda until public access to the meeting via the call-in option or
27 internet-based service option is restored. Actions taken on agenda
28 items during a disruption that prevents the legislative body from
29 broadcasting the meeting may be challenged pursuant to Section
30 54960.1.

31 (E) The legislative body shall not require public comments to
32 be submitted in advance of the meeting and must provide an
33 opportunity for the public to address the legislative body and offer
34 comment in real time.

35 (F) Notwithstanding Section 54953.3, an individual desiring to
36 provide public comment through the use of an internet website, or
37 other online platform, not under the control of the local legislative
38 body, that requires registration to log in to a teleconference may
39 be required to register as required by the third-party internet
40 website or online platform to participate.

1 (2) A member of the legislative body shall only participate in
2 the meeting remotely pursuant to this subdivision, if all of the
3 following requirements are met:

4 (A) One of the following circumstances applies:

5 (i) The member notifies the legislative body at the earliest
6 opportunity possible, including at the start of a regular meeting,
7 of their need to participate remotely for just cause, including a
8 general description of the circumstances relating to their need to
9 appear remotely at the given meeting. The provisions of this clause
10 shall not be used by any member of the legislative body for more
11 than two meetings per calendar year.

12 (ii) The member requests the legislative body to allow them to
13 participate in the meeting remotely due to emergency circumstances
14 and the legislative body takes action to approve the request. The
15 legislative body shall request a general description of the
16 circumstances relating to their need to appear remotely at the given
17 meeting. A general description of an item generally need not exceed
18 20 words and shall not require the member to disclose any medical
19 diagnosis or disability, or any personal medical information that
20 is already exempt under existing law, such as the Confidentiality
21 of Medical Information Act (Chapter 1 (commencing with Section
22 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes
23 of this clause, the following requirements apply:

24 (I) A member shall make a request to participate remotely at a
25 meeting pursuant to this clause as soon as possible. The member
26 shall make a separate request for each meeting in which they seek
27 to participate remotely.

28 (II) The legislative body may take action on a request to
29 participate remotely at the earliest opportunity. If the request does
30 not allow sufficient time to place proposed action on such a request
31 on the posted agenda for the meeting for which the request is made,
32 the legislative body may take action at the beginning of the meeting
33 in accordance with paragraph (4) of subdivision (b) of Section
34 54954.2.

35 (B) The member shall publicly disclose at the meeting before
36 any action is taken whether any other individuals 18 years of age
37 or older are present in the room at the remote location with the
38 member, and the general nature of the member's relationship with
39 any such individuals.

1 (C) The member shall participate through both audio and visual
2 technology.

3 (3) The provisions of this subdivision shall not serve as a means
4 for any member of a legislative body to participate in meetings of
5 the legislative body solely by teleconference from a remote location
6 for a period of more than three consecutive months or 20 percent
7 of the regular meetings for the local agency within a calendar year,
8 or more than two meetings if the legislative body regularly meets
9 fewer than 10 times per calendar year.

10 (f) The legislative body shall have and implement a procedure
11 for receiving and swiftly resolving requests for reasonable
12 accommodation for individuals with disabilities, consistent with
13 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
14 Sec. 12132), and resolving any doubt in favor of accessibility. In
15 each instance in which notice of the time of the meeting is
16 otherwise given or the agenda for the meeting is otherwise posted,
17 the legislative body shall also give notice of the procedure for
18 receiving and resolving requests for accommodation.

19 (g) The legislative body shall conduct meetings subject to this
20 chapter consistent with applicable civil rights and
21 nondiscrimination laws.

22 (h) (1) Nothing in this section shall prohibit a legislative body
23 from providing the public with additional teleconference locations.

24 (2) Nothing in this section shall prohibit a legislative body from
25 providing members of the public with additional physical locations
26 in which the public may observe and address the legislative body
27 by electronic means.

28 (i) For the purposes of this section, the following definitions
29 shall apply:

30 (1) “Emergency circumstances” means a physical or family
31 medical emergency that prevents a member from attending in
32 person.

33 (2) “Just cause” means any of the following:

34 (A) A childcare or caregiving need of a child, parent,
35 grandparent, grandchild, sibling, spouse, or domestic partner that
36 requires them to participate remotely. “Child,” “parent,”
37 “grandparent,” “grandchild,” and “sibling” have the same meaning
38 as those terms do in Section 12945.2.

39 (B) A contagious illness that prevents a member from attending
40 in person.

1 (C) A need related to a physical or mental disability as defined
2 in Sections 12926 and 12926.1 not otherwise accommodated by
3 subdivision (f).

4 (D) Travel while on official business of the legislative body or
5 another state or local agency.

6 (E) An immunocompromised child, parent, grandparent,
7 grandchild, sibling, spouse, or domestic partner that requires them
8 to participate remotely.

9 (3) “Remote location” means a location from which a member
10 of a legislative body participates in a meeting pursuant to
11 subdivision (e), other than any physical meeting location designated
12 in the notice of the meeting. Remote locations need not be
13 accessible to the public.

14 (4) “Remote participation” means participation in a meeting by
15 teleconference at a location other than any physical meeting
16 location designated in the notice of the meeting. Watching or
17 listening to a meeting via webcasting or another similar electronic
18 medium that does not permit members to interactively hear,
19 discuss, or deliberate on matters, does not constitute remote
20 participation.

21 (5) “Teleconference” means a meeting of a legislative body,
22 the members of which are in different locations, connected by
23 electronic means, through either audio or video, or both.

24 (6) “Two-way audiovisual platform” means an online platform
25 that provides participants with the ability to participate in a meeting
26 via both an interactive video conference and a two-way telephonic
27 function.

28 (7) “Two-way telephonic service” means a telephone service
29 that does not require internet access, is not provided as part of a
30 two-way audiovisual platform, and allows participants to dial a
31 telephone number to listen and verbally participate.

32 (8) “Webcasting” means a streaming video broadcast online or
33 on television, using streaming media technology to distribute a
34 single content source to many simultaneous listeners and viewers.

35 (j) This section shall become operative January 1, 2024, shall
36 remain in effect only until January 1, 2026, and as of that date is
37 repealed.

38 *SEC. 2.5. Section 54953 of the Government Code, as amended*
39 *by Section 2 of Chapter 285 of the Statutes of 2022, is amended*
40 *to read:*

1 54953. (a) All meetings of the legislative body of a local
2 agency shall be open and public, and all persons shall be permitted
3 to attend any meeting of the legislative body of a local agency,
4 except as otherwise provided in this chapter.

5 (b) (1) Notwithstanding any other provision of law, the
6 legislative body of a local agency may use teleconferencing for
7 the benefit of the public and the legislative body of a local agency
8 in connection with any meeting or proceeding authorized by law.
9 The teleconferenced meeting or proceeding shall comply with all
10 otherwise applicable requirements of this chapter and all otherwise
11 applicable provisions of law relating to a specific type of meeting
12 or proceeding.

13 (2) Teleconferencing, as authorized by this section, may be used
14 for all purposes in connection with any meeting within the subject
15 matter jurisdiction of the legislative body. If the legislative body
16 of a local agency elects to use teleconferencing, the legislative
17 body of a local agency shall comply with all of the following:

18 (A) All votes taken during a teleconferenced meeting shall be
19 by rollcall.

20 (B) The teleconferenced meetings shall be conducted in a
21 manner that protects the statutory and constitutional rights of the
22 parties or the public appearing before the legislative body of a
23 local agency.

24 (C) The legislative body shall give notice of the meeting and
25 post agendas as otherwise required by this chapter.

26 (D) The legislative body shall allow members of the public to
27 access the meeting and the agenda shall provide an opportunity
28 for members of the public to address the legislative body directly
29 pursuant to Section 54954.3.

30 (3) If the legislative body of a local agency elects to use
31 teleconferencing, it shall post agendas at all teleconference
32 locations. Each teleconference location shall be identified in the
33 notice and agenda of the meeting or proceeding, and each
34 teleconference location shall be accessible to the public. During
35 the teleconference, at least a quorum of the members of the
36 legislative body shall participate from locations within the
37 boundaries of the territory over which the local agency exercises
38 jurisdiction, except as provided in ~~subdivision (d)~~: *subdivisions*
39 *(d) and (e)*.

1 (c) (1) No legislative body shall take action by secret ballot,
2 whether preliminary or final.

3 (2) The legislative body of a local agency shall publicly report
4 any action taken and the vote or abstention on that action of each
5 member present for the action.

6 (3) Prior to taking final action, the legislative body shall orally
7 report a summary of a recommendation for a final action on the
8 salaries, salary schedules, or compensation paid in the form of
9 fringe benefits of a local agency executive, as defined in
10 subdivision (d) of Section 3511.1, during the open meeting in
11 which the final action is to be taken. This paragraph shall not affect
12 the public's right under the California Public Records Act (Division
13 10 (commencing with Section 7920.000) of Title 1) to inspect or
14 copy records created or received in the process of developing the
15 recommendation.

16 (d) (1) Notwithstanding the provisions relating to a quorum in
17 paragraph (3) of subdivision (b), if a health authority conducts a
18 teleconference meeting, members who are outside the jurisdiction
19 of the authority may be counted toward the establishment of a
20 quorum when participating in the teleconference if at least 50
21 percent of the number of members that would establish a quorum
22 are present within the boundaries of the territory over which the
23 authority exercises jurisdiction, and the health authority provides
24 a teleconference number, and associated access codes, if any, that
25 allows any person to call in to participate in the meeting and the
26 number and access codes are identified in the notice and agenda
27 of the meeting.

28 (2) Nothing in this subdivision shall be construed as
29 discouraging health authority members from regularly meeting at
30 a common physical site within the jurisdiction of the authority or
31 from using teleconference locations within or near the jurisdiction
32 of the authority. A teleconference meeting for which a quorum is
33 established pursuant to this subdivision shall be subject to all other
34 requirements of this section.

35 (3) For purposes of this subdivision, a health authority means
36 any entity created pursuant to Sections 14018.7, 14087.31,
37 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
38 and Institutions Code, any joint powers authority created pursuant
39 to Article 1 (commencing with Section 6500) of Chapter 5 of
40 Division 7 for the purpose of contracting pursuant to Section

1 14087.3 of the Welfare and Institutions Code, and any advisory
2 committee to a county-sponsored health plan licensed pursuant to
3 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
4 Health and Safety Code if the advisory committee has 12 or more
5 members.

6 (e) (1) The legislative body of a local agency may use
7 teleconferencing without complying with *the requirements of*
8 paragraph (3) of subdivision (b) ~~if, during the teleconference~~
9 ~~meeting, at least a quorum of the members of the legislative body~~
10 ~~participates in person from a singular physical location clearly~~
11 ~~identified on the agenda, which location shall be open to the public~~
12 ~~and situated within the boundaries of the territory over which the~~
13 ~~local agency exercises jurisdiction and the legislative body~~
14 ~~complies with all of the following; if the legislative body complies~~
15 ~~with the requirements of paragraph (2) of this subdivision in either~~
16 ~~of the following circumstances:~~

17 (A) The legislative body ~~shall provide at least one of the~~
18 ~~following as a means by which the public may remotely hear and~~
19 ~~visually observe the meeting, and remotely address the legislative~~
20 ~~body: holds a meeting during a proclaimed state of emergency for~~
21 ~~the purpose of determining, by majority vote, whether as a result~~
22 ~~of the emergency, meeting in person would present imminent risks~~
23 ~~to the health or safety of attendees.~~

24 ~~(i) A two-way audiovisual platform.~~

25 ~~(ii) A two-way telephonic service and a live webcasting of the~~
26 ~~meeting.~~

27 (B) *The legislative body holds a meeting during a proclaimed*
28 *state of emergency and has determined, by majority vote, pursuant*
29 *to subparagraph (A), that, as a result of the emergency, meeting*
30 *in person would present imminent risks to the health or safety of*
31 *attendees.*

32 (2) *A legislative body that holds a meeting pursuant to this*
33 *subdivision shall do all of the following:*

34 ~~(B)~~

35 (A) In each instance in which notice of the time of the
36 teleconferenced meeting is otherwise given or the agenda for the
37 meeting is otherwise posted, the legislative body shall also give
38 notice of the means by which members of the public may access
39 the meeting and offer public comment. *The agenda shall identify*

1 *and include an opportunity for all persons to attend via a call-in*
2 *option or an internet-based service option.*

3 ~~(C) The agenda shall identify and include an opportunity for all~~
4 ~~persons to attend and address the legislative body directly pursuant~~
5 ~~to Section 54954.3 via a call-in option, via an internet-based service~~
6 ~~option, and at the in-person location of the meeting.~~

7 ~~(D)~~

8 (B) In the event of a disruption that prevents the legislative body
9 from broadcasting the meeting to members of the public using the
10 call-in option or internet-based service option, or in the event of
11 a disruption within the local agency’s control that prevents
12 members of the public from offering public comments using the
13 call-in option or internet-based service option, the legislative body
14 shall take no further action on items appearing on the meeting
15 agenda until public access to the meeting via the call-in option or
16 internet-based service option is restored. Actions taken on agenda
17 items during a disruption that prevents the legislative body from
18 broadcasting the meeting may be challenged pursuant to Section
19 54960.1.

20 ~~(E)~~

21 (C) The legislative body shall not require public comments to
22 be submitted in advance of the meeting and must provide an
23 opportunity for the public to address the legislative body and offer
24 comment in real time.

25 ~~(F)~~

26 (D) Notwithstanding Section 54953.3, an individual desiring to
27 provide public comment through the use of an internet website, or
28 other online platform, not under the control of the local legislative
29 body, that requires registration to log in to a teleconference may
30 be required to register as required by the third-party internet
31 website or online platform to participate.

32 ~~(2) A member of the legislative body shall only participate in~~
33 ~~the meeting remotely pursuant to this subdivision, if all of the~~
34 ~~following requirements are met:~~

35 ~~(A) One of the following circumstances applies:~~

36 ~~(i) The member notifies the legislative body at the earliest~~
37 ~~opportunity possible, including at the start of a regular meeting,~~
38 ~~of their need to participate remotely for just cause, including a~~
39 ~~general description of the circumstances relating to their need to~~
40 ~~appear remotely at the given meeting. The provisions of this clause~~

1 shall not be used by any member of the legislative body for more
2 than two meetings per calendar year.

3 (ii) ~~The member requests the legislative body to allow them to~~
4 ~~participate in the meeting remotely due to emergency circumstances~~
5 ~~and the legislative body takes action to approve the request. The~~
6 ~~legislative body shall request a general description of the~~
7 ~~circumstances relating to their need to appear remotely at the given~~
8 ~~meeting. A general description of an item generally need not exceed~~
9 ~~20 words and shall not require the member to disclose any medical~~
10 ~~diagnosis or disability, or any personal medical information that~~
11 ~~is already exempt under existing law, such as the Confidentiality~~
12 ~~of Medical Information Act (Chapter 1 (commencing with Section~~
13 ~~56) of Part 2.6 of Division 1 of the Civil Code). For the purposes~~
14 ~~of this clause, the following requirements apply:~~

15 (I) ~~A member shall make a request to participate remotely at a~~
16 ~~meeting pursuant to this clause as soon as possible. The member~~
17 ~~shall make a separate request for each meeting in which they seek~~
18 ~~to participate remotely.~~

19 (II) ~~The legislative body may take action on a request to~~
20 ~~participate remotely at the earliest opportunity. If the request does~~
21 ~~not allow sufficient time to place proposed action on such a request~~
22 ~~on the posted agenda for the meeting for which the request is made,~~
23 ~~the legislative body may take action at the beginning of the meeting~~
24 ~~in accordance with paragraph (4) of subdivision (b) of Section~~
25 ~~54954.2.~~

26 (B) ~~The member shall publicly disclose at the meeting before~~
27 ~~any action is taken whether any other individuals 18 years of age~~
28 ~~or older are present in the room at the remote location with the~~
29 ~~member, and the general nature of the member's relationship with~~
30 ~~any such individuals.~~

31 (C) ~~The member shall participate through both audio and visual~~
32 ~~technology.~~

33 (3) ~~The provisions of this subdivision shall not serve as a means~~
34 ~~for any member of a legislative body to participate in meetings of~~
35 ~~the legislative body solely by teleconference from a remote location~~
36 ~~for a period of more than three consecutive months or 20 percent~~
37 ~~of the regular meetings for the local agency within a calendar year,~~
38 ~~or more than two meetings if the legislative body regularly meets~~
39 ~~fewer than 10 times per calendar year.~~

1 (E) (i) A legislative body that provides a timed public comment
2 period for each agenda item shall not close the public comment
3 period for the agenda item, or the opportunity to register, pursuant
4 to subparagraph (D), to provide public comment until that timed
5 public comment period has elapsed.

6 (ii) A legislative body that does not provide a timed public
7 comment period, but takes public comment separately on each
8 agenda item, shall allow a reasonable amount of time per agenda
9 item to allow public members the opportunity to provide public
10 comment, including time for members of the public to register
11 pursuant to subparagraph (D), or otherwise be recognized for the
12 purpose of providing public comment.

13 (iii) A legislative body that provides a timed general public
14 comment period that does not correspond to a specific agenda
15 item shall not close the public comment period or the opportunity
16 to register, pursuant to subparagraph (D), until the timed general
17 public comment period has elapsed.

18 (3) If a state of emergency remains active, in order to continue
19 to teleconference without compliance with paragraph (3) of
20 subdivision (b), the legislative body shall, not later than 45 days
21 after teleconferencing for the first time pursuant to subparagraph
22 (A) or (B) of paragraph (1), and every 45 days thereafter, make
23 the following findings by majority vote:

24 (A) The legislative body has reconsidered the circumstances of
25 the state of emergency.

26 (B) The state of emergency continues to directly impact the
27 ability of the members to meet safely in person.

28 (4) This subdivision shall not be construed to require the
29 legislative body to provide a physical location from which the
30 public may attend or comment.

31 (f) The legislative body shall have and implement a procedure
32 for receiving and swiftly resolving requests for reasonable
33 accommodation for individuals with disabilities, consistent with
34 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
35 Sec. 12132), and resolving any doubt in favor of accessibility. In
36 each instance in which notice of the time of the meeting is
37 otherwise given or the agenda for the meeting is otherwise posted,
38 the legislative body shall also give notice of the procedure for
39 receiving and resolving requests for accommodation.

1 (g) The legislative body shall conduct meetings subject to this
2 chapter consistent with applicable civil rights and
3 nondiscrimination laws.

4 (h) (1) Nothing in this section shall prohibit a legislative body
5 from providing the public with additional teleconference locations.

6 (2) Nothing in this section shall prohibit a legislative body from
7 providing ~~members of~~ the public with additional physical locations
8 in which the public may observe and address the legislative body
9 by electronic means.

10 (i) For the purposes of this section, the following definitions
11 shall apply:

12 ~~(1) “Emergency circumstances” means a physical or family~~
13 ~~medical emergency that prevents a member from attending in~~
14 ~~person.~~

15 ~~(2) “Just cause” means any of the following:~~

16 ~~(A) A childcare or caregiving need of a child, parent,~~
17 ~~grandparent, grandchild, sibling, spouse, or domestic partner that~~
18 ~~requires them to participate remotely. “Child,” “parent,”~~
19 ~~“grandparent,” “grandchild,” and “sibling” have the same meaning~~
20 ~~as those terms do in Section 12945.2.~~

21 ~~(B) A contagious illness that prevents a member from attending~~
22 ~~in person.~~

23 ~~(C) A need related to a physical or mental disability as defined~~
24 ~~in Sections 12926 and 12926.1 not otherwise accommodated by~~
25 ~~subdivision (f).~~

26 ~~(D) Travel while on official business of the legislative body or~~
27 ~~another state or local agency.~~

28 ~~(3) “Remote location” means a location from which a member~~
29 ~~of a legislative body participates in a meeting pursuant to~~
30 ~~subdivision (e), other than any physical meeting location designated~~
31 ~~in the notice of the meeting. Remote locations need not be~~
32 ~~accessible to the public.~~

33 ~~(4) “Remote participation” means participation in a meeting by~~
34 ~~teleconference at a location other than any physical meeting~~
35 ~~location designated in the notice of the meeting. Watching or~~
36 ~~listening to a meeting via webcasting or another similar electronic~~
37 ~~medium that does not permit members to interactively hear,~~
38 ~~discuss, or deliberate on matters, does not constitute remote~~
39 ~~participation.~~

1 (1) “State of emergency” means a state of emergency
 2 proclaimed pursuant to Section 8625 of the California Emergency
 3 Services Act (Article 1 (commencing with Section 8550) of Chapter
 4 7 of Division 1 of Title 2).

5 ~~(5)~~

6 (2) “Teleconference” means a meeting of a legislative body,
 7 the members of which are in different locations, connected by
 8 electronic means, through either audio or video, or both.

9 ~~(6) “Two-way audiovisual platform” means an online platform~~
 10 ~~that provides participants with the ability to participate in a meeting~~
 11 ~~via both an interactive video conference and a two-way telephonic~~
 12 ~~function.~~

13 ~~(7) “Two-way telephonic service” means a telephone service~~
 14 ~~that does not require internet access, is not provided as part of a~~
 15 ~~two-way audiovisual platform, and allows participants to dial a~~
 16 ~~telephone number to listen and verbally participate.~~

17 ~~(8) “Webcasting” means a streaming video broadcast online or~~
 18 ~~on television, using streaming media technology to distribute a~~
 19 ~~single content source to many simultaneous listeners and viewers.~~

20 (j) This section shall become operative January 1, 2024, shall
 21 remain in effect only until January 1, 2026, and as of that date is
 22 repealed. 2026.

23 SEC. 3. Section 54953.4 is added to the Government Code, to
 24 read:

25 54953.4. (a) For purposes of this section, the following
 26 definitions apply:

27 (1) “Eligible legislative body” means a board, commission, or
 28 advisory body of a multijurisdictional, cross-county agency, the
 29 membership of which board, commission, or advisory body is
 30 appointed and which board, commission, or advisory body is
 31 otherwise subject to this chapter.

32 (2) “Multijurisdictional” means a legislative body that includes
 33 representatives from more than one county, city, city and county,
 34 special district, or a joint powers entity formed pursuant to Article
 35 1 (commencing with Section 6500) of Chapter 5 of Division 7 of
 36 Title 1.

37 (b) An eligible legislative body may use teleconferencing
 38 without complying with paragraph (3) of subdivision (b) of Section
 39 54953 if the legislative body complies with this section.

1 (c) An eligible legislative body shall not use teleconferencing
2 pursuant to this section unless the eligible legislative body has
3 adopted a resolution that authorizes the eligible legislative body
4 to use teleconferencing at a regular meeting in open session.

5 (d) An eligible legislative body that holds a meeting pursuant
6 to this section shall comply with all of the following:

7 (1) In each notice and posting of the time or agenda of the
8 teleconferenced meeting, the eligible legislative body shall include
9 the means by which members of the public may access the meeting
10 and offer public comment. The agenda shall identify and include
11 an opportunity for all persons to attend via a call-in option or an
12 internet-based service option.

13 (2) In the event of a disruption that prevents the eligible
14 legislative body from broadcasting the meeting to members of the
15 public using the call-in option or internet-based service option, or
16 in the event of a disruption within the eligible legislative body's
17 control that prevents members of the public from offering public
18 comments using the call-in option or internet-based service option,
19 the eligible legislative body shall take no further action on items
20 appearing on the meeting agenda until public access to the meeting
21 via the call-in option or internet-based service option is restored.
22 Actions taken on agenda items during a disruption that prevents
23 the eligible legislative body from broadcasting the meeting may
24 be challenged pursuant to Section 54960.1.

25 (3) The eligible legislative body shall not require public
26 comments to be submitted in advance of the meeting and shall
27 provide an opportunity for the public to address the legislative
28 body and offer comment in real time.

29 (4) (A) If an eligible legislative body provides a timed public
30 comment period for each agenda item, the eligible legislative body
31 shall not close the public comment period for the agenda item, or
32 the opportunity to register, pursuant to subdivision (f), to provide
33 public comment until that timed public comment period has
34 elapsed.

35 (B) If an eligible legislative body does not provide a timed
36 public comment period, but takes public comment separately on
37 each agenda item, the eligible legislative body shall allow a
38 reasonable amount of time per agenda item to allow public
39 members the opportunity to provide public comment, including

1 time for members of the public to register pursuant to subdivision
 2 (f).

3 (C) If an eligible legislative body provides a timed general public
 4 comment period that does not correspond to a specific agenda
 5 item, the eligible legislative body shall not close the public
 6 comment period or the opportunity to register, pursuant to
 7 subdivision (f), until the timed general public comment period has
 8 elapsed.

9 (5) Except as provided in Section 54953.3, an eligible legislative
 10 body, within ~~seven~~ 10 days of holding a teleconference meeting,
 11 shall provide ~~both~~ all of the following on its internet website:

12 (A) A record of attendance of ~~both community members and~~
 13 *the* members of the eligible legislative body.

14 (B) (i) *The number of community members in attendance in the*
 15 *teleconference meeting.*

16 (ii) *The number of community members in attendance at the*
 17 *physical location of the public meeting may be provided in addition*
 18 *to the requirement specified in clause (i).*

19 ~~(B)~~

20 (C) The number of public comments in the meeting.

21 (6) (A) At least a quorum of the members of the eligible
 22 legislative body shall participate from one or more physical
 23 locations that are open to the public and within the boundaries of
 24 the territory over which the local agency exercises jurisdiction.

25 (B) Any member of the eligible legislative body who receives
 26 compensation for their service on the eligible legislative body shall
 27 participate from a physical location that is open to the public. For
 28 purposes of this subparagraph, “compensation” does not include
 29 reimbursement for traveling or other actual and necessary expenses
 30 incurred in connection with participating in person.

31 (C) The eligible legislative body shall identify each member of
 32 the eligible legislative body who plans to participate remotely in
 33 the agenda and shall include the address of the publicly accessible
 34 building from where they will participate via teleconference. The
 35 specific room or location within the publicly accessible building
 36 from which a member participates via teleconference is not required
 37 to be publicly accessible.

38 (7) The eligible legislative body shall provide a physical location
 39 from which the public may attend or comment.

1 (8) The eligible legislative body shall comply with all
2 requirements of Section 54953 except paragraph (3) of subdivision
3 (b) of that section.

4 (e) A member of the eligible legislative body shall not participate
5 in a meeting remotely pursuant to this section unless they meet
6 both of the following requirements:

7 (1) The location from which the member participates is more
8 than 40 miles from the in-person location of the meeting.

9 (2) The member participates from their office or another location
10 in a publicly accessible building.

11 (f) Notwithstanding Section 54953.3, an individual desiring to
12 provide public comment through the use of a third-party internet
13 website or other online platform during a meeting held pursuant
14 to this section may be required to register to log in to the
15 teleconference if both of the following conditions are met:

16 (1) The internet website or online platform requires that
17 registration.

18 (2) The decision to require registration is not under the control
19 of the legislative body.

20 (g) This section shall remain in effect only until January 1, 2026,
21 and as of that date is repealed.

22 SEC. 4. The Legislature finds and declares that Sections 1, 2,
23 and 3 of this act, which amend Section 54953 of, and add Section
24 54953.4 to, the Government Code, impose a limitation on the
25 public's right of access to the meetings of public bodies or the
26 writings of public officials and agencies within the meaning of
27 Section 3 of Article I of the California Constitution. Pursuant to
28 that constitutional provision, the Legislature makes the following
29 findings to demonstrate the interest protected by this limitation
30 and the need for protecting that interest:

31 Permitting remote participation for just cause due to a member's
32 immunocompromised family member, as well as extending the
33 operation of teleconferencing for legislative bodies of
34 multijurisdictional, cross-county agencies with appointed
35 membership, will further increase public participation, increase
36 the pool of people who are able to serve on these bodies, including
37 those that would otherwise have to travel long distances to attend
38 meetings in person, and protect the health and safety of the public.

39 SEC. 5. Sections 1.5 and 2.5 of this bill incorporate
40 amendments to Section 54953 of the Government Code proposed

1 *by both this bill and Assembly Bill 557. Those sections of this bill*
 2 *shall only become operative if (1) both bills are enacted and*
 3 *become effective on or before January 1, 2024, but this bill*
 4 *becomes operative first, (2) each bill amends Section 54953 of the*
 5 *Government Code, and (3) this bill is enacted after Assembly Bill*
 6 *557, in which case Section 54953 of the Government Code, as*
 7 *amended by Sections 1 and 2 of this bill, shall remain operative*
 8 *only until the operative date of Assembly Bill 557, at which time*
 9 *Sections 1.5 and 2.5 of this bill shall become operative.*

10 ~~SEC. 5.~~

11 *SEC. 6.* The Legislature finds and declares that Sections 1, 2,
 12 and 3 of this act, which amend Section 54953 of, and add Section
 13 54953.4 to, the Government Code, further, within the meaning of
 14 paragraph (7) of subdivision (b) of Section 3 of Article I of the
 15 California Constitution, the purposes of that constitutional section
 16 as it relates to the right of public access to the meetings of local
 17 public bodies or the writings of local public officials and local
 18 agencies. Pursuant to paragraph (7) of subdivision (b) of Section
 19 3 of Article I of the California Constitution, the Legislature makes
 20 the following findings:

21 Permitting remote participation for just cause due to a member's
 22 immunocompromised family member, as well as extending the
 23 operation of teleconferencing for legislative bodies of
 24 multijurisdictional, cross-county agencies with appointed
 25 membership, will further increase public participation, increase
 26 the pool of people who are able to serve on these bodies, including
 27 those that would otherwise have to travel long distances to attend
 28 meetings in person, and protect the health and safety of the public.

29 ~~SEC. 6.~~

30 *SEC. 7.* This act is an urgency statute necessary for the
 31 immediate preservation of the public peace, health, or safety within
 32 the meaning of Article IV of the California Constitution and shall
 33 go into immediate effect. The facts constituting the necessity are:

34 Virtual meetings have allowed much easier access to appointed
 35 bodies of local agencies with far more members of the public
 36 participating in each meeting. This has created greater equity in
 37 the process and fostered the health of our democracy. In-person

- 1 meetings may jeopardize the health and safety of vulnerable
- 2 citizens due to ongoing risks of illnesses.

O

AMENDED IN ASSEMBLY SEPTEMBER 1, 2023

AMENDED IN ASSEMBLY JULY 12, 2023

AMENDED IN ASSEMBLY JUNE 19, 2023

AMENDED IN SENATE APRIL 10, 2023

AMENDED IN SENATE APRIL 10, 2023

SENATE BILL

No. 674

Introduced by Senator Gonzalez
(Coauthors: Senators Skinner, Stern, and Wiener)
(Coauthors: Assembly Members Lowenthal and Muratsuchi)

February 16, 2023

An act to amend Section 42705.6 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 674, as amended, Gonzalez. Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

Existing law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Existing law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Existing law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public those *the* data in a publicly accessible format.

This bill would ~~extend the above requirements to~~ *expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities.* ~~feedstock.~~ The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be *updated or* installed on or before January 1, 2026, 2028, after a 30-day public comment period, ~~and would require the refinery-related community air monitoring system to be updated,~~ as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries to notify the air district and the public, as provided, as quickly as possible of any exceedances of ~~the lowest available one-hour average reference exposure levels set by the office or the United States Environmental Protection Agency.~~ *specified pollutant thresholds.* The bill would require the owners or operators of refineries, within 24 hours of a fence-line monitoring system detecting an exceedance of ~~a historical one-hour average concentration of any measured pollutant,~~ *those thresholds,* to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of refineries to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.

Under existing ~~law~~ *law*, a violation of requirements for stationary ~~sources,~~ *sources* or any rule, regulation, permit, or order of the state board or of an air district is a crime.

Because this bill would impose the monitoring systems requirement on owners or operators of refineries engaging in other types of refining

~~processes, as defined,~~ *processes* and would impose additional requirements on owners and operators of refineries, a violation of which would be a crime, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Refinery Air Pollution Transparency and Reduction Act.

3 SEC. 2. Section 42705.6 of the Health and Safety Code is
4 amended to read:

5 42705.6. (a) For purposes of this section, the following
6 definitions apply:

7 (1) ~~“Auxiliary facilities” means any site necessary to support~~
8 ~~refining processes at a refinery, including storage tanks, hydrogen~~
9 ~~plants, sulfuric acid plants, port terminals, and electrical generation~~
10 ~~plants that receive or provide more than 50 percent of their input~~
11 ~~from, or production output to, the refinery. “Auxiliary facilities”~~
12 ~~does not include gas stations.~~

13 (2)

14 (1) “Biofuel” means biodiesel, renewable diesel, and renewable
15 aviation fuel, and other liquid products derived from ~~noncrude oil~~
16 ~~feedstock~~; *alternative feedstock, if the alternative feedstock is*
17 *refined through coprocessing or at a refinery that was converted*
18 *from petroleum to alternative feedstock.*

19 (3)

20 (2) “Fence-line monitoring system” means equipment that
21 measures and records ambient air pollutant concentrations at or
22 adjacent to a refinery and that detects and estimates the quantity
23 of fugitive emissions, gas leaks, and other air emissions from the
24 refinery and that may be useful for estimating associated pollutant
25 exposures and health risks and in determining trends in air pollutant
26 levels over time.

27 (4)

1 (3) “Refinery” means an establishment ~~that is and related~~
2 *facilities, including storage tanks, sulfur recovery plants, port*
3 *terminals, electrical generation plants, and hydrogen plants, that*
4 *are located on one or more contiguous or adjacent properties that*
5 ~~is primarily involved in refining processes and related auxiliary~~
6 ~~facilities. and that produce gasoline, diesel fuel, aviation fuel,~~
7 *biofuel, lubricating oil, asphalt, petrochemical feedstock, or other*
8 *similar products through the processing of crude oil or alternative*
9 *feedstock, redistillation of unfinished petroleum derivates,*
10 *cracking, or other processes.*

11 (5)

12 (4) “Refinery-related community air monitoring system” means
13 equipment that measures and records air pollutant concentrations
14 in the ambient air at or near sensitive receptor locations near a
15 refinery and that may be useful for estimating associated pollutant
16 exposures and health risks and in determining trends in air pollutant
17 levels over time.

18 (6) ~~“Refining processes” means the production, separation,~~
19 ~~conversion, treating, handling, or blending of gasoline, diesel fuel,~~
20 ~~aviation fuel, biofuel, petroleum distillates, lubricating oils,~~
21 ~~petroleum coke, asphalt, or petrochemicals, among other products~~
22 ~~derived from petroleum and alternative feedstock, if the alternative~~
23 ~~feedstock is refined through coprocessing or at a refinery that was~~
24 ~~converted from petroleum to alternative feedstock.~~

25 (7)

26 (5) “Sensitive receptor” has the same meaning as set forth in
27 Section 42705.5.

28 (b) Notwithstanding Section 42708, and on or before January
29 1, ~~2026, 2028~~, a refinery-related community air monitoring system
30 shall, after a 30-day public comment period, be *updated or* installed
31 near each refinery that is consistent with the requirements and
32 guidance applicable to the siting of air quality monitors as
33 established by the United States Environmental Protection Agency,
34 and be updated, as deemed necessary by the state board, within
35 120 days of amendments to the guidance by the United States
36 Environmental Protection Agency, that meets both of the following
37 requirements:

38 (1) A district shall *update an existing refinery-related community*
39 *air monitoring system to implement this section or* design, develop,
40 install, operate, and maintain ~~the a new~~ refinery-related community

1 air monitoring system, which shall be operated and maintained in
2 accordance with guidance from the appropriate district. A district
3 may contract with a third party to implement this paragraph.

4 (2) The refinery-related community air monitoring system shall
5 include equipment capable of measuring compounds emitted to
6 the atmosphere from refinery processes, meteorological parameters,
7 and digital components capable of enabling real-time access to air
8 pollution and meteorological measurements via an internet website
9 and application programming interface, as determined by the
10 appropriate district.

11 (c) On or before January 1, ~~2026~~, 2028, the owner or operator
12 of a refinery shall, after a 30-day public comment period and
13 approval by the appropriate district, *update an existing fence-line*
14 *monitoring system to implement this section or* develop, install,
15 operate, and maintain a *new* fence-line monitoring system in
16 accordance with guidance developed by the appropriate district.
17 The fence-line monitoring system shall cover the entire perimeter
18 of the refinery, unless it is infeasible based on substantial evidence.
19 *The fence-line monitoring system shall cover all facilities at the*
20 *refinery, including related facilities as described in paragraph (3)*
21 *of subdivision (a).* The fence-line monitoring system shall include
22 equipment capable of measuring compounds emitted to the
23 atmosphere from refinery processes, meteorological parameters,
24 and digital components capable of enabling real-time access to air
25 pollution and meteorological measurements via an internet website
26 and application programming interface.

27 (d) (1) The appropriate district shall establish pollutants for
28 monitoring at refinery-related community air monitoring systems
29 and refinery fence-line monitoring systems and shall include
30 pollutants identified by the Office of Environmental Health Hazard
31 Assessment, including, but not limited to, the following pollutants
32 identified in the office's March 2019 Analysis of Refinery
33 Chemical Emissions and Health Effects as candidates for air
34 monitoring at a refinery:

- 35 (A) Acetaldehyde.
- 36 (B) Ammonia.
- 37 (C) Benzene.
- 38 (D) 1,3-butadiene.
- 39 (E) Cadmium.
- 40 (F) Diethanolamine.

- 1 (G) Formaldehyde.
- 2 (H) Hydrogen fluoride.
- 3 (I) Hydrogen sulfide.
- 4 (J) Manganese.
- 5 (K) Naphthalene.
- 6 (L) Nickel.
- 7 (M) Oxides of nitrogen.
- 8 (N) Polycyclic aromatic hydrocarbons.
- 9 (O) Particulate matter.
- 10 (P) Sulfur dioxide.
- 11 (Q) Sulfuric acid.
- 12 (R) Toluene.
- 13 (2) A district may exclude a pollutant for monitoring at a
- 14 refinery-related community air monitoring system and refinery
- 15 fence-line monitoring system if substantial evidence supports that
- 16 real-time monitoring of the pollutant is technologically infeasible
- 17 or the pollutant would not be released by refining processes during
- 18 routine and nonroutine operations at the refinery.
- 19 (3) A district shall, on a five-year basis, review the list of
- 20 pollutants being measured and may revise the list of pollutants
- 21 after considering advances in monitoring technology, reported
- 22 refinery emissions, ambient air data collected by the refinery
- 23 fence-line and refinery-related community monitoring systems,
- 24 and any other relevant emissions information.
- 25 (e) (1) The district and the owner or operator of a refinery shall
- 26 collect real-time data from the refinery-related community air
- 27 monitoring system and the fence-line monitoring system and shall
- 28 maintain records of that data for at least five years. The owner or
- 29 operator of a refinery shall post online quarterly reports that
- 30 summarize pollutant levels, variations, and trends over a
- 31 three-month period timeframe and notify the public of the
- 32 availability of the reports.
- 33 (2) The data generated by these systems shall be provided to
- 34 the public within 24 hours in a publicly accessible and
- 35 machine-readable format. The data shall be archived and made
- 36 available to the public online for download through an application
- 37 programming interface or other widely recognized standard and
- 38 backend components shall be optimized to minimize delays in
- 39 accessing data. The data shall include all historical and
- 40 meteorological data, and pollution measurements and metadata,

1 including latitude and longitude, detection limits, signal strength,
2 calibration, and quality control checks.

3 (f) The owner or operator of a refinery shall conduct third-party
4 audits, using an auditor approved by the district, of its fence-line
5 monitoring system to ensure the system is providing accurate data,
6 including conducting quality control checks, system calibration,
7 and evaluation of quality control and assurance plans. The audit
8 reports shall be submitted to the district and made available to the
9 public online by the refinery. The third-party audits shall be
10 conducted in accordance with the following schedule:

11 (1) An initial audit shall be conducted as follows:

12 (A) For a fence-line monitoring system installed on or after
13 January 1, 2024, within ~~three~~ six months after the installation and
14 operation of the system.

15 (B) For a fence-line monitoring system installed before January
16 1, 2024, by July 1, 2024.

17 (2) Subsequent audits shall occur every two years and review
18 at least one year of monitoring data.

19 (3) If an audit makes recommendations or identifies deficiencies
20 in a fence-line monitoring system, the owner or operator of the
21 refinery shall develop a corrective action plan within one month
22 of the audit report to describe actions that will be taken to address
23 all recommendations and deficiencies within a timeline of no more
24 than six months. A followup performance audit shall be conducted
25 within one month of completion of the corrective action plan to
26 document the resolution of the recommendations and deficiencies
27 identified in the audit. The owner or operator of a refinery shall
28 implement all recommendations of the auditor for correcting
29 deficiencies, except those that would cause a safety concern. The
30 corrective action plan shall be submitted to the district and made
31 available to the public online by the refinery.

32 (g) The owner or operator of a refinery shall notify the district
33 and public as quickly as possible of any exceedances of the ~~lowest~~
34 ~~available one-hour average reference exposure or concentration~~
35 ~~levels set by the Office of Environmental Health Hazard~~
36 ~~Assessment or the United States Environmental Protection Agency~~
37 *notification threshold* that are detected by the fence-line monitoring
38 system. *The notification threshold shall be established as the lowest*
39 *available one-hour average of the National Ambient Air Quality*
40 *Standards, California Ambient Air Quality Standards, and the*

1 *acute reference exposure levels as assessed by the Office of*
 2 *Environmental Health Hazard Assessment, or, if not established,*
 3 *the historical concentration of any measured pollutant, if historical*
 4 *data is available. At a minimum, the notification to the public*
 5 *shall include email and text message notifications to members of*
 6 *the public requesting notification by email or text message*
 7 *notification, as appropriate.*

8 (h) (1) Within 24 hours of a fence-line *monitoring* system
 9 detecting an exceedance of ~~a historical one-hour average~~
 10 ~~concentration~~ *the notification threshold* of any measured pollutant,
 11 the owner or operator of a refinery shall initiate a root cause
 12 analysis to locate the cause of the exceedance and to determine
 13 appropriate corrective action. The owner or operator of the refinery
 14 shall prepare and submit a report to the district and post online
 15 ~~within five~~ *14* days of the exceedance explaining the root cause
 16 analysis findings and corrective action performed by the refinery.
 17 The root cause analysis shall include a visual inspection to
 18 determine the cause of the exceedance and any of the following:

19 (A) Optical gas imaging.

20 (B) Leak inspection using Method 21 under Appendix A-7 of
 21 Part 60 (commencing with Section 60.1) of Title 40 of the Code
 22 of Federal Regulations.

23 (C) Other test or monitoring method approved by the district,
 24 ~~the State Air Resources Board, state board,~~ or the United States
 25 Environmental Protection Agency.

26 (2) If the root cause analysis requires corrective action, the
 27 refinery shall conduct a reinspection of the source within 14 days
 28 of the corrective action and submit a report to the district and post
 29 online.

30 (3) The refinery shall be assessed a civil penalty pursuant to
 31 Article 3 (commencing with Section 42400) of Chapter 4 by the
 32 district for failing to conduct a root cause analysis and take
 33 corrective action ~~within five~~ *14* days.

34 (4) (A) A fence-line monitoring system approved by the district
 35 shall presumptively yield credible evidence that may be used to
 36 establish whether a refinery has violated or is in violation of any
 37 plan, order, permit, rule, regulation, or law.

38 (B) A refinery may rebut the presumption established in
 39 subparagraph (A) by providing evidence that the refinery was not

1 the source of pollution that triggered the fence-line monitoring
2 system.

3 (i) (1) Guidance developed by a district pursuant to this section
4 shall require the preparation of a quality control and assurance
5 plan to ensure data quality and take into account technological
6 capabilities and incorporate input from affected parties and, to the
7 extent feasible, shall be informed by refinery-related guidance in
8 the monitoring plan prepared pursuant to subdivision (b) of Section
9 42705.5 and the United States Environmental Protection Agency
10 guidance on quality assurance and management plans.

11 (2) Guidance and rules or regulations developed by a district
12 pursuant to this section shall be reviewed and updated every five
13 years through a public process.

14 (j) (1) Except as provided in paragraph (2), the owner or
15 operator of a refinery shall be responsible for the costs associated
16 with implementing this section.

17 (2) To the extent a refinery-related community air monitoring
18 system is intentionally used by a district to monitor emissions from
19 sources under its jurisdiction other than a refinery, the district shall
20 ensure the costs of the system are shared in a reasonably equitable
21 manner.

22 *(k) No later than July 1, 2027, the appropriate district shall*
23 *provide notice to the appropriate policy committees of the*
24 *Legislature regarding its progress toward meeting the January 1,*
25 *2028, implementation deadline pursuant to subdivisions (b) and*
26 *(c).*

27 *(l) All fence-line monitoring systems and refinery-related*
28 *community air monitoring systems installed before January 1,*
29 *2024, shall continue in operation during the implementation of*
30 *any additional requirements pursuant to this section.*

31 ~~(k)~~

32 *(m) This section does not limit the authority or jurisdiction of*
33 *the Environmental Protection Agency, the ~~State Air Resources~~*
34 *~~Board~~, state board, or the districts, and does not prohibit a city,*
35 *county, or city and county from imposing more stringent*
36 *regulations, limits, or prohibitions on a refinery.*

37 SEC. 3. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 a local agency or school district has the authority to levy service
40 charges, fees, or assessments sufficient to pay for the program or

1 level of service mandated by this act or because costs that may be
2 incurred by a local agency or school district will be incurred
3 because this act creates a new crime or infraction, eliminates a
4 crime or infraction, or changes the penalty for a crime or infraction,
5 within the meaning of Section 17556 of the Government Code, or
6 changes the definition of a crime within the meaning of Section 6
7 of Article XIII B of the California Constitution.

O

AMENDED IN SENATE APRIL 16, 2024

AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1031

Introduced by Senators Wiener and Wahab
(Principal coauthor: Assembly Member Ting)

February 6, 2024

An act to amend Sections 65081 and 66516 of, to add Section 13978.9 to, to add the heading of Division 1 (commencing with Section 66500) to Title 7.1 of, and to add Division 2 (commencing with Section 66538) to Title 7.1 of, the Government Code, to amend Section 99270.5 of the Public Utilities Code, to add Section 976.9 to the Unemployment Insurance Code, and to add Section 9250.3 to the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1031, as amended, Wiener. San Francisco Bay area: local revenue measure: transportation improvements.

(1) Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services.

This bill would authorize the commission to raise and allocate new revenue and incur and issue bonds and other indebtedness, as specified. In this regard, the bill would authorize the commission to impose a retail transactions and use tax, a regional payroll tax, a parcel tax, and a regional vehicle registration surcharge in all or a subset of the 9 counties of the San Francisco Bay area, in accordance with applicable

constitutional requirements. The bill would require the parcel tax to be collected by counties and the other 3 taxes to be collected by specified state agencies, and would require the net revenues from those taxes to be remitted to the commission, as prescribed. The bill would require the revenue generated pursuant to these provisions to be used for transportation improvements in the San Francisco Bay area, including for various transit purposes, and would require the commission to distribute those revenues in accordance with specified ~~requirements and expressions of legislative intent.~~ *requirements.*

By adding to the duties of local officials with respect to elections procedures for revenue measures on behalf of the commission, this bill would impose a state-mandated local program.

(2) Existing law establishes the Transportation Agency, consisting of various state agencies under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency.

This bill would require the Transportation Agency to select a transportation institute, as defined, to ~~conduct an assessment of the associated advantages and disadvantages of consolidating all of the~~ *conduct an assessment that analyzes the benefits and disbenefits to riders, and the administrative, financial, legal, contractual, and governance feasibility, of various forms of consolidation, as defined, among transit agencies, as defined, that are located in the 9-county San Francisco Bay area, as specified.* ~~area.~~ The bill would require that assessment to be completed on or before January 1, 2026, and would require, as part of that assessment, the transportation institute to ~~provide recommendations on how to consolidate those transit agencies and to include certain information in the assessment.~~ *identify specified information about each transit agency and to consider certain topics relating to consolidation.* Based on the findings of the assessment, the bill would require the Transportation Agency, on or before January 1, 2027, to ~~recommend a comprehensive plan to consolidate all of the transit agencies located in the San Francisco Bay area, as provided.~~ *develop a report of recommendations that, among other things, identifies opportunities to consolidate 2 or more agencies and provides specific recommendations for the consolidation or elimination of transit agencies and their governing bodies without resulting in the elimination of*

programs and transportation services, as specified. The bill would establish the Bay Area Transit Consolidation *and Coordination* Technical Assistance Fund in the State Treasury for the deposit of moneys that can be used for specified purposes, including paying for the cost of conducting the assessment and preparing the ~~comprehensive plan~~, *report*, as specified. The bill would require the assessment and the ~~comprehensive plan~~ *report* to be submitted to the Legislature upon completion.

(3) Existing law requires the Metropolitan Transportation Commission to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction, as specified.

This bill would revise and recast this provision by, among other things, providing that the commission is responsible for implementing a seamless transit rider experience across the San Francisco Bay area and requiring those rules and regulations to also promote the coordination of mapping and wayfinding, real-time transit information, and other customer-facing operating policies, as specified. The bill would also declare that it is *the* intent of the Legislature that the commission implement and sustain specified outcomes in undertaking these responsibilities. The bill would require the commission to submit an annual report to the Legislature on the status of those outcomes and the status of transit ridership in the San Francisco Bay area. By imposing additional duties on the commission, the bill would create a state-mandated local program.

(4) Under existing law, a transit operator within the jurisdiction of the commission is not eligible to receive funding allocated by the commission pursuant to the State Transit Assistance Program unless it has complied with the above-described rules and regulations adopted by the commission.

This bill would also make a transit operator ineligible to receive an allocation from the commission of the revenues generated by the new taxing authority authorized by the bill or to make a claim pursuant to the Transportation Development Act for an allocation of funds from a local transportation fund if the operator is not in compliance with those rules and regulations.

(5) Existing law authorizes the commission and the Bay Area Air Quality Management District to jointly adopt a commute benefit ordinance that requires covered employers operating within the common

area of the 2 agencies with a specified number of covered employees to offer those employees certain commute benefits, as specified.

This bill would also authorize one of those commute benefit options to include an employer-provided regional transit pass.

This bill would authorize the commission, as part of a measure to impose a tax described above, to propose a ballot measure that would require a covered employer that is located in proximity to transit to purchase a regional transit pass for each of its employees and to require a covered employer that is not located in proximity to transit to provide a subsidy to each of its employees corresponding in financial value to the regional transit pass, as specified. If the ballot measure is approved by the voters, the bill would require the commission and the district to update the ordinance accordingly.

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

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

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The San Francisco Bay area needs a world-class, reliable,
4 affordable, efficient, and connected transportation network that
5 meets the needs of bay area residents, businesses, and visitors
6 while also helping combat the climate crisis.

7 (b) A world-class transportation network will enhance access
8 to opportunity, lower greenhouse gas emissions, strengthen the
9 region’s economy, and improve quality of life.

10 (c) To achieve that vision, the San Francisco Bay area needs all
11 of the following:

12 (1) A public transit network that offers safe, clean, frequent,
13 accessible, easy-to-navigate, and reliable service that gets transit
14 riders where they want and need to go safely, affordably, quickly,
15 and seamlessly.

- 1 (2) Local roads that are well maintained.
- 2 (3) Transit, biking, walking, and wheeling options that are safe,
- 3 convenient, and competitive alternatives to driving.

4 (d) Regional funding and reforms are necessary to create a
 5 climate-friendly transportation system that is safe, accessible, and
 6 convenient for all, including through doing all of the following:

- 7 (1) Protecting and enhancing transit service.
- 8 (2) Making transit faster, safer, and easier to use.
- 9 (3) Enhancing mobility and access for all.

10 SEC. 2. This act shall be known, and may be cited as, the _____
 11 *Connect Bay Area Act of 2024.*

12 SEC. 3. Section 13978.9 is added to the Government Code, to
 13 read:

14 13978.9. (a) For purposes of this section, the following
 15 definitions apply:

16 (1) "Commission" means the Metropolitan Transportation
 17 Commission.

18 (2) "*Consolidation*" means a reform to transit agencies that
 19 includes one or more of the following:

20 (A) *Combining staffs or back office functions of two or more*
 21 *transit agencies while retaining separate governing boards.*

22 (B) *Replacing multiple governing boards with a unified*
 23 *governing board representing a broader jurisdiction.*

24 (C) *Creating a more effective umbrella structure under which*
 25 *existing transit agencies are brought together but still operate as*
 26 *distinct agencies with separate governing boards.*

27 (D) *Increasing coordination across two or more transit agencies*
 28 *to deliver one or more components of a transportation service so*
 29 *the agencies can increase their capacity to provide trips.*
 30 *Coordination may include, but is not limited, to any of the*
 31 *following:*

- 32 (i) *Sharing passenger trips and vehicles.*
- 33 (ii) *Colocation of facilities, programs, or services.*
- 34 (iii) *Collaborating on grant applications, state or local plans,*
 35 *or both, training, vehicle purchasing, or maintenance.*
- 36 (iv) *Joint hiring of a mobility manager.*
- 37 (v) *Federal fund braiding.*

38 (3) "*Labor institute*" means the University of California,
 39 Berkeley Labor Center or the UCLA Labor Center.

40 (2)

1 (4) “San Francisco Bay area” means the region comprising the
2 commission’s jurisdiction, as prescribed by Section 66502.

3 ~~(3)~~

4 (5) “Transit agency” has the same meaning as “public
5 transportation operator” as defined in subdivision (b) of Section
6 99312.2 of the Public Utilities Code.

7 ~~(4)~~

8 (6) “Transportation institute” means either the University of
9 California Institute of Transportation Studies or the Mineta
10 Transportation Institute at San José State University.

11 *(b) The Transportation Agency shall oversee the completion of*
12 *the assessment required pursuant to subdivision (c) and the report*
13 *of legislative recommendations required pursuant to subdivision*
14 *(d) in a manner that emphasizes, across all facets of analysis and*
15 *recommendations, benefits to riders and disabled riders, including*
16 *those who use paratransit. The completion of the assessment and*
17 *report shall include consultation with impacted stakeholders*
18 *including, but not limited to, impacted transit agencies, transit*
19 *unions, transit riders, and local governments. It is the intent of the*
20 *Legislature that the assessment and the report help achieve all of*
21 *the following goals with regard to the operation of public transit*
22 *in the San Francisco Bay area:*

23 *(1) Improving the speed, efficiency, and reliability of service.*

24 *(2) Improving the affordability of fares.*

25 *(3) Improving the safety and cleanliness of service.*

26 *(4) Promoting the achievement of the state’s climate goals,*
27 *including through the incorporation and diffusion of zero-emission*
28 *technologies.*

29 *(5) Incorporating other technological changes that improve*
30 *rider experience and safety.*

31 *(6) Improving accessibility of, and connections to, regional and*
32 *interregional transit service in a manner that competes with private*
33 *automobile travel, particularly for low-income residents and those*
34 *residing in equity priority communities, as defined by the*
35 *commission.*

36 *(7) Improving and simplifying the accountability of the*
37 *transportation systems to the public and riders.*

38 *(8) Reducing administrative costs and improving cost*
39 *efficiencies within and across transit agencies.*

40 ~~(b)~~

1 (c) (1) The Transportation Agency shall select a transportation
 2 institute to conduct an assessment of the associated advantages
 3 and disadvantages of consolidating all of the transit agencies that
 4 are located within the San Francisco Bay area, and shall oversee
 5 the transportation institute in that regard. *in accordance with the*
 6 *requirements of this section. The transportation institute shall*
 7 *consult with a labor institute, if it chooses to participate, in*
 8 *conducting all aspects of the assessment with respect to impacts*
 9 *on the workforce and labor relations.* The transportation institute
 10 shall complete the assessment on or before January 1, 2026, and
 11 upon completion, shall submit the assessment to the Legislature
 12 in compliance with Section 9795, and to the commission and each
 13 of the transit agencies located in the San Francisco Bay area.

14 ~~(2) In undertaking the duties set forth in paragraph (1), the~~
 15 ~~Transportation Agency shall consult with impacted stakeholders,~~
 16 ~~included, but not limited to, impacted transit agencies, transit~~
 17 ~~unions, transit riders, and local governments.~~

18 ~~(3) If the Transportation Agency selects the University of~~
 19 ~~California Institute of Transportation Studies to complete the~~
 20 ~~assessment, the requirement to complete the assessment shall only~~
 21 ~~apply to the University of California to the extent that the Regents~~
 22 ~~of the University of California, by appropriate resolution, make~~
 23 ~~that requirement applicable.~~

24 ~~(4) In conducting the assessment, the transportation institute~~
 25 ~~shall also study the impact that regional consolidation would have~~
 26 ~~on wages, work conditions, pension, and retirement benefits of~~
 27 ~~workers covered by collective bargaining agreements at relevant~~
 28 ~~agencies.~~

29 ~~(5) As part of the assessment, the transportation institute shall~~
 30 ~~provide recommendations on how to consolidate those transit~~
 31 ~~agencies in a manner that does all of the following:~~

32 ~~(A) Prioritizes cost savings to the public, the adoption of~~
 33 ~~advanced technology, and other efficiencies.~~

34 ~~(B) Meets and exceeds climate goals.~~

35 ~~(C) Improves the speed of transit and the seamlessness of~~
 36 ~~transfers.~~

37 ~~(D) Advances any other improvements to transit operations.~~

38 ~~(6)~~

39 (2) The transportation institute shall ~~identify,~~ *identify each*
 40 *transit agency that has authority to create policy or assess charges*

1 *with regard to transit and that is located in the San Francisco Bay*
2 *area and, at a minimum, all of the following information in the*
3 *assessment:*

4 ~~(A) Each transit agency, and each agency that has authority to~~
5 ~~create policy or assess charges with regard to transit, that is located~~
6 ~~in the San Francisco Bay area and whether the governing body of~~
7 ~~those agencies is appointed or elected.~~

8 ~~(B) The size of the membership, terms of service of the~~
9 ~~members, and whether the members are voting members, for each~~
10 ~~governing body of an agency described in subparagraph (A).~~

11 ~~(C) Whether the governing body of an agency described in~~
12 ~~subparagraph (A) was created pursuant to state statute, local~~
13 ~~ordinance, city charter, federal law, or ballot measure or initiative.~~

14 ~~(D) The county where each agency described in subparagraph~~
15 ~~(A) and its governing body is located.~~

16 ~~(E) Any qualifications required to serve as a member of the~~
17 ~~governing board of an agency described in subparagraph (A).~~

18 *(A) The county where each transit agency and its governing*
19 *body is located.*

20 *(B) The governance structure of each transit agency, including*
21 *all of the following information:*

22 *(i) The size of the membership, terms of service of the members,*
23 *and whether the members are voting members, and whether the*
24 *governing body of those agencies is appointed or elected.*

25 *(ii) Any qualifications required to serve as a member of the*
26 *governing board of the transit agency.*

27 *(iii) Whether the governing body of the transit agency was*
28 *created pursuant to state law, local ordinance, city charter, federal*
29 *law, or ballot measure or initiative.*

30 ~~(F)~~

31 ~~(C) The funding structures, including any tax assessments, and~~
32 ~~revenue mechanisms, including any temporary or permanent state~~
33 ~~or federal support, or both, established for each agency described~~
34 ~~in subparagraph (A): transit agency.~~

35 ~~(G)~~

36 ~~(D) The fares or other fees imposed on riders by each transit~~
37 ~~agency and the available routes provided by each transit agency.~~

38 ~~(H)~~

39 *(E) The fleet type and size of each transit agency.*

40 ~~(I)~~

1 (F) The programs and services offered to riders by each transit
2 agency, including any subsidies *or discounts* offered to riders.

3 ~~(J)~~

4 (G) The workforce size and type of each ~~agency described in~~
5 ~~subparagraph (A),~~ *transit agency*, whether there are any applicable
6 labor contracts for that workforce, and the socioeconomic makeup
7 of that workforce.

8 ~~(K)~~

9 (H) The socioeconomic makeup of the riders of each transit
10 agency.

11 ~~(L) The continuity of travel between public transit systems~~
12 ~~operated by different transit agencies and between different services~~
13 ~~or programs operated by the same transit agency.~~

14 ~~(M) Infrastructure gaps between routes of regional travel.~~

15 ~~(N) Service gaps between routes of travel.~~

16 ~~(O) Existing and planned regional network management efforts,~~
17 ~~including efforts to modify and improve the commission's regional~~
18 ~~network management authority, and how consolidation would~~
19 ~~relate to, or impact, those efforts.~~

20 (I) *The number and rate of transfers between public transit*
21 *services operated by different agencies.*

22 (J) *An analysis of existing transit service gaps compared to*
23 *regional travel patterns and how it relates to transit agencies'*
24 *boundaries.*

25 (3) *The assessment shall analyze the benefits and disbenefits to*
26 *riders, and the administrative, financial, legal, contractual, and*
27 *governance feasibility, of various forms of consolidation among*
28 *transit agencies that are located within the San Francisco Bay*
29 *area.*

30 (4) *The assessment shall consider all of the following:*

31 (A) *The impacts of consolidation on all of the following:*

32 (i) *Wages, work conditions, and pension and retirement benefits*
33 *of workers covered by collective bargaining agreements at relevant*
34 *agencies and contracted services.*

35 (ii) *Operating budgets.*

36 (iii) *Existing costs.*

37 (iv) *Costs associated with implementation.*

38 (v) *Governance.*

39 (vi) *The total number of people employed and employment*
40 *opportunities.*

1 (B) Challenges associated with any form of consolidation,
 2 including consolidation of transit agencies with different service
 3 modes, rolling stock, and technologies, and with other key
 4 operational differences across agencies.

5 (C) Regulatory and legal barriers to any form of consolidation.

6 (D) Existing and planned regional network management efforts,
 7 including efforts to modify and improve the commission's regional
 8 network management authority, and how consolidation would
 9 relate to, or impact, those efforts.

10 (5) If the Transportation Agency selects the University of
 11 California Institute of Transportation Studies to conduct the
 12 assessment, the requirement to conduct the assessment shall only
 13 apply to the University of California to the extent that the Regents
 14 of the University of California, by appropriate resolution, make
 15 that requirement applicable.

16 (e)

17 (d) (1) Based on the findings of the assessment conducted
 18 pursuant to subdivision ~~(b)~~, (c), the Transportation Agency shall
 19 ~~recommend a comprehensive plan to consolidate all of the transit~~
 20 ~~agencies that are located in the San Francisco Bay area. develop~~
 21 ~~a report of recommendations to the Legislature.~~ The Transportation
 22 Agency shall complete the ~~plan report~~ on or before January 1,
 23 2027, and, upon completion, shall submit the ~~plan report~~ to the
 24 Legislature in compliance with Section 9795, and to the
 25 commission and each of the transit agencies located in the San
 26 Francisco Bay area. In the ~~plan, report~~, the Transportation Agency
 27 shall do all of the following:

28 ~~(1) Design the plan in a manner that provides benefits to riders,~~
 29 ~~including paratransit riders, and that does all of the following:~~

30 ~~(A) Improves access to routes and services, including across~~
 31 ~~city and county boundaries, and improves connections to regional~~
 32 ~~and interregional transit service in a manner that competes with~~
 33 ~~private automobile travel.~~

34 ~~(B) Maintains affordable fares and reliable, safe, and efficient~~
 35 ~~service.~~

36 ~~(C) Improves and simplifies the accountability of the~~
 37 ~~transportation system to the public and riders.~~

38 ~~(D) Supports greater efficiency and cost-effectiveness, and~~
 39 ~~reduces administrative costs.~~

- 1 ~~(E) Provides more equitable access to quality, connected transit~~
2 ~~services to communities throughout the region.~~
- 3 ~~(2) (A) Identify opportunities to consolidate agencies and~~
4 ~~provide specific recommendations for the consolidation or~~
5 ~~elimination of transit agencies and their governing bodies without~~
6 ~~resulting in the elimination of programs and transportation services.~~
- 7 ~~(B) For the purposes of this paragraph, “consolidation” may~~
8 ~~include reforms to transit agencies that include one or more of the~~
9 ~~following:~~
- 10 ~~(i) Combining staffs of transit agencies.~~
11 ~~(ii) Replacing multiple governing boards with a unified~~
12 ~~governing board representing a broader jurisdiction.~~
- 13 ~~(iii) Creating an umbrella structure under which existing transit~~
14 ~~agencies are brought together but still operate as distinct divisions~~
15 ~~with separate governing boards.~~
- 16 *(A) Identify opportunities to consolidate two or more agencies*
17 *and provide specific recommendations for the consolidation or*
18 *elimination of transit agencies and their governing bodies without*
19 *resulting in the elimination of programs and transportation*
20 *services, with consideration for existing and planned regional*
21 *network management efforts or structures.*
- 22 *(B) Identify steps to maintain and transfer labor agreements*
23 *and bargaining units to maintain employee wages, benefits,*
24 *protections, and working conditions secured by those agreements.*
- 25 *(C) Identify barriers to the consolidation or elimination of*
26 *transit agencies, including local, state, or federal laws, and*
27 *alternative actions to the consolidation or elimination of those*
28 *agencies.*
- 29 *(D) Recommend opportunities for securing federal, state, and*
30 *local moneys that can be used to fund consolidation.*
- 31 *(E) Recommend a strategy for a public education and outreach*
32 *program on any proposed consolidation efforts.*
- 33 ~~(3) Recommend~~
- 34 *(2) If the Transportation Agency recommends a new governing*
35 *structure and governing board member qualifications, as*
36 *appropriate, for a new consolidated agency or agencies based*
37 *agencies, the Transportation Agency shall base that*
38 *recommendation on research of effective international models of*
39 *transit delivery excellence, and consideration of recent regional*
40 *and state studies of effective transit governance. In making these*

1 ~~recommendations, a recommendation described in this paragraph,~~
 2 ~~the Transportation Agency shall do both all of the following:~~

3 (A) ~~Identify any future legislative steps required to implement~~
 4 ~~the recommended governing structure.~~

5 (B) ~~Consider other reforms necessary to ensure that commission~~
 6 ~~policy is democratically accountable and serves the regional~~
 7 ~~welfare.~~

8 ~~(4) Identify and describe any relationship or impacts of the~~
 9 ~~recommendations or elements of the plan on existing and planned~~
 10 ~~regional network management efforts or structures.~~

11 ~~(5) Identify necessary local, state, or federal laws that may~~
 12 ~~impact efforts to implement the consolidation of the transit~~
 13 ~~agencies.~~

14 ~~(6) Identify steps, in consultation with impacted stakeholders,~~
 15 ~~to maintain and transfer labor agreements and bargaining units to~~
 16 ~~maintain employee wages, benefits, protections, and working~~
 17 ~~conditions secured by those agreements.~~

18 ~~(7) Identify barriers to consolidating or eliminating transit~~
 19 ~~agencies and alternative actions, including memorandums of~~
 20 ~~understanding between transit agencies, for the consolidation of~~
 21 ~~services.~~

22 ~~(8) Describe the steps necessary for, and the feasibility of,~~
 23 ~~interoffice and interagency coordination of programs, services,~~
 24 ~~and resources for riders if consolidation is not feasible.~~

25 ~~(9) Recommend opportunities for securing federal, state, and~~
 26 ~~local moneys that can be used to fund consolidation.~~

27 ~~(10) Recommend a strategy for a public education and outreach~~
 28 ~~program on any proposed consolidation efforts and any proposed~~
 29 ~~coordination services and programs.~~

30 (C) *Assess any impact that consolidation would have on wages,*
 31 *work conditions, and pension and retirement benefits of workers*
 32 *covered by collective bargaining agreements at the relevant transit*
 33 *agencies, including paratransit and other contracted services.*

34 (3) *The Transportation Agency may contract with a consultant*
 35 *to complete the report required pursuant to this subdivision if the*
 36 *Transportation Agency does both of the following:*

37 (A) *Establishes a team to advise the consultant that, at minimum,*
 38 *includes a transportation institute and a labor institute, if they*
 39 *choose to participate, and that may additionally include, as needed,*

1 *individuals with expertise in the legal, governance, financial, and*
2 *operational aspects of public transportation in the state.*

3 (B) *Oversees the consultant consistent with subdivision (b).*

4 ~~(d)~~

5 (e) (1) *The Bay Area Transit Consolidation and Coordination*
6 *Technical Assistance Fund is hereby established in the State*
7 *Treasury for the deposit of moneys that can be used for the*
8 *following purposes:*

9 (A) *Paying for the cost of conducting the assessment pursuant*
10 *to subdivision ~~(b)~~ (c) and preparing the ~~comprehensive plan~~ report*
11 *pursuant to subdivision ~~(e)~~ (d).*

12 (B) *Paying for administrative expenses related to the*
13 *implementation of the consolidation of transit agencies located in*
14 *the San Francisco Bay area, if those consolidations occur.*

15 (2) *Any moneys deposited into the fund, including moneys*
16 *deposited into the fund pursuant to Section 66538.40, shall be*
17 *available to the Transportation Agency, upon appropriation by the*
18 *Legislature, for the purposes described in paragraph (1).*

19 (3) *The Transportation Agency may accept private donations*
20 *to be used for the purposes described in this section. Any donations*
21 *received pursuant to this paragraph shall be deposited into the fund*
22 *established pursuant to paragraph (1).*

23 SEC. 4. *Section 65081 of the Government Code is amended*
24 *to read:*

25 65081. (a) *It is the intent of the Legislature to encourage*
26 *metropolitan planning organizations and local air quality*
27 *management districts or air pollution control districts to work with*
28 *local employers to adopt policies that encourage commuting by*
29 *means other than driving alone. To encourage this, the Legislature*
30 *hereby establishes a program in that regard in the greater San*
31 *Francisco Bay Area.*

32 (b) *Notwithstanding Section 40717.9 of the Health and Safety*
33 *Code, the Bay Area Air Quality Management District and the*
34 *Metropolitan Transportation Commission with respect to the*
35 *common area within their respective jurisdictions may jointly adopt*
36 *a commute benefit ordinance that requires covered employers*
37 *operating within the common area of the district and commission*
38 *to offer all covered employees one of the following choices:*

39 (1) *A pretax option: a program, consistent with Section 132(f)*
40 *of the Internal Revenue Code, allowing covered employees to elect*

1 to exclude from taxable wages employee commuting costs incurred
2 for transit passes or vanpool charges, up to the maximum amount
3 allowed by federal tax law.

4 (2) Employer-paid benefit: a program whereby the covered
5 employer offers employees a subsidy to offset the monthly cost
6 of commuting via public transit or by vanpool, or, in addition, and
7 at the employer’s discretion, by bicycle. The subsidy shall be equal
8 to either the monthly cost of commuting via public transit or by
9 vanpool, or seventy-five dollars (\$75), whichever is lower. The
10 seventy-five dollar (\$75) amount shall be adjusted annually
11 consistent with the California Consumer Price Index. If the covered
12 employer chooses to offer a subsidy to offset the monthly cost of
13 commuting by bicycle, the subsidy shall be either the monthly cost
14 of commuting by bicycle or twenty dollars (\$20), whichever is
15 lower.

16 (3) Employer-provided transit: transportation furnished by the
17 covered employer at no cost, or low cost as determined by the
18 district or commission, to the covered employee in a vanpool or
19 bus, or similar multipassenger vehicle operated by or for the
20 employer.

21 (4) Employer-provided regional transit pass: a program whereby
22 the covered employer offers covered employees a subsidy in the
23 form of a universal regional transit pass to offset the monthly cost
24 of commuting via public transit.

25 (c) Nothing in this section shall prevent a covered employer
26 from offering a more generous commuter benefit that is otherwise
27 consistent with the requirements of the applicable commute benefit
28 ordinance. Nothing in this section shall require employees to
29 change their behavior.

30 (d) An employer offering, or proposing to offer, an alternative
31 commuter benefit on the employer’s own initiative, or an employer
32 otherwise required to offer an alternative commuter benefit as a
33 condition of a lease, original building permit, or other similar
34 requirement, if the alternative is not one of the options identified
35 in subdivision (b), may seek approval of the alternative from the
36 district or commission. The district or commission may approve
37 an alternative if it determines that the alternative provides at least
38 the same benefit in terms of reducing single-occupant vehicle trips
39 as any of the options in subdivision (b). An employer that offers
40 an approved alternative to covered employees in a manner

1 otherwise consistent with this section is not required to offer one
2 of the options in subdivision (b).

3 (e) The commute benefit ordinance shall provide covered
4 employers with at least six months to comply after the ordinance
5 is adopted.

6 (f) An employer that participates in or is represented by a
7 transportation management association that provides the employer's
8 covered employees with any of the benefits in subdivision (b), or
9 an alternative benefit determined by the district or commission
10 pursuant to subdivision (d) to provide at least the same benefit in
11 terms of reducing single-occupant vehicle trips as any of the
12 options in subdivision (b), shall be deemed in compliance with the
13 regional ordinance, and the transportation management association
14 may act on behalf of those employers in that regard. The district
15 or commission shall communicate directly with the transportation
16 management association, rather than the participating employers,
17 to determine compliance with the ordinance.

18 (g) A commute benefit ordinance adopted pursuant to this
19 section shall specify all of the following:

20 (1) How the implementing agencies will inform covered
21 employers about the ordinance.

22 (2) How compliance with the ordinance will be demonstrated.

23 (3) The procedures for proposing and the criteria that will be
24 used to evaluate an alternative commuter benefit pursuant to
25 subdivision (d).

26 (4) Any consequences for noncompliance.

27 (h) Nothing in this section shall limit or restrict the statutory or
28 regulatory authority of the commission or district.

29 (i) The commission shall not use federal planning funds in the
30 implementation of the commute benefit ordinance.

31 (j) (1) Notwithstanding subdivisions (b) and (d), the commission
32 ~~may~~ *may, either directly or through a qualified voter initiative,*
33 *propose a ballot measure in all nine counties of the San Francisco*
34 *Bay area or a subset of those counties* as part of a measure
35 proposed pursuant to Division 2 (commencing with Section 66538)
36 of Title 7.1 and subject to the election procedures set forth in that
37 division to update the ordinance adopted pursuant to this section
38 to do both of the following:

39 (A) Require a covered employer that is located in proximity to
40 transit to purchase a regional transit pass for each of its employees

1 that provides universal and unlimited access to transit services
2 provided by transit agencies operating in the common area within
3 the jurisdiction of the district and the commission.

4 (B) Require a covered employer that is not located in proximity
5 to transit to provide a subsidy to each of its employees
6 corresponding in financial value to the regional transit pass
7 described in subparagraph (A) to encourage commuting to work
8 by means other than driving alone.

9 (2) Consistent with subdivision (b) of Section 66538.20, if the
10 update to the ordinance is proposed in a subset of the counties of
11 the San Francisco Bay area, the update to the ordinance authorized
12 in paragraph (1) shall apply only in those counties in which the
13 measure was submitted to the voters.

14 (3) Notwithstanding subdivisions (b) and (d), if a ballot measure
15 described in paragraph (1) is approved, the commission and the
16 district shall update the ordinance adopted pursuant to this section
17 to require covered employers to provide covered employees with
18 the applicable commuting benefit set forth in subparagraphs (A)
19 and (B) of paragraph (1) instead of requiring covered employers
20 to offer the choices described in paragraphs (1) to (4), inclusive,
21 of subdivision (b).

22 (k) As used in this section, the following definitions apply:

23 (1) "Covered employer" means any employer for which an
24 average of 50 or more employees per week perform work for
25 compensation within the area where the ordinance adopted pursuant
26 to this section operates. In determining the number of employees
27 performing work for an employer during a given week, only
28 employees performing work on a full-time basis shall be counted.

29 (2) "Covered employee" means an employee who performed
30 at least an average of 20 hours of work per week within the
31 previous calendar month within the area where the ordinance
32 adopted pursuant to this section operates.

33 (3) "District" means the Bay Area Air Quality Management
34 District.

35 (4) "Commission" means the Metropolitan Transportation
36 Commission.

37 *SEC. 5. The heading of Division 1 (commencing with Section*
38 *66500) is added to Title 7.1 of the Government Code, to read:*

1
2 *DIVISION 1. METROPOLITAN TRANSPORTATION*
3 *COMMISSION*
4

5 ~~SEC. 5.~~

6 *SEC. 6.* Section 66516 of the Government Code is amended
7 to read:

8 66516. (a) (1) The commission shall be responsible for
9 implementing a seamless transit rider experience across the region.
10 To implement this responsibility, the commission shall adopt, and
11 update as necessary, rules and regulations to promote the
12 coordination of fares, including fare payment methods and transit
13 fare integration, schedules, mapping and wayfinding, real-time
14 transit information, and other customer-facing operating policies
15 that would benefit from a regional approach for all public transit
16 agencies within its jurisdiction.

17 (2) It is the intent of the Legislature that the commission's rules
18 and regulations adopted pursuant to paragraph (1) be based on the
19 central goal of increasing transit ridership by improving the
20 customer experience of riding public transit in the San Francisco
21 Bay area and creating a seamless experience across all public
22 transit agencies providing service in the commission's jurisdiction.

23 (3) The commission shall require every system to enter into a
24 joint fare revenue sharing agreement with connecting systems
25 consistent with the commission's rules and regulations.

26 (b) Notwithstanding any other law, each public transit agency
27 within the region shall comply with the commission's rules and
28 regulations adopted pursuant to subdivision (a) as a condition of
29 receiving any of the following funds:

30 (1) Any funds allocated pursuant to Sections 99313 and 99314
31 of the Public Utilities Code, consistent with Section 99314.7 of
32 the Public Utilities Code.

33 (2) Any funds allocated from a local transportation fund
34 administered pursuant to Article 3 (commencing with Section
35 99230) of Chapter 4 of Part 11 of Division 10 of the Public Utilities
36 Code, consistent with subdivision (b) of Section 99270.5 of the
37 Public Utilities Code.

38 (3) Any funds allocated pursuant to Division 2 (commencing
39 with Section 66538).

1 (c) In designating the commission with the responsibility set
2 forth in subdivision (a), it is the intent of the Legislature that the
3 commission implement and sustain the following outcomes:

4 (1) A common fare payment system for public transit agencies
5 in the region.

6 (2) A universal regional transit pass that is valid on all public
7 transit agencies in the region.

8 (3) An integrated transit fare structure with common definitions
9 for adults, youth, seniors, persons with disabilities, and other
10 categories of riders.

11 (4) A common fare transfer policy that strives to eliminate any
12 extra fare for using more than one transit system on a single
13 journey.

14 (5) Integrated mapping, signage, and real-time schedule
15 information that makes transit in the region easy to navigate and
16 convenient for both new and existing riders.

17 (6) Transit services in the region that are equitably planned and
18 integrally managed as a unified, efficient, and reliable network,
19 including interagency transfer policies and coordinating schedules
20 at stops or station areas serving more than one public transit
21 agency.

22 (7) Transit services for older adults, people with disabilities,
23 and those with lower incomes that are coordinated efficiently
24 throughout the region.

25 (8) Resources are invested to provide for the comfort and safety
26 of transit riders.

27 (9) The transit network in the region uses its existing resources
28 more efficiently and secures new, dedicated revenue to meet its
29 capital and operating needs.

30 (d) *Nothing in this section authorizes the commission to do any*
31 *of the following:*

32 (1) *Restrict a public transit agency’s access to funds not*
33 *allocated by the commission.*

34 (2) *Require a public transit agency to implement policies or*
35 *programs that would impede or interfere with its ability to comply*
36 *with any legal obligations in transit labor contracts.*

37 (3) *Restrict the use of a public transit agency’s logo outside the*
38 *scope of the commission’s regional mapping and wayfinding*
39 *standards.*

1 (4) *Require that a public transit agency modify the schedule or*
2 *route of a specific local route that the transit agency and the*
3 *commission do not identify as primarily serving regional transit*
4 *service.*

5 (e) (1) *The commission shall not require a public transit agency*
6 *to be subject to a one-time or ongoing policy, or to make a one-time*
7 *or ongoing expenditure, pursuant to subdivision (a) if the public*
8 *transit agency adopts a finding that the policy or expenditure would*
9 *require the agency to take an action that the agency determines*
10 *to be unacceptable with respect to its impact on transit service,*
11 *staffing, maintenance, or other specified operational or state of*
12 *good repair considerations.*

13 (2) *Before adopting a finding pursuant to this subdivision, a*
14 *public transit agency shall conduct an assessment that takes into*
15 *consideration all funding anticipated to be available to the public*
16 *transit agency in the next fiscal year, including, but not limited to,*
17 *any discretionary funding that the commission identifies to help*
18 *offset the cost of the proposed expenditure or policy, any growth*
19 *in fare revenue anticipated as a result of the expenditure or policy,*
20 *and potential adjustments to fares or fare policies the agency could*
21 *make to increase revenue. The public transit agency shall develop*
22 *the assessment in consultation with staff from the commission and*
23 *shall present it to the commission at a public meeting in advance*
24 *of adopting a finding pursuant to this subdivision.*

25 (3) *At the request of the commission, a public transit agency*
26 *may be required to update its assessment conducted pursuant to*
27 *paragraph (2) and make a subsequent finding in future fiscal years.*

28 ~~(d)~~

29 (f) *It is the intent of the Legislature to enact legislation that*
30 *would strengthen regional network management within the region,*
31 *including the possibility of establishing a body within the*
32 *commission to guide regional network management efforts.*

33 ~~(e)~~

34 (g) *In implementing this section, each public transit agency in*
35 *the region shall fulfill all applicable requirements under Title VI*
36 *of the federal Civil Rights Act of 1964 (Public Law 88-352)*
37 *regarding service and fare changes.*

38 ~~(f)~~

39 (h) (1) *The commission shall submit a report to the Legislature*
40 *on or before January 1, 2026, and each year thereafter, on the status*

1 of the outcomes described in subdivision (c) and the status of transit
2 ridership in the region. The commission shall submit the annual
3 report to the Legislature in compliance with Section 9795.

4 (2) The commission shall also post the annual report described
5 in paragraph (1) on its internet website.

6 ~~(g)~~

7 (i) For purposes of this section, “public transit agency” has the
8 same meaning as “STA-eligible operator,” as defined in Section
9 99312.2 of the Public Utilities Code.

10 ~~SEC. 6. The heading of Division 1 (commencing with Section~~
11 ~~66500) is added to Title 7.1 of the Government Code, to read:~~

12
13 **DIVISION 1. METROPOLITAN TRANSPORTATION**
14 **COMMISSION**

15
16 SEC. 7. Division 2 (commencing with Section 66538) is added
17 to Title 7.1 of the Government Code, to read:

18
19 **DIVISION 2. TAXING AUTHORITY AND**
20 **TRANSPORTATION FUNDING**

21
22 **CHAPTER 1. DEFINITIONS**

23
24 66538. For purposes of this division, the following definitions
25 apply:

26 (a) “Commission” means the Metropolitan Transportation
27 Commission created pursuant to Section 66502.

28 (b) “Public transit agency” has the same meaning as
29 “STA-eligible operator,” as defined in Section 99312.2 of the
30 Public Utilities Code.

31 (c) “San Francisco Bay area” has the same meaning as “region,”
32 as defined in Section 66502.

33
34 **CHAPTER 2. SPECIAL TAXES**

35
36 66538.20. (a) The commission, either directly or through a
37 qualified voter initiative, may raise and allocate new revenue
38 through all of the following funding mechanisms:

39 (1) A retail transactions and use tax, as provided in Section
40 66538.22.

1 (2) A regional payroll tax, as provided in Section 66538.24.

2 (3) A parcel tax, as provided in Section 66538.26.

3 (4) A regional vehicle registration surcharge, as provided in
4 Section 66538.28.

5 (b) Any funding mechanism or combination of funding
6 mechanisms authorized pursuant to subdivision (a) that requires
7 voter approval pursuant to the California Constitution may be
8 placed on the ballot in all or a subset of the nine counties in the
9 San Francisco Bay area. A measure placed on the ballot in a subset
10 of those nine counties shall apply only in those counties in which
11 the measure was submitted to the voters.

12 (c) In addition to the procedures set forth in Chapter 4
13 (commencing with Section 9300) of Division 9 of the Elections
14 Code, if an ordinance containing a tax authorized by this chapter
15 is proposed by an initiative petition, the initiative shall require the
16 proceeds of the tax to be expended consistent with Chapter 4
17 (commencing with Section 66538.40).

18 66538.22. (a) The commission ~~may~~ *may, either directly or*
19 *through a qualified voter initiative*, impose a retail transactions
20 and use tax ordinance applicable in the San Francisco Bay area in
21 accordance with this division and Part 1.6 (commencing with
22 Section 7251) of Division 2 of the Revenue and Taxation Code.

23 (b) The commission, in the ordinance, shall state the nature of
24 the tax to be imposed, shall provide the tax rate or the maximum
25 tax rate, shall specify the period during which the tax will be
26 imposed, and shall specify the purposes for which the revenue
27 derived from the tax will be used. The tax rate shall be in $\frac{1}{4}$ percent
28 increments.

29 (c) Notwithstanding Section 7251.1 of the Revenue and Taxation
30 Code, the tax rate authorized pursuant to this section shall not be
31 considered for purposes of the combined rate limit established by
32 Section 7251.1 of the Revenue and Taxation Code.

33 (d) Any transactions and use tax ordinance adopted pursuant to
34 this chapter shall be operative on the first day of the first calendar
35 quarter commencing more than 110 days after adoption of the
36 ordinance.

37 (e) Before the operative date of the ordinance, the commission
38 shall contract with the California Department of Tax and Fee
39 Administration to perform all functions incidental to the
40 administration and operation of the ordinance.

1 66538.24. (a) The commission may, *either directly or through*
2 *a qualified voter initiative*, by ordinance, impose a tax on every
3 employer in the San Francisco Bay area, except an employer
4 defined by Section 676, 684, or 685 of the Unemployment
5 Insurance Code, at a percentage, as determined by the commission,
6 of wages paid to an individual.

7 (b) If the commission acts pursuant to the authorization in
8 subdivision (a), the commission shall contract with the
9 Employment Development Department to perform all functions
10 incidental to the administration and operation of the tax.

11 (c) The tax shall be collected in the same manner and at the
12 same time as any contributions required under Sections 977 and
13 977.5 of the Unemployment Insurance Code, except as provided
14 in this section.

15 66538.26. (a) Subject to Section 4 of Article XIII A of the
16 California Constitution, the commission ~~may~~ *may, either directly*
17 *or through a qualified voter initiative*, impose, by ordinance, a
18 parcel tax within the San Francisco Bay area pursuant to the
19 procedures established in Article 3.5 (commencing with Section
20 50075) of Chapter 1 of Part 1 of Division 1 of Title 5, Chapter 3
21 (commencing with Section 66538.30), and any other applicable
22 procedures provided by law.

23 (b) For purposes of this section, “parcel tax” means a special
24 tax imposed upon a parcel of real property at a rate that is
25 determined without regard to that property’s value.

26 (c) The commission shall provide notice of any parcel tax
27 imposed pursuant to this section in the manner specified in Section
28 54930.

29 (d) The parcel tax shall be collected in the same manner as
30 ordinary ad valorem property taxes are collected and shall be
31 subject to the same penalties and the same procedure, sale, and
32 lien priority in case of delinquency as is provided for ad valorem
33 taxes.

34 (e) A parcel tax levied pursuant to this section shall be
35 administered in the following manner:

36 (1) Taxes collected shall be deposited into a separate fund, which
37 shall be established in the treasury of each county and used only
38 as prescribed by this division.

1 (2) The county shall transfer moneys from the fund to the
2 commission periodically as promptly as feasible. The transmittals
3 shall be made at least twice in each calendar quarter.

4 (3) The county may deduct incremental costs associated with
5 administering any taxes approved pursuant to this section from
6 the portion transferred to the commission pursuant to paragraph
7 (2).

8 66538.28. (a) The commission may, *either directly or through*
9 *a qualified voter initiative*, by ordinance, impose a regional vehicle
10 registration surcharge on each motor vehicle registered within the
11 San Francisco Bay area. The commission shall not propose a
12 measure to the electors to approve a surcharge pursuant to this
13 section before January 1, 2030.

14 (b) The commission may determine the rate of the regional
15 vehicle registration surcharge subject to all of the following
16 requirements:

17 (1) The surcharge shall be paid on an annual basis and shall be
18 collected by the Department of Motor Vehicles at the same time
19 and same manner as the vehicle registration pursuant to Section
20 ~~9250.3~~ 9250 of the Vehicle Code.

21 (2) The amount of the surcharge shall be based on the market
22 value of the vehicle, as determined by the Department of Motor
23 Vehicles pursuant to Sections 10753, 10753.2, and 10753.5 of the
24 Revenue and Taxation Code, using the same vehicle ranges set
25 forth in the schedule established pursuant to Section 11052 of the
26 Revenue and Taxation Code.

27 (3) The surcharge amount applicable to each vehicle range in
28 the schedule described in paragraph (2) shall be set in amounts
29 that increase based on the increasing value of each vehicle range.

30 (4) Beginning one year after an ordinance imposing a surcharge
31 is approved by the voters, the amount of the surcharge in each
32 vehicle market range shall be adjusted in an amount equal to the
33 increase in the California Consumer Price Index for the prior year,
34 as calculated by the Department of Finance, with amounts equal
35 to or greater than fifty cents (\$0.50) rounded to the highest whole
36 dollar. The incremental change shall be added to the associated
37 fee rate for that year.

38 (c) If an ordinance imposing a regional vehicle registration
39 surcharge is approved by the voters pursuant to Chapter 3
40 (commencing with Section 66538.30), the surcharge shall apply

1 to the original vehicle registration occurring on or after six months
2 following the adoption of the ordinance by the voters and to a
3 renewal of registration with an expiration date on or after that
4 six-month period.

5

6

CHAPTER 3. ELECTION PROCEDURES

7

8 66538.30. (a) If the commission, either directly or through
9 qualified voter initiative, proposes a measure pursuant to Chapter
10 2 (commencing with Section 66538.20) that requires voter approval
11 pursuant to the California Constitution, the board of supervisors
12 of the county or counties in which the commission has determined
13 to place the measure on the ballot shall call a special election on
14 the measure. The special election shall be held no sooner than
15 November 2026 and shall be consolidated with the next regularly
16 scheduled statewide election. The measure shall be submitted to
17 the voters in the appropriate counties, consistent with the
18 requirements of Articles XIII A, XIII C, and XIII, or Article XVI,
19 of the California Constitution, as applicable.

20 (b) For the purpose of placement of a measure on the ballot, the
21 commission is a district, as defined in Section 317 of the Elections
22 Code. Except as otherwise provided in this section, a measure
23 proposed by the commission that requires voter approval shall be
24 submitted to the voters of the counties, as determined by the
25 commission, in accordance with the provisions of the Elections
26 Code applicable to districts, including Chapter 4 (commencing
27 with Section 9300) of Division 9 of the Elections Code.

28 (c) Notwithstanding any provision of the Elections Code, the
29 legal counsel for the commission shall prepare an impartial analysis
30 of the measure. Each county included in the measure shall use the
31 election materials provided by the commission, including the exact
32 ballot question, impartial analysis, and full text of the ballot
33 measure for inclusion in the county voter information guide.

34 (d) If two or more counties included in the measure are required
35 to prepare a translation of ballot materials into the same language
36 other than English, the county that contains the largest population,
37 as determined by the most recent federal decennial census, among
38 those counties that are required to prepare a translation of ballot
39 materials into the same language other than English shall prepare
40 the translation, or authorize the commission to prepare the

1 translation, and that translation shall be used by the other county
2 or counties, as applicable.

3 (e) Notwithstanding Section 13116 of the Elections Code, the
4 elections officials of the counties where the measure will appear
5 on the ballot shall mutually agree to use the same letter designation
6 for the measure.

7 (f) The county clerk of each county shall report the results of
8 the special election to the commission. If the approval threshold
9 required by the California Constitution at the time *of* the election
10 is achieved, the measure shall take effect in the counties in which
11 the measure appeared on the ballot within the timeframe specified
12 in the measure.

13 (g) (1) Notwithstanding Section 10520 of the Elections Code,
14 for any election at which the commission, either directly or through
15 qualified voter initiative, proposes a measure pursuant to
16 subdivision (a) of Section 66538.20 that would generate revenues,
17 the commission shall reimburse each county in which that measure
18 appears on the ballot only for the incremental costs incurred by
19 the county elections official related to submitting the measure to
20 the voters with proceeds from the measure, or if the measure fails,
21 with any eligible funds provided by the commission or other public
22 or private entity.

23 (2) For purposes of this subdivision, “incremental costs”
24 includes both of the following:

25 (A) The cost to prepare a translation of ballot materials into a
26 language other than English by any county, as described in
27 subdivision (d).

28 (B) The additional costs that exceed the costs incurred for other
29 election races or ballot measures, if any, appearing on the same
30 ballot in each county in which the measure appears on the ballot,
31 including both of the following:

32 (i) The printing and mailing of ballot materials.

33 (ii) The canvass of the vote regarding the measure pursuant to
34 Division 15 (commencing with Section 15000) of the Elections
35 Code.

36 (h) If the voters approve new revenues pursuant to this section,
37 the commission shall establish an independent oversight committee
38 within six months of the effective date of the tax increase to ensure
39 that any revenues generated pursuant to this section are expended
40 consistent with the applicable requirements set forth in Chapter 4

1 (commencing with Section 66538.40). The committee may be
 2 consolidated with the oversight committee established pursuant
 3 to subdivision (h) of ~~section~~ *Section* 30923 of the Streets and
 4 Highways Code. Each representative shall be appointed by the
 5 applicable county board of supervisors. The oversight committee
 6 may request any documents from the commission to assist the
 7 committee in performing its functions.

8
 9 CHAPTER 4. EXPENDITURES

10
 11 ~~66538.40.~~ (a) ~~Except as provided in subdivision (c), revenues~~
 12 ~~generated pursuant to Chapter 2 (commencing with Section~~
 13 ~~66538.20) shall only be used to fund any of the following~~
 14 ~~transportation improvements in the San Francisco Bay area:~~

15 (1) ~~Investments that support transit transformation, including~~
 16 ~~all of the following:~~

17 (A) ~~Sustaining, expanding, and improving transit service for~~
 18 ~~current and future transit riders.~~

19 (B) ~~Accelerating customer-focused initiatives outlined in the~~
 20 ~~2020 Bay Area Transit Transformation Action Plan or successor~~
 21 ~~plan adopted by the commission.~~

22 (C) ~~Transit service improvements that San Francisco Bay area~~
 23 ~~transit riders or residents identify as high-priority, including safety,~~
 24 ~~cleanliness, and first-mile and last-mile connectivity.~~

25 (D) ~~Zero-emission transit vehicles and infrastructure.~~

26 (2) ~~Investments that support safe streets, including investments~~
 27 ~~to transform local roads to support safety, equity, and climate~~
 28 ~~goals, including through bicycle and pedestrian infrastructure~~
 29 ~~investments, safe routes to transit, other safety enhancements, and~~
 30 ~~pothole repair.~~

31 (3) ~~Investments that support connectivity, including mobility~~
 32 ~~improvements that close gaps and relieve bottlenecks in the~~
 33 ~~transportation network in a climate-neutral manner.~~

34 (4) ~~Investments that support climate resilience, including~~
 35 ~~planning, design, and construction activities that protect~~
 36 ~~transportation infrastructure and nearby communities from rising~~
 37 ~~sea levels, flooding, wildfires, and extreme heat.~~

38 (b) (1) ~~The commission shall annually allocate a minimum of~~
 39 ~~seven hundred fifty million dollars (\$750,000,000) of the revenues~~
 40 ~~generated pursuant to Chapter 2 (commencing with Section~~

1 ~~66538.20) to fund investments consistent with the purposes set~~
2 ~~forth in subparagraphs (A) to (C), inclusive, of paragraph (1) of~~
3 ~~subdivision (a), including, without limitation, for payment of all~~
4 ~~indebtedness incurred and bonds issued pursuant to Chapter 5~~
5 ~~(commencing with Section 66538.50), and the related costs set~~
6 ~~forth in that chapter.~~

7 ~~(2) Notwithstanding any other law, the allocation made pursuant~~
8 ~~to paragraph (1) shall not impair, limit, or otherwise affect payment~~
9 ~~of any indebtedness incurred or bonds issued pursuant to Chapter~~
10 ~~5 (commencing with Section 66538.50), and the related costs set~~
11 ~~forth in that chapter.~~

12 ~~(e) Notwithstanding subdivision (a), the commission may~~
13 ~~allocate revenues generated pursuant to Chapter 2 (commencing~~
14 ~~with Section 66538.20) to the Transportation Agency for deposit~~
15 ~~into the Bay Area Transit Consolidation Technical Assistance~~
16 ~~Fund. The revenues allocated pursuant to this subdivision shall be~~
17 ~~used for the purposes specified in subdivision (d) of Section~~
18 ~~13978.9.~~

19 ~~(d) It is the intent of the Legislature to enact legislation that~~
20 ~~would clarify roadway eligibility criteria for revenues generated~~
21 ~~pursuant to Chapter 2 (commencing with Section 66538.20),~~
22 ~~including potential criteria around roadway capacity increases.~~

23 ~~(e) It is the intent of the Legislature that the commission~~
24 ~~prioritize the following focus areas when distributing revenues~~
25 ~~generated pursuant to Chapter 2 (commencing with Section~~
26 ~~66538.20):~~

27 ~~(1) Fund the operations of public transit agencies, including~~
28 ~~through providing resources to address operating shortfalls and~~
29 ~~ensuring existing resources are maintained and used effectively.~~
30 ~~In implementing this paragraph, the commission should prioritize~~
31 ~~the following:~~

32 ~~(A) Maintaining transit service for riders who rely on transit as~~
33 ~~their primary mode of transportation.~~

34 ~~(B) Prioritizing sustaining services used by the greatest number~~
35 ~~of transit riders.~~

36 ~~(2) Enhance frequency of transit service and areas served where~~
37 ~~needed and financially sustainable.~~

38 ~~(3) Create a seamless and convenient San Francisco Bay area~~
39 ~~transit system that attracts far more riders than the number of riders~~
40 ~~that used that system before January 1, 2025, by improving public~~

1 safety on transit and implementing the 2020 Bay Area Transit
2 Transformation Action Plan.

3 (4) Make it safer and easier for people of all ages and abilities
4 to get to where they need to go by preserving and enhancing access
5 for all transportation system road users, including people walking,
6 biking, and wheeling.

7 (f) (1) A public transit agency shall maintain its existing
8 commitment of local funds to transit operations in order to be
9 eligible for an allocation of funds approved by the voters pursuant
10 to Chapter 3 (commencing with Section 66538.30). In order to be
11 eligible for funding pursuant to this section, a public transit agency
12 shall verify to the commission that it shall not supplant any sources
13 of its operating revenue used for transit operations as reported to
14 the Controller in the most recent fiscal year pursuant to Section
15 99243 of the Public Utilities Code before the election approving
16 the revenues imposed pursuant to Chapter 2 (commencing with
17 Section 66538.20).

18 (2) Notwithstanding paragraph (1), a transit agency may reduce
19 the amount of funding contributed towards their operating budget
20 in proportion to any reduction in operating costs.

21 (g) In addition to the requirement set forth in subdivision (f),
22 in order to be eligible for an allocation of funds approved by the
23 voters pursuant to Chapter 3 (commencing with Section 66538.30),
24 a public transit agency shall be in compliance with the
25 commission's rules and regulations adopted pursuant to Section
26 66516.

27 (h) The commission may retain, for its cost in administering
28 this chapter, an amount not to exceed 1 percent of the revenues
29 allocated by the commission.

30 (i) It is the intent of the Legislature to enact legislation that
31 would require the commission to consider need and geographic
32 balance in distributing regional transportation revenues.

33 66538.40. (a) Revenues generated pursuant to Chapter 2
34 (commencing with Section 66538.20) shall only be used to fund
35 transportation improvements in the San Francisco Bay area,
36 consistent with subdivision (c).

37 (b) (1) Revenue measure expenditures shall reflect an equitable
38 allocation of revenues throughout the counties that participated
39 in the election approving the tax measure with not less than 70
40 percent of the revenues generated in each county being invested

1 *in projects and programs that benefit that county, including transit*
2 *operations funding for transit agencies that serves riders of that*
3 *county, over each five-year period that the tax is operative.*

4 (2) *The commission shall prepare and adopt a calculation at*
5 *least once every two years to ensure the allocation of funds*
6 *pursuant to this chapter complies with paragraph (1).*

7 (c) *The commission shall annually allocate revenues generated*
8 *pursuant to Chapter 2 (commencing with Section 66538.20) in a*
9 *manner that achieves the following shares and that is consistent*
10 *with the following requirements:*

11 (1) *Forty-five percent for investments that support transit*
12 *transformation, as follows:*

13 (A) *For purposes of this chapter, transit transformation*
14 *investments shall include all of the following:*

15 (i) *Sustaining, expanding, and improving transit service for*
16 *current and future transit riders.*

17 (ii) *Accelerating customer-focused initiatives outlined in the*
18 *2021 Bay Area Transit Transformation Action Plan or any*
19 *successor plan adopted by the commission.*

20 (iii) *Developing and implementing customer-focused*
21 *improvements, including, but not limited to, safety and cleanliness*
22 *enhancements.*

23 (iv) *Zero-emission transit vehicles and infrastructure.*

24 (B) *The commission shall prioritize the following in allocating*
25 *funds that support transit transformation:*

26 (i) *For the first five-year period of the tax, assisting transit*
27 *operators in preventing service cuts.*

28 (ii) *After the end of the period described in clause (i), sustaining,*
29 *expanding, and improving transit service for current and future*
30 *transit riders, including through implementing the 2021 Bay Area*
31 *Transit Transformation Action Plan and any successor plan*
32 *adopted by the commission.*

33 (C) *The commission shall allocate no less than 40 percent of*
34 *the total revenues required to be allocated pursuant to this*
35 *paragraph to public transit agencies for investments that support*
36 *transit transformation in accordance with the following:*

37 (i) *The commission shall allocate the revenues made available*
38 *pursuant to this subparagraph by county based on the share of the*
39 *revenue generated in each county.*

1 (ii) A public transit agency shall be eligible to request an
2 apportionment from the allocation for each county pursuant to
3 clause (i) in which it provides service.

4 (iii) The commission shall determine the amount to be
5 apportioned to each public transit agency that requests an
6 apportionment consistent with subparagraph (E) and shall update
7 that apportionment at least once every two years.

8 (D) After allocating funds pursuant to subparagraph (C), the
9 commission shall use any remaining funds available under this
10 paragraph for investments that support transit transformation.

11 (E) In allocating funds pursuant to subparagraphs (C) and (D),
12 the commission shall ensure that all of the following conditions
13 are met:

14 (i) Not less than twenty-five million dollars (\$25,000,000)
15 annually shall be apportioned to each public transit agency that
16 meets either of the following ridership thresholds:

17 (I) The public transit agency provides more than 5,000,000
18 unlinked passenger trips per year.

19 (II) The public transit agency carries riders more than
20 25,000,000 passenger miles per year.

21 (ii) Not less than ten million dollars (\$10,000,000) annually
22 shall be apportioned to small public transit agencies in counties
23 where those small public transit agencies provide a combined
24 3,000,000 or greater unlinked passenger trips per year.

25 (iii) Not less than five million dollars (\$5,000,000) annually
26 shall be apportioned to small public transit agencies in each county
27 with small public transit agencies providing less than 3,000,000
28 unlinked passenger trips per year.

29 (iv) The amounts specified in clauses (i) to (iii), inclusive, shall
30 be adjusted at least once every five years in proportion to the rate
31 of increase in revenues during the years preceding the adjustment.

32 (v) For the purposes of this subparagraph, “small public transit
33 agency” means a public transit agency that does not meet the
34 service threshold described in clause (i).

35 (2) Not less than 25 percent for investments that support safe
36 streets, as follows:

37 (A) Eligible investments shall include projects to transform
38 local streets and roads to support safety, social equity, and climate
39 goals, including, but not limited to, any of the following projects:

- 1 (i) Enhancements to pedestrian safety on sidewalks, crosswalks,
2 and midblock segments with an emphasis on improvements near
3 community facilities such as schools, business districts, and
4 shopping areas.
- 5 (ii) Modifications to intersections, including adjustments to
6 signal timing, designed to slow vehicle speeds and reduce conflicts
7 between vehicles and vulnerable road users.
- 8 (iii) Safety and accessibility improvements to transit stops,
9 including the cost of relocating them.
- 10 (iv) Street surface repair and raised roadway treatments to
11 reduce vehicle speeds.
- 12 (v) Improvements to drainage and stormwater infrastructure.
- 13 (B) Of the funds described in this paragraph, the commission
14 shall allocate all of the revenues generated in each county to the
15 applicable county transportation authority established pursuant
16 to Division 12.5 (commencing with Section 131000) of the Public
17 Utilities Code for expenditure consistent with subparagraph (A).
18 If a county transportation authority has not been established in a
19 county, the commission shall instead allocate the revenues to the
20 congestion management agency for that county.
- 21 (3) Not less than 15 percent for investments that support
22 connectivity, as follows:
- 23 (A) Eligible investments shall include highway, transit, and rail
24 mobility projects that close gaps and relieve bottlenecks in the
25 existing transportation network in a climate-neutral manner,
26 resilience improvements that protect transportation infrastructure
27 from climate-fueled natural hazards, and transportation safety
28 improvements, including, but not limited to, grade separations.
- 29 (B) The commission shall ensure revenues generated in each
30 county shall be invested over a ____ year period in projects and
31 programs that benefit that county.
- 32 (C) A capital project funded pursuant to this paragraph shall
33 be included in, or determined by the commission to be consistent
34 with, a sustainable communities strategy adopted pursuant to
35 Section 65080.
- 36 (4) Up to 15 percent for investments eligible under paragraph
37 (1), (2), or (3). These funds shall be used to do any of the following:
- 38 (A) Ensure the minimum county benefit threshold described in
39 subdivision (b) is met or exceeded.

1 (B) Assist public transit agencies in preventing service cuts and
2 increasing transit ridership, including, but not limited to, by
3 funding implementation of the 2021 Bay Area Transit
4 Transformation Action Plan and any successor plan adopted by
5 the commission.

6 (C) Invest in other regional priorities.

7 (d) Notwithstanding subdivision (c), the commission may retain,
8 for its cost in administering this chapter, an amount not to exceed
9 1 percent of the revenues available after paying the administrative
10 costs associated with the collection of the revenues incurred by
11 state agencies or local jurisdictions.

12 (e) (1) (A) In order to be eligible for funding pursuant to this
13 section, a public transit agency shall verify to the commission that
14 it will maintain its expected level of funding for operations and
15 shall not supplant any sources of operating revenue under its
16 control or fund sources allocated by the commission that were
17 used for transit operations in the preceding three fiscal years.

18 (B) The expected level of funding for purposes of this
19 subparagraph, which shall be referred to as the maintenance of
20 effort, shall be calculated using the public transit agency's average
21 discretionary operating expenditures for the preceding three fiscal
22 years, two years in arrears as reported to the Controller in its
23 annual report submitted pursuant to Section 99243 of the Public
24 Utilities Code.

25 (2) Notwithstanding paragraph (1), a transit agency may reduce
26 the amount of funding contributed towards its operating budget
27 in proportion to any reduction in operating costs or reduction in
28 operating revenue based on factors outside the control of the transit
29 agency, including, but not limited to, the expiration of a
30 voter-approved revenue source or the determination based on a
31 statistically valid poll that an expiring ballot measure lacks
32 sufficient support to warrant placement on the ballot.

33 (3) A transit agency may request that the commission grant an
34 exception to the requirements of this subdivision for the purpose
35 of transferring operating funds to state of good repair needs for
36 assets owned and operated by the transit agency or to cover the
37 cost of compliance with a state or federal law or regulation.

38 (f) In addition to the requirement set forth in subdivision (e), in
39 order to be eligible for an allocation of funds approved by the
40 voters pursuant to Chapter 3 (commencing with Section 66538.30),

1 *a public transit agency shall be in compliance with the*
2 *commission's rules and regulations adopted pursuant to Section*
3 *66516.*

4
5 CHAPTER 5. BONDS
6

7 66538.50. The commission may incur indebtedness and issue
8 bonds and other securities as follows:

9 (a) The commission may incur indebtedness and issue securities
10 of any kind or class, and may renew the same, if that indebtedness,
11 howsoever evidenced, is payable solely from revenues of the
12 commission as specified in the indenture, trust agreement, note,
13 bond, lease, loan agreement, or other agreement or evidence of
14 indebtedness relating to those securities.

15 (b) (1) The commission may from time to time issue its
16 negotiable bonds, notes, warrants, debentures, or other securities,
17 hereinafter collectively called "bonds" for purposes of this section,
18 for any purpose specified in this division.

19 (2) In anticipation of the sale of the bonds as authorized by this
20 chapter, the commission may issue negotiable bond anticipation
21 notes and may renew the same from time to time. These bond
22 anticipation notes may be paid from the proceeds of sale of the
23 bonds of the commission in anticipation of which they were issued.
24 Bonds, notes, and other agreements relating to those bonds or
25 notes, hereinafter collectively called "bond anticipation notes" for
26 purposes of this section, and the resolution or resolutions
27 authorizing the same may contain any provisions, conditions, or
28 limitations that a bond, agreement relating to that bond, or bond
29 resolution of the commission may contain, except that the bond
30 anticipation note shall mature at a time not exceeding three years
31 from the date of issue or any renewal.

32 (c) At any time that the commission desires to issue bonds or
33 bond anticipation notes, it shall adopt a resolution by two-thirds
34 vote of all members of the commission specifying all of the
35 following:

36 (1) The purposes for which the bonds or bond anticipation notes
37 are to be issued, which may include all costs and estimated costs
38 incidental to, or connected with, the accomplishment of those
39 purposes, including, without limitation, engineering, inspection,
40 legal, fiscal agents, financial consultant and other fees, bond and

1 other reserve funds, credit or liquidity enhancement costs, working
2 capital, bond interest estimated to accrue during any construction
3 period and for a period not to exceed the lesser of 10 years
4 thereafter or the maturity date of the bonds or bond anticipation
5 notes, and expenses of all proceedings for the authorization,
6 issuance, and sale of the bonds or bond anticipation notes.

7 (2) The maximum principal amount of the bonds or bond
8 anticipation notes.

9 (3) The maximum term for the bonds or bond anticipation notes.

10 (4) The maximum rate of interest to be payable upon the bonds
11 or bond anticipation notes. That interest rate shall not exceed the
12 maximum rate specified in Section 53531. The rate may be either
13 fixed or variable and shall be payable at the times and in the
14 manner specified in the resolution.

15 (d) The pledge of any taxes authorized under this division to
16 the bonds or bond anticipation notes authorized under this chapter
17 shall have priority over the use of any of those taxes for all other
18 purposes, except to the extent that priority is expressly restricted
19 in the resolution authorizing the issuance of the bonds or bond
20 anticipation notes.

21 (e) The bonds or bond anticipation notes may be sold as the
22 commission determines by resolution, and the bonds or bond
23 anticipation notes may be sold at a price above or below par,
24 whether by negotiated or public sale.

25 (f) (1) Refunding bonds or bond anticipation notes may be
26 issued in a principal amount sufficient to pay all, or any part, of
27 any of the following:

28 (A) The principal of the outstanding bonds or bond anticipation
29 notes.

30 (B) The premiums, if any, due upon call and redemption of
31 those bonds or bond anticipation notes before maturity.

32 (C) All expenses of the refunding, including any costs related
33 to credit or liquidity support, reserves, swaps, or similar
34 agreements.

35 (D) Interest on the refunding bonds or bond anticipation notes
36 from the date of sale of the refunding bonds or bond anticipation
37 notes to the date of payment of the bonds or bond anticipation
38 notes to be refunded out of the proceeds of the sale of the refunding
39 bonds or bond anticipation notes or to the date upon which the
40 bonds or bond anticipation notes to be refunded will be paid

1 pursuant to call or agreement with the holders of the bonds or bond
2 anticipation notes.

3 (E) The interest upon the bonds or bond anticipation notes to
4 be refunded from the date of sale of the refunding bonds or bond
5 anticipation notes to the date of payment of the bonds or bond
6 anticipation notes to be refunded or to the date upon which the
7 bonds or bond anticipation notes to be refunded will be paid
8 pursuant to call or agreement with the holder of the bonds or bond
9 anticipation notes, and all other costs incident to that refunding.

10 (2) The provisions of this chapter for the issuance and sale of
11 bonds or bond anticipation notes apply to the issuance and sale of
12 refunding bonds or refunding bond anticipation notes.

13 (g) (1) Any bonds or bond anticipation notes issued pursuant
14 to this chapter are a legal investment for all of the following:

15 (A) All trust funds.

16 (B) The funds of insurance companies, commercial and savings
17 banks, and trust companies.

18 (C) State school funds.

19 (2) Whenever any money or funds may, by any law in existence
20 as of January 1, 2025, or later enacted, be invested in bonds of
21 cities, counties, school districts, or other districts within the state,
22 those funds may be invested in the bonds issued pursuant to this
23 chapter, and whenever bonds of cities, counties, school districts,
24 or other districts within this state may, by any law in existence as
25 of January 1, 2025, or later enacted, be used as security for the
26 performance of any act or the deposit of any public money, the
27 bonds issued pursuant to this chapter may be so used.

28 (3) The provisions of this division are in addition to all other
29 laws relating to legal investments and shall be controlling as the
30 latest expression of the Legislature with respect to laws relating
31 to legal investments.

32

33

CHAPTER 6. MISCELLANEOUS

34

35 66538.60. Any action or proceeding to contest, question, or
36 deny the validity of a tax provided for in this division, the financing
37 of the programs and projects contemplated by this division, the
38 issuance of any bonds secured by those taxes, or any of the related
39 proceedings, shall be commenced within 60 days from the date of
40 the election at which the tax is approved. After that date, the

1 financing of the program, the issuance of the bonds, and all related
2 proceedings, including the collection of the taxes, shall be held
3 valid and incontestable in every respect.

4 66538.62. The commission may in its own name ~~to~~ do all acts
5 necessary or convenient for the exercise of its powers under this
6 division and the financing of the programs, projects and purposes
7 identified in this division, including, but not limited to, all of the
8 following:

9 (a) To make and enter into contracts.

10 (b) To employ agents or employees.

11 (c) To acquire, construct, manage, maintain, lease, or operate
12 any public facility or improvements.

13 (d) To sue and be sued in its own name.

14 (e) To apply for, accept, receive, and disburse grants, loans, and
15 other assistance from any agency of the United States of America
16 or of the State of California.

17 (f) To invest any money not required for the immediate
18 necessities of the commission, as the commission determines is
19 advisable.

20 (g) To prepare and include any necessary or helpful bond
21 authorizations in connection with a ballot measure or other
22 proceeding authorized under this division.

23 (h) To apply for letters of credit or other forms of financial
24 guarantees in order to secure the repayment of bonds and to enter
25 into agreements in connection with those letters of credit or
26 financial guarantees.

27 SEC. 8. Section 99270.5 of the Public Utilities Code is
28 amended to read:

29 99270.5. (a) In determining whether there is compliance with
30 Section 99268.1, 99268.2, 99268.3, 99268.4, 99268.5, or 99268.9,
31 as the case may be, by operators serving the area of the San
32 Francisco Bay Area Rapid Transit District, excluding the City and
33 County of San Francisco, the Metropolitan Transportation
34 Commission may make that determination for all or some of the
35 operators as a group, if the Metropolitan Transportation
36 Commission finds that the public transportation services of the
37 operators grouped are coordinated.

38 (b) Commencing with claims for the 2025–26 fiscal year, an
39 operator providing service within the area under the jurisdiction
40 of the Metropolitan Transportation Commission shall not be

1 eligible to make a claim pursuant to Section 99260 unless the
2 operator is in compliance with the commission's rules and
3 regulations adopted pursuant to Section 66516 of the Government
4 Code.

5 SEC. 9. Section 976.9 is added to the Unemployment Insurance
6 Code, to read:

7 976.9. (a) (1) The department, if contracted with the
8 commission, shall administer and collect the tax imposed pursuant
9 to Section 66538.24 of the Government Code.

10 (2) The department shall administer and collect the tax in the
11 manner set forth in Section 66538.24 of the Government Code.

12 (b) The department may use proceeds from the tax collected
13 pursuant to Section 66538.24 of the Government Code to offset
14 the costs of all functions incidental to the administration and
15 operation of the contributions.

16 (c) After deducting all costs described in subdivision (b), the
17 department shall distribute the net revenues to the commission for
18 expenditure pursuant to Chapter 4 (commencing with Section
19 66538.40) of Division 2 of Title 7.1 of the Government Code.

20 (d) For purposes of this section, "commission" means the
21 Metropolitan Transportation Commission created pursuant to
22 Section 66502 of the Government Code.

23 SEC. 10. Section 9250.3 is added to the Vehicle Code, to read:

24 9250.3. (a) The department, if contracted with the commission,
25 shall collect the regional vehicle registration surcharge imposed
26 pursuant to Section 66538.28 of the Government Code upon the
27 registration or renewal of registration of a motor vehicle registered
28 in the county, except those vehicles that are expressly exempted
29 under this code from the payment of registration fees.

30 (b) After deducting all costs incurred pursuant to this section,
31 the department shall distribute the net revenues to the commission
32 for expenditure pursuant to Chapter 4 (commencing with Section
33 66538.40) of Division 2 of Title 7.1 of the Government Code.

34 (c) The department shall collaborate with the commission to
35 ensure the administration of the surcharge described in subdivision
36 (a) can be facilitated after the modernization of the department's
37 technology systems.

38 (d) For purposes of this section, "commission" means the
39 Metropolitan Transportation Commission created pursuant to
40 Section 66502 of the Government Code.

1 SEC. 11. If the Commission on State Mandates determines
2 that this act contains costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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AMENDED IN SENATE APRIL 8, 2024

AMENDED IN SENATE MARCH 21, 2024

SENATE BILL

No. 1095

Introduced by Senator Becker

February 12, 2024

An act to add Section 4737 to the Civil Code, and to amend Sections 17958.8, 18031.7, and 18031.8 of, *and* to add Section 18031.9 to, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1095, as amended, Becker. Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

(1) Existing law, the Manufactured Housing Act of 1980 (the “act”), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure.

The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified.

This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome.

This bill would provide that the act, including any regulation, rule, or bulletin adopted pursuant thereto, does not prohibit the installation of plumbing, heating, or air-conditioning systems for manufactured homes, mobilehomes, or multifamily manufactured homes from being located outside of the home if necessary to replace an existing fuel-gas-burning water heater.

(2) The act requires replacement fuel-gas-burning water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

This bill would also require replacement electric water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

The act requires fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

This bill would also require electric water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

The act required the Department of Housing and Community Development, on or before July 1, 2009, to promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping.

This bill would require the department, on or before ~~August 15, 2025~~, *July 1, 2026*, to promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping, as specified.

This bill would also require the department, if necessary, by ~~December 31, 2025~~, *July 1, 2026*, to update rules and regulations that facilitate the use of electricity-powered space and water heating technologies for manufactured homes, mobilehomes, and multifamily manufactured homes when necessary to replace fuel-burning appliances with electric appliances.

The act provides that any person who knowingly violates any provision of the act or any rule or regulation issued pursuant to the act is guilty of a misdemeanor.

By establishing new standards applicable to the installation and replacement of electric water heaters, the bill would expand the above-mentioned crime and thus impose a state-mandated local program.

(3) The act provides that it does not prohibit the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with fuel-gas-burning ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

This bill would authorize the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with electric ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

The act requires replacement gas-fuel-burning ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

This bill would require replacement electric ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

(4) Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. The State Housing Law requires local ordinances or regulations that govern the alteration and repair of existing buildings to permit the replacement, retention, and extension of original materials and the use of original methods of constructions, provided that the portion of the building and structure complies with applicable building code provisions and the building does not become or continue to be a substandard building, as specified.

This bill would provide that the above provision regarding the use of original materials and methods of construction does not prevail over any state or local law that prohibits the use or installation of fuel-gas-burning appliances or that requires the use or installation of electric appliances.

(5) The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law makes void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified.

This bill would make void and unenforceable any provision of the governing documents or architectural guidelines or policies to the extent that the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

(6) This bill would state that specified provisions of the bill are declaratory of existing law.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Cozy Homes Cleanup Act.

3 SEC. 2. Section 4737 is added to the Civil Code, to read:

4 4737. Notwithstanding any other law, any provision of the
5 governing documents or architectural guidelines or policies shall
6 be void and unenforceable to the extent that the provision prevents
7 the replacement of a fuel-gas-burning appliance with an electric
8 appliance.

9 SEC. 3. Section 17958.8 of the Health and Safety Code is
10 amended to read:

11 17958.8. (a) Local ordinances or regulations governing
12 alterations and repair of existing buildings shall permit the
13 replacement, retention, and extension of original materials and the
14 use of original methods of construction for any building or
15 accessory structure subject to this part, including a hotel,
16 lodginghouse, motel, apartment house, or dwelling, or portions
17 thereof, as long as the portion of the building and structure subject
18 to the replacement, retention, or extension of original materials
19 and the use of original methods of construction complies with the
20 building code provisions governing that portion of the building or
21 accessory structure at the time of construction, and the other rules
22 and regulations of the department or alternative local standards
23 governing that portion at the time of its construction and adopted

1 pursuant to Section 13143.2 and the building or accessory structure
2 does not become or continue to be a substandard building.

3 (b) This section shall not prevail over any other state or local
4 law that prohibits the use or installation of fuel-gas-burning
5 appliances or that requires the use or installation of electric
6 appliances.

7 SEC. 4. Section 18031.7 of the Health and Safety Code is
8 amended to read:

9 18031.7. (a) (1) Nothing in this part shall prohibit the
10 replacement of water heaters in manufactured homes or
11 mobilehomes with electric or fuel-gas-burning water heaters not
12 specifically listed for use in a manufactured home or mobilehome
13 or from having hot water supplied from an approved source within
14 the manufactured home or mobilehome, or in the garage, in
15 accordance with this part or Part 2.1 (commencing with Section
16 18200).

17 (2) Nothing in this part shall prohibit the replacement of
18 appliances for comfort heating in manufactured homes,
19 mobilehomes, or multifamily manufactured homes with electric
20 or fuel-gas appliances for comfort heating not specifically listed
21 for use in a manufactured home or mobilehome within the
22 manufactured home, mobilehome, or multifamily manufactured
23 home in accordance with this part, Part 2.1 (commencing with
24 Section 18200), or Part 2.3 (commencing with Section 18860).

25 (b) Nothing in this part, nor any regulation, rule, or bulletin
26 adopted pursuant to this part, shall prohibit the installation of
27 plumbing, heating, or air-conditioning systems for manufactured
28 homes, mobilehomes, or multifamily manufactured homes from
29 being located outside of the home if necessary to replace an
30 existing fuel-gas-burning water heater.

31 (c) Replacement electric or fuel-gas-burning water heaters shall
32 be listed for residential use and installed within the specifications
33 of that listing to include tiedown or bracing to prevent overturning.

34 (d) Replacement electric or fuel-gas-burning water heaters
35 installed in accordance with subdivision (c) shall bear a label
36 permanently affixed in a visible location adjacent to the fuel gas
37 inlet or electrical power source which reads, as applicable:

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WARNING
This appliance is approved only for use with natural gas (NG).

OR

WARNING
This appliance is approved only for use with liquified petroleum gas (LPG).

OR

WARNING
This appliance is approved only for electrical use.

Lettering on the label shall be black on a red background and not less than ¼ inch in height except for the word “WARNING” which shall be not less than ½ inch in height.

(e) (1) All electric or fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes installed in the state shall be seismically braced, anchored, or strapped pursuant to paragraph (3) or (4) and shall be completed before or at the time of installation of the homes.

(2) Any replacement electric or fuel-gas-burning water heater appliances installed in existing mobilehomes, existing manufactured homes, or existing multifamily manufactured homes that are offered for sale, rent, or lease shall be seismically braced, anchored, or strapped pursuant to paragraph (3) or (4).

(3) On or before July 1, 2009, the department shall promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping. These standards shall be substantially in accordance with either the guidelines developed pursuant to Section 19215 or the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), and shall be applicable statewide.

(4) On or before ~~August 15, 2025~~, *July 1, 2026*, the department shall promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping. These standards shall be substantially in accordance with either

1 the guidelines developed pursuant to Section 19215 or the
2 California Plumbing Code (Part 5 of Title 24 of the California
3 Code of Regulations), and shall be applicable statewide.

4 (5) The dealer, or manufacturer acting as a dealer, responsible,
5 as part of the purchase contract, for both the sale and installation
6 of any home subject to this subdivision shall ensure all water
7 heaters are seismically braced, anchored, or strapped in compliance
8 with this subdivision prior to completion of installation.

9 (6) In the event of a sale of a home, pursuant to either paragraph
10 (1) of subdivision (e) of Section 18035 or Section 18035.26, the
11 homeowner or contractor responsible for the installation of the
12 home shall ensure all electric or fuel-gas-burning water heater
13 appliances are seismically braced, anchored, or strapped consistent
14 with the requirements of paragraph (3). This requirement shall be
15 satisfied when the homeowner or responsible contractor signs a
16 declaration stating each electric or fuel-gas-burning water heater
17 is secured as required by this section on the date the declaration
18 is signed.

19 (f) All used mobilehomes, used manufactured homes, and used
20 multifamily manufactured homes that are sold shall, on or before
21 the date of transfer of title, have the electric or fuel-gas-burning
22 water heater appliance or appliances seismically braced, anchored,
23 or strapped consistent with the requirements of paragraph (3) or
24 (4) of subdivision (e). This requirement shall be satisfied if, within
25 45 days prior to the transfer of title, the transferor signs a
26 declaration stating that each water heater appliance in the used
27 mobilehome, used manufactured home, or used multifamily
28 manufactured home is secured pursuant to paragraph (3) or (4) of
29 subdivision (e) on the date the declaration is signed.

30 (g) For sales of manufactured homes or mobilehomes installed
31 on real property pursuant to subdivision (a) of Section 18551, as
32 to real estate agents licensed pursuant to Division 4 (commencing
33 with Section 10000) of the Business and Professions Code, the
34 real estate licensee duty provisions of Section 8897.5 of the
35 Government Code shall apply to this section.

36 SEC. 5. Section 18031.8 of the Health and Safety Code is
37 amended to read:

38 18031.8. (a) Nothing in this part or the regulations promulgated
39 thereunder shall prohibit the replacement in manufactured homes
40 or mobilehomes of ovens, ranges, or clothes dryers with electric

1 or fuel gas burning ovens, ranges, or clothes dryers not specifically
2 listed for use in a manufactured home or mobilehome.

3 (b) Replacement electric or fuel gas burning ovens, ranges, or
4 clothes dryers shall be listed for residential use and installed in
5 accordance with the specifications of that listing to include tiedown
6 and bracing to prevent displacement.

7 (c) Replacement electric or fuel gas burning ovens, ranges, or
8 clothes dryers installed in accordance with subdivision (b) shall
9 bear a label in compliance with subdivision (c) of Section 18031.7.

10 SEC. 6. Section 18031.9 is added to the Health and Safety
11 Code, to read:

12 18031.9. The department shall, if necessary, by ~~December 31,~~
13 ~~2025,~~ *July 1, 2026*, update existing rules and regulations that
14 facilitate the use of electricity-powered space and water heating
15 technologies for manufactured homes, mobilehomes, and
16 multifamily manufactured homes when necessary to replace
17 fuel-burning appliances with electric appliances.

18 SEC. 7. The amendments to Section 17958.8 of the Health and
19 Safety Code made by this act do not constitute a change in, but
20 are declaratory of, existing law.

21 SEC. 8. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

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AMENDED IN SENATE APRIL 16, 2024

SENATE BILL

No. 1158

Introduced by Senator Archuleta

February 14, 2024

An act to amend Sections ~~44287, 44299.1, 44287~~ and 44299.2 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1158, as amended, Archuleta. Carl Moyer Memorial Air Quality Standards Attainment Program.

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Existing law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Existing law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation.

This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes.

~~Under the Carl Moyer Program, existing law limits the amount of moneys that a local air district may use from its allocation for indirect costs of implementation of the program. Under existing law, that limit is 6.25% of the allocated moneys for a district with a population of 1,000,000 or more and 12.5% of the allocated moneys for a district with a population of less than 1,000,000.~~

~~This bill would instead set that limit at 12.5% for all local air districts regardless of population.~~

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 44287 of the Health and Safety Code, as
 2 amended by Section 121 of Chapter 131 of the Statutes of 2023,
 3 is amended to read:

4 44287. (a) The state board shall establish grant criteria and
 5 guidelines consistent with this chapter for covered vehicle projects
 6 as soon as practicable, but not later than January 1, 2000. The
 7 adoption of guidelines is exempt from the rulemaking provisions
 8 of the Administrative Procedure Act, Chapter 3.5 (commencing
 9 with Section 11340) of Part 1 of Division 3 of Title 2 of the
 10 Government Code. The state board shall solicit input and comment
 11 from the districts during the development of the criteria and
 12 guidelines and shall make every effort to develop criteria and
 13 guidelines that are compatible with existing district programs that
 14 are also consistent with this chapter. Guidelines shall include
 15 protocols to calculate project cost-effectiveness. The grant criteria
 16 and guidelines shall include safeguards to ensure that the project
 17 generates surplus emissions reductions. Guidelines shall enable
 18 and encourage districts to cofund projects that provide emissions
 19 reductions in more than one district. The state board shall make
 20 draft criteria and guidelines available to the public 45 days before
 21 final adoption, and shall hold at least one public meeting to
 22 consider public comments before final adoption.

23 (b) The state board, in consultation with the participating
 24 districts, may propose revisions to the criteria and guidelines

1 established pursuant to subdivision (a) as necessary to improve
2 the ability of the program to achieve its goals. A proposed revision
3 shall be made available to the public 45 days before final adoption
4 of the revision and the state board shall hold at least one public
5 meeting to consider public comments before final adoption of the
6 revision.

7 (c) The state board shall reserve funds for, and disburse funds
8 to, districts from the fund for administration pursuant to this section
9 and Section 44299.1.

10 (d) The state board shall develop guidelines for a district to
11 follow in applying for the reservation of funds, in accordance with
12 this chapter. It is the intent of the Legislature that district
13 administration of any reserved funds be in accordance with the
14 project selection criteria specified in Sections 44281, 44282, and
15 44283 and all other provisions of this chapter. The guidelines shall
16 be established and published by the state board as soon as
17 practicable, but not later than January 1, 2000.

18 (e) Funds shall be reserved by the state board for administration
19 by a district that adopts an eligible program pursuant to this chapter
20 and offers matching funds at a ratio of one dollar (\$1) of matching
21 funds committed by the district or the Mobile Source Air Pollution
22 Reduction Review Committee for every two dollars (\$2) committed
23 from the fund. Funds available to the Mobile Source Air Pollution
24 Reduction Review Committee may be counted as matching funds
25 for projects in the South Coast Air Basin only if the committee
26 approves the use of these funds for matching purposes. Matching
27 funds may be any funds under the district's budget authority that
28 are committed to be expended in accordance with the program.
29 Funds committed by a port authority or a local government, in
30 cooperation with a district, to be expended in accordance with the
31 program may also be counted as district matching funds. Matching
32 funds provided by a port authority or a local government may not
33 exceed 30 percent of the total required matching funds in any
34 district that applies for more than three hundred thousand dollars
35 (\$300,000) of the state board funds. Only a district, or a port
36 authority or a local government teamed with a district, may provide
37 matching funds.

38 (f) The state board may adjust the ratio of matching funds
39 described in subdivision (e), if it determines that an adjustment is
40 necessary in order to maximize the use of, or the air quality benefits

1 provided by, the program, based on a consideration of the financial
2 resources of the district.

3 (g) Notwithstanding subdivision (e), a district need not provide
4 matching funds for state board funds allocated to the district for
5 program outreach activities pursuant to paragraph (2) of subdivision
6 (a) of Section 44299.1.

7 (h) A district may include within its matching funds a reasonable
8 estimate of direct or in-kind costs for assistance in providing
9 program outreach and application evaluation. In-kind and direct
10 matching funds shall not exceed 15 percent of the total matching
11 funds offered by a district. A district may also include within its
12 matching funds any money spent on or after February 25, 1999,
13 that would have qualified as matching funds but were not
14 previously claimed as matching funds.

15 (i) A district desiring a reservation of funds shall apply to the
16 state board following the application guidelines established
17 pursuant to this section. The state board shall approve or disapprove
18 a district application not later than 60 days after receipt. Upon
19 approval of any district application, the state board shall
20 simultaneously approve a reservation of funding for that district
21 to administer. Reserved funds shall be disbursed to the district so
22 that funding of a district-approved project is not impeded.

23 (j) Notwithstanding any other provision of this chapter, districts
24 and the Mobile Source Air Pollution Reduction Review Committee
25 shall not use funds collected pursuant to Section 41081 or Chapter
26 7 (commencing with Section 44220), or pursuant to Section
27 9250.11 of the Vehicle Code, as matching funds to fund a project
28 with stationary or portable engines, locomotives, or marine vessels.

29 (k) Any funds reserved for a district pursuant to this section are
30 available to the district for a period of not more than two years
31 from the time of reservation. Funds not expended by June 30 of
32 the sixth calendar year following the date of disbursement shall
33 revert back to the state board as of that June 30, and shall be
34 deposited in the fund for use by the program. The funds may then
35 be redirected based on applications to the fund. Regardless of any
36 reversion of funds back to the state board, the district may continue
37 to request other reservations of funds for local administration. Each
38 reservation of funds shall be accounted for separately, and unused
39 funds from each application shall revert back to the state board as
40 specified in this subdivision.

1 (l) The state board shall specify a date each year when district
2 applications are due. If the eligible applications received in any
3 year oversubscribe the available funds, the state board shall reserve
4 funds on an allocation basis, pursuant to subdivision (b) of Section
5 44299.1. The state board may accept a district application after
6 the due date for a period of months specified by the state board.
7 Funds may be reserved in response to those applications, in
8 accordance with this chapter, out of funds remaining after the
9 original reservation of funds for the year.

10 (m) Guidelines for a district application shall require information
11 from an applicant district to the extent necessary to meet the
12 requirements of this chapter, but shall otherwise minimize the
13 information required of a district.

14 (n) A district application shall be reviewed by the state board
15 immediately upon receipt. If the state board determines that an
16 application is incomplete, the applicant shall be notified within 10
17 working days with an explanation of what is missing from the
18 application. A completed application fulfilling the criteria shall be
19 approved as soon as practicable, but not later than 60 working days
20 after receipt.

21 (o) The state board, in consultation with the districts, shall
22 establish project approval criteria and guidelines for infrastructure
23 projects consistent with Section 44284 as soon as practicable, but
24 not later than February 15, 2000. The commission shall make draft
25 criteria and guidelines available to the public 45 days before final
26 adoption, and shall hold at least one public meeting to consider
27 public comments before final adoption.

28 (p) The state board, in consultation with the participating
29 districts, may propose revisions to the criteria and guidelines
30 established pursuant to subdivision (o) as necessary to improve
31 the ability of the program to achieve its goals. A revision may be
32 proposed at any time, or may be proposed in response to a finding
33 made in the annual report on the program published by the state
34 board pursuant to Section 44295. A proposed revision shall be
35 made available to the public 45 days before final adoption of the
36 revision and the commission shall hold at least one public meeting
37 to consider public comments before final adoption of the revision.

38 (q) This section shall become operative on January 1, 2034.

1 SEC. 2. Section 44287 of the Health and Safety Code, as
2 amended by Section 122 of Chapter 131 of the Statutes of 2023,
3 is amended to read:

4 44287. (a) The state board shall establish or update grant
5 criteria and guidelines consistent with this chapter for covered
6 vehicle and infrastructure projects as soon as practicable, but not
7 later than July 1, 2017. The adoption of guidelines is exempt from
8 the rulemaking provisions of the Administrative Procedure Act
9 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
10 Division 3 of Title 2 of the Government Code). The state board
11 shall solicit input and comment from the districts during the
12 development of the criteria and guidelines and shall make every
13 effort to develop criteria and guidelines that are compatible with
14 existing district programs that are also consistent with this chapter.
15 Guidelines shall include protocols to calculate project
16 cost-effectiveness. The grant criteria and guidelines shall include
17 safeguards to ensure that the project generates surplus emissions
18 reductions. Guidelines shall enable and encourage districts to
19 cofund projects that provide emissions reductions in more than
20 one district. The state board shall make draft criteria and guidelines
21 available to the public 45 days before final adoption, and shall
22 hold at least one public meeting to consider public comments
23 before final adoption. The state board may develop separate
24 guidelines and criteria for the different types of eligible projects
25 described in subdivision (a) of Section 44281.

26 (b) The state board, in consultation with the participating
27 districts, may propose revisions to the criteria and guidelines
28 established pursuant to subdivision (a) as necessary to improve
29 the ability of the program to achieve its goals. A proposed revision
30 shall be made available to the public 45 days before final adoption
31 of the revision and the state board shall hold at least one public
32 meeting to consider public comments before final adoption of the
33 revision.

34 (c) The state board shall reserve funds for, and disburse funds
35 to, districts from the fund for administration pursuant to this section
36 and Section 44299.1.

37 (d) The state board shall develop guidelines for a district to
38 follow in applying for the reservation of funds, in accordance with
39 this chapter. It is the intent of the Legislature that district
40 administration of any reserved funds be in accordance with the

1 project selection criteria specified in Sections 44281, 44282, and
2 44283 and all other provisions of this chapter. The guidelines shall
3 be established and published by the state board as soon as
4 practicable, but not later than January 1, 2006.

5 (e) Funds shall be reserved by the state board for administration
6 by a district that adopts an eligible program pursuant to this chapter
7 and offers matching funds at a ratio of one dollar (\$1) of matching
8 funds committed by the district or the Mobile Source Air Pollution
9 Reduction Review Committee for every two dollars (\$2) committed
10 from the fund. Funds available to the Mobile Source Air Pollution
11 Reduction Review Committee may be counted as matching funds
12 for projects in the South Coast Air Basin only if the committee
13 approves the use of these funds for matching purposes. Matching
14 funds may be any funds under the district's budget authority that
15 are committed to be expended in accordance with the program.
16 Funds committed by a port authority or a local government, in
17 cooperation with a district, to be expended in accordance with the
18 program may also be counted as district matching funds. Matching
19 funds provided by a port authority or a local government shall not
20 exceed 30 percent of the total required matching funds in any
21 district that applies for more than three hundred thousand dollars
22 (\$300,000) of the state board funds. Only a district, or a port
23 authority or a local government teamed with a district, may provide
24 matching funds.

25 (f) The state board may adjust the ratio of matching funds
26 described in subdivision (e), if it determines that an adjustment is
27 necessary in order to maximize the use of, or the air quality benefits
28 provided by, the program, based on a consideration of the financial
29 resources of the district.

30 (g) Notwithstanding subdivision (e), a district need not provide
31 matching funds for state board funds allocated to the district for
32 program outreach activities pursuant to paragraph (2) of subdivision
33 (a) of Section 44299.1.

34 (h) A district may include within its matching funds a reasonable
35 estimate of direct or in-kind costs for assistance in providing
36 program outreach and application evaluation. In-kind and direct
37 matching funds shall not exceed 15 percent of the total matching
38 funds offered by a district. A district may also include within its
39 matching funds any money spent on or after February 25, 1999,

1 that would have qualified as matching funds but were not
2 previously claimed as matching funds.

3 (i) A district desiring a reservation of funds shall apply to the
4 state board following the application guidelines established
5 pursuant to this section. The state board shall approve or disapprove
6 a district application not later than 60 days after receipt. Upon
7 approval of any district application, the state board shall
8 simultaneously approve a reservation of funding for that district
9 to administer. Reserved funds shall be disbursed to the district so
10 that funding of a district-approved project is not impeded.

11 (j) Any funds reserved for a district by the state board pursuant
12 to this section are available for disbursement to the district for a
13 period of not more than two years from the time of reservation.
14 Funds not liquidated by a district by June 30 of the sixth calendar
15 year following the date of disbursement shall be returned to the
16 state board within 90 days for future allocation pursuant to this
17 chapter. Each reservation of funds shall be accounted for separately,
18 and unused funds from each application shall revert back to the
19 state board for use pursuant to this chapter as specified in this
20 subdivision.

21 (k) The state board shall specify a date each year when district
22 applications are due. If the eligible applications received in any
23 year oversubscribe the available funds, the state board shall reserve
24 funds on an allocation basis, pursuant to Section 44299.2. The
25 state board may accept a district application after the due date for
26 a period of months specified by the state board. Funds may be
27 reserved in response to those applications, in accordance with this
28 chapter, out of funds remaining after the original reservation of
29 funds for the year.

30 (l) Guidelines for a district application shall require information
31 from an applicant district to the extent necessary to meet the
32 requirements of this chapter, but shall otherwise minimize the
33 information required of a district.

34 (m) A district application shall be reviewed by the state board
35 immediately upon receipt. If the state board determines that an
36 application is incomplete, the applicant shall be notified within 10
37 working days with an explanation of what is missing from the
38 application. A completed application fulfilling the criteria shall be
39 approved as soon as practicable, but not later than 60 working days
40 after receipt.

1 (n) The commission, in consultation with the districts, shall
2 establish project approval criteria and guidelines for infrastructure
3 projects consistent with Section 44284 as soon as practicable, but
4 not later than February 15, 2000. The commission shall make draft
5 criteria and guidelines available to the public 45 days before final
6 adoption, and shall hold at least one public meeting to consider
7 public comments before final adoption.

8 (o) The commission, in consultation with the participating
9 districts, may propose revisions to the criteria and guidelines
10 established pursuant to subdivision (n) as necessary to improve
11 the ability of the program to achieve its goals. A revision may be
12 proposed at any time, or may be proposed in response to a finding
13 made in the annual report on the program published by the state
14 board pursuant to Section 44295. A proposed revision shall be
15 made available to the public 45 days before final adoption of the
16 revision and the commission shall hold at least one public meeting
17 to consider public comments before final adoption of the revision.

18 (p) Unclaimed funds will be allocated by the state board in
19 accordance with Section 44299.2.

20 (q) This section shall remain in effect only until January 1, 2034,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2034, deletes or extends that date.

23 ~~SEC. 3. Section 44299.1 of the Health and Safety Code is~~
24 ~~amended to read:~~

25 ~~44299.1. (a) To ensure that emission reductions are obtained~~
26 ~~as needed from pollution sources, any moneys deposited in the~~
27 ~~fund for use by the program or appropriated to the program shall~~
28 ~~be segregated and administered as follows:~~

29 ~~(1) Not more than 2.5 percent of the moneys in the fund for use~~
30 ~~by the program shall be allocated to program support and outreach~~
31 ~~costs incurred by the state board and the commission directly~~
32 ~~associated with implementing the program pursuant to this chapter.~~
33 ~~These funds shall be allocated to the state board and the~~
34 ~~commission in proportion to total program funds administered by~~
35 ~~the state board and the commission.~~

36 ~~(2) Not more than 2.5 percent of the moneys in the fund for use~~
37 ~~by the program shall be allocated to direct program outreach~~
38 ~~activities. The state board may use these funds for program~~
39 ~~outreach contracts or may allocate outreach funds to participating~~
40 ~~districts in proportion to each district's allocation from the program~~

1 moneys in the fund. The state board shall report on the use of
 2 outreach funds in their reports to the Legislature pursuant to Section
 3 44295.

4 (3) The balance shall be deposited in the fund to be expended
 5 to offset added costs of new very low or zero-emission vehicle
 6 technologies, and emission-reducing repowers, retrofits, and add-on
 7 equipment for covered vehicles and engines, and other projects
 8 specified in Section 44281.

9 (b) Moneys in the fund shall be allocated to a district that
 10 submits an eligible application to the state board pursuant to
 11 Section 44287. The state board shall determine the maximum
 12 amount of annual funding from the fund for use by the program
 13 that each district may receive. This determination shall be based
 14 on the population in each district as well as the relative importance
 15 of obtaining covered emission reductions in each district,
 16 specifically through the program.

17 (e) Not more than 12.5 percent of the moneys allocated pursuant
 18 to this chapter to a district may be used by the district for indirect
 19 costs of implementation of the program, including outreach costs
 20 that are subject to the limitation in paragraph (2) of subdivision
 21 (a).

22 ~~SEC. 4.~~

23 *SEC. 3.* Section 44299.2 of the Health and Safety Code is
 24 amended to read:

25 44299.2. Funds shall be allocated to districts, and shall be
 26 subject to administrative terms and conditions as follows:

27 (a) Available funds shall be distributed to districts taking into
 28 consideration the population of the area, the severity of the air
 29 quality problems experienced by the population, and the historical
 30 allocation of the program funds, except that the south coast district
 31 shall be allocated a percentage of the total funds available to
 32 districts that is proportional to the percentage of the total state
 33 population residing within the jurisdictional boundaries of that
 34 district. For the purposes of this subdivision, population shall be
 35 determined by the state board based on the most recent data
 36 provided by the Department of Finance. The allocation to the south
 37 coast district shall be subtracted from the total funds available to
 38 districts. Each district, except the south coast district, shall be
 39 awarded a minimum allocation of two hundred thousand dollars

1 (\$200,000), and the remainder, which shall be known as the
2 “allocation amount,” shall be allocated to all districts as follows:

3 (1) The state board shall distribute 35 percent of the allocation
4 amount to the districts in proportion to the percentage of the total
5 residual state population that resides within each district’s
6 boundaries. For purposes of this paragraph, “total residual state
7 population” means the total state population, less the total
8 population that resides within the south coast district.

9 (2) The state board shall distribute 35 percent of the allocation
10 amount to the districts in proportion to the severity of the air quality
11 problems to which each district’s population is exposed. The
12 severity of the exposure shall be calculated as follows:

13 (A) Each district shall be awarded severity points based on the
14 district’s attainment designation and classification, as most recently
15 promulgated by the federal Environmental Protection Agency for
16 the National Ambient Air Quality Standard for ozone averaged
17 over eight hours, as follows:

18 (i) A district that is designated attainment for the federal
19 eight-hour ozone standard shall be awarded one point.

20 (ii) A district that is designated nonattainment for the federal
21 eight-hour ozone standard shall be awarded severity points based
22 on classification. Two points shall be awarded for transitional,
23 basic, or marginal classifications, three points for moderate
24 classification, four points for serious classification, five points for
25 severe classification, six points for severe-17 classification, and
26 seven points for extreme classification.

27 (B) Each district shall be awarded severity points based on the
28 annual diesel particulate emissions in the air basin, as determined
29 by the state board. One point shall be awarded to the district, in
30 increments, for each 1,000 tons of diesel particulate emissions. In
31 making this determination, 0 to 999 tons shall be awarded no
32 points, 1,000 to 1,999 tons shall be awarded one point, 2,000 to
33 2,999 tons shall be awarded two points, and so forth. If a district
34 encompasses more than one air basin, the air basin with the greatest
35 diesel particulate emissions shall be used to determine the points
36 awarded to the district. The San Diego County Air Pollution
37 Control District and the Imperial County Air Pollution Control
38 District shall be awarded one additional point each to account for
39 annual diesel particulate emissions transported from Mexico.

1 (C) The points awarded under subparagraphs (A) and (B), shall
2 be added together for each district, and the total shall be multiplied
3 by the population residing within the district boundaries, to yield
4 the local air quality exposure index.

5 (D) The local air quality exposure index for each district shall
6 be summed together to yield a total state exposure index. Funds
7 shall be allocated under this paragraph to each district in proportion
8 to its local air quality exposure index divided by the total state
9 exposure index.

10 (3) The state board shall distribute 30 percent of the allocation
11 amount to the districts in proportion to the allocation of funds from
12 the program moneys in the fund, as follows:

13 (A) Because each district is awarded a minimum allocation
14 pursuant to subdivision (a), there shall be no additional minimum
15 allocation from the program historical allocation funds. The total
16 amount allocated in this way shall be subtracted from total funding
17 previously awarded to the district under the program, and the
18 remainder, which shall be known as directed funds, shall be
19 allocated pursuant to subparagraph (B).

20 (B) Each district with a population that is greater than or equal
21 to 1 percent of the state's population shall receive an additional
22 allocation based on the population of the district and the district's
23 relative share of emission reduction commitments in the state
24 implementation plan to attain the National Ambient Air Quality
25 Standard for ozone averaged over one hour. This additional
26 allocation shall be calculated as a percentage share of the directed
27 funds for each district, derived using a ratio of each district's share
28 amount to the base amount, which shall be calculated as follows:

29 (i) The base amount shall be the total program funds allocated
30 by the state board to the districts in the 2002–03 fiscal year, less
31 the total of the funds allocated through the minimum allocation to
32 each district in the 2002–03 fiscal year.

33 (ii) The share amount shall be the allocation that each district
34 received in the 2002–03 fiscal year, not including the minimum
35 allocation. There shall be one share amount for each district.

36 (iii) The percentage share shall be calculated for each district
37 by dividing the district's share amount by the base amount, and
38 multiplying the result by the total directed funds available under
39 this subparagraph.

1 (b) Funds shall be distributed as expeditiously as reasonably
2 practicable, and a report of the distribution shall be made available
3 to the public.

4 (c) All funds allocated pursuant to this section shall be liquidated
5 as provided for in the guidelines adopted pursuant to Section
6 44287.

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AMENDED IN SENATE APRIL 11, 2024

SENATE BILL

No. 1193

**Introduced by Senator Menjivar
(Principal coauthor: Senator Stern)**

February 14, 2024

An act to add Chapter 8 (commencing with Section 21710) to Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Menjivar. Airports: leaded aviation gasoline.

Existing law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime.

This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided. *The bill would exempt an airport operator or aviation retail establishment from that prohibition if the board of supervisors of the county in which the point of sale occurs has made a final, written determination supported by clear and convincing evidence, after a noticed public hearing, that an unleaded aviation replacement fuel is not commercially available in the county. The bill would authorize an airport operator or aviation retail establishment to make a written request to the board of supervisors of a county to make the above determination, as provided.*

This bill would require the department, in consultation with the State Department of Public Health and the California Environmental

Protection Agency, to identify best management practices for reducing public health and environmental exposures to lead associated with airport operations. The bill would require the department, on or before July 1, 2025, to publish on its internet website initial guidance for airport operators regarding best airport operating practices to minimize environmental and public health impacts of lead exposure. The bill would require the department to publish updated guidance on or before July 1, 2026, as specified.

This bill would require each airport operator, on or before November 1, 2025, to submit to the department, and begin implementing, a plan to implement the best practices identified by the department to minimize environmental impacts and public health risks associated with leaded aviation gasoline use at airports. The bill would require each airport operator, by December 1, 2026, and each December 1 thereafter, to provide a status report to the department regarding its implementation of the plan, including the status of planning and investments to facilitate the supply of unleaded aviation ~~gasoline~~ *replacement fuel* at the airport, except as specified. The bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to offer technical assistance to each airport operator that has not submitted a plan, or that does not implement the plan submitted to the department in the manner described in the plan.

~~This bill would provide that a person in violation of the prohibition on selling, distributing, or otherwise making available leaded aviation gasoline to consumers is subject to a civil penalty of up to \$1,000 per day that leaded aviation gasoline was sold, distributed, or supplied. The bill would provide that a person who remains in violation of the requirements to submit a plan or status report to the department 30 days after the offer of technical assistance by the department is subject to a civil penalty of up to \$1,000 per day of continued noncompliance. The bill would also make its provisions severable.~~

Because the above provisions would be a part of the State Aeronautics Act, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Chapter 8 (commencing with Section 21710) is
2 added to Part 1 of Division 9 of the Public Utilities Code, to read:

3
4 CHAPTER 8. LEADED AVIATION GASOLINE

5
6 21710. ~~(a) An airport operator or aviation retail establishment~~
7 ~~shall not sell, distribute, or otherwise make available leaded~~
8 ~~aviation gasoline to consumers consistent with the following~~
9 ~~timeline:~~

10 ~~(1) Beginning January 1, 2026, for airports and aviation retail~~
11 ~~establishments located in or adjacent to either of the following:~~

12 ~~(A) A disadvantaged community, as identified pursuant to~~
13 ~~Section 39711 of the Health and Safety Code.~~

14 ~~(B) A city with a population of at least 700,000 as of January~~
15 ~~1, 2024, as determined using the latest official estimate published~~
16 ~~by the Department of Finance.~~

17 ~~(2) Beginning January 1, 2028, for airports and aviation retail~~
18 ~~establishments located in or immediately adjacent to an urban~~
19 ~~growth boundary.~~

20 ~~(3) Beginning January 1, 2030, for all other airports and aviation~~
21 ~~retail establishments.~~

22 ~~(b) For purposes of this section, “aviation~~
23 ~~21710. For purposes of this chapter, the following definitions~~
24 ~~apply:~~

25 ~~(a) “Aviation retail establishment” means any public or private~~
26 ~~entity that sells aviation gasoline, or offers or otherwise makes~~
27 ~~available aviation gasoline to a customer, including other~~
28 ~~businesses or government entities, for use in this state.~~

29 ~~(b) “Commercially available” means sufficient prime suppliers~~
30 ~~are willing to transport the fuel to aviation retail establishments~~
31 ~~and airport operators, and sufficient quantities are available to~~
32 ~~reasonably meet the aviation needs in the county.~~

33 ~~(c) “Prime supplier” means a firm that produces, imports, or~~
34 ~~transports selected petroleum products across state boundaries~~

1 and local marketing areas, and sells the product to local
2 distributors, local retailers, or end users.

3 (d) “Unleaded aviation replacement fuel” means an unleaded
4 aviation gasoline that meets both of the following criteria:

5 (1) It has been authorized for use by the Administrator of the
6 Federal Aviation Administration as a replacement for 100-octane
7 low lead aviation gas for use in nearly all spark ignition aircraft
8 and engine models.

9 (2) It meets either an industry consensus standard or other
10 standard that facilitates the safe use, production, and distribution
11 of that unleaded aviation gasoline.

12 21711. (a) Except as specified in subdivision (b), an airport
13 operator or aviation retail establishment shall not sell, distribute,
14 or otherwise make available leaded aviation gasoline to consumers
15 consistent with the following timeline:

16 (1) Beginning January 1, 2027, for airports and aviation retail
17 establishments located in or adjacent to either of the following:

18 (A) A disadvantaged community, as identified pursuant to
19 Section 39711 of the Health and Safety Code.

20 (B) A city with a population of at least 700,000 as of January
21 1, 2024, as determined using the latest official estimate published
22 by the Department of Finance.

23 (2) Beginning January 1, 2028, for airports and aviation retail
24 establishments located in or immediately adjacent to an urban
25 growth boundary.

26 (3) Beginning January 1, 2030, for all other airports and
27 aviation retail establishments.

28 (b) (1) Subdivision (a) does not apply to an airport operator
29 or aviation retail establishment if the board of supervisors of the
30 county in which the point of sale occurs has made a final, written
31 determination supported by clear and convincing evidence, after
32 a noticed public hearing, that an unleaded aviation replacement
33 fuel is not commercially available in the county.

34 (2) A determination made pursuant to paragraph (1), and any
35 subsequent determination, is valid for one year.

36 (c) (1) An airport operator or aviation retail establishment may
37 make a written request to the board of supervisors of a county to
38 make a determination pursuant to subdivision (b).

39 (2) The board of supervisors may establish a fee schedule that
40 sets forth the fees to be paid by an applicant that makes a request

1 *pursuant to paragraph (1) for the county to recover the reasonable*
2 *costs incurred in making a determination pursuant to subdivision*
3 *(b).*

4 *(3) The board of supervisors shall consider all evidence*
5 *submitted by the applicant and any other interested parties when*
6 *making a determination pursuant to subdivision (b).*

7 ~~21711.~~

8 21712. (a) The department, in consultation with the State
9 Department of Public Health and the California Environmental
10 Protection Agency, and using all available information, shall
11 identify best management practices for reducing public health and
12 environmental exposures to lead associated with airport operations.

13 (b) On or before July 1, 2025, the department shall publish on
14 its internet website initial guidance for airport operators regarding
15 best airport operating practices to minimize environmental and
16 public health impacts of lead exposure. The department shall
17 publish updated guidance on or before July 1, 2026, and may
18 periodically review and update its guidance thereafter.

19 (c) In developing the guidance pursuant to subdivision (b), the
20 department shall consider including measures to address all of the
21 following:

22 (1) Managing runup practices, including by increasing the
23 distance between runup areas and public areas on or off the airport,
24 or increasing the size of runup areas.

25 (2) Eliminating the castoff of leaded aviation gasoline, and
26 minimizing and mitigating other spills and releases of unexpended
27 leaded aviation gasoline.

28 (3) Minimizing airport employee exposures.

29 (4) Minimizing releases of leaded aviation gasoline caused by
30 refueling and maintenance activities at the airport, including
31 processes used to store and dispense aviation gasoline at the airport.

32 (5) Minimizing idle time and engine runup time.

33 (6) Educating and financially incentivizing consumers that have
34 the option to purchase and use unleaded aviation ~~gasoline~~
35 *replacement fuel* at the airport to do so.

36 (d) The department may adopt rules and regulations to
37 implement, administer, and enforce the requirements of this
38 chapter.

1 ~~21712.~~

2 21713. (a) On or before November 1, 2025, each airport
3 operator shall submit to the department, and begin implementing,
4 a plan to implement the best practices identified by the department
5 pursuant to Section ~~21711~~ 21712 designed to minimize
6 environmental impacts and public health risks associated with
7 leaded aviation gasoline use at airports.

8 (b) Each airport operator shall update its plan by the November
9 1 following an updated publication of the guidance issued by the
10 department pursuant to subdivision (b) of Section ~~21711~~ 21712.

11 (c) At minimum, each airport operator shall include in its plan
12 both of the following:

13 (1) A description of how the airport operator plans to implement
14 the operational and logistical recommendations contained in the
15 guidance issued pursuant to subdivision (b) of Section ~~21711~~
16 21712.

17 (2) A plan and budget for the financing of any needed fueling
18 infrastructure improvements at the airport to enable the airport to
19 begin supplying unleaded aviation ~~gasoline by the timelines~~
20 ~~established in replacement fuel pursuant to Section 21710~~ 21711.

21 (d) By December 1, 2026, and each December 1 thereafter, each
22 airport operator shall provide a status report to the department
23 regarding its implementation of the plan submitted pursuant to
24 subdivision (a), including the status of planning and investments
25 to facilitate the supply of unleaded aviation ~~gasoline replacement~~
26 *fuel* at the airport.

27 (e) The department, in consultation with the State Department
28 of Public Health and the California Environmental Protection
29 Agency, shall offer technical assistance to each airport operator
30 that has not submitted a plan pursuant to subdivision (a), or that
31 does not implement the plan submitted to the department in the
32 manner described in the plan.

33 (f) This section does not apply to the operator of an airport at
34 which leaded aviation gasoline is not sold, distributed, or otherwise
35 made available. When an airport ceases to sell, distribute, or
36 otherwise make available leaded aviation gasoline, the airport
37 operator shall notify the department within 30 days of the cessation
38 of the use of leaded aviation gasoline at the airport.

39 ~~21713. (a) A person in violation of the requirements of Section~~
40 ~~21710 is subject to a civil penalty of up to one thousand dollars~~

1 (\$1,000) per day that leaded aviation gasoline was sold, distributed,
2 or supplied.

3 (b) A person who remains in violation of the requirements of
4 Section 21712 30 days after the offer of technical assistance under
5 subdivision (e) of Section 21712 is subject to a civil penalty of up
6 to one thousand dollars (\$1,000) per day of continued
7 noncompliance.

8 21714. (a) ~~If the provisions a provision of this section are in~~
9 ~~conflict chapter conflicts~~ with a federal grant assurance assurance
10 in effect on or before January 1, 2025, ~~those provisions of this~~
11 ~~section that provision~~ shall not apply to an airport operator ~~upon~~
12 ~~the expiration of those grant assurances. subject to that grant~~
13 ~~assurance until the federal grant assurance expires.~~

14 (b) The provisions of this chapter are severable. If any provision
15 of this chapter or its application is held invalid, that invalidity shall
16 not affect other provisions or applications that can be given effect
17 without the invalid provision or application.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.

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AMENDED IN SENATE APRIL 22, 2024

SENATE BILL

No. 1298

Introduced by Senator Cortese

February 15, 2024

An act to amend Section 25541 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1298, as amended, Cortese. Certification of thermal powerplants: data centers.

Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive power to certify all locations on which an electrical transmission line or thermal powerplant is constructed, or is proposed to be constructed, and related electrical transmission lines or thermal powerplants. Existing law authorizes the commission to exempt from certification a thermal powerplant with a generating capacity of up to 100 megawatts, and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.

This bill would additionally authorize the commission to exempt from certification a thermal powerplant with a generating capacity of up to ~~200~~ 150 megawatts ~~that if it is used solely as an emergency backup generating a backup generation facility for a data center and that is not interconnected with the electrical transmission grid for purposes of exporting electricity, if center, it is located on the customer side of the meter and is not interconnected to the distribution system, and~~ the commission finds that no substantial adverse impact on the environment

or energy resources will result from the construction ~~or~~ *and* operation of the ~~proposed data center facility.~~

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 25541 of the Public Resources Code is
 2 amended to read:

3 25541. The commission may exempt from this chapter both
 4 of the following:

5 (a) Thermal powerplants with a generating capacity of up to
 6 100 megawatts and modifications to existing generating facilities
 7 that do not add capacity in excess of 100 megawatts, if the
 8 commission finds that no substantial adverse impact on the
 9 environment or energy resources will result from the construction
 10 or operation of the proposed facility or from the modifications.

11 ~~(b) Thermal powerplants with a generating capacity of up to
 12 200 megawatts that are used solely as emergency backup generating
 13 facilities for a data center and that are not interconnected with the
 14 electrical transmission grid for purposes of exporting electricity,
 15 if the commission finds that no substantial adverse impact on the
 16 environment or energy resources will result from the construction
 17 or operation of the proposed data center.~~

18 (b) *Thermal powerplants with a generating capacity of up to
 19 150 megawatts, subject to all of the following conditions:*

20 (1) *The facility is used solely as a backup generation facility
 21 for a data center.*

22 (2) *The facility is located on the customer side of the meter and
 23 is not interconnected to the distribution system.*

24 (3) *The commission finds that no substantial adverse impact on
 25 the environment or energy resources will result from the
 26 construction and operation of the facility.*

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BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 6

State Legislative Update

**Policy, Grants, and Technology Committee Meeting
May 15, 2024**

**Alan Abbs
Legislative Officer
aabbs@baaqmd.gov**

Presentation for Information Only



No action required.

Presentation Outline



Updates provided for the following:

- Air District Sponsored and Co-Sponsored Bills
 - Assembly Bill (AB) 1465, AB 2298, Senate Bill (SB) 382, and SB 1095.
- Other Bills of Interest
 - AB 817, AB 1894, AB 2522, AB 2760, AB 2851, AB 2958, SB 537, SB 674, SB 1031, SB 1158, SB 1193, and SB 1298.
- Fiscal Year (FY) 2024-25 State Budget



Air District Sponsored and Co-Sponsored Bills

AB 1465 (Wicks)



Nonvehicular air pollution: civil penalties.

AB 1465 triples the penalties for air pollution violations if a Title V source, as defined, discharges one or more specified air contaminants.

AB 1465 (Wicks) (cont.)



Nonvehicular air pollution: civil penalties.

- Passed the referred Committees and Floor in the Assembly.
 - Natural Resources (4/17/23) | Judiciary (4/25/23) | Appropriations (5/10/23) | Assembly Floor (6/1/23)
- Passed the referred Committees in the Senate.
 - Environmental Quality (7/5/23) | Senate Judiciary (7/11/23)
- Ordered to the inactive file on September 6, 2023, and may be taken up at a later date. Last location was the Senate Floor.
- Position: Sponsor

AB 2298 (Hart, et al.)



Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

AB 2298 will require the State to coordinate with important stakeholders, such as federal and local agencies, nonprofits, and the marine industry, to expand the current *Protecting Blue Whales and Blue Skies* voluntary vessel speed reduction program into a statewide voluntary vessel speed reduction program.

AB 2298 (Hart, et al.) (cont.)



Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

- Double-referred to the Assembly Water, Parks, and Wildlife Committee and the Assembly Natural Resources Committee.
 - Water, Parks, and Wildlife (3/15/24): Passed | Vote: 13-0
 - Natural Resources (4/5/24): Passed | Vote: 10-0
- Next Step: Awaiting the Assembly Appropriations Committee Suspense File results.

Position: Co-Sponsor

SB 382 (Becker)



Single-family residential property: disclosures.

SB 382 requires sellers of single-family residential properties to provide prospective buyers with a notice stating that it may be advisable to obtain an inspection of the home's electrical systems, and a list of the various safety risks and other potential concerns arising from substandard, recalled, or faulty wiring and limited electrical capacity.

SB 382 (Becker) (cont.)



Single-family residential property: disclosures.

- Passed the referred Committees and Floor in the Senate.
 - Labor, Public Employment and Retirement (4/26/23) | Appropriations (5/8/23) | Judiciary (1/11/24) | Senate Floor (1/18/24)
- Next Step: Referred to the Assembly Judiciary Committee.
 - Hearing date has not been set.
- Staff has been working with the Author's office on amendments to include additional disclosures related to the purchase of zero-emission appliances for replacement purposes.
- Position: Proposed Sponsor/Co-Sponsor

SB 1095 (Becker)



Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

SB 1095 would make specified changes to the Manufactured Housing Act, State Housing Law, and the Davis-Sterling Common Interest Development Act to facilitate the installation of electric water heaters, space heating systems, and appliances in manufactured homes, mobilehomes, and homes within a common interest development, as specified. The bill would also require the Department of Housing and Community Development to develop and revise related rules and regulations by July 1, 2026, as specified.

SB 1095 (Becker) (cont.)



Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

- Double-referred to the Senate Housing Committee and Senate Judiciary Committee.
 - Housing (3/19/24): Passed | Vote: 7-1
 - Judiciary (4/2/24) : Passed | Vote: 11-0
- Next Step: Awaiting the Senate Appropriations Committee Suspense File results.
- Position: Sponsor



Other Bills of Interest

AB 817 (Pacheco)



Open meetings: teleconferencing: subsidiary body.

AB 817 allows, until January 1, 2026, a subsidiary body of a local agency to teleconference without meeting all of the teleconferencing requirements of the Ralph M. Brown Act. Builds on pandemic-era rules to boost accessibility to local civic leadership opportunities.

AB 817 (Pacheco) (cont.)



Open meetings: teleconferencing: subsidiary body.

- Passed the referred Committee and Floor in the Assembly.
 - Local Government (1/10/24) | Assembly Floor (1/25/24)
- Next Step: Double-referred to the Senate Local Government Committee and the Senate Judiciary Committee.
 - Hearing date has not been set.

Position: Support

AB 1894 (Ta)



Nonvehicular air pollution: civil penalties.

AB 1894 would require an air district to allow small business, as defined, a minimum of 30 days, and up to 60 days, to rectify a violation before the air district can issue a Notice of Violation.

AB 1894 (Ta) (cont.)



Nonvehicular air pollution: civil penalties.

- Double-referred to the Assembly Natural Resources Committee and the Assembly Judiciary Committee.
- The bill was set to be heard in Assembly Natural Resources but was canceled at the request of the author.
- Failed to meet the deadline for fiscal bills to get out of their referred policy committees. This bill is dead.

Position: Oppose

AB 2522 (Carrillo)



South Coast Air Quality Management District: district board: compensation.

AB 2522 doubles per diem compensation of South Coast Air Quality Management District (SCAQMD) board members, from \$100/day up to \$1,000/month to \$200/day up to \$2,000/month and authorizes the SCAQMD board to increase these amounts going forward up to the greater of 5% per year or the rate of inflation, not exceeding 10%.

Staff Note: AB 2522 is in the process of being amended to expand the bill from being a SCAQMD specific bill to include other air districts.

AB 2522 (Carrillo) (cont.)



South Coast Air Quality Management District: district board: compensation.

- Passed the referred Committees and Floor in the Assembly.
 - Natural Resources (4/8/24) | Assembly Floor - Consent (4/18/24)
- Next Step: Double-Referred to the Senate Environmental Quality Committee and the Senate Local Government Committee.
 - Hearing date has not been set.
- Position: Support

AB 2760 (Muratsuchi)



Lower Emissions Equipment at Seaports and Intermodal Yards Program.

AB 2760 enacts, until January 1, 2032, the Lower Emissions Equipment at Seaports and Intermodal Yards Program at the Air Resources Board to approve as covered equipment applicable cargo handling equipment that will reduce cumulative emissions at seaports and intermodal yards in the state.

AB 2760 (Muratsuchi) (cont.)



Lower Emissions Equipment at Seaports and Intermodal Yards Program.

- Double-referred to the Assembly Natural Resources Committee and the Assembly Transportation Committee.
 - Transportation (4/15/24): Passed | Vote: 15-0
 - Natural Resources (4/22/24): Passed | Vote: 11-0
- Next Step: Awaiting a hearing in the Assembly Appropriations Committee.

Position: None

AB 2851 (Bonta)



Metal shredding facilities: fence-line air quality monitoring.

AB 2851 requires the Department of Toxic Substances Control, in consultation with local air districts, to develop requirements for facility-wide fence-line air quality monitoring at metal shredding facilities, as specified.

AB 2851 (Bonta) (cont.)



Metal shredding facilities: fence-line air quality monitoring.

- Double-referred to the Assembly Environmental Safety and Toxic Materials Committee and the Assembly Natural Resources Committee.
 - Environmental Safety and Toxic Materials (4/9/24) – Passed | Vote: 5-2
 - Natural Resources (4/22/24) – Passed | Vote: 8-2
- Next Step: Awaiting a hearing in the Assembly Appropriations Committee.

Position: Support

AB 2958 (Calderon)



State Air Resources Board: board members: compensation.

AB 2958 would repeal the prohibition on compensation of the members of the state board from air districts and would provide for the per diem amount for all members of the state board.

AB 2958 (Calderon) (cont.)



State Air Resources Board: board members: compensation.

- Referred to the Assembly Natural Resources Committee.
 - Natural Resources (4/8/24): Passed | Vote: 10-0
- Next Step: Awaiting the Assembly Appropriations Committee Suspense File results.

Position: Support

SB 537 (Becker)



Open meetings: multijurisdictional, cross-county agencies: teleconferences.

SB 537 allows multi-jurisdictional, cross-county local agencies with appointed members to teleconference without meeting all of the teleconferencing requirements of the Ralph M. Brown Act. Encourages public participation by allowing some multijurisdictional boards to choose to allow members to convene remotely when they have greater barriers to attend in-person.

SB 537 (Becker) (cont.)



Open meetings: multijurisdictional, cross-county agencies: teleconferences.

- Passed the referred Committees and Floor in the Senate.
 - Governance and Finance (4/19/23) | Judiciary (5/2/23) | Senate Floor (5/30/23)
- Passed the referred Committee in the Assembly.
 - Local Government (7/12/23)
- Ordered to the inactive file on September 14, 2023, and may be taken up at a later date. Last location was the Assembly Floor.

Position: Support

SB 674 (Gonzalez)



Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

SB 674 makes several changes to the fence-line monitoring system program for communities and petroleum refineries, including expanding the program to include monitoring for biofuel refineries and additional pollutants, applying to contiguous or adjacent refinery-related facilities, increasing the standards for data quality, and providing enhanced processes for notifying affected communities.

SB 674 (Gonzalez) (cont.)



Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

- Passed the referred Committees and Floor in the Senate.
 - Environmental Quality (3/29/23) | Judiciary (4/18/23) | Senate Floor (5/22/23)
- Passed the referred Committees in the Assembly.
 - Natural Resources (6/26/23) | Judiciary (7/11/23) | Appropriations (8/23/23)
- Ordered to the Inactive File on September 14, 2023, and may be taken up at a later date. Last location was the Assembly Floor.

Position: Support

SB 1031 (Wiener)



**San Francisco Bay area: local revenue measure:
transportation improvements.**

SB 1031 authorizes the Metropolitan Transportation Commission to propose new taxes, allocate new revenue and issue bonds for specified transportation projects, and requires the State Transportation Agency to consider transit agency consolidation within the San Francisco Bay area.

SB 1031 (Wiener) (cont.)



San Francisco Bay area: local revenue measure: transportation improvements.

- Double-referred to the Senate Transportation Committee and the Senate Revenue and Taxation Committee.
 - Transportation (4/23/24): Passed | Vote: 11-4
 - Revenue and Taxation (4/24/24): Passed | Vote: 6-1
- Next Step: Awaiting a hearing in the Senate Appropriations Committee.
- Position: None

SB 1158 (Archuleta)



Carl Moyer Memorial Air Quality Standards Attainment Program.

SB 1158 would extend the time air districts have to disburse Carl Moyer Program funds from four to six years.

SB 1158 (Archuleta) (cont.)



Carl Moyer Memorial Air Quality Standards Attainment Program.

- Double-referred to the Senate Environmental Quality Committee and the Senate Transportation Committee.
 - Environmental Quality (3/20/24): Passed | Vote: 5-0
 - Transportation (4/23/24): Passed | Vote: 15-0
- Next Step: Set for a hearing in the Senate Appropriations Committee on May 6, 2024.

Position: Support

SB 1193 (Menjivar)



Airports: leaded aviation gasoline.

SB 1193 would prohibit airport operators and aviation fuel establishments from selling leaded aviation gasoline, phasing out its use beginning January 1, 2027. The bill would also require the Department of Transportation (Caltrans), in consultation with specified state entities, to develop and publish guidance for airport operators to minimize environmental and public health impacts of lead exposure, and require airport operators to submit plans to Caltrans to implement those best practices, as specified.

SB 1193 (Menjivar) (cont.)



Airports: leaded aviation gasoline.

- Referred to the Senate Transportation Committee.
 - Transportation (4/9/24): Passed | Vote: 11-3

Next Step: Awaiting the Senate Appropriations Committee Suspense File results.

Position: Support

SB 1298 (Cortese)



Certification of thermal powerplants: data centers.

SB 1298 would increase the size of backup power plants that the California Energy Commission can grant a “small power plant exemption” from environmental review from 100 megawatts to 150 megawatts.

SB 1298 (Cortese) (cont.)



Certification of thermal powerplants: data centers.

- Referred to the Senate Energy, Utilities, and Communications Committee.
 - Energy, Utilities, and Communications (4/16/24): Passed | Vote: 14-0
- Next Step: Set for a hearing in the Senate Appropriations Committee on May 6, 2024.

Position: Oppose Unless Amended



State Budget Update FY 2024-25

State Budget Update



Staff will provide a verbal update on the status of the May Revision to the Governor's proposed FY 2024-25 State Budget.

Upcoming Deadlines:

May 14 – Release of the May Revision (May Revise) to the proposed FY 2024-25 State Budget.

June 12 – The Senate and Assembly budget bills must be in print.

June 15 – The Senate and Assembly must vote on and pass their proposed budget bill to meet the state's constitutional deadline.

July 1 – The budget bill must be signed by the Governor.

Note: After July 1, the Legislature may pass budget amendments and other changes to the adopted budget package.



Questions / Discussion