



**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING**

**COMMITTEE MEMBERS**

**TOM BATES - CHAIRPERSON  
SUSAN ADAMS  
SCOTT HAGGERTY  
ASH KALRA**

**JOHN GIOIA - VICE CHAIRPERSON  
JOHN AVALOS  
DAVID HUDSON  
CAROL KLATT  
BRAD WAGENKNECHT**

**THURSDAY  
APRIL 3, 2014  
10:00 A.M.**

**4<sup>TH</sup> FLOOR CONFERENCE ROOM  
939 ELLIS STREET  
SAN FRANCISCO, CA 94109**

**AGENDA**

**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. PUBLIC COMMENT PERIOD**

*(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at Air District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.*

**3. APPROVAL OF MINUTES OF NOVEMBER 18, 2013**

**Clerk of the Boards/5073**

*The Committee will consider approving the attached draft minutes of the Personnel Committee meeting of November 18, 2013.*

**4. CONSIDERATION OF NEW BILLS**

**T. Addison/5109  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)**

*The Committee will discuss and review new bills, and adopt positions where appropriate.*

**5. UPDATE ON EXISTING BILLS**

**T. Addison/5109  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)**

*The Committee will be briefed on key bills introduced in 2013, and adopt positions where appropriate.*

6. **COMMITTEE MEMBERS' COMMENTS/OTHER BUSINESS**

*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)*

7. **TIME AND PLACE OF NEXT MEETING – AT THE CALL OF THE CHAIR**

8. **ADJOURNMENT**

*The Committee meeting shall be adjourned by the Committee Chair.*

**CONTACT THE CLERK OF THE BOARDS  
939 ELLIS STREET, SAN FRANCISCO, CA 94109**

**(415) 749-5073  
FAX: (415) 928-8560  
BAAQMD homepage:  
[www.baaqmd.gov](http://www.baaqmd.gov)**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities (notification to the Executive Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly).

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 District's offices at 939 Ellis Street, San Francisco, CA 94941, at the time such writing is made available to all, or a majority of all members of that body.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109**  
**FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941**

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

**MARCH 2014**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i> - CANCELLED	Thursday	27	9:30 a.m.	Board Room

**APRIL 2014**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation</b>	Wednesday	2	9:45 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
<b>Board of Directors Legislative Committee</b> <i>(At the Call of the Chair)</i>	Thursday	3	10:00 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
<b>Ad Hoc Building Committee</b> <i>(At the Call of the Chair)</i>	Wednesday	16	Immediately following the Regular Board meeting	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	21	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	23	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	24	9:30 a.m.	Board Room

## MAY 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	14	9:00 a.m.	Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets 3<sup>rd</sup> Thursday of every other month)</i>	Thursday	15	9:30 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	19	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets Quarterly at the Call of the Chair)</i>	Monday	19	10:30 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	21	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	22	9:30 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	28	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

HL – 3/25/14 (2:15 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Tom Bates and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/Air Pollution Control Officer

Date: March 6, 2014

Re: Minutes of the Legislative Committee Meeting of November 18, 2013

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee Meeting of November 18, 2013.

DISCUSSION

Attached for your review and approval are the draft minutes of the Legislative Committee Meeting of November 18, 2013.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Rex Sanders

Attachments

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, California 94109  
(415) 749-5073

**DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Thursday, November 18, 2013

**1. Call to Order – Roll Call**

Committee Chairperson Tom Bates called the meeting to order at 9:37 a.m.

Present: Committee Chairperson Tom Bates and Directors John Avalos, David Hudson, Carol Klatt and Nate Miley.

Absent: Vice-Chairperson John Gioia and Directors Susan Adams, Scott Haggerty and Brad Wagenknecht.

Also Present: Board of Directors Chairperson Ash Kalra.

**2. Public Comment Period: None.**

**3. Review of the 2013 Legislative Year [Agenda Item #4 Taken Out of Order]**

Thomas Addison, Senior Advanced Projects Advisor, delivered the staff report Review of the 2013 Legislative Year, including the two primary components: sponsorship of Senate Bill (SB) 691 Hancock in response to the August 6, 2012, fire at the Chevron Richmond refinery, which would allow higher penalties for one-day incidents that disrupt communities; and Assembly Bill (AB) 8 Perea/Skinner and SB 11 Pavely/Cannella, to reauthorize critical air quality funding programs due to expire in the next several years, including the Carl Moyer and AB 923 programs, the AB 118 programs, and make changes to the Clean Fuel Outlet Regulation.

NOTED PRESENT: Director Miley was noted present at 9:42 a.m. and Board Chairperson Kalra was noted present at 9:45 a.m.

**4. Approval of Minutes of June 6, 2013**

Committee Comments: None.

Public Comments: None.

Committee Action: Director Hudson made a motion to approve the Minutes of June 6, 2013; Director Klatt seconded; and the motion carried unanimously.

**3. Review of the 2013 Legislative Year (continued)**

Committee Comments: The Committee and staff discussed various legislative measures.

Committee Chairperson Bates asked staff to provide a list of current opponents of SB 691 Hancock and a comprehensive treatment of cap-and-trade related legislative efforts for the next Legislative Committee meeting.

Public Comments: None.

Committee Action: None; receive and file.

- 5. Committee Members' Comments/Other Business:** None.
- 6. Time and Place of Next Meeting:** At the call of the Chairperson.
- 7. Adjournment:** The meeting adjourned at 10:18 a.m.

Sean Gallagher  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
 Memorandum

To: Chairperson Tom Bates and Members  
 of the Legislative Committee

From: Jack P. Broadbent  
 Executive Officer/APCO

Date: March 24, 2014

Re: Consideration of New Bills

RECOMMENDED ACTION

The Committee will discuss new bills, and recommend the Board adopt positions on some of them.

DISCUSSION

The California Legislature responded to its February 24, 2014 deadline by introducing several thousand new bills. The bills with fiscal implications for the state have to clear their policy committees in their house of origin by May 2, 2014 while non-fiscal bills have an additional week. Thus, policy committee hearings in April feature full agendas. Staff have made a list of measures with air quality implications, which is attached (“BAAQMD Bill Discussion List). A smaller subset of this longer list with recommended positions for the Committee to consider are discussed below. Copies of each of the bills in the table below are attached.

One positive trend this year is that there are fewer measures proposed to end, weaken or delay air quality regulations. Also, the Governor has proposed to direct \$850 million of proceeds from cap-and-trade auction revenues into various programs, including clean transportation, sustainable communities, energy efficiency, clean energy, loan repayment, and more. Not surprisingly, there are a host of bills that have been introduced that also involve how to spend cap-and-trade revenues. However, it seems clear that cap-and-trade expenditures will be decided via the budget process, rather than in non-budget bills.

BILL AND AUTHOR	SUBJECT	STAFF RECOMMENDATION
AB 1696 Wieckowski	Adds parking spaces with charging stations to the list of advanced technology benefits to be added to state parking lots	Support if amended
AB 1907 Ridley-Thomas	Requires natural gas sold as a transportation fuel in CA to be measured in gasoline or diesel gallon equivalents	Support



AB 2027 Logue	Prohibits ARB from collecting emissions data from AB 32 sources twice	Oppose
AB 2050 Quirk	Authorizes ARB to establish, with Scoping Plan Advisory Panel, greenhouse gas reduction goals beyond 2020, and extending to 2050	Support and seek amendments
AB 2202 Logue	Exempts fuel marketers from ARB cap-and-trade regulations	Oppose unless amended
SB 1125 Pavley	Requires ARB to develop emission-reduction targets beyond 2020	Support
SB 1204 Lara	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program	Support if amended
SB 1371 Leno	Requires the PUC to establish a Methane Leakage Abatement program	Support
SB 1415 Hill	Modernizes BAAQMD Advisory Council	Support

## ANALYSES

**AB 1696** is authored by Assemblymember Bob Wieckowski (D-Fremont), and is intended to increase electric vehicle charging infrastructure. The District has long supported and funded charging infrastructure, as this helps accomplish our goal of increasing electric vehicle acquisition and use. Existing law requires the state to develop and implement advanced technology vehicle parking incentive programs in state-owned public parking, including park-and-ride lots. This specifically includes “preferential spaces” and “fueling infrastructure” for clean vehicles, including electric and plug-in vehicles. As currently drafted, the bill would add “parking spaces with charging stations for plug-in hybrid and electric vehicles” to the existing statutory incentives. The author’s staff has indicated that this language is preliminary, and they are contemplating amendments, and have expressed interest in the perspective and support of the District.

Given our experience with charging infrastructure, we want to ensure that public chargers are able to be used by as many vehicles as possible. Additionally, one issue that has been discouraging jurisdictions from installing charging infrastructure recently, and certainly increasing costs, is the issue of whether the chargers are required to be compliance with the Americans with Disabilities Act (ADA). ADA compliance often means that a given parking space is not adequately sized for charger installation, and adjacent spaces must be sacrificed if a charger is to be installed. Air District staff recommends that the bill (which has amendments planned) is also amended to help address these two goals, and thus is recommending a “**Support if amended**” position.

**AB 1907** is authored by Assemblymember Sebastian Ridley-Thomas (D-Los Angeles), and is sponsored by the California Natural Gas Vehicle Coalition. It deals with how natural gas sold as a transportation fuel is to be measured. Natural gas is primarily methane, which at atmospheric temperature and pressure is a gas, instead of a liquid fuel. Currently, compressed

natural gas is dispensed in ‘gasoline gallon equivalents’ or GGE’s. One GGE contains the energy equivalent of a gallon of gasoline. The National Conference of Weights and Measures has proposed that natural gas be sold in units of kilograms instead. The District encourages purchase and use of natural gas vehicles for the air quality benefits these vehicles provide. One significant long-term economic advantage they offer is a lower price of fuel for every mile driven compared to either gasoline or diesel equivalent vehicles. But it is much harder for potential purchasers and current users to see their fuel price savings when the fuel is sold in units with which they are not familiar. This bill avoids this potential problem, helps encourage natural gas as a cleaner transportation fuel, and reduces instability in this emerging market. Air District staff is recommending a “**Support**” position.

**AB 2027** is authored by Assemblymember Dan Logue (R-Marysville). It makes changes in the reporting requirements that regulated sources face under the Air Resources Board’s (ARB) climate program established under AB 32. Regulated sources report emissions of greenhouse gases (GHG’s) annually under the mandatory reporting rule, and a small number of these also report quarterly under the Low Carbon Fuel Standard. These reporting requirements were the result of a regulatory process that involved extensive outreach to industry, and a concerted effort to make reporting emissions as easy as possible for those subject to the reporting requirements. Unfortunately, some regulated entities failed to report their emissions, despite several requests to do so from the ARB. They are now the subject of a pending ARB enforcement action. The effect of this bill would be to eliminate the enforcement case. But fundamentally, staff believes that both reporting requirements are needed, not duplicative, and that this bill sets a dangerous precedent of weakening the state’s primary law controlling greenhouse gas emissions. Air District staff recommends an “**Oppose**” position.

The appropriately-named **AB 2050**, authored by Assemblymember Bill Quirk (D-Hayward), addresses GHG reductions beyond 2020. Under AB 32, California is to cut GHG emissions to 1990 levels by 2020. There are not additional emission reduction targets explicitly given for later years. This bill would address that by creating a Scoping Plan Advisory Panel to provide advice to ARB on setting a target for additional reductions by 2050 and intermediate goals. At this point, California is projected to achieve the 2020 goal, assuming no major regulatory delays or weakening. Staff thinks the intention of this bill, to consider appropriate goals for later year reductions, is sound. That said, the structure for providing those goals seems unnecessarily complex. More significantly, waiting until the start of 2019 to propose those goals (which is how the current bill is crafted) does not leave enough time for regulated entities to react to them. Air District staff recommends a “**Support and seek amendments**” position, with amendments to simplify the goal-setting process and accelerate it by several years.

**AB 2202** is authored by Assemblymember Dan Logue (R-Marysville). It would exempt independent fuel marketers with less than \$10 billion in annual revenues from ARB’s cap-and-trade program established under AB 32. There are several justifications for the bill provided by the author and the California Independent Oil Marketers Association. They claim these companies will have substantial compliance costs, that they lack the financial means and sophistication to comply, and that the regulation will result in a lack of competition in the fuels marketplace. Fundamentally, staff believes that this bill undermines the regulatory requirements of AB 32. The independent fuel marketers had their opportunity when ARB was

drafting the regulation to make their case in an open, public process which had to consider economic consequences as to why they should be exempted. To exempt them at this late date would simply encourage other regulated entities to also seek legislative exemption. Then the costs are unfairly ratcheted up on the fewer number of entities who remain regulated, and the reductions lessen, and the program is jeopardized. Air District staff recommends an “**Oppose**” position.

**SB 1125** is authored by Senator Fran Pavley (D-Agoura Hills). Like AB 2050, it also would address GHG emissions beyond 2020. SB 1125 would have ARB, in an open public process, develop a report recommending reduction targets and a timetable beyond 2020. The reductions would be for both GHG’s and short-lived climate pollutants, and the report would be submitted to the Legislature and Governor at the start of 2016. Air District staff recommends a “**Support**” position.

**SB 1204** is authored by Senator Ricardo Lara (D-Bell Gardens). It is intended to cut emissions from heavy-duty diesel engines, particularly those used in goods movement and buses. The author is concerned that the low-income communities he represents near the Southern California ports and adjacent to the I-710 are subjected to high levels of diesel exhaust. The bill would create the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, funding development, demonstration, and deployment of zero and near-zero technologies. Funding would come from cap-and-trade revenues. The program would be administered by the ARB, in conjunction with the Energy Commission. No mention in the bill is made of local air districts, despite the critical role they play in administering similar existing funding programs. Air District staff recommends a “**Support if amended**” position. The amendments sought would increase the role of air districts, and ensure that funds are fairly distributed between different regions of the state subjected to high levels of diesel exhaust.

**SB 1371** is authored by Senator Mark Leno (D-San Francisco), and addresses methane leaks from utility pipelines. It is an extension of his Natural Gas Pipeline Safety Act of 2011. Recent studies with authors at Stanford University and Lawrence Berkeley Laboratories indicate that pipeline methane leakage is substantially greater than previously thought. Because of the potency of methane as a greenhouse gas, this has major implications for strategies to address climate change. It also has repercussions for public safety, as high concentrations of methane from leaking pipes can explode with deadly consequences, as in the San Bruno fire of 2010. The bill would have the Public Utilities Commission initiate and oversee a comprehensive new effort to find and fix pipeline leaks, for both safety and environmental reasons. The bill is supported by a coalition of labor and environmental organizations. Air District staff recommends a “**Support**” position.

**SB 1415** is authored by Senator Jerry Hill (D-San Mateo), who sat on the District’s Board of Directors and served as Chair. It modernizes the District’s Advisory Council. The statutory language establishing the Advisory Council and its makeup was written in 1955, and except for some minor revisions in 1975, has never been updated. Today, the District is required by federal and state law to address a far wider set of issues than it handled at its inception. SB 1415 addresses this issue in a number of ways. First, it allows experts in climate change and the health impacts of air pollution to serve on the Advisory Council. Second, it requires those

serving to have skills and expertise in air pollution, climate change, or the health impacts of air pollution. Under current law, it is only preferable that the members have air pollution skill and experience. Third, it eliminates the archaic categorical representation of members, which will allow the Board to select the best and most qualified applicants to serve. Fourth, it requires that the members chosen have a diversity of perspective, expertise, and background. Air District staff recommends a “**Support**” position.

Staff may present additional measures for the Committee to consider, as more information becomes available from author’s offices and sponsors between the date of the preparation of this memorandum and the Committee’s meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impacts, with the exception of SB 1415. SB 1415 would have minor direct cost savings to the district of \$5,000 to \$7,000 annually, and potentially larger indirect savings.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Tom Addison  
Reviewed by: Jean Roggenkamp

Attachments: Assembly Bill 1696  
Assembly Bill 1907  
Assembly Bill 2027  
Assembly Bill 2050  
Assembly Bill 2202  
Assembly Bill 1125  
Assembly Bill 1204  
Assembly Bill 1371  
Assembly Bill 1415  
Bill List

**ASSEMBLY BILL**

**No. 1696**

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**Introduced by Assembly Member Wieckowski**

February 13, 2014

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An act to amend Section 25722.9 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1696, as introduced, Wieckowski. Energy: alternatively fueled vehicles: incentives.

Existing law requires the Department of General Services and Department of Transportation to develop and implement advanced technology vehicle parking incentive programs in specified parking facilities to provide incentives for the purchase and use of alternatively fueled vehicles in the state and lists exemplars of those incentives.

This bill would expressly list parking spaces with charging stations for plug-in hybrid and electric vehicles as an exemplar of the incentives.

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 25722.9 of the Public Resources Code  
2 is amended to read:  
3 25722.9. (a) For purposes of this section, “alternatively fueled  
4 vehicles” means light-, medium-, and heavy-duty vehicles that  
5 reduce petroleum usage and related emissions by using advanced  
6 technologies and fuels, including, but not limited to, hybrid, plug-in  
7 hybrid, battery electric, natural gas, or fuel cell vehicles and

1 including those vehicles described in Section 5205.5 of the Vehicle  
2 Code.

3 (b) The Department of General Services and the Department of  
4 Transportation shall develop and implement advanced technology  
5 vehicle parking incentive programs, to the extent feasible, in public  
6 parking facilities of 50 spaces or more operated by the Department  
7 of General Services and park-and-ride lots owned and operated  
8 by the Department of Transportation to ~~incentivize~~ *provide*  
9 *incentives for* the purchase and use of alternatively fueled vehicles  
10 in the state. These programs shall provide meaningful, tangible  
11 benefits for drivers of alternatively fueled vehicles. These  
12 incentives may include *parking spaces with charging stations for*  
13 *plug-in hybrid and electric vehicles*, preferential spaces, reduced  
14 fees, and fueling infrastructure for alternatively fueled vehicles  
15 that use these parking facilities or park-and-ride lots.

**ASSEMBLY BILL**

**No. 1907**

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**Introduced by Assembly Member Ridley-Thomas**

February 19, 2014

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An act to amend Sections 13404 and 13470 of the Business and Professions Code, and to amend Section 8651.6 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1907, as introduced, Ridley-Thomas. Use fuel tax: natural gas: gallon equivalent.

Existing law regulates the sale, offer for sale, or advertisement for sale, at retail to the general public of petroleum products, including liquefied natural gas and compressed natural gas for use only as a motor vehicle fuel, as specified.

This bill would require compressed natural gas sold at retail to the public for use as a motor vehicle fuel to be sold in a gasoline gallon equivalent that is equal to 126.67 cubic feet of compressed natural gas, measured at the standard pressure and temperature, as specified, and would require liquefied natural gas to be sold in a diesel gallon equivalent that is equal to 6.06 pounds of liquefied natural gas. This bill would prohibit a person from selling at retail any compressed natural gas or liquid natural gas for use as motor fuel from any place of business in this state unless there is displayed and labeled on the dispensing apparatus in a conspicuous place "Gasoline gallon equivalent" or "Diesel gallon equivalent," respectively.

The Use Fuel Tax Law imposes an excise tax upon natural gas at the rate of \$0.07 for each 100 cubic feet, or 5.66 pounds, of compressed

natural gas used, measured at standard pressure and temperature, and at a rate of \$0.06 for each gallon of liquid natural gas used.

This bill would, on and after January 1, 2015, instead of using only a cubic foot measurement, impose an excise upon natural gas at the rate of \$0.0875 for each 126.67 cubic feet, or 5.66 pounds, of compressed natural gas used, measured at standard pressure and temperature, and instead of using a gallon measurement, at a rate of \$0.1017 for each 6.06 pounds of liquid natural gas used.

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 13404 of the Business and Professions  
2 Code is amended to read:

3 13404. (a) The sale of compressed natural gas by persons  
4 who sell compressed natural gas at retail to the public for use only  
5 as a motor vehicle fuel, and who are exempted from public utility  
6 status by subdivision (f) of Section 216 of the Public Utilities Code,  
7 is a sale of a motor fuel for the purposes of this chapter.

8 (b) *Compressed natural gas sold at retail to the public for use*  
9 *as a motor vehicle fuel shall be sold in a gasoline gallon equivalent*  
10 *that shall be equal to 126.67 cubic feet, or 5.66 pounds, of*  
11 *compressed natural gas, measured at the standard pressure and*  
12 *temperature, described in Section 8615 of the Revenue and*  
13 *Taxation Code.*

14 (c) *Liquefied natural gas sold at retail to the public for use as*  
15 *a motor vehicle fuel shall be sold in a diesel gallon equivalent that*  
16 *shall be equal to 6.06 pounds of liquefied natural gas.*

17 SEC. 2. Section 13470 of the Business and Professions Code  
18 is amended to read:

19 13470. ~~No~~(a) A person shall *not* sell at retail to the general  
20 public, any motor fuel from any place of business in this state  
21 unless there is displayed on the dispensing apparatus in a  
22 conspicuous place at least one sign or price indicator showing the  
23 actual total price per gallon or liter of all motor fuel sold therefrom.  
24 The actual total price per gallon, or liter, shall include fuel taxes  
25 and all sales taxes.

26 (b) (1) *A person shall not sell at retail to the general public,*  
27 *any compressed natural gas for use as a motor fuel from any place*



1 of business in this state unless there is displayed and labeled on  
2 the dispensing apparatus in a conspicuous place “Gasoline gallon  
3 equivalent.”

4 (2) A person shall not sell at retail to the general public, any  
5 liquefied natural gas for use as a motor fuel from any place of  
6 business in this state unless there is displayed and labeled on the  
7 dispensing apparatus in a conspicuous place “Diesel gallon  
8 equivalent.

9 ~~When~~

10 (c) When a discount for cash is offered from a dispenser  
11 computing only at the credit price, at least one sign or label shall  
12 be conspicuously displayed on the dispenser indicating that the  
13 dispenser is computing at the credit price and indicating the amount  
14 of the discount per gallon or liter in letters and numerals not less  
15 than one-half inch high.

16 ~~¶~~

17 (d) If motor fuel is sold by the liter, the word “liter” shall be  
18 conspicuously displayed on the side of the dispensing apparatus  
19 from which service can be made.

20 SEC. 3. Section 8651.6 of the Revenue and Taxation Code is  
21 amended to read:

22 8651.6. (a) (1) Notwithstanding the provisions of Sections  
23 8651 and 8651.5, on or after January 1, 1971, and before January  
24 1, 2015, the excise tax imposed upon natural gas shall be at the  
25 rate of seven cents (\$0.07) for each 100 cubic feet of compressed  
26 natural gas used, measured at standard pressure and temperature,  
27 and at a rate of six cents (\$0.06) for each gallon of liquid natural  
28 gas used. ~~¶~~

29 (2) Notwithstanding the provisions of Sections 8651 and 8651.5,  
30 on or after January 1, 2015, an excise tax imposed upon natural  
31 gas shall be imposed as follows:

32 (A) The rate of eight and seventy-five hundredths cents (\$0.0875)  
33 for each 126.67 cubic feet, or 5.66 pounds, of compressed natural  
34 gas used, measured at standard pressure and temperature.

35 (B) The rate of ten and seventeen hundredth cents (\$0.1017)  
36 for each 6.06 pounds of liquid natural gas used.

37 (b) (1) All references in this code to Section 8651 shall, with  
38 respect to the rate imposed upon natural gas on or after January 1,  
39 1971, also refer to this section. ~~Neither~~

1 (2) (A) *Neither the tax imposed by this section nor the tax*  
2 *imposed by Section 8651 shall apply to the use of compressed*  
3 *natural gas or liquid natural gas used in a vehicle during any period*  
4 *of time for which the owner or operator of the vehicle has paid the*  
5 *annual flat rate fuel tax as provided in Section 8651.7.*  
6 (B) *To the extent that an owner or operator has provided written*  
7 *representation to a fuel seller that the owner or operator has*  
8 *prepaid the annual flat rate fuel tax as provided in Section 8651.7,*  
9 *the owner or operator shall be solely responsible for the taxes due*  
10 *under this part and the fuel seller shall not be liable for collecting*  
11 *and remitting those taxes.*

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**ASSEMBLY BILL**

**No. 2027**

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**Introduced by Assembly Member Logue**

February 20, 2014

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An act to amend Sections 38530 and 38580 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 2027, as introduced, Logue. California Global Warming Solutions Act of 2006: reporting and verification: violations.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program.

This bill would require the state board to utilize the greenhouse gas emissions data submitted in reports as part of the Low-Carbon Fuel Standard regulation in lieu of requiring the submission of the same greenhouse gas emissions data pursuant to the Mandatory Reporting of Greenhouse Gas Emissions regulation. The bill, commencing January 1, 2015, would prohibit the state board from requiring a regulated entity to report the same greenhouse gas emissions data in more than one program adopted pursuant to the act. The bill, commencing January 1, 2015, would require it not be a violation of any rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board if a regulated entity did not submit greenhouse gas emissions data pursuant to a rule, regulation, order, emission limitation, emissions reduction measure, or other measure if the state board already possessed that greenhouse gas emissions data pursuant

to another rule, regulation, order, emission limitation, emissions reduction measure, or other measure.

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 38530 of the Health and Safety Code is  
2 amended to read:

3 38530. (a) On or before January 1, 2008, the state board shall  
4 adopt regulations to require the reporting and verification of  
5 statewide greenhouse gas emissions and to monitor and enforce  
6 compliance with this program.

7 (b) The regulations shall do all of the following:

8 (1) Require the monitoring and annual reporting of greenhouse  
9 gas emissions from greenhouse gas ~~emission~~ *emissions* sources  
10 beginning with the sources or categories of sources that contribute  
11 the most to statewide emissions.

12 (2) Account for greenhouse gas emissions from all electricity  
13 consumed in the state, including transmission and distribution line  
14 losses from electricity generated within the state or imported from  
15 outside the state. This requirement applies to all retail sellers of  
16 electricity, including load-serving entities as defined in subdivision  
17 (j) of Section 380 of the Public Utilities Code and local publicly  
18 owned electric utilities as defined in Section ~~9604~~ 224.3 of the  
19 Public Utilities Code.

20 (3) Where appropriate and to the maximum extent feasible,  
21 incorporate the standards and protocols developed by the *former*  
22 California Climate Action Registry, established pursuant to *the*  
23 *former* Chapter 6 (commencing with Section 42800) of Part 4 of  
24 Division 26. Entities that voluntarily participated in the California  
25 Climate Action Registry prior to December 31, 2006, and have  
26 developed a greenhouse gas ~~emission~~ *emissions* reporting ~~program~~,  
27 *program* shall not be required to significantly alter their reporting  
28 or verification program except as necessary to ensure that reporting  
29 is complete and verifiable for the purposes of compliance with this  
30 division as determined by the state board.

31 (4) Ensure rigorous and consistent accounting of emissions, and  
32 provide reporting tools and formats to ensure collection of  
33 necessary data.

1 (5) Ensure that greenhouse gas ~~emission~~ *emissions* sources  
2 maintain comprehensive records of all reported greenhouse gas  
3 emissions.

4 (c) The state board shall do ~~both~~ *all* of the following:

5 (1) Periodically review and update its emission reporting  
6 requirements, as necessary.

7 (2) Review existing and proposed international, federal, and  
8 state greenhouse gas ~~emission~~ *emissions* reporting programs and  
9 make reasonable efforts to promote consistency among the  
10 programs established pursuant to this part and other programs, and  
11 to streamline reporting requirements on greenhouse gas ~~emission~~  
12 *emissions* sources.

13 (3) *Utilize the greenhouse gas emissions data submitted in*  
14 *reports as part of the Low-Carbon Fuel Standard regulations*  
15 *(Subarticle 7 (commencing with Section 95480) of Article 4 of*  
16 *Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the*  
17 *California Code of Regulations) in lieu of requiring the submission*  
18 *of the same greenhouse gas emissions data pursuant to the*  
19 *Mandatory Reporting of Greenhouse Gas Emissions regulation*  
20 *(Subarticle 1 (commencing with Section 95101) of Article 2 of*  
21 *Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the*  
22 *California Code of Regulations).*

23 (d) *Commencing January 1, 2015, the state board shall not*  
24 *require a regulated entity to report greenhouse gas emissions data*  
25 *in more than one program adopted pursuant to this division.*

26 SEC. 2. Section 38580 of the Health and Safety Code is  
27 amended to read:

28 38580. (a) The state board shall monitor compliance with and  
29 enforce any rule, regulation, order, emission limitation, emissions  
30 reduction measure, or market-based compliance mechanism  
31 adopted by the state board pursuant to this division.

32 (b) (1) ~~Any~~ *A* violation of any rule, regulation, order, emission  
33 limitation, emissions reduction measure, or other measure adopted  
34 by the state board pursuant to this division may be enjoined  
35 pursuant to Section 41513, and the violation is subject to those  
36 penalties set forth in Article 3 (commencing with Section 42400)  
37 of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with  
38 Section 43025) of Part 5 of, Division 26.

39 (2) ~~Any~~ *A* violation of any rule, regulation, order, emission  
40 limitation, emissions reduction measure, or other measure adopted

1 by the state board pursuant to this division shall be deemed to  
2 result in an emission of an air contaminant for the purposes of the  
3 penalty provisions of Article 3 (commencing with Section 42400)  
4 of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with  
5 Section 43025) of Part 5 of, Division 26.

6 (3) The state board may develop a method to convert a violation  
7 of any rule, regulation, order, emission limitation, or other  
8 emissions reduction measure adopted by the state board pursuant  
9 to this division into the number of days in violation, where  
10 appropriate, for the purposes of the penalty provisions of Article  
11 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and  
12 Chapter 1.5 (commencing with Section 43025) of Part 5 of,  
13 Division 26.

14 (c) Section 42407 and subdivision (i) of Section 42410 shall  
15 not apply to this part.

16 (d) *Commencing January 1, 2015, it shall not be a violation of*  
17 *any rule, regulation, order, emission limitation, emissions*  
18 *reduction measure, or other measure adopted by the state board*  
19 *if a regulated entity did not submit greenhouse gas emissions data*  
20 *pursuant to a rule, regulation, order, emission limitation, emissions*  
21 *reduction measure, or other measure if the state board already*  
22 *possessed that greenhouse gas emissions data pursuant to another*  
23 *rule, regulation, order, emission limitation, emissions reduction*  
24 *measure, or other measure.*

**ASSEMBLY BILL**

**No. 2050**

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**Introduced by Assembly Member Quirk**

February 20, 2014

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An act to add and repeal Sections 38561.5 and 38561.7 to the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

AB 2050, as introduced, Quirk. California Global Warming Solutions Act of 2006: scoping plan: advisory panel.

The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to adopt a statewide greenhouse gas emissions limit, as defined, to be achieved by 2020, equivalent to the statewide greenhouse gas emissions levels in 1990. The act requires the state board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions. The act requires the scoping plan to be updated at least once every 5 years.

This bill, until January 1, 2020, would require the state board to include specified elements when updating the scoping plan. The bill would require the state board, on or before January 1, 2019, to submit a report to the appropriate committees of the Legislature on those specified elements of the updated scoping plan.

This bill, until January 1, 2020, would establish the Scoping Plan Advisory Panel, as specified. The bill would require the panel, on or before January 1, 2019, to submit a report to the appropriate committees

of the Legislature evaluating and reporting key findings and recommendations on the update of the scoping plan.

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 is responsible for less than 2 percent of the world’s  
4 global greenhouse gas emissions and, thus, cannot mitigate the  
5 effects of climate change with any meaningful solutions without  
6 the participation of key states and nations.

7 (b) It is in the best interest of the state to ensure that the goals  
8 to reduce greenhouse gas emissions are flexible and developed  
9 with the intent to produce adaptable policies and programs that  
10 other states and nations could reasonably adopt.

11 (c) Demonstrating effective climate change policy can increase  
12 the likelihood that other states and nations will follow California’s  
13 lead, which is necessary for the state to have a significant effect  
14 on the global climate change problem.

15 SEC. 2. Section 38561.5 is added to the Health and Safety  
16 Code, to read:

17 38561.5. (a) On or before January 1, 2019, for purposes of the  
18 update of the scoping plan pursuant to subdivision (h) of Section  
19 38561, the state board shall include, but not be limited to, all of  
20 the following:

21 (1) A proposal for further reducing greenhouse gas emissions  
22 by 2050, including intermediate goals.

23 (2) An evaluation of the emissions-reduction goals proposed  
24 pursuant to paragraph (1) based on what technologies can be scaled  
25 to the rest of the country and the world that ensure  
26 cost-effectiveness and maintain local and systemwide reliability.

27 (3) The establishment of consistent metrics to effectively  
28 quantify greenhouse gas emissions from technologies that are  
29 designed to reduce greenhouse gases and retrofits that increase  
30 overall efficiency for the purpose of reducing a carbon footprint.

31 (b) (1) On or before January 1, 2019, the state board shall  
32 submit to the appropriate committees of the Legislature the



1 elements of the update of the scoping plan included pursuant to  
2 subdivision (a).

3 (2) A report to be submitted pursuant to this paragraph shall  
4 be submitted in compliance with Section 9795 of the Government  
5 Code.

6 (c) This section shall remain in effect only until January 1, 2020,  
7 and as of that date is repealed, unless a later enacted statute, that  
8 is enacted before January 1, 2020, deletes or extends that date.

9 SEC. 3. Section 38561.7 is added to the Health and Safety  
10 Code, to read:

11 38561.7. (a) (1) The Scoping Plan Advisory Panel shall be  
12 appointed to advise the state board on the update of the scoping  
13 plan completed pursuant to Section 38561.5.

14 (2) The members of the panel shall be highly qualified and  
15 professionally active or engaged in the economic development of  
16 the technologies associated with the reduction and mitigation of  
17 greenhouse gas emissions and shall be appointed as follows:

18 (A) Five members shall be appointed by the Secretary for  
19 Environmental Protection, all of whom shall be qualified as \_\_\_\_.

20 (B) Two members shall be appointed by the Senate Committee  
21 on Rules, both of whom shall be qualified as \_\_\_\_.

22 (C) Two members shall be appointed by the Speaker of the  
23 Assembly, both of whom shall be qualified as \_\_\_\_.

24 (D) Members of the panel shall be appointed from a pool of  
25 nominees submitted to each appointing body by the President of  
26 the University of California. The pool shall include, at a minimum,  
27 three nominees for each discipline represented on the panel.

28 (3) (A) On or before January 1, 2019, the panel shall evaluate  
29 and report key findings and recommendations to the appropriate  
30 committees of the Legislature on the update of the scoping plan  
31 completed pursuant to Section 38561.5 and subdivision (h) of  
32 Section 38561, including, but not limited to, both of the following:

33 (i) Any continuation, modification, or suspension of any program  
34 reasoned to be appropriate.

35 (ii) An economic assessment that includes, but is not limited  
36 to, a marginal cost curve analysis of each program contained in  
37 the scoping plan to provide an assessment of cost-effectiveness.

38 (B) A report to be submitted pursuant to this paragraph shall be  
39 submitted in compliance with Section 9795 of the Government  
40 Code.

- 1 (4) The panel may utilize special consultants or establish ad hoc  
2 committees, which may include other scientists, to assist the panel  
3 in performing its functions.
- 4 (5) Any ad hoc committees or hearings conducted pursuant to  
5 paragraph (4) shall be held at the Sacramento headquarters of the  
6 California Environmental Protection Agency.
- 7 (6) Members of the panel, and any ad hoc committee established  
8 by the panel, shall submit annually a financial disclosure statement  
9 that includes a listing of income received within the preceding  
10 three years, including investments, grants, and consulting fees  
11 derived from individuals or businesses that might be affected by  
12 regulatory actions undertaken by the state board pursuant to this  
13 division. The financial disclosure statements submitted pursuant  
14 to this subdivision are public information. Members of the panel  
15 shall be subject to the disqualification requirements of Section  
16 87100 of the Government Code.
- 17 (7) Members of the panel shall receive one hundred dollars  
18 (\$100) per day for attending panel meetings and meetings of the  
19 state board, or upon authorization of the chair of the state board  
20 while on official business of the panel, and shall be reimbursed  
21 for actual and necessary travel expenses incurred in the  
22 performance of their duties.
- 23 (8) The panel shall receive sufficient resources, including, but  
24 not limited to, technical, administrative, and clerical support.
- 25 (b) This section shall remain in effect only until January 1, 2020,  
26 and as of that date is repealed, unless a later enacted statute, that  
27 is enacted before January 1, 2020, deletes or extends that date.

**ASSEMBLY BILL**

**No. 2202**

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**Introduced by Assembly Member Logue**

February 20, 2014

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An act to amend Sections 38530, 38562, and 38570 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2202, as introduced, Logue. Greenhouse gas reduction.

Existing law requires the State Air Resources Board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this program. Existing law requires the state board to adopt greenhouse gas emission limits and emission reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, and, as part of that regulation, authorizes the state board to adopt a market-based compliance mechanism, commonly referred to as cap and trade.

This bill would require the state board to exempt small independent fuel marketers, as defined, from the regulations adopted by the state board in this regard.

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 38530 of the Health and Safety Code is
- 2 amended to read:

1 38530. (a) On or before January 1, 2008, the state board shall  
 2 adopt regulations to require the reporting and verification of  
 3 statewide greenhouse gas emissions and to monitor and enforce  
 4 compliance with this program.

5 (b) The regulations shall do all of the following:

6 (1) Require the monitoring and annual reporting of greenhouse  
 7 gas emissions from greenhouse gas emission sources beginning  
 8 with the sources or categories of sources that contribute the most  
 9 to statewide emissions.

10 (2) Account for greenhouse gas emissions from all electricity  
 11 consumed in the state, including transmission and distribution line  
 12 losses from electricity generated within the state or imported from  
 13 outside the state. This requirement applies to all retail sellers of  
 14 electricity, including load-serving entities as defined in subdivision  
 15 (j) of Section 380 of the Public Utilities Code and local publicly  
 16 owned electric utilities as defined in Section 9604 of the Public  
 17 Utilities Code.

18 (3) Where appropriate and to the maximum extent feasible,  
 19 incorporate the standards and protocols developed by the California  
 20 Climate Action Registry, established pursuant to Chapter 6  
 21 (commencing with Section 42800) of Part 4 of Division 26. Entities  
 22 that voluntarily participated in the California Climate Action  
 23 Registry prior to December 31, 2006, and have developed a  
 24 greenhouse gas emission reporting program, shall not be required  
 25 to significantly alter their reporting or verification program except  
 26 as necessary to ensure that reporting is complete and verifiable for  
 27 the purposes of compliance with this division as determined by  
 28 the state board.

29 (4) Ensure rigorous and consistent accounting of emissions, and  
 30 provide reporting tools and formats to ensure collection of  
 31 necessary data.

32 (5) Ensure that greenhouse gas emission sources maintain  
 33 comprehensive records of all reported greenhouse gas emissions.

34 (c) The state board shall do both of the following:

35 (1) Periodically review and update its emission reporting  
 36 requirements, as necessary.

37 (2) Review existing and proposed international, federal, and  
 38 state greenhouse gas emission reporting programs and make  
 39 reasonable efforts to promote consistency among the programs  
 40 established pursuant to this part and other programs, and to

1 streamline reporting requirements on greenhouse gas emission  
2 sources.

3 (d) (1) *The state board shall exempt small independent fuel*  
4 *marketers from the regulations adopted pursuant to this section*  
5 *(Article 2 (commencing with Section 95100) of Subchapter 10 of*  
6 *Chapter 1 of Division 3 of Title 17 of the Code of California*  
7 *Regulations).*

8 (2) *“Small independent fuel marketer” for purposes of this*  
9 *subdivision means a company with gross annual revenues from*  
10 *motor vehicle fuel sales in this state of \$10 billion or less.*

11 SEC. 2. Section 38562 of the Health and Safety Code is  
12 amended to read:

13 38562. (a) On or before January 1, 2011, the state board shall  
14 adopt greenhouse gas emission limits and emission reduction  
15 measures by regulation to achieve the maximum technologically  
16 feasible and cost-effective reductions in greenhouse gas emissions  
17 in furtherance of achieving the statewide greenhouse gas emissions  
18 limit, to become operative on January 1, 2012.

19 (b) In adopting regulations pursuant to this section and Part 5  
20 (commencing with Section 38570), to the extent feasible and in  
21 furtherance of achieving the statewide greenhouse gas emissions  
22 limit, the state board shall do all of the following:

23 (1) Design the regulations, including distribution of emissions  
24 allowances where appropriate, in a manner that is equitable, seeks  
25 to minimize costs and maximize the total benefits to California,  
26 and encourages early action to reduce greenhouse gas emissions.

27 (2) Ensure that activities undertaken to comply with the  
28 regulations do not disproportionately impact low-income  
29 communities.

30 (3) Ensure that entities that have voluntarily reduced their  
31 greenhouse gas emissions prior to the implementation of this  
32 section receive appropriate credit for early voluntary reductions.

33 (4) Ensure that activities undertaken pursuant to the regulations  
34 complement, and do not interfere with, efforts to achieve and  
35 maintain federal and state ambient air quality standards and to  
36 reduce toxic air contaminant emissions.

37 (5) Consider cost-effectiveness of these regulations.

38 (6) Consider overall societal benefits, including reductions in  
39 other air pollutants, diversification of energy sources, and other  
40 benefits to the economy, environment, and public health.

1 (7) Minimize the administrative burden of implementing and  
2 complying with these regulations.

3 (8) Minimize leakage.

4 (9) Consider the significance of the contribution of each source  
5 or category of sources to statewide emissions of greenhouse gases.

6 (c) In furtherance of achieving the statewide greenhouse gas  
7 emissions limit, by January 1, 2011, the state board may adopt a  
8 regulation that establishes a system of market-based declining  
9 annual aggregate emission limits for sources or categories of  
10 sources that emit greenhouse gas emissions, applicable from  
11 January 1, 2012, to December 31, 2020, inclusive, that the state  
12 board determines will achieve the maximum technologically  
13 feasible and cost-effective reductions in greenhouse gas emissions,  
14 in the aggregate, from those sources or categories of sources.

15 (d) Any regulation adopted by the state board pursuant to this  
16 part or Part 5 (commencing with Section 38570) shall ensure all  
17 of the following:

18 (1) The greenhouse gas emission reductions achieved are real,  
19 permanent, quantifiable, verifiable, and enforceable by the state  
20 board.

21 (2) For regulations pursuant to Part 5 (commencing with Section  
22 38570), the reduction is in addition to any greenhouse gas emission  
23 reduction otherwise required by law or regulation, and any other  
24 greenhouse gas emission reduction that otherwise would occur.

25 (3) If applicable, the greenhouse gas emission reduction occurs  
26 over the same time period and is equivalent in amount to any direct  
27 emission reduction required pursuant to this division.

28 (e) The state board shall rely upon the best available economic  
29 and scientific information and its assessment of existing and  
30 projected technological capabilities when adopting the regulations  
31 required by this section.

32 (f) The state board shall consult with the Public Utilities  
33 Commission in the development of the regulations as they affect  
34 electricity and natural gas providers in order to minimize  
35 duplicative or inconsistent regulatory requirements.

36 (g) After January 1, 2011, the state board may revise regulations  
37 adopted pursuant to this section and adopt additional regulations  
38 to further the provisions of this division.

39 (h) (1) *The state board shall exempt small independent fuel*  
40 *marketers from the regulations adopted pursuant to this section*

1 *relating to the application of an aggregate greenhouse gas*  
2 *allowance budget on covered entities (Article 5 (commencing with*  
3 *Section 95801) of Subchapter 10 of Chapter 1 of Division 3 of*  
4 *Title 17 of the Code of California Regulations).*

5 (2) *“Small independent fuel marketer” for purposes of this*  
6 *subdivision means a company with gross annual revenues from*  
7 *motor vehicle fuel sales in this state of \$10 billion or less.*

8 SEC. 3. Section 38570 of the Health and Safety Code is  
9 amended to read:

10 38570. (a) The state board may include in the regulations  
11 adopted pursuant to Section 38562 the use of market-based  
12 compliance mechanisms to comply with the regulations.

13 (b) Prior to the inclusion of any market-based compliance  
14 mechanism in the regulations, to the extent feasible and in  
15 furtherance of achieving the statewide greenhouse gas emissions  
16 limit, the state board shall do all of the following:

17 (1) Consider the potential for direct, indirect, and cumulative  
18 emission impacts from these mechanisms, including localized  
19 impacts in communities that are already adversely impacted by air  
20 pollution.

21 (2) Design any market-based compliance mechanism to prevent  
22 any increase in the emissions of toxic air contaminants or criteria  
23 air pollutants.

24 (3) Maximize additional environmental and economic benefits  
25 for California, as appropriate.

26 (c) The state board shall adopt regulations governing how  
27 market-based compliance mechanisms may be used by regulated  
28 entities subject to greenhouse gas emission limits and mandatory  
29 emission reporting requirements to achieve compliance with their  
30 greenhouse gas emissions limits.

31 (d) (1) *The state board shall exempt small independent fuel*  
32 *marketers from the regulations adopted pursuant to this section*  
33 *relating to providing a trading mechanism for compliance*  
34 *instruments (Article 5 (commencing with Section 95801) of*  
35 *Subchapter 10 of Chapter 1 of Division 3 of Title 17 of the Code*  
36 *of California Regulations).*

37 (2) *“Small independent fuel marketer” for the purposes of this*  
38 *subdivision means a company with gross annual revenues from*  
39 *motor vehicle fuel sales in this state of \$10 billion or less.*

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**Introduced by Senators Pavley and Lara  
(Coauthor: Senator Leno)**

(Coauthor: Assembly Member Lowenthal)

February 19, 2014

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An act to add and repeal Section 39607.6 of the Health and Safety Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL'S DIGEST

SB 1125, as introduced, Pavley. Greenhouse gases: emissions reduction.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to approve a statewide greenhouse gas emissions limit that is equivalent to the 1990 level to be achieved by 2020. The act requires the state board to make recommendations to the Governor and the Legislature on how to continue reduction of greenhouse gas emissions beyond 2020.

This bill would require the state board, on or before January 1, 2016, and in consultation with specified entities, to develop and submit to the Governor and the Legislature a report containing recommendations on a timetable of reduction targets of greenhouse gas emissions and short-lived climate pollutants with high global warming potentials beyond 2020. The bill would repeal the above provision on January 1, 2020.

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 39607.6 is added to the Health and Safety  
2 Code, to read:

3 39607.6. (a) For the purposes of this section, “short-lived  
4 climate pollutant” means an agent that has a relatively short lifetime  
5 in the atmosphere, from a few days to a few decades, and a  
6 warming influence on the climate.

7 (b) On or before January 1, 2016, the state board shall, in  
8 consultation with the Climate Action Team, other relevant state  
9 and local agencies, and interested stakeholders, in an open and  
10 public process, develop and submit to the Governor and Legislature  
11 a report containing recommendations on a timetable of reduction  
12 targets of greenhouse gas emissions and short-lived climate  
13 pollutants with high global warming potentials beyond 2020.

14 (c) The state board, in developing the timetable of reduction  
15 targets shall consider emissions reduction trajectories that do all  
16 of the following:

17 (1) Mitigate medium- and long-term risks of global climate  
18 change and associated adverse impacts on health, safety, and  
19 welfare in California.

20 (2) Advance California’s economic competitiveness by  
21 minimizing leakage and stimulating innovation.

22 (3) Significantly mitigate adverse public health impacts in  
23 disadvantaged communities through reductions of short-lived  
24 climate pollutants, or in concert with other regulations limiting the  
25 emissions of criteria or toxic air pollutants under this division.

26 (d) The report to be submitted to the Legislature pursuant to  
27 subdivision (a) shall be submitted in compliance with Section 9795  
28 of the Government Code.

29 (e) Pursuant to Section 10231.5 of the Government Code, this  
30 section is repealed on January 1, 2020.

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AMENDED IN SENATE MARCH 24, 2014

**SENATE BILL**

**No. 1204**

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**Introduced by Senators Lara and Pavley**

February 20, 2014

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An act to add Section 39719 to the Health and Safety Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1204, as amended, Lara. California Clean Truck ~~and~~, Bus, *and Off-Road Vehicle and Equipment Technology* Program.

Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions, commonly known as cap and trade revenues, to be deposited in the Greenhouse Gas Reduction Fund, and to be used, upon appropriation by the Legislature, for specified purposes.

This bill would create the California Clean Truck ~~and~~, Bus, *and Off-Road Vehicle and Equipment Technology* Program, to be funded from cap and trade revenues, to fund zero- and near-zero emission truck ~~and zero-emission~~, bus, *and off-road vehicle and equipment* technology and related projects, as specified, with preference to be given to projects in disadvantaged communities. The program would be administered by the state board, *in conjunction with the State Energy Resources Conservation and Development Commission*.

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 39719 is added to the Health and Safety  
2 Code, to read:

3 39719. (a) The California Clean Truck and, Bus, and Off-Road  
4 Vehicle and Equipment Technology Program is hereby created, to  
5 be administered by the state board *in conjunction with the State*  
6 *Energy Resources Conservation and Development Commission.*  
7 *The program, from moneys appropriated from the fund for*  
8 *purposes of the program, shall fund development, demonstration,*  
9 *pilot deployment, and commercial deployment of zero- and*  
10 *near-zero emission truck, bus, and off-road vehicle and equipment*  
11 *technologies. Priority shall be given to projects located in*  
12 *disadvantaged communities pursuant to the requirements of*  
13 *Sections 39711 and 39713.*

14 ~~(b) From funds appropriated from the fund for that purpose, the~~  
15 ~~state board shall establish a focused medium- and heavy-duty truck~~  
16 ~~deployment program, with an emphasis on technology development~~  
17 ~~and demonstration for zero- and near-zero emissions goods~~  
18 ~~movement. Eligible projects under this subdivision shall include,~~  
19 ~~but not be limited to, targeted early stage technological~~  
20 ~~development funding, small scale pilot demonstrations of new~~  
21 ~~technologies, and larger, commercial scale demonstrations of trucks~~  
22 ~~operating in real world conditions. Funding made available under~~  
23 ~~this subdivision shall complement existing efforts in this area at~~  
24 ~~the State Energy Conservation and Development Commission and~~  
25 ~~the state board. Preference shall be given to disadvantaged~~  
26 ~~communities pursuant to the requirements of Sections 39711 and~~  
27 ~~39713.~~

28 ~~(c) From funds appropriated from the fund for that purpose, the~~  
29 ~~state board shall establish an emerging technology demonstration~~  
30 ~~program for zero-emission buses to be used in public transportation.~~  
31 ~~Eligible projects to be funded under the program include projects~~  
32 ~~recommended by public transit agencies to demonstrate and deploy,~~  
33 ~~as part of their fleets, advanced fueled vehicles and associated~~  
34 ~~infrastructure. The objective of the program shall be to demonstrate~~  
35 ~~zero-emission bus technology at a commercial scale, in order to~~  
36 ~~clear the path for broader deployment of zero-emission bus~~  
37 ~~technology throughout the state. Preference shall be given to~~

1 ~~disadvantaged communities pursuant to the requirements of~~  
2 ~~Sections 39711 and 39713.~~

3 *(b) The program shall fund projects in each of the following*  
4 *areas:*

5 *(1) Zero- and near-zero emission medium- and heavy-duty truck*  
6 *technology development, demonstration, and pilot deployment.*

7 *(2) Zero- and near-zero emission buses. The program shall fund*  
8 *pilot deployments to demonstrate operation of large numbers of*  
9 *clean buses in a real world setting, to showcase the following*  
10 *issues: (A) these vehicles can make direct impacts in disadvantaged*  
11 *communities, (B) transit operators are currently unable to*  
12 *economically purchase vehicles of this type because of high costs*  
13 *and technological uncertainty, which may be overcome through*  
14 *large pilot deployments, and (C) zero- and near-zero emission*  
15 *technologies in the bus context, once successfully demonstrated*  
16 *on a large scale, may find applications in a wide variety of other*  
17 *heavy-duty vehicles in addition to buses. In that connection, the*  
18 *state board, in consultation with transit operators, shall develop*  
19 *solicitations to fund at least two large scale zero- or near-zero*  
20 *emission bus pilot deployment projects of between 10 and 40 buses,*  
21 *to be located in or near disadvantaged communities.*

22 *(3) Development, demonstration, and pilot deployment of zero-*  
23 *and near-zero emission technologies to be used in off-road vehicles*  
24 *and equipment, including, but not limited to, port equipment,*  
25 *agricultural equipment, and marine and rail equipment.*

26 *(4) Development of commercially available zero- and near-zero*  
27 *emission trucks, buses, and off-road vehicles and equipment using*  
28 *streamlined purchase incentives pursuant to the California Hybrid*  
29 *and Zero-Emission Truck and Bus Voucher Incentive Project*  
30 *(HVIP). The state board shall create a multiyear framework and*  
31 *plan for HVIP incentives. The plan shall focus on providing*  
32 *incentives for zero- and near-zero emission medium- and*  
33 *heavy-duty vehicles as they become commercially available. The*  
34 *incentives shall be structured to drive acquisition volumes by*  
35 *reducing payback times for these vehicles. The plan shall provide*  
36 *long-term certainty about incentives while also remaining flexible*  
37 *and open to new technologies. The plan shall also examine*  
38 *opportunities to link HVIP vehicle funding with infrastructure*  
39 *funding to provide coordinated funding for both vehicles and*  
40 *related infrastructure. HVIP incentives for plug-in and*

- 1 *zero-emission vehicles in disadvantaged communities shall be*
- 2 *sufficient to increase sales of the cleanest vehicles in communities*
- 3 *where they are needed most.*

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AMENDED IN SENATE MARCH 25, 2014

**SENATE BILL**

**No. 1371**

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**Introduced by Senator Leno**  
(Principal coauthor: Assembly Member Mullin)  
(Coauthor: **Senator Hill**)

February 21, 2014

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An act to add Article 3 (commencing with Section 975) to Chapter 4.5 of Part 1 of Division 1 of the Public Utilities Code, relating to natural gas.

LEGISLATIVE COUNSEL'S DIGEST

SB 1371, as amended, Leno. Natural gas: leakage abatement.

The California Constitution establishes the Public Utilities Commission with regulatory authority over public utilities, authorizes the commission to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process, and authorizes the commission to fix rates and establish rules for all public utilities, subject to control by the Legislature.

The Natural Gas Pipeline Safety Act of 2011, within the Public Utilities Act, designates the commission as the state authority responsible for regulating and enforcing intrastate gas pipeline transportation and pipeline facilities pursuant to federal law, including the development, submission, and administration of a state pipeline safety program certification for natural gas pipelines.

This bill would require the commission to adopt rules and procedures governing the operation, maintenance, repair, and replacement of commission-regulated gas pipeline facilities to minimize leaks as a hazard to be mitigated pursuant to the Natural Gas Pipeline Safety Act of 2011 and to eliminate uncontrolled emissions of natural gas from

commission-regulated gas pipeline facilities to the maximum extent feasible *with the goal of cutting total emission in  $\frac{1}{2}$  by January 1, 2020*. The bill would require the commission to commence a proceeding by January 15, 2015, and to adopt rules and procedures not later than December 31, 2015. *The bill would require the commission to consult with the State Air Resources Board and those other state and federal entities that the commission determines have regulatory roles of relevance to the rules and procedures under consideration.* The bill would require that the rules and procedures provide for ~~repair~~ *the elimination* of leaks in commission-regulated gas pipeline facilities within a reasonable time after discovery, but require that leaks discovered in close proximity to residential and commercial buildings be repaired upon discovery so that ~~the emission of leaking gas that can result in injury or loss of life will be substantially eliminated~~ *eliminated as soon as reasonably possible after discovery, consistent with the goal of reducing the risk of injury or loss of life.* The bill would ~~additionally~~ require that the rules and procedures establish *and require the use of* best practices for leak surveys, patrols, leak survey technology, and metrics for evaluating and comparing leaks so that operators, the commission, and the public have accurate information about the number and severity of leaks and about the quantity of gas that is emitted to the atmosphere over time. *The bill would require that the rules and procedures, to the extent feasible, provide for the establishment of a baseline systemwide leak rate, a periodic updating of systemwide leak rate quantifications, and an annual reporting structure of the measures that will be taken in the following year to reduce the systemwide leak rate to achieve the goals of the bill for each commission-regulated pipeline.* The bill would require that the commission consider *whether* the costs of compliance with the *adopted* rules and procedures *are commensurate with the short- and long-term benefits resulting from reducing leaks and emissions* and provide for cost recovery in rates charged to their customers by a gas corporation, consistent with the commission's existing ratemaking procedures and authority to establish just and reasonable rates.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission



implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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. The Legislature finds and declares all of the~~
- 2     ~~following:~~
- 3     ~~(a) The Legislature has established that safety of the natural gas~~
- 4     ~~pipeline infrastructure in California is a priority for the Public~~
- 5     ~~Utilities Commission and gas corporations.~~
- 6     ~~(b) The incidence of natural gas leaks and their repair is~~
- 7     ~~considered by the industry and regulators to be a significant~~
- 8     ~~indicator of pipeline integrity and safety.~~
- 9     ~~(c) The Legislature has established a policy goal to significantly~~
- 10    ~~reduce emissions of greenhouse gases in California.~~
- 11    ~~(d) There is a growing awareness of the potency of methane,~~
- 12    ~~the primary component of natural gas, as a greenhouse gas. The~~
- 13    ~~Intergovernmental Panel on Climate Change estimates that the~~
- 14    ~~global warming potential of methane is 84 times that of carbon~~
- 15    ~~dioxide over a 20-year time horizon.~~
- 16    ~~(e) Fugitive methane volumes from pipelines in California may~~
- 17    ~~exceed 35 billion cubic feet annually and may exceed 500 billion~~
- 18    ~~cubic feet nationwide.~~
- 19    ~~(f) Reducing these fugitive emissions by repairing pipeline leaks~~
- 20    ~~promptly and effectively advances both policy goals of natural gas~~
- 21    ~~pipeline safety and integrity and reducing emissions of greenhouse~~
- 22    ~~gases.~~
- 23    ~~(g) Reducing leaks and promoting pipeline integrity in California~~
- 24    ~~provides significant employment opportunities for California~~
- 25    ~~residents and for domestic fabricators of high quality pipeline~~
- 26    ~~materials.~~
- 27    ~~(h) Providing just and reasonable rate revenues for gas~~
- 28    ~~corporations to reduce leaks and repair them promptly when~~

1 ~~discovered, including employing an adequate workforce, is in the~~  
2 ~~public interest, and promotes the interests of customers and the~~  
3 ~~public.~~

4 ~~SEC. 2.~~

5 SECTION 1. Article 3 (commencing with Section 975) is added  
6 to Chapter 4.5 of Part 1 of Division 1 of the Public Utilities Code,  
7 to read:

8

9

Article 3. Methane Leakage Abatement

10

11 975. *The Legislature finds and declares all of the following:*

12 (a) *The Legislature has established that safety of the natural*  
13 *gas pipeline infrastructure in California is a priority for the Public*  
14 *Utilities Commission and gas corporations.*

15 (b) *The incidence of natural gas leaks and their repair is*  
16 *considered by the industry and regulators to be a significant*  
17 *indicator of pipeline integrity and safety.*

18 (c) *The Legislature has established a policy goal to significantly*  
19 *reduce emissions of greenhouse gases in California.*

20 (d) *There is a growing awareness of the potency of methane,*  
21 *the primary component of natural gas, as a greenhouse gas. The*  
22 *Intergovernmental Panel on Climate Change estimates that the*  
23 *global warming potential of methane is approximately 80 times*  
24 *that of carbon dioxide over a 20-year time horizon.*

25 (e) *It is undisputed that natural gas pipelines and infrastructure*  
26 *in California leak substantial volumes of natural gas, estimated*  
27 *in 2011 to exceed 35 billion cubic feet annually.*

28 (f) *Reducing these fugitive methane emissions by promptly and*  
29 *effectively repairing or replacing the pipes and associated*  
30 *infrastructure that is responsible for these leaks advances both*  
31 *policy goals of natural gas pipeline safety and integrity and*  
32 *reducing emissions of greenhouse gases.*

33 (g) *Although there are existing federal and state rules and*  
34 *regulations that pertain to the natural gas transmission and*  
35 *distribution system and associated infrastructure, these rules and*  
36 *regulations are insufficient to prevent the climate change impacts*  
37 *from leaks of natural gas.*

38 (h) *Reducing leaks and promoting the integrity of pipelines and*  
39 *associated infrastructure in California provides significant*  
40 *employment opportunities for California residents and for domestic*

1 *fabricators of high quality pipeline materials and other equipment*  
2 *associated with finding and fixing leaks.*

3 (i) *Providing just and reasonable rate revenues for gas*  
4 *corporations to find, categorize, and eliminate leaks promptly*  
5 *when discovered, including employing an adequate workforce, is*  
6 *in the public interest, and promotes the interests of customers and*  
7 *the public.*

8 975.

9 976. (a) For purposes of this chapter, “commission-regulated  
10 gas pipeline facility” has the same meaning as defined in Section  
11 950.

12 (b) The commission shall adopt rules and procedures governing  
13 the operation, maintenance, repair, and replacement of  
14 commission-regulated gas pipeline facilities to achieve both of the  
15 following:

16 (1) Minimize leaks as a hazard to be mitigated pursuant to  
17 paragraph (1) of subdivision (d) of Section 961.

18 (2) ~~Eliminate~~ *While giving due consideration to the cost*  
19 *considerations of Section 977, eliminate uncontrolled emissions*  
20 *of natural gas from commission-regulated gas pipeline facilities*  
21 *to the maximum extent feasible with the goal of cutting total*  
22 *emission in half by January 1, 2020, in order to advance the state’s*  
23 *goals in reducing emissions of greenhouse gases pursuant to the*  
24 *California Global Warming Solutions Act of 2006 (Division 25.5*  
25 *(commencing with Section 38500) of the Health and Safety Code).*

26 (c) Not later than January 15, 2015, the commission shall  
27 commence a proceeding to adopt rules and procedures for intrastate  
28 distribution lines and intrastate transmission lines, as respectively  
29 described in paragraphs (1) and (2) of subdivision (a) of Section  
30 950, to achieve the goals of subdivision (b). *The commission shall*  
31 *consult with the State Air Resources Board and those other state*  
32 *and federal entities that the commission determines have regulatory*  
33 *roles of relevance to the rules and procedures under consideration.*  
34 The commission shall adopt rules and procedures not later than  
35 December 31, 2015.

36 (d) The rules and procedures *adopted pursuant to subdivision*  
37 *(c) shall provide accomplish all of the following:*

38 (1) *Provide for the—repair elimination of leaks in*  
39 *commission-regulated gas pipeline facilities within a reasonable*

1 time after discovery, consistent with eliminating hazards and  
 2 reducing emissions to achieve the goals in subdivision (b). ~~Leaks~~  
 3 *(2) Provide for the elimination of any leaks discovered in close*  
 4 *proximity to residential and commercial buildings shall be repaired*  
 5 *upon discovery so that the emission of leaking gas that can result*  
 6 *in injury or loss of life will be substantially eliminated. as soon as*  
 7 *reasonably possible after discovery, consistent with the goal of*  
 8 *reducing the risk of injury or loss of life.*

9 ~~(e) The rules and procedures shall establish~~

10 *(3) Establish and require the use of best practices for leak*  
 11 *surveys, patrols, leak survey technology, and metrics for evaluating*  
 12 *and comparing leaks so that operators, the commission, and the*  
 13 *public have accurate information about the number and severity*  
 14 *of leaks and about the quantity of natural gas that is emitted to the*  
 15 *atmosphere over time. Best practices shall include evaluation of*  
 16 *the quality of materials and equipment from various sources,*  
 17 *including foreign and domestic third-party suppliers.*

18 *(4) To the extent feasible, provide for each*  
 19 *commission-regulated gas pipeline facility, the establishment of*  
 20 *a baseline systemwide leak rate, a periodic updating of systemwide*  
 21 *leak rate quantifications, and an annual reporting structure of the*  
 22 *measures that will be taken in the following year to reduce the*  
 23 *systemwide leak rate to achieve the goals of subdivision (b).*

24 ~~(f)~~

25 *(e) The rules and procedures, including best practices and repair*  
 26 *standards, shall be incorporated into the safety plans required by*  
 27 *Section 961.*

28 ~~(g)~~

29 *(f) Consistent with subdivision (e) of Section 961, the*  
 30 *commission shall facilitate robust ongoing participation of the*  
 31 *workforce of gas corporations in all aspects of the proceeding.*

32 ~~976.~~

33 ~~977.~~ As an element of the proceeding required by Section ~~975,~~  
 34 ~~976,~~ the commission shall consider *whether* the costs of compliance  
 35 with the *adopted* rules and procedures *are commensurate with the*  
 36 *short- and long-term benefits resulting from reducing leaks and*  
 37 *emissions* and shall provide for cost recovery in rates charged to  
 38 their customers by a gas corporation, consistent with the  
 39 commission's existing ratemaking procedures and authority to

1 establish just and reasonable rates. Cost considerations shall  
2 include, *but are not limited to*, all of the following:

3 (a) Providing an adequate workforce to achieve the objectives  
4 of reducing hazards and emissions from leaks, including ~~prompt~~  
5 ~~leak repair and~~ *leak* elimination.

6 (b) Directing the revenues from any allowance for lost or  
7 unaccounted for natural gas to ~~leak repair and~~ elimination.

8 (c) Providing guidance for treatment of expenditures as being  
9 either an item of expense or a capital investment.

10 (d) *The impact on affordability of gas service for vulnerable*  
11 *customers as a result of the incremental costs of compliance with*  
12 *the adopted rules and procedures.*

13 ~~SEC. 3.~~

14 *SEC. 2.* No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution because  
16 the only costs that may be incurred by a local agency or school  
17 district will be incurred because this act creates a new crime or  
18 infraction, eliminates a crime or infraction, or changes the penalty  
19 for a crime or infraction, within the meaning of Section 17556 of  
20 the Government Code, or changes the definition of a crime within  
21 the meaning of Section 6 of Article XIII B of the California  
22 Constitution.

AMENDED IN SENATE MARCH 24, 2014

**SENATE BILL**

**No. 1415**

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**Introduced by Senator Hill**

February 21, 2014

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An act to amend Section 40262 of the Health and Safety Code, relating to the Bay Area Air Quality Management District.

LEGISLATIVE COUNSEL'S DIGEST

SB 1415, as amended, Hill. Bay Area Air Quality Management District: advisory council.

(1) Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board to govern the district.

Existing law also establishes the Bay Area Air Quality Management Council, which consists of 20 members appointed by the district board, as specified, for the purposes of advising and consulting with the district board and air pollution control officer in the implementation of their authority to regulate air emissions.

*This bill would limit the council to 7 appointed members, would no longer allow for members of the general public to be appointed under specified circumstances, and would additionally require the inclusion of members who are skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution. The bill would require members to be selected to include a diversity of perspectives, expertise, and backgrounds. By adding to the duties of the district, this bill would impose a state-mandated local program.*

~~This bill additionally would require the council to include members who are skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution. By adding to the duties of the district, this bill would impose a state-mandated local program.~~

(2) 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 these statutory provisions.

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 40262 of the Health and Safety Code is  
2 amended to read:

3     40262. The council shall consist of the ~~chairman~~ following:

4     (a) Chair of the bay district board, who shall serve as an ex  
5 officio member, and 20 member.

6     (b) Seven members who ~~preferably are~~ shall be skilled and  
7 experienced in the ~~field~~ fields of air pollution, ~~including at least~~  
8 ~~three representatives of public health agencies, at least four~~  
9 ~~representatives of private organizations active in conservation or~~  
10 ~~protection of the environment within the bay district, and at least~~  
11 ~~one representative of colleges or universities in the state and at~~  
12 ~~least one representative of each of the following groups within the~~  
13 ~~bay district: regional park district, park and recreation commissions~~  
14 ~~or equivalent agencies of any city, public mass transportation~~  
15 ~~system, agriculture, industry, community planning, transportation,~~  
16 ~~registered professional engineers, general contractors, architects,~~  
17 ~~and organized labor~~ climate change, or the health impacts of air  
18 pollution. Members shall be selected to include a diversity of  
19 perspectives, expertise, and backgrounds.

20     ~~To the extent that suitable persons cannot be found for each of~~  
21 ~~the specified categories, council members may be appointed from~~  
22 ~~the general public.~~

23     SECTION 1. Section 40262 of the Health and Safety Code is  
24 amended to read:

1 40262. ~~(a) The council shall consist of the following:~~  
2 ~~(1) Chair of the bay district board, who shall serve as an ex~~  
3 ~~officio member.~~  
4 ~~(2) Twenty members who shall be skilled and experienced in~~  
5 ~~the fields of air pollution, climate change, or the health impacts of~~  
6 ~~air pollution. The 20 members may include any of the following:~~  
7 ~~(A) At least three representatives of public health agencies.~~  
8 ~~(B) At least four representatives of private organizations active~~  
9 ~~in conservation or protection of the environment within the bay~~  
10 ~~district.~~  
11 ~~(C) At least one representative of colleges or universities in the~~  
12 ~~state.~~  
13 ~~(D) At least one representative of each of the following groups~~  
14 ~~within the bay district:~~  
15 ~~(i) Regional park district.~~  
16 ~~(ii) Park and recreation commissions or equivalent agencies of~~  
17 ~~any city.~~  
18 ~~(iii) Public mass transportation system.~~  
19 ~~(iv) Agriculture.~~  
20 ~~(v) Industry.~~  
21 ~~(vi) Community planning.~~  
22 ~~(vii) Transportation.~~  
23 ~~(viii) Registered professional engineers.~~  
24 ~~(ix) General contractors.~~  
25 ~~(x) Architects.~~  
26 ~~(xi) Organized labor.~~  
27 ~~(b) To the extent that suitable persons cannot be found for each~~  
28 ~~of the specified categories, council members may be appointed~~  
29 ~~from the general public.~~  
30 SEC. 2. If the Commission on State Mandates determines that  
31 this act contains costs mandated by the state, reimbursement to  
32 local agencies and school districts for those costs shall be made  
33 pursuant to Part 7 (commencing with Section 17500) of Division  
34 4 of Title 2 of the Government Code.



# BAAQMD BILL DISCUSSION LIST

MARCH 2014

BILL NO.	AUTHOR	SUBJECT	STATUS	POSITION (Positions in italics are staff recommendations)
AB 1330	Perez	Gut-and-amend to double environmental penalties and direct 50% of penalty revenue to Green Zone Trust Fund	Assembly Floor Inactive File	<i>Oppose unless amended</i>
AB 1447	Waldron	Allows cap-and-trade revenues to fund traffic signal synchronization	4/7 Asm. Nat. Res.	
AB 1594	Williams	Disallows green material used as landfill daily cover from counting towards 50% solid waste diversion goal	4/7 Asm. Nat. Res.	
AB 1639	Grove	Requires AB 32 revenues, including cap-and-trade funds, to be used to cost-effectively reduce greenhouse gas emissions	4/7 Asm. Nat. Res.	
AB 1696	Wieckoski	Adds parking spaces with charging stations to the list of advanced technology vehicle benefits to be added to state parking lots	4/7 Asm. Nat. Res.	<i>Support if amended</i>
AB 1721	Linder	Would allow HOVs in Riverside HOT lanes to be tolled	Asm. Transportation	
AB 1811	Buchanan	Changes access rules for HOV-access decal vehicles for Sunol Grade and other HOT lanes in Alameda County	Asm. Transportation	
AB 1813	Quirk	\$100M of cap-and-trade funds for Fuel Producer Capital Assistance Program	Asm. Nat. Res.	
AB 1818	Allen	Spot bill on electrical generation and air pollution		
AB 1857	Frazier	Authorizes Caltrans to purchase vehicles and equipment using 'best value' procurement, which includes environmental benefits	Asm. Approps.	
AB 1907	Ridley-Thomas	Requires natural gas sold as a transportation fuel in CA to be measured in gasoline or diesel gallon equivalents		<i>Support</i>
AB 1935	Campos	Defines clean distributed energy technology	4/7 Asm. Nat. Res.	
AB 1970	Gordon	Community Investment and Innovation Program; funded via cap-and-trade	4/7 Asm. Nat. Res.	
AB 2008	Quirk	Intent bill on delivery of urban freight		
AB 2013	Muratsuchi	Increases the number of green-stickered vehicles allowed in HOV lanes	Asm. Approps.	
AB 2027	Logue	Prohibits ARB from collecting emissions data from AB 32 sources twice	4/7 Asm. Nat. Res.	<i>Oppose</i>
AB 2050	Quirk	Authorizes ARB to establish, with Scoping Plan Advisory Panel, greenhouse gas reduction goals beyond 2020, and extending to 2050	4/7 Asm. Nat. Res.	<i>Support and seek amendments</i>
AB 2090	Fong	Allows VTA to require HOV drivers to have switchable electronic tolling equipment when using HOT lanes	Asm. Approps.	

AB 2173	Bradford	Allows low-speed electric bikes to use bike lanes	Asm. Transportation	
AB 2202	Logue	Exempts fuel marketers from ARB cap-and-trade regulations	4/7 Asm. Nat. Res.	<i>Oppose unless amended</i>
AB 2348	Stone	Natural Resources Climate Improvement Program; funded via cap-and-trade	4/7 Asm. Nat. Res.	
SB 691	Hancock	Increases air penalty ceilings for one-day community-disrupting violations	Assembly Floor Inactive File	Sponsor
SB 792	DeSaulnier	Assigns new tasks to the Joint Policy Committee with respect to ABAG, BAAQMD, BATA, BCDC, and MTC	Assembly Desk	<i>Oppose unless amended</i>
SB 913	DeSaulnier	Increases numbers of vehicles retired and replaced through the Consumer Assistance Program and the Enhanced Fleet Modernization Program	4/1 Sen. Trans.& Housing	
SB 1077	DeSaulnier	Vehicle-Miles-Traveled Fee Pilot Program	4/22 Sen Trans. & Housing	
SB 1121	DeLeon	Establishes California Green Bank for financing clean energy projects	Sen. Rules	
SB 1122	Pavley	Strategic Growth Council to fund Sustainable Communities Implementation, via cap-and-trade	4/2 Sen. Env. Quality	
SB 1125	Pavley	Requires ARB to develop emission reductions targets beyond 2020	Senate Rules	<i>Support</i>
SB 1132	Mitchell	Prohibits all well stimulation treatments (including hydraulic fracturing) until multiple findings are made and an independent scientific study is completed	4/8 Sen. Nat. Res.	
SB 1156	Steinberg	Removes transportation fuels from cap-and-trade, imposes a tax on said fuels, and distributes proceeds particularly to low and medium-income	4/9 Sen. Gov.& Finance	
SB 1184	Hancock	Requires BCDC to prepare a regional resilience strategy for sea level rise	Sen. Nat. Res.	
SB 1204	Lara	California Clean Truck and Bus Program	4/1 Sen. Trans.& Housing	<i>Support if amended</i>
SB 1268	Beall	Natural Resources Climate Improvent Program, funded via cap-and-trade	4/8 Sen. Nat. Res.	
SB 1275	DeLeon	Charge Ahead California Initiative (incentives for increasing clean vehicle use by low-income, and new rebates for transit and car sharing)	4/1 Sen. Trans.& Housing	
SB 1371	Leno	Has the PUC establish a Methane Leakage Abatement program	4/1 Sen. Energy, Utilities, and Communications	<i>Support</i>
SB 1415	Hill	Modernizes BAAQMD Advisory Council language	4/2 Sen. Env. Quality	<i>Support</i>

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Tom Bates and  
Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: March 24, 2014

Re: Update on 2013 Bills

**RECOMMENDED ACTION**

The Committee will discuss measures introduced in 2013 and still alive, and will consider recommending positions on some of these bills.

**DISCUSSION**

At its last meeting, the Committee discussed Senator DeSaulnier's 2013 bill on regional governance, SB 792. An amended version of the bill passed the Senate in January, and now is in the Assembly. The bill is likely to be heard in policy committees shortly. A copy is attached. The Joint Policy Committee (JPC) has discussed the bill several times recently, and on March 24<sup>th</sup> it sent recommended changes to the bill to the author. These are also attached.

Note that the current bill would require both the Bay Conservation and Development Commission (BCDC) and the District to jointly adopt the Sustainable Communities Strategy (SCS). The SCS is already required by SB 375 to be adopted by both the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission. Also note that the bill would require the four agencies to prepare a consolidation plan for a host of functions including legal services. There are a multitude of other requirements in the bill that do not affect the District, but apply primarily to MTC and ABAG. These include the establishment of a new economic development advisory committee, new public outreach requirements, and more. While some of these are redundant with existing practices, they have not been the primary concerns expressed by the four JPC member agencies.

Staff recommends the District adopt an "Oppose unless amended" position on SB 792, with amendments consistent with the JPC's direction. The Executive Directors of the four agencies along with the JPC Director expressed their concerns to Senator DeSaulnier's staff in a recent meeting in Sacramento, and the consensus position of the JPC at its March 21<sup>st</sup> meeting was that the bill needed to be amended. The amendments sought by the District would be to remove the requirement that the District and BCDC must both also adopt the SCS, and to allow the consolidation work already being undertaken as part of the move to 375 Beale to suffice.

The Committee also discussed AB 1330 at its last meeting. This bill, which was a major gut-and-amend at the end of 2013, is currently on the inactive file on the Assembly floor. A copy of the bill is attached. Currently, the bill would attempt to double environmental penalties in

environmental justice areas defined by CalEPA. Half of those revenues, including stationary source air penalty revenues, would be taken away from the local enforcement agency such as the District, and put instead into a new Green Zone Trust Fund. From there, they could be used to fund programs elsewhere in the state, and even to fund non- air quality programs. Staff have met with the Speaker's staff and supporters of the bill and expressed the concern that as drafted this bill will weaken enforcement in the very areas the bill is trying to help. Staff is recommending the District adopt an "Oppose unless amended" position on AB 1330. If the bill instead focused on, for example, increasing penalties for serious, repeated violations, that is something staff recommend the District support in concept.

Finally, SB 691 is the response to the 2012 Chevron Richmond refinery fire that is authored by Senator Hancock and sponsored by the District. This bill remains where it was at the end of the last legislative year, on the inactive file on the Assembly floor. The bill is subject to the same end-of-August deadline as the 2014 bills.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

As discussed in the analyses above, some of the bills considered might have positive effects on the District's budget, and some might have negative effects.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Thomas Addison  
Reviewed by: Jean Roggenkamp

Attachments: Assembly Bill 1330  
Assembly Bill 792 (Redline Version)  
Assembly Bill 792

AMENDED IN SENATE SEPTEMBER 6, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1330**

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**Introduced by Assembly Member John A. Pérez**

February 22, 2013

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An act to amend ~~Section~~ Sections 12812.2 and 54954.3 of the Government Code, ~~and to amend Sections 25135 and 44050 of, and to add Sections 25135.10, 25135.11, 25196.1, and 42410.1 to, the Health and Safety Code, and to amend Section 71116 of, and to add Sections 71117 and 71119 to 45024.1, 45025.1, 71116.1, 71117.5, 71119, and 71119.5 to, the Public Resources Code, relating to environmental justice, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1330, as amended, John A. Pérez. Environmental justice.

(1) Existing law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist the secretary in developing an agency wide strategy for identifying and addressing gaps in existing programs, policies, or activities of the boards, departments, and offices of the California Environmental Protection Agency that may impede the achievement of environmental justice. Existing law requires the agency to identify disadvantaged communities for investment opportunities under the California Global Warming Solutions Act of 2006.

This bill would require the agency, on or before January 1, 2015, to establish a list of environmental justice communities identifying the top 15% of communities in the state, based on census tracts, that are

*disproportionately impacted by environmental hazards. The bill would require the agency to revise the list on a triennial basis.*

*(2) Existing law imposes administrative, civil, and criminal fines and penalties for a violation of specified environmental laws and establishes the maximum amount of fines and penalties.*

*This bill would require the enforcement agency with jurisdiction over those environmental laws and the courts to double the maximum amount of fines and penalties assessed if a violation occurs at a facility located in an environmental justice community that results in an increased level of emissions or discharges that exceeds the level permitted under that environmental law. The bill would require a specified amount of fines and penalties collected pursuant to this provision to be deposited into the Green Zone Trust Fund, which the bill would establish in the State Treasury. By requiring an enforcement agency to deposit a specified portion of fines and penalties it collects into the Green Zone Trust Fund, the bill would increase the level of service provided by the enforcement agency, thereby imposing a state-mandated local program. The bill would require moneys in the Green Zone Trust Fund, upon appropriation by the Legislature, to be expended by the California Environmental Protection Agency to support Green Zone Environmental Projects that are environmentally beneficial to environmental justice communities. The bill would require the agency, on or before January 1, 2015, to establish guidelines to designate Green Zone Environmental Projects.*

*(3) Existing law gives the responsibility and authority to a deputy to the Secretary for Environmental Protection to, in consultation with the Attorney General, establish a cross-media enforcement unit to assist a board, department office, or other agency that implements a law or regulation within the jurisdiction of the California Environmental Protection Agency.*

*This bill would require the secretary to ensure that the unit give priority to enforcement actions for a violation occurring in an environmental justice community.*

*(4) Existing law requires the Department of Toxic Substances Control to prepare, adopt, and review triennially a state hazardous management plan that serves as a comprehensive planning document for the state and as a useful source of information for the public, local government, and regional councils of government.*

*This bill would require the department, on or before January 1, 2016, in consultation with the Hazardous Waste Reduction Advisory*

*Committee, which the bill would establish, to prepare and submit to the Legislature the state hazardous waste reduction plan that identifies measures necessary to achieve significant reduction in hazardous waste generated and disposed of in California by 2025 to the maximum extent practicable. The bill would require the department, on or before January 1, 2017, and biennially thereafter, to report to the Legislature on its progress toward achieving the reduction goals in the plan.*

(4)

(5) The Ralph M. Brown Act requires a local legislative body to provide an opportunity for members of the public to directly address the body concerning any item described in a notice of meeting. The act authorizes the legislative body to adopt reasonable regulations limiting the total amount of time allocated for public testimony for each individual speaker.

This bill would, if a local legislative body limits the time for public comment, prohibit the body from counting the time used by a translator to translate comments from a non-English-speaking commenter in determining whether the speaker has exceeded his or her time limit unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.

~~(2) Existing law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist the secretary in developing, by July 1, 2002, an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities of the agency's boards, departments, and offices that may impede the achievement of environmental justice.~~

~~This bill would require the secretary, with the assistance of the Cal/EPA Interagency Working Group on Environmental Justice, to periodically revise and update the agencywide strategy to identify and address any additional gaps. The bill would require the secretary to submit to the Governor and the Legislature, by July 1, 2014, a report on the revision and update of the strategy.~~

~~(3) The bill would require each board, department, and office of the California Environmental Protection Agency to maintain a publicly available database on its Internet Web site of its ongoing enforcement cases and compliance histories of its regulated entities. The bill would require the California Environmental Protection Agency to provide links to the databases on its Internet Web site.~~

*(6) Existing law requires the California Environmental Protection Agency to establish the Environmental Justice Small Grant Program*

*to provide grants to eligible community groups that are involved in working to address environmental justice issues. Existing law caps the amount of a grant at \$20,000.*

*This bill would raise the grant cap to \$50,000.*

*(7) This bill would require the California Environmental Protection Agency to maintain an agencywide public database of complaints and enforcement cases for each board, department, and office of the agency.*

*(8) This bill would appropriate \$800,000 from the Hazardous Waste Control Account to the Department of Toxic Substances Control for the purposes of preparing the state hazardous waste reduction plan.*

*(9) The bill would declare that the provisions of the bill are severable.*

*(10) 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~~-yes. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The Legislature, in 2001, enacted Senate Bill 828 of the  
4 2001–02 Regular Session (Chapter 765 of the Statutes of 2001) to  
5 require the California Environmental Protection Agency to convene  
6 a Working Group on Environmental Justice to assist the agency  
7 in developing an agencywide strategy for identifying and  
8 addressing gaps in existing programs, policies, or activities that  
9 may impede the achievement of environmental justice.

10 (2) After the development of the strategy, Senate Bill 828  
11 requires each board, department, and office within the agency, in  
12 coordination with the Secretary for Environmental Protection and  
13 the Director of the Office of Planning and Research, to review its  
14 programs, policies, or activities that may impede the achievement  
15 of environmental justice.

16 (3) Senate Bill 828 also requires the secretary to submit, on a  
17 triennial basis beginning on January 1, 2004, a report to the



1 Governor and the Legislature, on the implementation of the above  
2 requirements.

3 (4) In September of 2004, the agency submitted to the Governor  
4 and the Legislature a report on actions taken to implement Senate  
5 Bill 828.

6 (5) In October of 2004, the agency issued the Environmental  
7 Justice Action Plan identifying opportunities for the agency and  
8 its boards, departments, and offices to take the initial steps toward  
9 addressing environmental justice issues.

10 (6) Since 2004, the agency has not submitted a report to the  
11 Governor or the Legislature on the implementation of the  
12 Environmental Justice Action Plan.

13 (7) Additionally, issues regarding environmental justice not  
14 addressed by the agency may have arisen since 2004.

15 (b) It is the intent of the Legislature that the agency should  
16 update the Environmental Justice Action Plan to address issues  
17 regarding environmental justice that may have arisen since 2004  
18 that may have impeded the achievement of environmental justice.

19 (c) It is further the intent of the Legislature to ensure increased  
20 public participation from individuals in the environmental justice  
21 community in the governmental decisionmaking process.

22 *SEC. 2. Section 12812.2 of the Government Code is amended*  
23 *to read:*

24 12812.2. (a) One of the deputies to the Secretary for  
25 Environmental Protection shall be a deputy secretary for law  
26 enforcement and counsel, who, subject to the direction and  
27 supervision of the secretary, shall have the responsibility and  
28 authority to do all of the following:

29 (1) Develop a program to ensure that the boards, departments,  
30 offices, and other agencies that implement laws or regulations  
31 within the jurisdiction of the California Environmental Protection  
32 Agency take consistent, effective, and coordinated compliance  
33 and enforcement actions to protect public health and the  
34 environment. The program shall include training and cross-training  
35 of inspection and enforcement personnel of those boards,  
36 departments, offices, or other agencies to ensure consistent,  
37 effective, and coordinated enforcement.

38 (2) (A) In consultation with the Attorney General, establish a  
39 cross-media enforcement unit to assist a board, department, office,  
40 or other agency that implements a law or regulation within the

1 jurisdiction of the California Environmental Protection Agency,  
2 to investigate and prepare matters for enforcement action in order  
3 to protect public health and the environment. The unit may inspect  
4 and investigate a violation of a law or regulation within the  
5 jurisdiction of the board, department, office, or other agency,  
6 including a violation involving more than one environmental  
7 medium and a violation involving the jurisdiction of more than  
8 one board, department, office, or agency. The unit shall exercise  
9 its authority consistent with the authority granted to the head of a  
10 department pursuant to Article 2 (commencing with Section 11180)  
11 of Chapter 2 of Part 1.

12 *(B) The Secretary for Environmental Protection shall ensure*  
13 *that the unit shall give priority to enforcement actions for violations*  
14 *that have occurred in a community listed pursuant to Section*  
15 *71117.5 of the Public Resources Code.*

16 (3) Refer a violation of a law or regulation within the jurisdiction  
17 of a board, department, office, or other agency that implements a  
18 law or regulation within the jurisdiction of the California  
19 Environmental Protection Agency to the Attorney General, a  
20 district attorney, or city attorney for the filing of a civil or criminal  
21 action.

22 (4) Exercise the authority granted pursuant to paragraph (3)  
23 only after providing notice to the board, department, office, or  
24 other agency unless the secretary determines that notice would  
25 compromise an investigation or enforcement action.

26 (b) Nothing in this section shall authorize the deputy secretary  
27 for law enforcement and counsel to duplicate, overlap, compromise,  
28 or otherwise interfere with an investigation or enforcement action  
29 undertaken by a board, department, office, or other agency that  
30 implements a law or regulation subject to the jurisdiction of the  
31 California Environmental Protection Agency.

32 (c) The Environmental Protection Agency shall post on its Web  
33 site, updated no later than December 1 of each year, the status of  
34 the implementation of this section.

35 ~~SEC. 2.~~

36 *SEC. 3.* Section 54954.3 of the Government Code is amended  
37 to read:

38 54954.3. (a) Every agenda for regular meetings shall provide  
39 an opportunity for members of the public to directly address the  
40 legislative body on any item of interest to the public, before or

1 during the legislative body’s consideration of the item, that is  
2 within the subject matter jurisdiction of the legislative body,  
3 provided that no action shall be taken on any item not appearing  
4 on the agenda unless the action is otherwise authorized by  
5 subdivision (b) of Section 54954.2. However, the agenda need not  
6 provide an opportunity for members of the public to address the  
7 legislative body on any item that has already been considered by  
8 a committee, composed exclusively of members of the legislative  
9 body, at a public meeting wherein all interested members of the  
10 public were afforded the opportunity to address the committee on  
11 the item, before or during the committee’s consideration of the  
12 item, unless the item has been substantially changed since the  
13 committee heard the item, as determined by the legislative body.  
14 Every notice for a special meeting shall provide an opportunity  
15 for members of the public to directly address the legislative body  
16 concerning any item that has been described in the notice for the  
17 meeting before or during consideration of that item.

18 (b) The legislative body of a local agency may adopt reasonable  
19 regulations to ensure that the intent of subdivision (a) is carried  
20 out, including, but not limited to, regulations limiting the total  
21 amount of time allocated for public testimony on particular issues  
22 and for each individual speaker.

23 (c) (1) To ensure that a non-English speaker who uses a  
24 translator receives the same opportunity to directly address the  
25 legislative body of a local agency as a speaker who does not use  
26 a translator, notwithstanding subdivision (b), if that body limits  
27 time for public comment, the time used by a translator to translate  
28 a non-English speaker’s comments into English shall not count  
29 toward the speaker’s allotted time.

30 (2) Paragraph (1) shall not apply if the legislative body of a  
31 local agency utilizes simultaneous translation equipment in a  
32 manner that allows that body to hear the translated public testimony  
33 simultaneously.

34 (d) The legislative body of a local agency shall not prohibit  
35 public criticism of the policies, procedures, programs, or services  
36 of the agency, or of the acts or omissions of the legislative body.  
37 Nothing in this subdivision shall confer any privilege or protection  
38 for expression beyond that otherwise provided by law.

39 ~~SEC. 3. Section 71117 is added to the Public Resources Code,~~  
40 ~~to read:~~

1     ~~71117. (a) The Secretary for Environmental Protection shall,~~  
2 ~~with the assistance of the Cal/EPA Interagency Working Group~~  
3 ~~on Environmental Justice, periodically revise and update the~~  
4 ~~agencywide strategy developed pursuant to Section 71113 to~~  
5 ~~identify and address any additional gaps in existing programs,~~  
6 ~~policies, or activities that impede the achievement of environmental~~  
7 ~~justice.~~

8     ~~(b) (1) On or before July 1, 2014, the secretary shall submit to~~  
9 ~~the Governor and the Legislature a report on the implementation~~  
10 ~~of this section.~~

11     ~~(2) The report required by paragraph (1) that is submitted to the~~  
12 ~~Legislature shall be submitted pursuant to Section 9795 of the~~  
13 ~~Government Code.~~

14     ~~(3) Pursuant to Section 10231.5 of the Government Code, this~~  
15 ~~subdivision is inoperative on July 1, 2018.~~

16     ~~SEC. 4. Section 71119 is added to the Public Resources Code,~~  
17 ~~to read:~~

18     ~~71119. (a) Each board, department, and office of the California~~  
19 ~~Environmental Protection Agency shall maintain a public database~~  
20 ~~on its Internet Web site of its ongoing enforcement cases, to the~~  
21 ~~extent the information on the database would normally be available~~  
22 ~~pursuant to the California Public Records Act (Chapter 3.5~~  
23 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~  
24 ~~Government Code), and compliance histories of its regulated~~  
25 ~~entities that have committed violations focusing on information~~  
26 ~~related to how the entities rectified the violation.~~

27     ~~(b) The California Environmental Protection Agency shall~~  
28 ~~provide links to the databases on its Internet Web site.~~

29     ~~SEC. 4. Section 25135 of the Health and Safety Code is~~  
30 ~~amended to read:~~

31     ~~25135. (a) The Legislature finds and declares as follows:~~

32     ~~(1) An effective planning process involving public and private~~  
33 ~~sector participation exists at the county level for establishing new,~~  
34 ~~or expanding existing, solid waste facilities, but an equivalent~~  
35 ~~process has not been established at the local level to plan for the~~  
36 ~~management of hazardous wastes.~~

37     ~~(2) Counties are presently required to prepare solid waste~~  
38 ~~management plans for all waste disposal within each county and~~  
39 ~~for all waste originating in each county. While the department has~~  
40 ~~requested that counties include in their solid waste management~~

1 plans a hazardous waste management element, there is not presently  
2 a clear mandate that they do so.

3 (3) Hazardous waste management planning at the local level  
4 has been hampered because the department has not provided the  
5 counties with adequate and comprehensive planning guidelines,  
6 there is a lack of accurate data on hazardous waste generation,  
7 handling, and disposal practices, adequate funding has not been  
8 available, and local expertise in hazardous waste planning has not  
9 been developed.

10 (4) The failure to plan for the safe and effective management  
11 of hazardous wastes has contributed to the public's general  
12 uncertainty in viewing proposals to site hazardous waste facilities  
13 at various locations throughout the state. Because advance planning  
14 has not taken place, local governments are not prepared to consider  
15 siting proposals and the public has not received adequate answers  
16 to questions concerning the need for proposed facilities.

17 (5) Safe and responsible management of hazardous wastes is  
18 one of the most important environmental problems facing the state  
19 at the present time. It is critical to the protection of the public health  
20 and the environment, and to the economic growth of the state. If  
21 environmentally sound hazardous waste facilities are not available  
22 to effectively manage the hazardous wastes produced by the many  
23 industries of the state, economic activity will be hampered and the  
24 economy cannot prosper.

25 (6) *The Legislature has given the Department of Toxic*  
26 *Substances Control responsibility for the state's hazardous waste*  
27 *management system to protect public health and the environment*  
28 *from toxic harm.*

29 (7) *California needs a statewide strategy to reduce the amount*  
30 *of hazardous waste it generates and disposes.*

31 (b) The Legislature, therefore, declares that it is in the public  
32 interest to establish an effective process for hazardous waste  
33 management planning at the local level. This process is consistent  
34 with the responsibility of local governments to assure that adequate  
35 treatment and disposal capacity is available to manage the  
36 hazardous wastes generated within their jurisdictions.

37 (c) It is the intent of the Legislature that the hazardous waste  
38 management plans prepared pursuant to this article serve as the  
39 primary planning document for hazardous waste management at  
40 the local level; that the plans be integrated with other local land

1 use planning activities to ensure that suitable locations are available  
2 for needed hazardous waste facilities; that land uses adjacent to,  
3 or near, hazardous waste facilities, or proposed sites for these  
4 facilities, are compatible with their operation; and that the plans  
5 are prepared with the full and meaningful involvement of the  
6 public, environmental groups, civic associations, generators of  
7 hazardous wastes, and the hazardous waste management industry.

8 (d) It is further the intent of the Legislature, in enacting this  
9 article, to define the respective responsibilities of state and local  
10 governments in hazardous waste management planning; to establish  
11 a comprehensive planning process in which state and local  
12 government, the public, and industry jointly develop safe and  
13 effective solutions for the management and disposal of hazardous  
14 wastes; to ensure that local governments are assisted adequately  
15 by the state in carrying out their responsibilities; and to provide  
16 funding for local-level planning.

17 (e) *It is further the intent of the Legislature to create significant*  
18 *disincentives for new releases of hazardous substances that can*  
19 *contaminate soil, buildings, and other environmental media,*  
20 *thereby preventing the generation of hazardous waste in the future.*

21 (f) *It is further the intent of the Legislature to ensure that*  
22 *reducing hazardous waste disposal in hazardous waste landfills*  
23 *does not result in increased health and environmental burdens to*  
24 *other communities.*

25 (g) *It is further the intent of the Legislature to reduce the impact*  
26 *of hazardous waste generation and disposal on individuals in*  
27 *low-income communities by ensuring that individuals in these*  
28 *impacted communities have a greater role in shaping governmental*  
29 *priorities and decisionmaking and that environmental justice*  
30 *concerns are considered during hazardous waste facility permitting*  
31 *and decisionmaking.*

32 (h) *It is further the intent of the Legislature to look to the private*  
33 *sector to develop new technologies and increase pollution*  
34 *prevention practices to reduce hazardous waste generation.*

35 (i) *It is further the intent of the Legislature to look to the private*  
36 *sector to develop new technologies and practices to remediate*  
37 *sites contaminated by hazardous substances.*

38 (j) *It is further the intent of the Legislature to ensure that*  
39 *California significantly reduce its generation and disposal of*  
40 *hazardous waste. This is accomplished by requiring a statewide*

1 hazardous waste management plan to provide thorough analysis,  
2 reduction measures, and specific guidelines to achieve these  
3 reductions by 2025.

4 SEC. 5. Section 25135.10 is added to the Health and Safety  
5 Code, to read:

6 25135.10. (a) For the purposes of this section, “generation”  
7 means the act or process of generating hazardous waste, but does  
8 not include the removal of contaminated soil or water.

9 (b) (1) On or before January 1, 2016, the department, in  
10 consultation with the advisory committee established pursuant to  
11 Section 25135.11, shall prepare and submit, in compliance with  
12 Section 9795 of the Government Code, to the Legislature the state  
13 hazardous waste reduction plan that identifies measures necessary  
14 to achieve significant reduction in hazardous waste generated and  
15 disposed of in California by 2025 to the maximum extent  
16 practicable. The hazardous waste reduction plan prepared  
17 pursuant to this section shall serve as a comprehensive planning  
18 document to ensure that the best practices are implemented to  
19 reduce hazardous waste generation and disposal.

20 (2) In preparing the plan, the department shall take into  
21 consideration methods that can serve to reduce the generation of  
22 hazardous waste, including pollution prevention, hazardous waste  
23 disposal practices in the state, and the impacts of hazardous waste  
24 disposal in or near low-income communities.

25 (3) In developing the plan, the department shall hold public  
26 meetings to discuss elements that could be included in the plan.

27 (c) The plan shall include, but need not be limited to, all of the  
28 following elements:

29 (1) A description of preferred hazardous waste management  
30 practices, programs, incentives, requirements, prohibitions, or  
31 other measures necessary to reduce hazardous waste generation  
32 and disposal. At a minimum, the description shall include steps  
33 for all of the following:

34 (A) Reducing the generation of hazardous wastes to the  
35 maximum extent feasible.

36 (B) Reducing the use of hazardous materials and increasing the  
37 use of less hazardous or nonhazardous alternatives.

38 (C) Reducing the disposal of hazardous waste that may pose a  
39 significant threat to human health or the environment to the  
40 maximum extent practicable.

1 (D) Reducing the risk of exposure to communities threatened  
2 by releases of hazardous substances and hazardous wastes.

3 (E) Reducing the risk of exposure to communities near sites  
4 contaminated by hazardous waste substances and hazardous waste.

5 (2) Identification of the hazardous waste streams produced in  
6 the state.

7 (3) A recommendation for a baseline of statewide hazardous  
8 waste disposal and a baseline for hazardous waste generation in  
9 the state from which the identified reductions are to be measured.

10 (4) An evaluation of hazardous waste generated and disposed  
11 of in California and an evaluation of the feasibility of implementing  
12 waste reduction options.

13 (5) A list of those waste reduction measures that have been  
14 determined to be technically feasible, an assessment of the potential  
15 for the amount of waste reduction that might be achieved if  
16 implemented, and an evaluation of factors that could influence the  
17 achievement of those reductions.

18 (6) Identification of statutory and regulatory changes to  
19 permitting of hazardous waste facilities that would reduce the  
20 health and environmental burden on communities adjacent to  
21 hazardous waste landfills.

22 (7) A target for the reduction of hazardous waste generation  
23 and disposal by 2025 and a set of recommendations for achieving  
24 those reductions.

25 (8) An implementation schedule for carrying out the  
26 recommendations. The schedule shall include the following:

27 (A) Any changes in departmental policies or procedures that  
28 do not require statutory or regulatory changes to implement, and  
29 a proposed timetable for their adoption. The schedule shall project  
30 the adoption of departmental policies or procedures no later than  
31 January 1, 2017.

32 (B) Any regulations within the department's statutory authority  
33 that would need to be adopted in order to carry out the  
34 recommendations in the plan, and a proposed timetable for their  
35 adoption.

36 (C) Any statutory changes that would need to be enacted in  
37 order to carry out the recommendations in the plan.

38 (d) The plan shall avoid proposals that would do either of the  
39 following:



1 (1) Weaken the health and environmental protections to  
2 surrounding communities from the remediation of sites  
3 contaminated by hazardous substances or lead to reduced cleanups  
4 of contaminated sites.

5 (2) Attempt to accomplish hazardous waste disposal reductions  
6 through shipping the waste out of state.

7 (3) Rely on strategies that produce disproportionate impacts  
8 on low-income communities and communities of color.

9 (e) The department shall release and post on the department's  
10 Internet Web site a draft of the hazardous waste reduction plan  
11 for public review and comment. The comment period shall be no  
12 less than 60 days, and the department shall hold at least one public  
13 hearing that includes the advisory committee on the draft plan  
14 during the public comment period.

15 (f) The requirement for submitting a report imposed under  
16 paragraph (1) of subdivision (c) is inoperative on January 1, 2020,  
17 pursuant to Section 10231.5 of the Government Code.

18 (g) Notwithstanding Section 10321.5 of the Government Code,  
19 on or before January 1, 2017, and every two years thereafter, the  
20 department shall report to the Legislature, in compliance with  
21 Section 9795 of the Government Code, on its progress toward  
22 achieving the reduction goals in the state hazardous waste  
23 reduction plan. The report shall include all of the efforts the  
24 department has made to achieve these goals, as well as identify  
25 those recommendations in the plan that were not implemented,  
26 and an explanation as to why the recommendations were not  
27 implemented. If the goals are not on track to be met, the report  
28 shall also include recommendations for additional steps that would  
29 be necessary to meet the reduction goals specified in the plan.

30 SEC. 6. Section 25135.11 is added to the Health and Safety  
31 Code, to read:

32 25135.11. (a) The Hazardous Waste Reduction Advisory  
33 Committee is hereby created. The advisory committee shall consist  
34 of seven members, as follows:

35 (1) Two members appointed by the Speaker of the Assembly.

36 (2) Two members appointed by the Senate Committee on Rules.

37 (3) One member appointed by the Governor.

38 (4) One member appointed by the Secretary of the California  
39 Environmental Protection Agency.

- 1     (5) *One member appointed by the President of the University*  
2 *of California.*
- 3     (b) *The members shall include:*
- 4         (1) *At least one representative from an environmental justice*  
5 *organization that works in one of the communities listed pursuant*  
6 *to Section 71117.5 of the Public Resources Code.*
- 7         (2) *One representative from an environmental justice*  
8 *organization, a public health organization, or an academic school*  
9 *of public health that works in one of the communities listed*  
10 *pursuant to Section 71117.5 of the Public Resources Code.*
- 11         (3) *Two academic experts in hazardous waste reduction.*
- 12         (4) *One representative of an organized labor group that works*  
13 *in hazardous waste facilities.*
- 14         (5) *One academic expert in public health and environmental*  
15 *hazards posed by toxic substances.*
- 16         (6) *One expert in regulation and enforcement related to*  
17 *hazardous waste law.*
- 18         (7) *The director or designated appointee from the director's*  
19 *executive team serving as an ex officio member.*
- 20     (c) *Beginning March 1, 2014, the advisory committee shall meet*  
21 *at least three times each year to solicit public input with the goal*  
22 *of assisting the department in its preparation of a state hazardous*  
23 *waste reduction plan pursuant to Section 25135.10. In advising*  
24 *the department, the advisory committee, at a minimum, shall do*  
25 *both of the following:*
- 26         (1) *Recommend statutory, regulatory, policy, and permitting*  
27 *changes that would reduce the generation and the quantity of*  
28 *hazardous waste in the state, encourage the use of nonhazardous*  
29 *alternatives, and fulfill all the goals and requirements of the plan*  
30 *developed pursuant to Section 25135.10.*
- 31         (2) *Recommend regulatory steps for enhancing enforcement of*  
32 *toxic laws and regulations to create significant disincentives for*  
33 *contaminating soil, buildings, and other environmental media with*  
34 *hazardous materials that are used and stored.*
- 35     (d) *The department shall assist and support the advisory*  
36 *committee in holding public meetings to discuss the hazardous*  
37 *waste reduction plan, including soliciting input on ways to reduce*  
38 *the generation and disposal of hazardous waste, and participation*  
39 *at each meeting of the advisory committee by the appropriate*

1 member of the director's executive team for each of the agenda  
2 items to be discussed at the meeting.

3 SEC. 7. Section 25196.1 is added to the Health and Safety  
4 Code, to read:

5 25196.1. (a) Notwithstanding any provision of this article  
6 establishing the maximum amount of administrative, civil, or  
7 criminal fines or penalties, for a violation that occurs in a facility  
8 located in a community listed pursuant to Section 71117.5 of the  
9 Public Resources Code and that results in an increased level of  
10 emissions or discharges that exceeds a level permitted by this  
11 chapter, the department, unified program agency, or the court  
12 shall double the maximum amount of fines or penalties assessed  
13 for the violation.

14 (b) Fifty percent of the fines or penalties collected pursuant to  
15 this section that are deposited into the Toxic Substances Control  
16 Account pursuant to Section 25192 shall be expended, upon  
17 appropriation by the Legislature, by the department for  
18 environmentally beneficial projects, as defined in Section 71116.1  
19 of the Public Resources Code, authorized pursuant to Section  
20 25173.6 that are located within a community listed pursuant to  
21 Section 71117.5 of the Public Resources Code.

22 SEC. 8. Section 42410.1 is added to the Health and Safety  
23 Code, to read:

24 42410.1. (a) Notwithstanding any other provision of this article  
25 establishing the maximum amount of administrative, civil, or  
26 criminal fines or penalties, for a violation that occurs in a facility  
27 located in a community listed pursuant to Section 71117.5 of the  
28 Public Resources Code and that results in an increased level of  
29 emission or discharges that exceeds the level permitted pursuant  
30 to this division, the state board, district, or the court shall double  
31 the maximum amount of fines or penalties assessed for the  
32 violation.

33 (b) Fifty percent of the fines or penalties collected pursuant to  
34 this section shall be deposited into the Green Zone Trust Fund  
35 established pursuant to Section 71116.1 of the Public Resources  
36 Code.

37 SEC. 9. Section 45024.1 is added to the Public Resources Code,  
38 to read:

39 45024.1. (a) Notwithstanding any provision of this article  
40 establishing the maximum amount of a civil fine or penalty for a

1 violation occurring in a facility located in a community listed  
 2 pursuant to Section 71117.5 that results in an increased level of  
 3 emissions or discharges that exceeds the level permitted by this  
 4 division, the department, local enforcement agency, or the court  
 5 shall double the maximum amount of the fines or penalties assessed  
 6 for the violation.

7 (b) Fifty percent of the fines or penalties collected pursuant to  
 8 this section shall be deposited into the Green Zone Trust Fund  
 9 established pursuant to Section 71116.1.

10 SEC. 10. Section 45025.1 is added to the Public Resources  
 11 Code, to read:

12 45025.1. (a) Notwithstanding paragraph (1) of subdivision  
 13 (a) of Section 45025, for a violation occurring in a facility located  
 14 in a community listed pursuant to Section 71117.5 that results in  
 15 an increased level of emissions or discharges that exceeds the level  
 16 permitted by this division, the court shall double the maximum  
 17 amount of criminal fines or penalties assessed for the violation.

18 (b) Fifty percent of the fines or penalties collected pursuant to  
 19 this section shall be deposited into the Green Zone Trust Fund  
 20 established pursuant to Section 71116.1.

21 SEC. 11. Section 71116 of the Public Resources Code is  
 22 amended to read:

23 71116. (a) The Environmental Justice Small Grant Program  
 24 is hereby established under the jurisdiction of the California  
 25 Environmental Protection Agency. The California Environmental  
 26 Protection Agency shall adopt regulations for the implementation  
 27 of this section. These regulations shall include, but need not be  
 28 limited to, all of the following:

29 (1) Specific criteria and procedures for the implementation of  
 30 the program.

31 (2) A requirement that each grant recipient submit a written  
 32 report to the agency documenting its expenditures of the grant  
 33 funds and the results of the funded project.

34 (3) Provisions promoting the equitable distribution of grant  
 35 funds in a variety of areas throughout the state, with the goal of  
 36 making grants available to organizations that will attempt to  
 37 address environmental justice issues.

38 (b) The purpose of the program is to provide grants to eligible  
 39 community groups, including, but not limited to, community-based,  
 40 grassroots nonprofit organizations that are located in areas

1 adversely affected by environmental pollution and hazards and  
2 that are involved in work to address environmental justice issues.

3 (c) (1) Both of the following are eligible to receive moneys  
4 from the fund.

5 (A) A nonprofit entity.

6 (B) A federally recognized tribal government.

7 (2) For the purposes of this section, “nonprofit entity” means  
8 any corporation, trust, association, cooperative, or other  
9 organization that meets all of the following criteria:

10 (A) Is operated primarily for scientific, educational, service,  
11 charitable, or other similar purposes in the public interest.

12 (B) Is not organized primarily for profit.

13 (C) Uses its net proceeds to maintain, improve, or expand, or  
14 any combination thereof, its operations.

15 (D) Is a tax-exempt organization under Section ~~501(e)(3)~~  
16 *501(c)(3)* of the federal Internal Revenue Code, or is able to  
17 provide evidence to the agency that the state recognizes the  
18 organization as a nonprofit entity.

19 (3) For the purposes of this section, “nonprofit entity”  
20 specifically excludes an organization that is a tax-exempt  
21 organization under Section ~~501(e)(4)~~ *501(c)(4)* of the federal  
22 Internal Revenue Code.

23 (d) Individuals may not receive grant moneys from the fund.

24 (e) Grant recipients shall use the grant award to fund only the  
25 project described in the recipient’s application. Recipients shall  
26 not use the grant funding to shift moneys from existing or proposed  
27 projects to activities for which grant funding is prohibited under  
28 subdivision (g).

29 (f) Grants shall be awarded on a competitive basis for projects  
30 that are based in communities with the most significant exposure  
31 to pollution. Grants shall be limited to any of the following  
32 purposes and no other:

33 (1) Resolve environmental problems through distribution of  
34 information.

35 (2) Identify improvements in communication and coordination  
36 among agencies and stakeholders in order to address the most  
37 significant exposure to pollution.

38 (3) Expand the understanding of a community about the  
39 environmental issues that affect their community.

1 (4) Develop guidance on the relative significance of various  
2 environmental risks.

3 (5) Promote community involvement in the decisionmaking  
4 process that affects the environment of the community.

5 (6) Present environmental data for the purposes of enhancing  
6 community understanding of environmental information systems  
7 and environmental information.

8 (g) (1) The agency shall not award grants for, and grant funding  
9 shall not be used for, any of the following:

10 (A) Other state grant programs.

11 (B) Lobbying or advocacy activities relating to any federal,  
12 state, regional, or local legislative, quasi-legislative, adjudicatory,  
13 or quasi-judicial proceeding involving development or adoption  
14 of statutes, guidelines, rules, regulations, plans or any other  
15 governmental proposal, or involving decisions concerning siting,  
16 permitting, licensing, or any other governmental action.

17 (C) Litigation, administrative challenges, enforcement action,  
18 or any type of adjudicatory proceeding.

19 (D) Funding of a lawsuit against any governmental entity.

20 (E) Funding of a lawsuit against a business or a project owned  
21 by a business.

22 (F) Matching state or federal funding.

23 (G) Performance of any technical assessment for purposes of  
24 opposing or contradicting a technical assessment prepared by a  
25 public agency.

26 (2) An organization's use of funds from a grant awarded under  
27 this section to educate a community regarding an environmental  
28 justice issue or a governmental process does not preclude that  
29 organization from subsequent lobbying or advocacy concerning  
30 that same issue or governmental process, as long as the lobbying  
31 or advocacy is not funded by a grant awarded under this section.

32 (h) The agency shall review, evaluate, and select grant recipients,  
33 and screen grant applications to ensure that they meet the  
34 requirements of this section.

35 (i) The maximum amount of a grant provided pursuant to this  
36 section may not exceed ~~twenty thousand dollars (\$20,000)~~. *fifty*  
37 *thousand dollars (\$50,000)*.

38 (j) For the purposes of this section, "environmental justice" has  
39 the same meaning as defined in Section 65040.12 of the  
40 Government Code.

1 (k) This section shall be implemented only during fiscal years  
2 for which an appropriation is provided for the purposes of this  
3 section in the annual Budget Act or in another statute.

4 *SEC. 12. Section 71116.1 is added to the Public Resources*  
5 *Code, to read:*

6 *71116.1. (a) The Green Zone Trust Fund is hereby established*  
7 *in the State Treasury and, upon appropriation by the Legislature,*  
8 *shall be expended by the California Environmental Protection*  
9 *Agency for the purposes to support projects that are*  
10 *environmentally beneficial to environmental justice communities.*

11 *(b) On or before January 1, 2015, the California Environmental*  
12 *Protection Agency shall adopt guidelines for the implementation*  
13 *of this section on or before January 1, 2015. The guidelines shall*  
14 *do all of the following:*

15 *(1) Establish criteria and procedures for designating Green*  
16 *Zone Environmental Projects.*

17 *(2) Establish procedures for the disbursement of funds on an*  
18 *annual basis from the Green Zone Trust Fund for Green Zone*  
19 *Environmental Projects.*

20 *(3) Preferentially disburse funds derived from penalties for a*  
21 *violation occurring in an environmental justice community, or*  
22 *within two miles of an environmental justice community, for Green*  
23 *Zone Environmental Projects that are in geographic proximity*  
24 *with the environmental justice community for which the penalties*  
25 *are collected.*

26 *(4) Allow a public entity, local government, or nonprofit*  
27 *organization to submit applications for projects for inclusion as*  
28 *a Green Zone Environmental Project, if the projects meet the*  
29 *criteria established pursuant to paragraph (1).*

30 *(c) In establishing the guidelines, the California Environmental*  
31 *Protection Agency shall solicit and consider comments from the*  
32 *public, including releasing draft project criteria, implementing a*  
33 *public comment period, and hosting a public workshop.*

34 *(d) The adoption of guidelines pursuant to this section is exempt*  
35 *from the rulemaking provisions of the Administrative Procedure*  
36 *Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of*  
37 *Division 3 of Title 2 of the Government Code).*

38 *(e) On or before January 1, 2015, and annually thereafter, the*  
39 *California Environmental Protection Agency shall solicit and*

1 release a list of Green Zone Environmental Projects after a public  
2 process. The public process shall include all of the following:

3 (1) A public request for proposals that is posted on the agency's  
4 Internet Web site and distributed via electronic mail. All proposals  
5 shall meet the criteria established in the Green Zone Trust Fund  
6 guidelines.

7 (2) A public list of Green Zone Environmental Projects online  
8 that is updated on an annual basis.

9 (f) For the purposes of this section, the following definitions  
10 shall apply:

11 (1) "Environmentally beneficial" means a project with a  
12 primary purpose to improve, protect, or reduce risks to public  
13 health or the environment.

14 (2) "Environmental Justice community" means a community  
15 listed pursuant to Section 71117.5.

16 (3) "Green Zone Environmental Project" means an  
17 environmentally beneficial project occurring within an  
18 environmental justice community.

19 SEC. 13. Section 71117.5 is added to the Public Resources  
20 Code, to read:

21 71117.5. (a) For the purposes of this section,  
22 "disproportionately impacted by environmental hazards" means  
23 public health or environmental effects from the emissions or  
24 discharge of substances in a geographic area, including  
25 environmental pollution for all sources whether in a single medium  
26 or in multiple media, routinely, accidentally, or otherwise released  
27 into the environment, taking into account sensitive populations  
28 and socioeconomic factors, where applicable and to the extent  
29 data is available.

30 (b) (1) On or before January 1, 2015, the California  
31 Environmental Protection Agency shall establish a list identifying  
32 the top 15 percent of communities in the state, based on census  
33 tracts, that are disproportionately impacted by environmental  
34 hazards. The communities shall be selected based on the criteria  
35 specified in Section 39711 of the Health and Safety Code.

36 (2) The California Environmental Protection Agency shall  
37 review and revise the list of communities on a triennial basis and  
38 shall make the list publicly available on the agency's Internet Web  
39 site.



1 (3) *In establishing or revising the list of communities, the*  
2 *California Environmental Protection Agency shall solicit and*  
3 *consider comments from the public and conduct a public hearing.*

4 (c) *The establishment of the list pursuant to subdivision (b) is*  
5 *exempt from the rulemaking provisions of the Administrative*  
6 *Procedure Act (Chapter 3.5 (commencing with Section 11340) of*  
7 *Part 1 of Division 3 of Title 2 of the Government Code).*

8 SEC. 14. *Section 71119 is added to the Public Resources Code,*  
9 *to read:*

10 71119. (a) (1) *The California Environmental Protection*  
11 *Agency shall maintain an agencywide public database on its*  
12 *Internet Web site of complaints and enforcement cases for each*  
13 *board, department, and office of the agency, to the extent the*  
14 *information on the database would normally be available pursuant*  
15 *to the Public Records Act (Chapter 3.5 (commencing with Section*  
16 *6250) of Division 7 of Title 1 of the Government Code), and*  
17 *compliance histories of its regulated entities that have committed*  
18 *violations focusing on the date of last inspection, total number of*  
19 *violations, total amount of fines, and information related to how*  
20 *the entities rectified the violation.*

21 (2) *Information on the compliance histories of regulated entities*  
22 *required pursuant to paragraph (1) shall not include information*  
23 *prior to 2008.*

24 (b) *The public database shall be interactive and utilize a*  
25 *geographic information system platform that allows the public to*  
26 *file an environmental complaint with the California Environmental*  
27 *Protection Agency.*

28 (c) *On or before January 1, 2017, the California Environmental*  
29 *Protection Agency shall post the public database on its Internet*  
30 *Web site.*

31 SEC. 15. *Section 71119.5 is added to the Public Resources*  
32 *Code, to read:*

33 71119.5. (a) *Subject to applicable legal requirements, in*  
34 *awarding grants or funding, a state agency administering a funding*  
35 *program shall give priority to projects located in environmental*  
36 *justice communities.*

37 (b) *A state agency subject to this section shall provide*  
38 *information on the methods for compliance with this section in*  
39 *any solicitation issued by that state agency for grants or funding*

1 and shall provide public notice that demonstrates compliance with  
2 this section when awarding those grants or funding.

3 (c) For the purpose of this section, “environmental justice  
4 community” means a community listed pursuant to Section  
5 71117.5.

6 (d) For the purposes of the section, “state agency” means the  
7 following:

8 (1) A board, department, or office of the California  
9 Environmental Protection Agency.

10 (2) An agency, commission, department, and other subdivisions  
11 of the Natural Resources Agency.

12 (3) The Strategic Growth Council.

13 SEC. 16. The sum of eight hundred thousand dollars (\$800,000)  
14 is hereby appropriated from the Hazardous Waste Control Account  
15 to the Department of Toxic Substances Control for the purposes  
16 of revising the state hazardous waste management plant pursuant  
17 to Section 25135.10 of the Health and Safety Code.

18 SEC. 17. The provisions of this act are severable. If any  
19 provision of this act or its application is held invalid, that invalidity  
20 shall not affect other provisions or applications that can be given  
21 effect without the invalid provision or application.

22 SEC. 18. No reimbursement is required by this act pursuant  
23 to Section 6 of Article XIII B of the California Constitution because  
24 a local agency or school district has the authority to levy service  
25 charges, fees, or assessments sufficient to pay for the program or  
26 level of service mandated by this act, within the meaning of Section  
27 17556 of the Government Code.

AMENDMENTS PROPOSED BY THE JOINT POLICY COMMITTEE  
& SHARED WITH SENATOR DESAULNIER

AMENDED IN SENATE JANUARY 27, 2014

AMENDED IN SENATE JANUARY 13, 2014

AMENDED IN SENATE MAY 14, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 10, 2013

**SENATE BILL**

**No. 792**

**Introduced by Senator DeSaulnier**  
**(Coauthors: Senators ~~Hancock~~ and Hancock, Hill, and Leno)**

February 22, 2013

An act to amend Section 65080 of, and to add Sections 66537.1, 66537.2, 66537.3, 66537.4, 66537.6, and 66537.7 to, the Government Code, relating to planning.

legislative counsel's digest

SB 792, as amended, DeSaulnier. Regional entities: San Francisco Bay Area.

Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created under existing law as a joint powers agency comprised of cities and counties with regional planning responsibilities. Existing law provides for a joint policy committee of certain member agencies in this 9-county area to collaborate on regional coordination. Existing law

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requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy, coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would require the member agencies of the joint policy committee to prepare a plan for consolidating certain functions that are common to the member agencies. The bill would require the plan to also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require a member agency affected by the plan to submit a copy of the plan to its board on or before December 31, 2015, and would require the member agencies to report to the Senate Committee on Transportation and Housing on the adoption and implementation of the plan on or before December 31, 2016. The bill would also require the joint policy committee to maintain an Internet Web site containing information relevant to the committee's activities and to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the sustainable ~~committees~~ *communities* strategy.

~~The bill would require the San Francisco Bay Conservation and Development Commission to relocate to a specified location.~~

The bill would also establish additional requirements for a sustainable communities strategy adopted on or after January 1, 2015, within the jurisdiction of the Metropolitan Transportation Commission, and would impose additional duties relating to that sustainable communities strategy on the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. Among those additional duties, the bill would require the Metropolitan Transportation Commission to convene a public engagement advisory group to assist in the development of a draft public participation plan, as specified. The bill would also require the commission to report biannually to the Legislature and the public on the progress in implementing the policies and programs of the sustainable communities strategy.

By imposing new duties on the Metropolitan Transportation Commission and other regional entities, 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 these statutory provisions.

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

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

1 SECTION 1. Section 65080 of the Government Code is  
2 amended to read:

3 65080. (a) Each transportation planning agency designated  
4 under Section 29532 or 29532.1 shall prepare and adopt a regional  
5 transportation plan directed at achieving a coordinated and balanced  
6 regional transportation system, including, but not limited to, mass  
7 transportation, highway, railroad, maritime, bicycle, pedestrian,  
8 goods movement, and aviation facilities and services. The plan  
9 shall be action-oriented and pragmatic, considering both the  
10 short-term and long-term future, and shall present clear, concise  
11 policy guidance to local and state officials. The regional  
12 transportation plan shall consider factors specified in Section 134  
13 of Title 23 of the United States Code. Each transportation planning  
14 agency shall consider and incorporate, as appropriate, the  
15 transportation plans of cities, counties, districts, private  
16 organizations, and state and federal agencies.

17 (b) The regional transportation plan shall be an internally  
18 consistent document and shall include all of the following:

19 (1) A policy element that describes the transportation issues in  
20 the region, identifies and quantifies regional needs, and describes  
21 the desired short-range and long-range transportation goals, and  
22 pragmatic objective and policy statements. The objective and policy  
23 statements shall be consistent with the funding estimates of the  
24 financial element. The policy element of transportation planning  
25 agencies with populations that exceed 200,000 persons may  
26 quantify a set of indicators including, but not limited to, all of the  
27 following:

1 (A) Measures of mobility and traffic congestion, including, but  
2 not limited to, daily vehicle hours of delay per capita and vehicle  
3 miles traveled per capita.

4 (B) Measures of road and bridge maintenance and rehabilitation  
5 needs, including, but not limited to, roadway pavement and bridge  
6 conditions.

7 (C) Measures of means of travel, including, but not limited to,  
8 percentage share of all trips (work and nonwork) made by all of  
9 the following:

- 10 (i) Single occupant vehicle.
- 11 (ii) Multiple occupant vehicle or carpool.
- 12 (iii) Public transit including commuter rail and intercity rail.
- 13 (iv) Walking.
- 14 (v) Bicycling.

15 (D) Measures of safety and security, including, but not limited  
16 to, total injuries and fatalities assigned to each of the modes set  
17 forth in subparagraph (C).

18 (E) Measures of equity and accessibility, including, but not  
19 limited to, percentage of the population served by frequent and  
20 reliable public transit, with a breakdown by income bracket, and  
21 percentage of all jobs accessible by frequent and reliable public  
22 transit service, with a breakdown by income bracket.

23 (F) The requirements of this section may be met utilizing  
24 existing sources of information. No additional traffic counts,  
25 household surveys, or other sources of data shall be required.

26 (2) A sustainable communities strategy prepared by each  
27 metropolitan planning organization as follows:

28 (A) No later than September 30, 2010, the State Air Resources  
29 Board shall provide each affected region with greenhouse gas  
30 emission reduction targets for the automobile and light truck sector  
31 for 2020 and 2035, respectively.

32 (i) No later than January 31, 2009, the state board shall appoint  
33 a Regional Targets Advisory Committee to recommend factors to  
34 be considered and methodologies to be used for setting greenhouse  
35 gas emission reduction targets for the affected regions. The  
36 committee shall be composed of representatives of the metropolitan  
37 planning organizations, affected air districts, the League of  
38 California Cities, the California State Association of Counties,  
39 local transportation agencies, and members of the public, including  
40 homebuilders, environmental organizations, planning organizations,

1 environmental justice organizations, affordable housing  
2 organizations, and others. The advisory committee shall transmit  
3 a report with its recommendations to the state board no later than  
4 September 30, 2009. In recommending factors to be considered  
5 and methodologies to be used, the advisory committee may  
6 consider any relevant issues, including, but not limited to, data  
7 needs, modeling techniques, growth forecasts, the impacts of  
8 regional jobs-housing balance on interregional travel and  
9 greenhouse gas emissions, economic and demographic trends, the  
10 magnitude of greenhouse gas reduction benefits from a variety of  
11 land use and transportation strategies, and appropriate methods to  
12 describe regional targets and to monitor performance in attaining  
13 those targets. The state board shall consider the report prior to  
14 setting the targets.

15 (ii) Prior to setting the targets for a region, the state board shall  
16 exchange technical information with the metropolitan planning  
17 organization and the affected air district. The metropolitan planning  
18 organization may recommend a target for the region. The  
19 metropolitan planning organization shall hold at least one public  
20 workshop within the region after receipt of the report from the  
21 advisory committee. The state board shall release draft targets for  
22 each region no later than June 30, 2010.

23 (iii) In establishing these targets, the state board shall take into  
24 account greenhouse gas emission reductions that will be achieved  
25 by improved vehicle emission standards, changes in fuel  
26 composition, and other measures it has approved that will reduce  
27 greenhouse gas emissions in the affected regions, and prospective  
28 measures the state board plans to adopt to reduce greenhouse gas  
29 emissions from other greenhouse gas emission sources as that term  
30 is defined in subdivision (i) of Section 38505 of the Health and  
31 Safety Code and consistent with the regulations promulgated  
32 pursuant to the California Global Warming Solutions Act of 2006  
33 (Division 25.5 (commencing with Section 38500) of the Health  
34 and Safety Code).

35 (iv) The state board shall update the regional greenhouse gas  
36 emission reduction targets every eight years consistent with each  
37 metropolitan planning organization's timeframe for updating its  
38 regional transportation plan under federal law until 2050. The state  
39 board may revise the targets every four years based on changes in  
40 the factors considered under clause (iii). The state board shall

1 exchange technical information with the Department of  
2 Transportation, metropolitan planning organizations, local  
3 governments, and affected air districts and engage in a consultative  
4 process with public and private stakeholders prior to updating these  
5 targets.

6 (v) The greenhouse gas emission reduction targets may be  
7 expressed in gross tons, tons per capita, tons per household, or in  
8 any other metric deemed appropriate by the state board.

9 (B) Each metropolitan planning organization shall prepare a  
10 sustainable communities strategy, subject to the requirements of  
11 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of  
12 Federal Regulations, including the requirement to utilize the most  
13 recent planning assumptions considering local general plans and  
14 other factors. The sustainable communities strategy shall (i)  
15 identify the general location of uses, residential densities, and  
16 building intensities within the region, (ii) identify areas within the  
17 region sufficient to house all the population of the region, including  
18 all economic segments of the population, over the course of the  
19 planning period of the regional transportation plan taking into  
20 account net migration into the region, population growth, household  
21 formation and employment growth, (iii) identify areas within the  
22 region sufficient to house an eight-year projection of the regional  
23 housing need for the region pursuant to Section 65584, (iv) identify  
24 a transportation network to service the transportation needs of the  
25 region, (v) gather and consider the best practically available  
26 scientific information regarding resource areas and farmland in  
27 the region as defined in subdivisions (a) and (b) of Section  
28 65080.01, (vi) consider the state housing goals specified in Sections  
29 65580 and 65581, (vii) set forth a forecasted development pattern  
30 for the region, which, when integrated with the transportation  
31 network, and other transportation measures and policies, will  
32 reduce the greenhouse gas emissions from automobiles and light  
33 trucks to achieve, if there is a feasible way to do so, the greenhouse  
34 gas emission reduction targets approved by the state board, and  
35 (viii) allow the regional transportation plan to comply with Section  
36 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

37 (C) (i) Within the jurisdiction of the Metropolitan  
38 Transportation Commission, as defined by Section 66502, a  
39 sustainable communities strategy adopted on or after January 1,  
40 2015, shall include, a brief needs assessment of economic  
development, environmental, social equity, and governance indicators  
as needed to guide the development of future plans. These indicators  
shall include, but not be limited to, air quality, sea level rise, climate  
change and other hazard readiness, including shoreline resilience and  
long-term recovery from major earthquakes. This work will be  
completed to the extent financial resources are  
available to the agencies that comprise the Joint  
Policy Committee to perform such work.

The member agencies of the Joint Policy Committee  
created pursuant to subdivision (d) Section 66536  
shall be responsible for undertaking any work related  
to the sustainable communities strategy at the  
regional scale. Such coordination, collaboration, and



partnership, shall include outreach and consultation with:

Federal, state, regional, special district, and local government stakeholders; and

A wide variety of individuals and organizations from the private and nonprofit sectors with subject matter expertise in the focus areas included in the sustainable communities strategy.

~~shall also include consideration of local and regional air~~

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1 ~~quality, sea level rise, priority infrastructure needs, and the goals~~  
2 ~~and policies related to economic development opportunities and~~  
3 ~~social equity goals pursuant to subdivision (b) of Section 66537.6.~~

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4 ~~The sustainable communities strategy may also include~~  
5 ~~consideration of sea level rise.~~

6 The Association of Bay Area  
7 Governments shall be responsible for clauses (i), (ii), (iii), (v), and  
8 (vi) of subparagraph (B). The Metropolitan Transportation  
9 Commission shall be responsible for clauses (iv) and (viii) of  
10 subparagraph (B), priority infrastructure needs, and the goals and  
11 policies related to economic development opportunities and social  
12 equity goals pursuant to subdivision (b) of Section 66537.6. The  
13 Bay Area Air Quality Management District shall be responsible  
14 for criteria pollutants and toxic air contaminants. ~~The San Francisco~~  
15 ~~Bay Conservation and Development Commission shall be~~  
16 ~~responsible for sea level rise.~~ The Association of Bay Area  
17 Governments, ~~the Bay Area Air Quality Management District, the~~  
18 ~~San Francisco Bay Conservation and Development Commission,~~  
19 and the Metropolitan Transportation Commission shall jointly be  
20 responsible for clause (vii) of subparagraph (B) and the adoption

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of the strategy as a whole. The Bay Area Air Quality Management District and the San  
Francisco Bay Conservation and Development Commission shall provide technical and policy  
analysis, recommendations and other forms of consultation as requested by the Joint Policy  
Committee created pursuant to subdivision (d) of Section 66536.

21 (ii) Within the jurisdiction of the Tahoe Regional Planning  
22 Agency, as defined in Sections 66800 and 66801, the Tahoe  
23 Metropolitan Planning Organization shall use the Regional Plan  
24 for the Lake Tahoe Region as the sustainable community strategy,  
25 provided that it complies with clauses (vii) and (viii) of  
26 subparagraph (B).

27 (D) In the region served by the multicounty transportation  
28 planning agency described in Section 130004 of the Public Utilities  
29 Code, a subregional council of governments and the county  
30 transportation commission may work together to propose the  
31 sustainable communities strategy and an alternative planning  
32 strategy, if one is prepared pursuant to subparagraph (I), for that  
33 subregional area. The metropolitan planning organization may  
34 adopt a framework for a subregional sustainable communities  
35 strategy or a subregional alternative planning strategy to address  
36 the intraregional land use, transportation, economic, air quality,  
37 and climate policy relationships. The metropolitan planning  
38 organization shall include the subregional sustainable communities  
39 strategy for that subregion in the regional sustainable communities  
40 strategy to the extent consistent with this section and federal law

1 and approve the subregional alternative planning strategy, if one  
2 is prepared pursuant to subparagraph (I), for that subregional area  
3 to the extent consistent with this section. The metropolitan planning  
4 organization shall develop overall guidelines, create public  
5 participation plans pursuant to subparagraph (F), ensure  
6 coordination, resolve conflicts, make sure that the overall plan  
7 complies with applicable legal requirements, and adopt the plan  
8 for the region.

9 (E) The metropolitan planning organization shall conduct at  
10 least two informational meetings in each county within the region  
11 for members of the board of supervisors and city councils on the  
12 sustainable communities strategy and alternative planning strategy,  
13 if any. The metropolitan planning organization may conduct only  
14 one informational meeting if it is attended by representatives of  
15 the county board of supervisors and city council members  
16 representing a majority of the cities representing a majority of the  
17 population in the incorporated areas of that county. Notice of the  
18 meeting or meetings shall be sent to the clerk of the board of  
19 supervisors and to each city clerk. The purpose of the meeting or  
20 meetings shall be to discuss the sustainable communities strategy  
21 and the alternative planning strategy, if any, including the key land  
22 use and planning assumptions to the members of the board of  
23 supervisors and the city council members in that county and to  
24 solicit and consider their input and recommendations.

25 (F) Each metropolitan planning organization shall adopt a public  
26 participation plan, for development of the sustainable communities  
27 strategy and an alternative planning strategy, if any, that includes  
28 all of the following:

29 (i) Outreach efforts to encourage the active participation of a  
30 broad range of stakeholder groups in the planning process,  
31 consistent with the agency's adopted Federal Public Participation  
32 Plan, including, but not limited to, affordable housing advocates,  
33 transportation advocates, neighborhood and community groups,  
34 environmental advocates, home builder representatives,  
35 broad-based business organizations, landowners, commercial  
36 property interests, and homeowner associations.

37 (ii) Consultation with congestion management agencies,  
38 transportation agencies, and transportation commissions.

39 (iii) Workshops throughout the region to provide the public with  
40 the information and tools necessary to provide a clear

1 understanding of the issues and policy choices. At least one  
2 workshop shall be held in each county in the region. For counties  
3 with a population greater than 500,000, at least three workshops  
4 shall be held. Each workshop, to the extent practicable, shall  
5 include urban simulation computer modeling to create visual  
6 representations of the sustainable communities strategy and the  
7 alternative planning strategy.

8 (iv) Preparation and circulation of a draft sustainable  
9 communities strategy and an alternative planning strategy, if one  
10 is prepared, not less than 55 days before adoption of a final regional  
11 transportation plan.

12 (v) At least three public hearings on the draft sustainable  
13 communities strategy in the regional transportation plan and  
14 alternative planning strategy, if one is prepared. If the metropolitan  
15 transportation organization consists of a single county, at least two  
16 public hearings shall be held. To the maximum extent feasible, the  
17 hearings shall be in different parts of the region to maximize the  
18 opportunity for participation by members of the public throughout  
19 the region.

20 (vi) A process for enabling members of the public to provide a  
21 single request to receive notices, information, and updates.

22 (G) In preparing a sustainable communities strategy, the  
23 metropolitan planning organization shall consider spheres of  
24 influence that have been adopted by the local agency formation  
25 commissions within its region.

26 (H) Prior to adopting a sustainable communities strategy, the  
27 metropolitan planning organization shall quantify the reduction in  
28 greenhouse gas emissions projected to be achieved by the  
29 sustainable communities strategy and set forth the difference, if  
30 any, between the amount of that reduction and the target for the  
31 region established by the state board.

32 (I) If the sustainable communities strategy, prepared in  
33 compliance with subparagraph (B) or (D), is unable to reduce  
34 greenhouse gas emissions to achieve the greenhouse gas emission  
35 reduction targets established by the state board, the metropolitan  
36 planning organization shall prepare an alternative planning strategy  
37 to the sustainable communities strategy showing how those  
38 greenhouse gas emission targets would be achieved through  
39 alternative development patterns, infrastructure, or additional  
40 transportation measures or policies. The alternative planning

1 strategy shall be a separate document from the regional  
2 transportation plan, but it may be adopted concurrently with the  
3 regional transportation plan. In preparing the alternative planning  
4 strategy, the metropolitan planning organization:

5 (i) Shall identify the principal impediments to achieving the  
6 targets within the sustainable communities strategy.

7 (ii) May include an alternative development pattern for the  
8 region pursuant to subparagraphs (B) to (G), inclusive.

9 (iii) Shall describe how the greenhouse gas emission reduction  
10 targets would be achieved by the alternative planning strategy, and  
11 why the development pattern, measures, and policies in the  
12 alternative planning strategy are the most practicable choices for  
13 achievement of the greenhouse gas emission reduction targets.

14 (iv) An alternative development pattern set forth in the  
15 alternative planning strategy shall comply with Part 450 of Title  
16 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,  
17 except to the extent that compliance will prevent achievement of  
18 the greenhouse gas emission reduction targets approved by the  
19 state board.

20 (v) For purposes of the California Environmental Quality Act  
21 (Division 13 (commencing with Section 21000) of the Public  
22 Resources Code), an alternative planning strategy shall not  
23 constitute a land use plan, policy, or regulation, and the  
24 inconsistency of a project with an alternative planning strategy  
25 shall not be a consideration in determining whether a project may  
26 have an environmental effect.

27 (J) (i) Prior to starting the public participation process adopted  
28 pursuant to subparagraph (F), the metropolitan planning  
29 organization shall submit a description to the state board of the  
30 technical methodology it intends to use to estimate the greenhouse  
31 gas emissions from its sustainable communities strategy and, if  
32 appropriate, its alternative planning strategy. The state board shall  
33 respond to the metropolitan planning organization in a timely  
34 manner with written comments about the technical methodology,  
35 including specifically describing any aspects of that methodology  
36 it concludes will not yield accurate estimates of greenhouse gas  
37 emissions, and suggested remedies. The metropolitan planning  
38 organization is encouraged to work with the state board until the  
39 state board concludes that the technical methodology operates  
40 accurately.

1 (ii) After adoption, a metropolitan planning organization shall  
2 submit a sustainable communities strategy or an alternative  
3 planning strategy, if one has been adopted, to the state board for  
4 review, including the quantification of the greenhouse gas emission  
5 reductions the strategy would achieve and a description of the  
6 technical methodology used to obtain that result. Review by the  
7 state board shall be limited to acceptance or rejection of the  
8 metropolitan planning organization's determination that the strategy  
9 submitted would, if implemented, achieve the greenhouse gas  
10 emission reduction targets established by the state board. The state  
11 board shall complete its review within 60 days.

12 (iii) If the state board determines that the strategy submitted  
13 would not, if implemented, achieve the greenhouse gas emission  
14 reduction targets, the metropolitan planning organization shall  
15 revise its strategy or adopt an alternative planning strategy, if not  
16 previously adopted, and submit the strategy for review pursuant  
17 to clause (ii). At a minimum, the metropolitan planning  
18 organization must obtain state board acceptance that an alternative  
19 planning strategy would, if implemented, achieve the greenhouse  
20 gas emission reduction targets established for that region by the  
21 state board.

22 (K) Neither a sustainable communities strategy nor an alternative  
23 planning strategy regulates the use of land, nor, except as provided  
24 by subparagraph (J), shall either one be subject to any state  
25 approval. Nothing in a sustainable communities strategy shall be  
26 interpreted as superseding the exercise of the land use authority  
27 of cities and counties within the region. Nothing in this section  
28 shall be interpreted to limit the state board's authority under any  
29 other provision of law. Nothing in this section shall be interpreted  
30 to authorize the abrogation of any vested right whether created by  
31 statute or by common law. Nothing in this section shall require a  
32 city's or county's land use policies and regulations, including its  
33 general plan, to be consistent with the regional transportation plan  
34 or an alternative planning strategy. Nothing in this section requires  
35 a metropolitan planning organization to approve a sustainable  
36 communities strategy that would be inconsistent with Part 450 of  
37 Title 23 of, or Part 93 of Title 40 of, the Code of Federal  
38 Regulations and any administrative guidance under those  
39 regulations. Nothing in this section relieves a public or private

1 entity or any person from compliance with any other local, state,  
2 or federal law.

3 (L) Nothing in this section requires projects programmed for  
4 funding on or before December 31, 2011, to be subject to the  
5 provisions of this paragraph if they (i) are contained in the 2007  
6 or 2009 Federal Statewide Transportation Improvement Program,  
7 (ii) are funded pursuant to Chapter 12.49 (commencing with  
8 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically  
9 listed in a ballot measure prior to December 31, 2008, approving  
10 a sales tax increase for transportation projects. Nothing in this  
11 section shall require a transportation sales tax authority to change  
12 the funding allocations approved by the voters for categories of  
13 transportation projects in a sales tax measure adopted prior to  
14 December 31, 2010. For purposes of this subparagraph, a  
15 transportation sales tax authority is a district, as defined in Section  
16 7252 of the Revenue and Taxation Code, that is authorized to  
17 impose a sales tax for transportation purposes.

18 (M) A metropolitan planning organization, or a regional  
19 transportation planning agency not within a metropolitan planning  
20 organization, that is required to adopt a regional transportation  
21 plan not less than every five years, may elect to adopt the plan not  
22 less than every four years. This election shall be made by the board  
23 of directors of the metropolitan planning organization or regional  
24 transportation planning agency no later than June 1, 2009, or  
25 thereafter 54 months prior to the statutory deadline for the adoption  
26 of housing elements for the local jurisdictions within the region,  
27 after a public hearing at which comments are accepted from  
28 members of the public and representatives of cities and counties  
29 within the region covered by the metropolitan planning  
30 organization or regional transportation planning agency. Notice  
31 of the public hearing shall be given to the general public and by  
32 mail to cities and counties within the region no later than 30 days  
33 prior to the date of the public hearing. Notice of election shall be  
34 promptly given to the Department of Housing and Community  
35 Development. The metropolitan planning organization or the  
36 regional transportation planning agency shall complete its next  
37 regional transportation plan within three years of the notice of  
38 election.

39 (N) Two or more of the metropolitan planning organizations  
40 for Fresno County, Kern County, Kings County, Madera County,

1 Merced County, San Joaquin County, Stanislaus County, and  
2 Tulare County may work together to develop and adopt  
3 multiregional goals and policies that may address interregional  
4 land use, transportation, economic, air quality, and climate  
5 relationships. The participating metropolitan planning organizations  
6 may also develop a multiregional sustainable communities strategy,  
7 to the extent consistent with federal law, or an alternative planning  
8 strategy for adoption by the metropolitan planning organizations.  
9 Each participating metropolitan planning organization shall  
10 consider any adopted multiregional goals and policies in the  
11 development of a sustainable communities strategy and, if  
12 applicable, an alternative planning strategy for its region.

13 (3) An action element that describes the programs and actions  
14 necessary to implement the plan and assigns implementation  
15 responsibilities. The action element may describe all transportation  
16 projects proposed for development during the 20-year or greater  
17 life of the plan. The action element shall consider congestion  
18 management programming activities carried out within the region.

19 (4) (A) A financial element that summarizes the cost of plan  
20 implementation constrained by a realistic projection of available  
21 revenues. The financial element shall also contain  
22 recommendations for allocation of funds. A county transportation  
23 commission created pursuant to Section 130000 of the Public  
24 Utilities Code shall be responsible for recommending projects to  
25 be funded with regional improvement funds, if the project is  
26 consistent with the regional transportation plan. The first five years  
27 of the financial element shall be based on the five-year estimate  
28 of funds developed pursuant to Section 14524. The financial  
29 element may recommend the development of specified new sources  
30 of revenue, consistent with the policy element and action element.

31 (B) The financial element of transportation planning agencies  
32 with populations that exceed 200,000 persons may include a project  
33 cost breakdown for all projects proposed for development during  
34 the 20-year life of the plan that includes total expenditures and  
35 related percentages of total expenditures for all of the following:

- 36 (i) State highway expansion.
- 37 (ii) State highway rehabilitation, maintenance, and operations.
- 38 (iii) Local road and street expansion.
- 39 (iv) Local road and street rehabilitation, maintenance, and  
40 operation.





- 1 (v) Mass transit, commuter rail, and intercity rail expansion.
  - 2 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
  - 3 maintenance, and operations.
  - 4 (vii) Pedestrian and bicycle facilities.
  - 5 (viii) Environmental enhancements and mitigation.
  - 6 (ix) Research and planning.
  - 7 (x) Other categories.
- 8 (C) The metropolitan planning organization or county  
9 transportation agency, whichever entity is appropriate, shall  
10 consider financial incentives for cities and counties that have  
11 resource areas or farmland, as defined in Section 65080.01, for  
12 the purposes of, for example, transportation investments for the  
13 preservation and safety of the city street or county road system  
14 and farm-to-market and interconnectivity transportation needs.  
15 The metropolitan planning organization or county transportation  
16 agency, whichever entity is appropriate, shall also consider  
17 financial assistance for counties to address countywide service  
18 responsibilities in counties that contribute toward the greenhouse  
19 gas emission reduction targets by implementing policies for growth  
20 to occur within their cities.
- 21 (c) Each transportation planning agency may also include other  
22 factors of local significance as an element of the regional  
23 transportation plan, including, but not limited to, issues of mobility  
24 for specific sectors of the community, including, but not limited  
25 to, senior citizens.
- 26 (d) Except as otherwise provided in this subdivision, each  
27 transportation planning agency shall adopt and submit, every four  
28 years, an updated regional transportation plan to the California  
29 Transportation Commission and the Department of Transportation.  
30 A transportation planning agency located in a federally designated  
31 air quality attainment area or that does not contain an urbanized  
32 area may at its option adopt and submit a regional transportation  
33 plan every five years. When applicable, the plan shall be consistent  
34 with federal planning and programming requirements and shall  
35 conform to the regional transportation plan guidelines adopted by  
36 the California Transportation Commission. Prior to adoption of  
37 the regional transportation plan, a public hearing shall be held after  
38 the giving of notice of the hearing by publication in the affected  
39 county or counties pursuant to Section 6061.

1 SEC. 2. Section 66537.1 is added to the Government Code, to  
2 read:

3 66537.1. (a) The member agencies of the joint policy  
4 committee created pursuant to subdivision (d) of Section 66536  
5 ~~shall prepare a plan for consolidating the functions that are common~~  
6 ~~to the member agencies, including, but not limited to, personnel~~  
7 ~~and human resources, budget and financial services, electronic~~  
8 ~~data and communications systems, legal services, contracting and~~  
9 ~~procurement of goods and services, public information and~~  
10 ~~outreach services, intergovernmental relations, transportation, land~~  
11 ~~use, economic, and related forecasting models, and other related~~  
12 ~~activities, as deemed appropriate and feasible, that will further the~~  
13 ~~goals of the member agencies and reduce redundancy. The plan~~

14 shall complete an analysis of common functions and identify  
opportunities to save costs, reduce redundancies and further the goals  
of the member agencies. The analysis shall also include a statement as

to the expected reduction in the  
15 cost of overhead and in the cost of operation and management of  
16 the member agencies.

17 ~~(b) On or before December 31, 2015, a member agency affected~~  
18 ~~by the plan shall submit a copy of the plan to its board.~~

19 ~~(c) On or before December 31, 2016, the member agencies shall~~  
20 ~~report to the Senate Committee on Transportation and Housing on~~  
21 ~~the adoption and implementation of the plan.~~

22 SEC. 3. Section 66537.2 is added to the Government Code, to  
23 read:

24 66537.2. (a) Prior to initiating public outreach and participation  
25 efforts for a regional transportation plan update, including the  
26 sustainable communities strategy pursuant to subparagraphs (B)  
27 and (C) of paragraph (2) of subdivision (b) of Section 65080, the  
28 Metropolitan Transportation Commission, in consultation with the  
29 Association of Bay Area Governments, the Bay Area Air Quality  
30 Management District, and the San Francisco Bay Conservation  
31 and Development Commission, shall issue, for public comment,  
32 a draft public participation plan to meet the public participation  
33 requirements under federal law and Section 65080.

34 (b) (1) ~~At least 180 days before~~ Prior to issuing the  
draft under

35 subdivision (a), the Metropolitan Transportation Commission shall  
36 convene a public engagement advisory group to meet ~~at least six~~  
37 ~~times as needed~~ before the draft is issued for public comment.

The public engagement advisory group shall include, but not be limited  
to, persons representing local planning agencies, congestion  
management authorities or other local government, persons representing  
low-income communities, communities of color, seniors, persons with  
disabilities, business and environmental organizations. Meetings of

38 the public engagement advisory group shall be subject to the Ralph  
39 M. Brown Act (Chapter 9 (commencing with Section 54950) of  
40 Part 1 of Division 2 of Title 5 of the Government Code).

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1 ~~(2) The Metropolitan Transportation Commission shall accept~~  
 2 ~~(2) The Metropolitan Transportation Commission shall accept~~  
 3 ~~nominations for membership on the public engagement advisory~~  
 4 ~~group from community based organizations representing~~  
 5 ~~populations that are traditionally underrepresented in~~  
 6 ~~decisionmaking, including minority and low income populations.~~  
 7 ~~Not less than 60 percent of the members of the public engagement~~  
 8 ~~advisory group shall be affiliated with those community based~~  
 9 ~~groups.~~

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9 ~~(2)~~ <sup>(3)</sup> The public engagement advisory group shall be charged  
 10 with all of the following tasks:

11 (A) Reviewing the public participation process in connection  
 12 with the development and adoption of the previous regional  
 13 transportation plan and sustainable communities strategy and  
 14 assessing both of the following:

- 15 (i) Strengths and weaknesses.
- 16 (ii) The degree to which the public participation plans were
- 17 implemented, and the degree to which specific implementation
- 18 actions contributed to a robust, inclusive, and transparent process.

19 ~~(B) Identifying key decision points in the process by which the~~  
 20 ~~previous regional transportation plan and sustainable communities~~  
 21 ~~strategy was developed and adopted, including all of the following:~~

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- 22 ~~(i) Decision points relating to public outreach.~~
- 23 ~~(ii) Participation and process needs assessment and prioritization.~~
- 24 ~~(iii) Goals and objectives.~~
- 25 ~~(iv) Targets and performance measures.~~
- 26 ~~(v) Equity metrics and equity analysis.~~
- 27 ~~(vi) Scenario development and evaluation.~~
- 28 ~~(vii) Selection of a preferred alternative.~~
- 29 ~~(viii) Regional housing needs assessment methodology and~~  
 30 ~~allocation.~~
- 31 ~~(ix) Scoping of the environmental impact report.~~
- 32 ~~(x) Response to comments.~~
- 33 ~~(xi) Investment and planning tradeoffs.~~
- 34 ~~(xii) Relevant decision points of other public agencies, such as~~  
 35 ~~county congestion management agencies, transit operators, the~~  
 36 ~~Bay Area Partnership Board, cities, and counties.~~

37 ~~(BC) Assisting staff~~ Providing recommendations to the Metropolitan  
Transportation Commission and the Association of Bay Area Governments

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in developing a draft public participation  
 38 plan that ~~does~~ seeks to do all of the following:

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1 (i) Provides a clear process map, timeline, and description of  
2 all key decision points, including those described in subparagraph  
3 (B).

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4 (ii) Sets forth outreach activities designed to meaningfully  
5 inform and engage *San Francisco bay Area area* residents,  
6 including activities targeting populations traditionally  
7 underrepresented in regional planning, such as minority and  
8 low-income populations.

9 (iii) Sets forth the role of advisory committees in the  
10 development and approval of the regional transportation plan  
11 update and sustainable ~~community~~ *communities* strategy.

12 (iv) Sets forth the role of other agencies and local jurisdictions  
13 in the planning process, and prescribes requirements for inclusive  
14 public engagement and transparency, to which the Metropolitan  
15 Transportation Commission will hold those agencies and  
16 jurisdictions accountable.

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17 (v) ~~Addresses~~ Seeks to address any other priority concerns raised by the public  
18 engagement advisory group.

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19 SEC. 4. Section 66537.3 is added to the Government Code, to  
20 read:

21 66537.3. The joint policy committee shall maintain an Internet  
22 Web site containing relevant information pertaining to the joint  
23 policy committee's activities.

24 SEC. 5. Section 66537.4 is added to the Government Code, to  
25 read:

26 66537.4. The joint policy committee shall be subject to the  
27 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)  
28 of Part 1 of Division 2 of Title 5).

29 SEC. 6. Section 66537.6 is added to the Government Code, to  
30 read:

31 66537.6. (a) The joint policy committee shall appoint an  
32 advisory committee on economic competitiveness with members  
33 from the business community, including representatives of small  
34 businesses and the technology and manufacturing sectors,  
35 community colleges, public and private universities, labor, local  
36 governments, community organizations with an interest in  
37 expanding economic opportunity for low-income populations and  
38 communities, and other organizations involved with the private  
39 economy.

1 (b) The joint policy committee, in consultation with the advisory  
 2 committee, shall ~~adopt-recommend~~ goals and ~~performance~~  
~~measures~~policies related to the inclusion  
 3 of economic development opportunities in the sustainable  
 4 communities strategy. The goals and policies shall also promote  
 5 amenities that are special to the region and contribute to the  
 6 region’s quality of life. Social equity goals and considerations shall  
 7 be integrated throughout to ensure that low-income populations  
 8 and populations of color share fairly in the benefits and burdens  
 9 of the economic development goals and policies and their  
 10 implementation and include strategies to improve the economic  
 11 conditions and opportunities for all residents with special attention  
 12 given to opportunities available for low-income residents and  
 13 populations of color.

14 SEC. 7. Section 66537.7 is added to the Government Code, to  
 15 read:

16 66537.7. The Metropolitan Transportation Commission shall  
 17 report biannually to the Legislature and the public at large on  
 18 progress in implementing the policies and programs of the  
 19 sustainable communities strategy required pursuant to subparagraph  
 20 (B) of paragraph (2) of subdivision (b) of Section 65080 and in  
 21 preparing the subsequent sustainable communities strategy.

22 ~~SEC. 8. The San Francisco Bay Conservation and Development~~  
 23 ~~Commission shall relocate to 390 Main Street in San Francisco,~~  
 24 ~~California.~~

25 ~~SEC. 9.~~  
 26 SEC. 8. If the Commission on State Mandates determines that  
 27 this act contains costs mandated by the state, reimbursement to  
 28 local agencies and school districts for those costs shall be made  
 29 pursuant to Part 7 (commencing with Section 17500) of Division  
 30 4 of Title 2 of the Government Code.

O

AMENDED IN SENATE JANUARY 27, 2014

AMENDED IN SENATE JANUARY 13, 2014

AMENDED IN SENATE MAY 14, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 10, 2013

**SENATE BILL**

**No. 792**

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**Introduced by Senator DeSaulnier  
(Coauthors: ~~Senators Hancock and~~ *Hancock, Hill, and Leno*)**

February 22, 2013

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An act to amend Section 65080 of, and to add Sections 66537.1, 66537.2, 66537.3, 66537.4, 66537.6, and 66537.7 to, the Government Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, DeSaulnier. Regional entities: San Francisco Bay Area.

Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created under existing law as a joint powers agency comprised of cities and counties with regional planning responsibilities. Existing law provides for a joint policy committee of certain member agencies in this 9-county area to collaborate on regional coordination. Existing law

requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy, coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would require the member agencies of the joint policy committee to prepare a plan for consolidating certain functions that are common to the member agencies. The bill would require the plan to also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require a member agency affected by the plan to submit a copy of the plan to its board on or before December 31, 2015, and would require the member agencies to report to the Senate Committee on Transportation and Housing on the adoption and implementation of the plan on or before December 31, 2016. The bill would also require the joint policy committee to maintain an Internet Web site containing information relevant to the committee's activities and to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the sustainable ~~committees~~ *communities* strategy.

~~The bill would require the San Francisco Bay Conservation and Development Commission to relocate to a specified location.~~

The bill would also establish additional requirements for a sustainable communities strategy adopted on or after January 1, 2015, within the jurisdiction of the Metropolitan Transportation Commission, and would impose additional duties relating to that sustainable communities strategy on the Metropolitan Transportation Commission, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission. Among those additional duties, the bill would require the Metropolitan Transportation Commission to convene a public engagement advisory group to assist in the development of a draft public participation plan, as specified. The bill would also require the commission to report biannually to the Legislature and the public on the progress in implementing the policies and programs of the sustainable communities strategy.

By imposing new duties on the Metropolitan Transportation Commission and other regional entities, 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 these statutory provisions.

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

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

1 SECTION 1. Section 65080 of the Government Code is  
2 amended to read:

3 65080. (a) Each transportation planning agency designated  
4 under Section 29532 or 29532.1 shall prepare and adopt a regional  
5 transportation plan directed at achieving a coordinated and balanced  
6 regional transportation system, including, but not limited to, mass  
7 transportation, highway, railroad, maritime, bicycle, pedestrian,  
8 goods movement, and aviation facilities and services. The plan  
9 shall be action-oriented and pragmatic, considering both the  
10 short-term and long-term future, and shall present clear, concise  
11 policy guidance to local and state officials. The regional  
12 transportation plan shall consider factors specified in Section 134  
13 of Title 23 of the United States Code. Each transportation planning  
14 agency shall consider and incorporate, as appropriate, the  
15 transportation plans of cities, counties, districts, private  
16 organizations, and state and federal agencies.

17 (b) The regional transportation plan shall be an internally  
18 consistent document and shall include all of the following:

19 (1) A policy element that describes the transportation issues in  
20 the region, identifies and quantifies regional needs, and describes  
21 the desired short-range and long-range transportation goals, and  
22 pragmatic objective and policy statements. The objective and policy  
23 statements shall be consistent with the funding estimates of the  
24 financial element. The policy element of transportation planning  
25 agencies with populations that exceed 200,000 persons may  
26 quantify a set of indicators including, but not limited to, all of the  
27 following:

1 (A) Measures of mobility and traffic congestion, including, but  
2 not limited to, daily vehicle hours of delay per capita and vehicle  
3 miles traveled per capita.

4 (B) Measures of road and bridge maintenance and rehabilitation  
5 needs, including, but not limited to, roadway pavement and bridge  
6 conditions.

7 (C) Measures of means of travel, including, but not limited to,  
8 percentage share of all trips (work and nonwork) made by all of  
9 the following:

10 (i) Single occupant vehicle.

11 (ii) Multiple occupant vehicle or carpool.

12 (iii) Public transit including commuter rail and intercity rail.

13 (iv) Walking.

14 (v) Bicycling.

15 (D) Measures of safety and security, including, but not limited  
16 to, total injuries and fatalities assigned to each of the modes set  
17 forth in subparagraph (C).

18 (E) Measures of equity and accessibility, including, but not  
19 limited to, percentage of the population served by frequent and  
20 reliable public transit, with a breakdown by income bracket, and  
21 percentage of all jobs accessible by frequent and reliable public  
22 transit service, with a breakdown by income bracket.

23 (F) The requirements of this section may be met utilizing  
24 existing sources of information. No additional traffic counts,  
25 household surveys, or other sources of data shall be required.

26 (2) A sustainable communities strategy prepared by each  
27 metropolitan planning organization as follows:

28 (A) No later than September 30, 2010, the State Air Resources  
29 Board shall provide each affected region with greenhouse gas  
30 emission reduction targets for the automobile and light truck sector  
31 for 2020 and 2035, respectively.

32 (i) No later than January 31, 2009, the state board shall appoint  
33 a Regional Targets Advisory Committee to recommend factors to  
34 be considered and methodologies to be used for setting greenhouse  
35 gas emission reduction targets for the affected regions. The  
36 committee shall be composed of representatives of the metropolitan  
37 planning organizations, affected air districts, the League of  
38 California Cities, the California State Association of Counties,  
39 local transportation agencies, and members of the public, including  
40 homebuilders, environmental organizations, planning organizations,

1 environmental justice organizations, affordable housing  
2 organizations, and others. The advisory committee shall transmit  
3 a report with its recommendations to the state board no later than  
4 September 30, 2009. In recommending factors to be considered  
5 and methodologies to be used, the advisory committee may  
6 consider any relevant issues, including, but not limited to, data  
7 needs, modeling techniques, growth forecasts, the impacts of  
8 regional jobs-housing balance on interregional travel and  
9 greenhouse gas emissions, economic and demographic trends, the  
10 magnitude of greenhouse gas reduction benefits from a variety of  
11 land use and transportation strategies, and appropriate methods to  
12 describe regional targets and to monitor performance in attaining  
13 those targets. The state board shall consider the report prior to  
14 setting the targets.

15 (ii) Prior to setting the targets for a region, the state board shall  
16 exchange technical information with the metropolitan planning  
17 organization and the affected air district. The metropolitan planning  
18 organization may recommend a target for the region. The  
19 metropolitan planning organization shall hold at least one public  
20 workshop within the region after receipt of the report from the  
21 advisory committee. The state board shall release draft targets for  
22 each region no later than June 30, 2010.

23 (iii) In establishing these targets, the state board shall take into  
24 account greenhouse gas emission reductions that will be achieved  
25 by improved vehicle emission standards, changes in fuel  
26 composition, and other measures it has approved that will reduce  
27 greenhouse gas emissions in the affected regions, and prospective  
28 measures the state board plans to adopt to reduce greenhouse gas  
29 emissions from other greenhouse gas emission sources as that term  
30 is defined in subdivision (i) of Section 38505 of the Health and  
31 Safety Code and consistent with the regulations promulgated  
32 pursuant to the California Global Warming Solutions Act of 2006  
33 (Division 25.5 (commencing with Section 38500) of the Health  
34 and Safety Code).

35 (iv) The state board shall update the regional greenhouse gas  
36 emission reduction targets every eight years consistent with each  
37 metropolitan planning organization's timeframe for updating its  
38 regional transportation plan under federal law until 2050. The state  
39 board may revise the targets every four years based on changes in  
40 the factors considered under clause (iii). The state board shall

1 exchange technical information with the Department of  
2 Transportation, metropolitan planning organizations, local  
3 governments, and affected air districts and engage in a consultative  
4 process with public and private stakeholders prior to updating these  
5 targets.

6 (v) The greenhouse gas emission reduction targets may be  
7 expressed in gross tons, tons per capita, tons per household, or in  
8 any other metric deemed appropriate by the state board.

9 (B) Each metropolitan planning organization shall prepare a  
10 sustainable communities strategy, subject to the requirements of  
11 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of  
12 Federal Regulations, including the requirement to utilize the most  
13 recent planning assumptions considering local general plans and  
14 other factors. The sustainable communities strategy shall (i)  
15 identify the general location of uses, residential densities, and  
16 building intensities within the region, (ii) identify areas within the  
17 region sufficient to house all the population of the region, including  
18 all economic segments of the population, over the course of the  
19 planning period of the regional transportation plan taking into  
20 account net migration into the region, population growth, household  
21 formation and employment growth, (iii) identify areas within the  
22 region sufficient to house an eight-year projection of the regional  
23 housing need for the region pursuant to Section 65584, (iv) identify  
24 a transportation network to service the transportation needs of the  
25 region, (v) gather and consider the best practically available  
26 scientific information regarding resource areas and farmland in  
27 the region as defined in subdivisions (a) and (b) of Section  
28 65080.01, (vi) consider the state housing goals specified in Sections  
29 65580 and 65581, (vii) set forth a forecasted development pattern  
30 for the region, which, when integrated with the transportation  
31 network, and other transportation measures and policies, will  
32 reduce the greenhouse gas emissions from automobiles and light  
33 trucks to achieve, if there is a feasible way to do so, the greenhouse  
34 gas emission reduction targets approved by the state board, and  
35 (viii) allow the regional transportation plan to comply with Section  
36 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

37 (C) (i) Within the jurisdiction of the Metropolitan  
38 Transportation Commission, as defined by Section 66502, a  
39 sustainable communities strategy adopted on or after January 1,  
40 2015, shall also include consideration of local and regional air

1 quality, ~~sea level rise~~, priority infrastructure needs, and the goals  
2 and policies related to economic development opportunities and  
3 social equity goals pursuant to subdivision (b) of Section 66537.6.  
4 *The sustainable communities strategy may also include*  
5 *consideration of sea level rise.* The Association of Bay Area  
6 Governments shall be responsible for clauses (i), (ii), (iii), (v), and  
7 (vi) of subparagraph (B). The Metropolitan Transportation  
8 Commission shall be responsible for clauses (iv) and (viii) of  
9 subparagraph (B), priority infrastructure needs, and the goals and  
10 policies related to economic development opportunities and social  
11 equity goals pursuant to subdivision (b) of Section 66537.6. The  
12 Bay Area Air Quality Management District shall be responsible  
13 for criteria pollutants and toxic air contaminants. ~~The San Francisco~~  
14 ~~Bay Conservation and Development Commission shall be~~  
15 ~~responsible for sea level rise.~~ The Association of Bay Area  
16 Governments, the Bay Area Air Quality Management District, the  
17 San Francisco Bay Conservation and Development Commission,  
18 and the Metropolitan Transportation Commission shall jointly be  
19 responsible for clause (vii) of subparagraph (B) and the adoption  
20 of the strategy as a whole.

21 (ii) Within the jurisdiction of the Tahoe Regional Planning  
22 Agency, as defined in Sections 66800 and 66801, the Tahoe  
23 Metropolitan Planning Organization shall use the Regional Plan  
24 for the Lake Tahoe Region as the sustainable community strategy,  
25 provided that it complies with clauses (vii) and (viii) of  
26 subparagraph (B).

27 (D) In the region served by the multicounty transportation  
28 planning agency described in Section 130004 of the Public Utilities  
29 Code, a subregional council of governments and the county  
30 transportation commission may work together to propose the  
31 sustainable communities strategy and an alternative planning  
32 strategy, if one is prepared pursuant to subparagraph (I), for that  
33 subregional area. The metropolitan planning organization may  
34 adopt a framework for a subregional sustainable communities  
35 strategy or a subregional alternative planning strategy to address  
36 the intraregional land use, transportation, economic, air quality,  
37 and climate policy relationships. The metropolitan planning  
38 organization shall include the subregional sustainable communities  
39 strategy for that subregion in the regional sustainable communities  
40 strategy to the extent consistent with this section and federal law

1 and approve the subregional alternative planning strategy, if one  
2 is prepared pursuant to subparagraph (I), for that subregional area  
3 to the extent consistent with this section. The metropolitan planning  
4 organization shall develop overall guidelines, create public  
5 participation plans pursuant to subparagraph (F), ensure  
6 coordination, resolve conflicts, make sure that the overall plan  
7 complies with applicable legal requirements, and adopt the plan  
8 for the region.

9 (E) The metropolitan planning organization shall conduct at  
10 least two informational meetings in each county within the region  
11 for members of the board of supervisors and city councils on the  
12 sustainable communities strategy and alternative planning strategy,  
13 if any. The metropolitan planning organization may conduct only  
14 one informational meeting if it is attended by representatives of  
15 the county board of supervisors and city council members  
16 representing a majority of the cities representing a majority of the  
17 population in the incorporated areas of that county. Notice of the  
18 meeting or meetings shall be sent to the clerk of the board of  
19 supervisors and to each city clerk. The purpose of the meeting or  
20 meetings shall be to discuss the sustainable communities strategy  
21 and the alternative planning strategy, if any, including the key land  
22 use and planning assumptions to the members of the board of  
23 supervisors and the city council members in that county and to  
24 solicit and consider their input and recommendations.

25 (F) Each metropolitan planning organization shall adopt a public  
26 participation plan, for development of the sustainable communities  
27 strategy and an alternative planning strategy, if any, that includes  
28 all of the following:

29 (i) Outreach efforts to encourage the active participation of a  
30 broad range of stakeholder groups in the planning process,  
31 consistent with the agency's adopted Federal Public Participation  
32 Plan, including, but not limited to, affordable housing advocates,  
33 transportation advocates, neighborhood and community groups,  
34 environmental advocates, home builder representatives,  
35 broad-based business organizations, landowners, commercial  
36 property interests, and homeowner associations.

37 (ii) Consultation with congestion management agencies,  
38 transportation agencies, and transportation commissions.

39 (iii) Workshops throughout the region to provide the public with  
40 the information and tools necessary to provide a clear

1 understanding of the issues and policy choices. At least one  
2 workshop shall be held in each county in the region. For counties  
3 with a population greater than 500,000, at least three workshops  
4 shall be held. Each workshop, to the extent practicable, shall  
5 include urban simulation computer modeling to create visual  
6 representations of the sustainable communities strategy and the  
7 alternative planning strategy.

8 (iv) Preparation and circulation of a draft sustainable  
9 communities strategy and an alternative planning strategy, if one  
10 is prepared, not less than 55 days before adoption of a final regional  
11 transportation plan.

12 (v) At least three public hearings on the draft sustainable  
13 communities strategy in the regional transportation plan and  
14 alternative planning strategy, if one is prepared. If the metropolitan  
15 transportation organization consists of a single county, at least two  
16 public hearings shall be held. To the maximum extent feasible, the  
17 hearings shall be in different parts of the region to maximize the  
18 opportunity for participation by members of the public throughout  
19 the region.

20 (vi) A process for enabling members of the public to provide a  
21 single request to receive notices, information, and updates.

22 (G) In preparing a sustainable communities strategy, the  
23 metropolitan planning organization shall consider spheres of  
24 influence that have been adopted by the local agency formation  
25 commissions within its region.

26 (H) Prior to adopting a sustainable communities strategy, the  
27 metropolitan planning organization shall quantify the reduction in  
28 greenhouse gas emissions projected to be achieved by the  
29 sustainable communities strategy and set forth the difference, if  
30 any, between the amount of that reduction and the target for the  
31 region established by the state board.

32 (I) If the sustainable communities strategy, prepared in  
33 compliance with subparagraph (B) or (D), is unable to reduce  
34 greenhouse gas emissions to achieve the greenhouse gas emission  
35 reduction targets established by the state board, the metropolitan  
36 planning organization shall prepare an alternative planning strategy  
37 to the sustainable communities strategy showing how those  
38 greenhouse gas emission targets would be achieved through  
39 alternative development patterns, infrastructure, or additional  
40 transportation measures or policies. The alternative planning

1 strategy shall be a separate document from the regional  
2 transportation plan, but it may be adopted concurrently with the  
3 regional transportation plan. In preparing the alternative planning  
4 strategy, the metropolitan planning organization:

5 (i) Shall identify the principal impediments to achieving the  
6 targets within the sustainable communities strategy.

7 (ii) May include an alternative development pattern for the  
8 region pursuant to subparagraphs (B) to (G), inclusive.

9 (iii) Shall describe how the greenhouse gas emission reduction  
10 targets would be achieved by the alternative planning strategy, and  
11 why the development pattern, measures, and policies in the  
12 alternative planning strategy are the most practicable choices for  
13 achievement of the greenhouse gas emission reduction targets.

14 (iv) An alternative development pattern set forth in the  
15 alternative planning strategy shall comply with Part 450 of Title  
16 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,  
17 except to the extent that compliance will prevent achievement of  
18 the greenhouse gas emission reduction targets approved by the  
19 state board.

20 (v) For purposes of the California Environmental Quality Act  
21 (Division 13 (commencing with Section 21000) of the Public  
22 Resources Code), an alternative planning strategy shall not  
23 constitute a land use plan, policy, or regulation, and the  
24 inconsistency of a project with an alternative planning strategy  
25 shall not be a consideration in determining whether a project may  
26 have an environmental effect.

27 (J) (i) Prior to starting the public participation process adopted  
28 pursuant to subparagraph (F), the metropolitan planning  
29 organization shall submit a description to the state board of the  
30 technical methodology it intends to use to estimate the greenhouse  
31 gas emissions from its sustainable communities strategy and, if  
32 appropriate, its alternative planning strategy. The state board shall  
33 respond to the metropolitan planning organization in a timely  
34 manner with written comments about the technical methodology,  
35 including specifically describing any aspects of that methodology  
36 it concludes will not yield accurate estimates of greenhouse gas  
37 emissions, and suggested remedies. The metropolitan planning  
38 organization is encouraged to work with the state board until the  
39 state board concludes that the technical methodology operates  
40 accurately.



1 (ii) After adoption, a metropolitan planning organization shall  
2 submit a sustainable communities strategy or an alternative  
3 planning strategy, if one has been adopted, to the state board for  
4 review, including the quantification of the greenhouse gas emission  
5 reductions the strategy would achieve and a description of the  
6 technical methodology used to obtain that result. Review by the  
7 state board shall be limited to acceptance or rejection of the  
8 metropolitan planning organization's determination that the strategy  
9 submitted would, if implemented, achieve the greenhouse gas  
10 emission reduction targets established by the state board. The state  
11 board shall complete its review within 60 days.

12 (iii) If the state board determines that the strategy submitted  
13 would not, if implemented, achieve the greenhouse gas emission  
14 reduction targets, the metropolitan planning organization shall  
15 revise its strategy or adopt an alternative planning strategy, if not  
16 previously adopted, and submit the strategy for review pursuant  
17 to clause (ii). At a minimum, the metropolitan planning  
18 organization must obtain state board acceptance that an alternative  
19 planning strategy would, if implemented, achieve the greenhouse  
20 gas emission reduction targets established for that region by the  
21 state board.

22 (K) Neither a sustainable communities strategy nor an alternative  
23 planning strategy regulates the use of land, nor, except as provided  
24 by subparagraph (J), shall either one be subject to any state  
25 approval. Nothing in a sustainable communities strategy shall be  
26 interpreted as superseding the exercise of the land use authority  
27 of cities and counties within the region. Nothing in this section  
28 shall be interpreted to limit the state board's authority under any  
29 other provision of law. Nothing in this section shall be interpreted  
30 to authorize the abrogation of any vested right whether created by  
31 statute or by common law. Nothing in this section shall require a  
32 city's or county's land use policies and regulations, including its  
33 general plan, to be consistent with the regional transportation plan  
34 or an alternative planning strategy. Nothing in this section requires  
35 a metropolitan planning organization to approve a sustainable  
36 communities strategy that would be inconsistent with Part 450 of  
37 Title 23 of, or Part 93 of Title 40 of, the Code of Federal  
38 Regulations and any administrative guidance under those  
39 regulations. Nothing in this section relieves a public or private

1 entity or any person from compliance with any other local, state,  
2 or federal law.

3 (L) Nothing in this section requires projects programmed for  
4 funding on or before December 31, 2011, to be subject to the  
5 provisions of this paragraph if they (i) are contained in the 2007  
6 or 2009 Federal Statewide Transportation Improvement Program,  
7 (ii) are funded pursuant to Chapter 12.49 (commencing with  
8 Section 8879.20) of Division 1 of Title 2, or (iii) were specifically  
9 listed in a ballot measure prior to December 31, 2008, approving  
10 a sales tax increase for transportation projects. Nothing in this  
11 section shall require a transportation sales tax authority to change  
12 the funding allocations approved by the voters for categories of  
13 transportation projects in a sales tax measure adopted prior to  
14 December 31, 2010. For purposes of this subparagraph, a  
15 transportation sales tax authority is a district, as defined in Section  
16 7252 of the Revenue and Taxation Code, that is authorized to  
17 impose a sales tax for transportation purposes.

18 (M) A metropolitan planning organization, or a regional  
19 transportation planning agency not within a metropolitan planning  
20 organization, that is required to adopt a regional transportation  
21 plan not less than every five years, may elect to adopt the plan not  
22 less than every four years. This election shall be made by the board  
23 of directors of the metropolitan planning organization or regional  
24 transportation planning agency no later than June 1, 2009, or  
25 thereafter 54 months prior to the statutory deadline for the adoption  
26 of housing elements for the local jurisdictions within the region,  
27 after a public hearing at which comments are accepted from  
28 members of the public and representatives of cities and counties  
29 within the region covered by the metropolitan planning  
30 organization or regional transportation planning agency. Notice  
31 of the public hearing shall be given to the general public and by  
32 mail to cities and counties within the region no later than 30 days  
33 prior to the date of the public hearing. Notice of election shall be  
34 promptly given to the Department of Housing and Community  
35 Development. The metropolitan planning organization or the  
36 regional transportation planning agency shall complete its next  
37 regional transportation plan within three years of the notice of  
38 election.

39 (N) Two or more of the metropolitan planning organizations  
40 for Fresno County, Kern County, Kings County, Madera County,

1 Merced County, San Joaquin County, Stanislaus County, and  
2 Tulare County may work together to develop and adopt  
3 multiregional goals and policies that may address interregional  
4 land use, transportation, economic, air quality, and climate  
5 relationships. The participating metropolitan planning organizations  
6 may also develop a multiregional sustainable communities strategy,  
7 to the extent consistent with federal law, or an alternative planning  
8 strategy for adoption by the metropolitan planning organizations.  
9 Each participating metropolitan planning organization shall  
10 consider any adopted multiregional goals and policies in the  
11 development of a sustainable communities strategy and, if  
12 applicable, an alternative planning strategy for its region.

13 (3) An action element that describes the programs and actions  
14 necessary to implement the plan and assigns implementation  
15 responsibilities. The action element may describe all transportation  
16 projects proposed for development during the 20-year or greater  
17 life of the plan. The action element shall consider congestion  
18 management programming activities carried out within the region.

19 (4) (A) A financial element that summarizes the cost of plan  
20 implementation constrained by a realistic projection of available  
21 revenues. The financial element shall also contain  
22 recommendations for allocation of funds. A county transportation  
23 commission created pursuant to Section 130000 of the Public  
24 Utilities Code shall be responsible for recommending projects to  
25 be funded with regional improvement funds, if the project is  
26 consistent with the regional transportation plan. The first five years  
27 of the financial element shall be based on the five-year estimate  
28 of funds developed pursuant to Section 14524. The financial  
29 element may recommend the development of specified new sources  
30 of revenue, consistent with the policy element and action element.

31 (B) The financial element of transportation planning agencies  
32 with populations that exceed 200,000 persons may include a project  
33 cost breakdown for all projects proposed for development during  
34 the 20-year life of the plan that includes total expenditures and  
35 related percentages of total expenditures for all of the following:

- 36 (i) State highway expansion.
- 37 (ii) State highway rehabilitation, maintenance, and operations.
- 38 (iii) Local road and street expansion.
- 39 (iv) Local road and street rehabilitation, maintenance, and  
40 operation.

- 1 (v) Mass transit, commuter rail, and intercity rail expansion.  
2 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,  
3 maintenance, and operations.  
4 (vii) Pedestrian and bicycle facilities.  
5 (viii) Environmental enhancements and mitigation.  
6 (ix) Research and planning.  
7 (x) Other categories.
- 8 (C) The metropolitan planning organization or county  
9 transportation agency, whichever entity is appropriate, shall  
10 consider financial incentives for cities and counties that have  
11 resource areas or farmland, as defined in Section 65080.01, for  
12 the purposes of, for example, transportation investments for the  
13 preservation and safety of the city street or county road system  
14 and farm-to-market and interconnectivity transportation needs.  
15 The metropolitan planning organization or county transportation  
16 agency, whichever entity is appropriate, shall also consider  
17 financial assistance for counties to address countywide service  
18 responsibilities in counties that contribute toward the greenhouse  
19 gas emission reduction targets by implementing policies for growth  
20 to occur within their cities.
- 21 (c) Each transportation planning agency may also include other  
22 factors of local significance as an element of the regional  
23 transportation plan, including, but not limited to, issues of mobility  
24 for specific sectors of the community, including, but not limited  
25 to, senior citizens.
- 26 (d) Except as otherwise provided in this subdivision, each  
27 transportation planning agency shall adopt and submit, every four  
28 years, an updated regional transportation plan to the California  
29 Transportation Commission and the Department of Transportation.  
30 A transportation planning agency located in a federally designated  
31 air quality attainment area or that does not contain an urbanized  
32 area may at its option adopt and submit a regional transportation  
33 plan every five years. When applicable, the plan shall be consistent  
34 with federal planning and programming requirements and shall  
35 conform to the regional transportation plan guidelines adopted by  
36 the California Transportation Commission. Prior to adoption of  
37 the regional transportation plan, a public hearing shall be held after  
38 the giving of notice of the hearing by publication in the affected  
39 county or counties pursuant to Section 6061.

1 SEC. 2. Section 66537.1 is added to the Government Code, to  
2 read:

3 66537.1. (a) The member agencies of the joint policy  
4 committee created pursuant to subdivision (d) of Section 66536  
5 shall prepare a plan for consolidating the functions that are common  
6 to the member agencies, including, but not limited to, personnel  
7 and human resources, budget and financial services, electronic  
8 data and communications systems, legal services, contracting and  
9 procurement of goods and services, public information and  
10 outreach services, intergovernmental relations, transportation, land  
11 use, economic, and related forecasting models, and other related  
12 activities, as deemed appropriate and feasible, that will further the  
13 goals of the member agencies and reduce redundancy. The plan  
14 shall also include a statement as to the expected reduction in the  
15 cost of overhead and in the cost of operation and management of  
16 the member agencies.

17 (b) On or before December 31, 2015, a member agency affected  
18 by the plan shall submit a copy of the plan to its board.

19 (c) On or before December 31, 2016, the member agencies shall  
20 report to the Senate Committee on Transportation and Housing on  
21 the adoption and implementation of the plan.

22 SEC. 3. Section 66537.2 is added to the Government Code, to  
23 read:

24 66537.2. (a) Prior to initiating public outreach and participation  
25 efforts for a regional transportation plan update, including the  
26 sustainable communities strategy pursuant to subparagraphs (B)  
27 and (C) of paragraph (2) of subdivision (b) of Section 65080, the  
28 Metropolitan Transportation Commission, in consultation with the  
29 Association of Bay Area Governments, the Bay Area Air Quality  
30 Management District, and the San Francisco Bay Conservation  
31 and Development Commission, shall issue, for public comment,  
32 a draft public participation plan to meet the public participation  
33 requirements under federal law and Section 65080.

34 (b) (1) At least 180 days before issuing the draft under  
35 subdivision (a), the Metropolitan Transportation Commission shall  
36 convene a public engagement advisory group to meet at least six  
37 times before the draft is issued for public comment. Meetings of  
38 the public engagement advisory group shall be subject to the Ralph  
39 M. Brown Act (Chapter 9 (commencing with Section 54950) of  
40 Part 1 of Division 2 of Title 5 of the Government Code).

1 (2) The Metropolitan Transportation Commission shall accept  
2 nominations for membership on the public engagement advisory  
3 group from community-based organizations representing  
4 populations that are traditionally underrepresented in  
5 decisionmaking, including minority and low-income populations.  
6 Not less than 60 percent of the members of the public engagement  
7 advisory group shall be affiliated with those community-based  
8 groups.

9 (3) The public engagement advisory group shall be charged  
10 with all of the following tasks:

11 (A) Reviewing the public participation process in connection  
12 with the development and adoption of the previous regional  
13 transportation plan and sustainable communities strategy and  
14 assessing both of the following:

15 (i) Strengths and weaknesses.

16 (ii) The degree to which the public participation plans were  
17 implemented, and the degree to which specific implementation  
18 actions contributed to a robust, inclusive, and transparent process.

19 (B) Identifying key decision points in the process by which the  
20 previous regional transportation plan and sustainable communities  
21 strategy was developed and adopted, including all of the following:

22 (i) Decision points relating to public outreach.

23 (ii) Participation and process needs assessment and prioritization.

24 (iii) Goals and objectives.

25 (iv) Targets and performance measures.

26 (v) Equity metrics and equity analysis.

27 (vi) Scenario development and evaluation.

28 (vii) Selection of a preferred alternative.

29 (viii) Regional housing needs assessment methodology and  
30 allocation.

31 (ix) Scoping of the environmental impact report.

32 (x) Response to comments.

33 (xi) Investment and planning tradeoffs.

34 (xii) Relevant decision points of other public agencies, such as  
35 county congestion management agencies, transit operators, the  
36 Bay Area Partnership Board, cities, and counties.

37 (C) Assisting staff in developing a draft public participation  
38 plan that does all of the following:

1 (i) Provides a clear process map, timeline, and description of  
2 all key decision points, including those described in subparagraph  
3 (B).

4 (ii) Sets forth outreach activities designed to meaningfully  
5 inform and engage *San Francisco bay–Area area* residents,  
6 including activities targeting populations traditionally  
7 underrepresented in regional planning, such as minority and  
8 low-income populations.

9 (iii) Sets forth the role of advisory committees in the  
10 development and approval of the regional transportation plan  
11 update and sustainable-~~community~~ *communities* strategy.

12 (iv) Sets forth the role of other agencies and local jurisdictions  
13 in the planning process, and prescribes requirements for inclusive  
14 public engagement and transparency, to which the Metropolitan  
15 Transportation Commission will hold those agencies and  
16 jurisdictions accountable.

17 (v) Addresses any other priority concerns raised by the public  
18 engagement advisory group.

19 SEC. 4. Section 66537.3 is added to the Government Code, to  
20 read:

21 66537.3. The joint policy committee shall maintain an Internet  
22 Web site containing relevant information pertaining to the joint  
23 policy committee's activities.

24 SEC. 5. Section 66537.4 is added to the Government Code, to  
25 read:

26 66537.4. The joint policy committee shall be subject to the  
27 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)  
28 of Part 1 of Division 2 of Title 5).

29 SEC. 6. Section 66537.6 is added to the Government Code, to  
30 read:

31 66537.6. (a) The joint policy committee shall appoint an  
32 advisory committee on economic competitiveness with members  
33 from the business community, including representatives of small  
34 businesses and the technology and manufacturing sectors,  
35 community colleges, public and private universities, labor, local  
36 governments, community organizations with an interest in  
37 expanding economic opportunity for low-income populations and  
38 communities, and other organizations involved with the private  
39 economy.

1 (b) The joint policy committee, in consultation with the advisory  
2 committee, shall adopt goals and policies related to the inclusion  
3 of economic development opportunities in the sustainable  
4 communities strategy. The goals and policies shall also promote  
5 amenities that are special to the region and contribute to the  
6 region's quality of life. Social equity goals and considerations shall  
7 be integrated throughout to ensure that low-income populations  
8 and populations of color share fairly in the benefits and burdens  
9 of the economic development goals and policies and their  
10 implementation and include strategies to improve the economic  
11 conditions and opportunities for all residents with special attention  
12 given to opportunities available for low-income residents and  
13 populations of color.

14 SEC. 7. Section 66537.7 is added to the Government Code, to  
15 read:

16 66537.7. The Metropolitan Transportation Commission shall  
17 report biannually to the Legislature and the public at large on  
18 progress in implementing the policies and programs of the  
19 sustainable communities strategy required pursuant to subparagraph  
20 (B) of paragraph (2) of subdivision (b) of Section 65080 and in  
21 preparing the subsequent sustainable communities strategy.

22 ~~SEC. 8. The San Francisco Bay Conservation and Development~~  
23 ~~Commission shall relocate to 390 Main Street in San Francisco,~~  
24 ~~California.~~

25 ~~SEC. 9.~~

26 SEC. 8. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.