



BOARD OF DIRECTORS
POLICY, GRANTS, AND TECHNOLOGY COMMITTEE

February 21, 2024

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

COMMITTEE MEMBERS

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

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

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

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

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

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

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

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

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

Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/83721790943>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 837 2179 0943

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

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

POLICY, GRANTS, AND TECHNOLOGY COMMITTEE MEETING AGENDA

WEDNESDAY, FEBRUARY 21, 2024

1:00 PM

1. Call to Order - Roll Call

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

2. Pledge of Allegiance

CONSENT CALENDAR (Items 3- 5)

3. Approval of the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022

The Committee will consider approving the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022.

4. Approval of the Draft Minutes of the Mobile Source and Climate Impacts Committee Meetings of October 11, 2023 and November 8, 2023

The Committee will consider approving the Draft Minutes of the Mobile Source and Climate Impacts Committee Meetings of October 11, 2023 and November 8, 2023.

5. Approval of the Draft Minutes of the Legislative Committee Meeting of November 29, 2023

The Committee will consider approving the Draft Minutes of the Legislative Committee Meeting of November 29, 2023.

ACTION ITEM(S)

6. Report on Transportation Fund for Clean Air (TFCA) Projects Expenditures and Effectiveness for Fiscal Year Ending 2023

The Committee will consider recommending to the Board of Directors that the Board adopt a determination that the TFCA 60% Fund expenditures were effective in improving air quality in Fiscal Year Ending 2023. This item will be presented by Minda Berbeco, PhD., Manager in the Strategic Incentives Division.

7. Approval of the Legislative Platform for 2024

The Committee will consider approving the attached Legislative Platform for 2024. A draft of the Legislative Platform for 2024 was presented to the Air District's former Legislative Committee at their November 29, 2023 meeting. This item will be presented by Alan Abbs, Legislative Officer.

8. Air District Sponsored/Co-Sponsored Bills

The Committee will be provided with a summary and status of Air District sponsored and co-sponsored bills and will consider recommending that the Board of Directors take the following position on current legislation. This item will be presented by Alan Abbs, Legislative Officer.

In addition to offering to sponsor/co-sponsor the following legislation, staff recommends the following position on current legislation:

- *Support Senate Bill (SB) 382 (Becker) - Single-family residential property: disclosures.*

9. State Legislative Bill Review

The Committee will consider recommending that the Board of Directors take positions on high-priority bills where appropriate. This item will be presented by Alan Abbs, Legislative Officer.

Staff recommends the following positions on current legislation:

- *Support SB 1158 (Archuleta) - Carl Moyer Memorial Air Quality Standards Attainment Program.*
- *Support SB 1193 (Menjivar) - Airports: leaded aviation gasoline.*
- *Oppose Assembly Bill (AB) 1894 (Ta) - Nonvehicular air pollution: civil penalties.*

INFORMATIONAL ITEM(S)

10. State Legislative Budget Update

The Committee will be provided with an update of the activities related to the state budget. This item will be presented by Alan Abbs, Legislative Officer.

11. Federal Legislative Update

The Committee will be provided with an update on recent events of significance on the federal level as well as provide a recap of the Air District's 2023 Federal Legislative Advocacy Trip to Washington, D.C. This item will be presented by Alan Abbs, Legislative Officer.

12. Status of Actions to Address Lead from General Aviation Fuel

The Committee will be provided with an update on the status of recent actions toward eliminating lead from general aviation fuel for small piston-engine aircraft. This item will be presented by Dr. Judith Cutino, Health Officer.

OTHER BUSINESS

13. Public Comment on Non-Agenda Matters

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

14. Committee Member Comments

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

15. Time and Place of Next Meeting

Wednesday, March 20, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Policy, Grants, and Technology Committee members and members of the public will be able to either join in-person or via webcast.

16. Adjournment

The Committee meeting shall be adjourned by the Chair.

CONTACT:

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

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

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

Accessibility and Non-Discrimination Policy

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

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

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

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

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

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

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

FEBRUARY 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Finance and Administration Committee	Wednesday	21	10:00 a.m.	1 st Floor Board Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	21	1:00 p.m.	1 st Floor Board Room

MARCH 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council	Friday	1	9:30 a.m.	1 st Floor Board Room
Board of Directors Meeting	Wednesday	6	10:00 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	13	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	13	1:00 p.m.	1 st Floor, Yerba Buena Room
Board of Directors Finance and Administration Committee	Wednesday	20	10:00 a.m.	1 st Floor Board Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	20	1:00 p.m.	1 st Floor Board Room
Board of Directors Community Advisory Council	Thursday	21	6:00 p.m.	1 st Floor, Yerba Buena Room

APRIL 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	3	10:00 a.m.	1st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	10	10:00 a.m.	1st Floor, Yerba Buena Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	10	1:00 p.m.	1st Floor, Yerba Buena Room
Board of Directors Finance and Administration Committee	Wednesday	17	10:00 a.m.	1st Floor Board Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	17	1:00 p.m.	1st Floor Board Room

MV 2/14/2024 – 11:42 a.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Approval of the Draft Minutes of the Technology Implementation Office Steering
Committee Meeting of October 14, 2022

RECOMMENDED ACTION

Approve the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Technology Implementation Office Steering Committee Meeting of October 14, 2022

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

Technology Implementation Office Steering Committee Meeting
Friday, October 14, 2022

DRAFT MINUTES

Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

- 1. PUBLIC MEETING PROCEDURE (OUT OF ORDER, ITEM 3)**
- 2. CALL TO ORDER – ROLL CALL (ITEM 1)**

Technology Implementation Office Steering Committee (Committee) Member, (Board Member) Lynda Hopkins, called the meeting to order at 1:06 p.m.

Roll Call:

Present: Committee Members Bud Beebe, (Board Member) Lynda Hopkins, Michael Montgomery, and (Board Member) Rob Rennie.

Absent: Committee Member, Professor Ahmad Ganji.

- 3. PLEDGE OF ALLEGIANCE (ITEM 2)**
- 4. UPDATE ON CLIMATE TECH FINANCE STATEWIDE EXPANSION (ITEM 5)**

Derrick Tang, Technology Implementation Office Manager, gave the staff presentation *Update on Climate Tech Finance Statewide Expansion*, including outcome; outline; overview; program impact; pipeline activity before statewide launch; statewide expansion; key changes in statewide program; statewide launch, climate tech focus; and feedback requested.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident.

Committee Comments

The Council and staff discussed the total Air District encumbrance of the ten loans that have been successfully funded; whether the Climate Tech Finance Program (program) utilizes internal protocols to sequester funds; whether the California Infrastructure and Economic Development Bank (IBank) requires that a percentage of outstanding encumbrance be placed in their account; how the Air District allocates funds received from the program to its annual budget; whether potential program participants must be physically located within the State of California and or spend the funds within the State of California, and whether that is federally enforced; whether other government agencies and air districts are doing this kind of work; the types of potential participants that have expressed interest in the program; whether there could be entrepreneurial opportunities in the water sector and/or non-profit organizations; whether lowering the loan guarantee amount may impact the value of a product; how the Air District is addressing equity through the program; and the request for a report of the benefits resulting from the program, including economic development, employment, and upgrading wages.

Committee Action

None; receive and file.

5. APPROVAL OF THE MINUTES OF MAY 13, 2022 (ITEM 4)

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Board member Hopkins made a motion, seconded by Board member Rennie, to **approve** the Minutes of May 13, 2022; and the motion carried by the following vote of the Committee:

AYES:	Beebe, Hopkins, Montgomery, Rennie.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Ganji.

6. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

7. COMMITTEE MEMBER COMMENTS

None.

8. TIME AND PLACE OF NEXT MEETING

The next meeting of the Technology Implementation Office Steering Committee was to be scheduled at the Call of the Chair. As of January 1, 2024, the Legislative Committee, Mobile Source and Climate Impacts Committee, and Technology Implementation Office Steering Committee were combined to form the new Policy, Grants, and Technology Committee. These minutes will be considered for approval at the first meeting of the Policy, Grants, and Technology Committee, on Wednesday, February 21, 2024, at 1:00 PM, at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

9. ADJOURNMENT

The meeting was adjourned at 1:43 p.m.

Marcy Hirtzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Approval of the Draft Minutes of the Mobile Source and Climate Impacts Committee
Meetings of October 11, 2023 and November 8, 2023

RECOMMENDED ACTION

Approve the Draft Minutes of the Mobile Source and Climate Impacts Committee Meetings of October 11, 2023 and November 8, 2023.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are two Draft Minutes of the Mobile Source and Climate Impacts Committee Meeting of October 11, 2023 and November 8, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Mobile Source and Climate Impacts Committee Meeting of October 11, 2023
2. Draft Minutes of the Mobile Source and Climate Impacts Committee Meeting of November 8, 2023

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

Mobile Source & Climate Impacts Committee
Wednesday, October 11, 2023

DRAFT MINUTES

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

CALL TO ORDER

1. **Opening Comments:** Mobile Source & Climate Impacts Committee (Committee) Chairperson, Myrna Melgar, called the meeting to order at 1:01 p.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Chairperson Myrna Melgar; Vice Chairperson Sergio Lopez; and Directors Juan Gonzalez, Lynda Hopkins, and Ray Mueller.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, California 94530): Director John Gioia.

Present, In-Person Satellite Location (Office of Santa Clara County Supervisor Otto Lee, 70 W Hedding Street, East Wing, 10th Floor, San Jose, California 95110): Director Otto Lee.

Absent: Board Chairperson John J. Bauters; and Directors David Hudson, Shamann Walton, and Steve Young.

2. **PLEDGE OF ALLEGIANCE**

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF JUNE 14, 2023**

Public Comments

No requests received.

Committee Comments

Director Gonzalez noted that Item 5, Projects And Contracts With Proposed Grant Awards Over \$500,000, stated, “Carl Moyer Program/Obile Source...” but should be changed to “Carl Moyer Program/Mobile Source...”. The Clerk stated that that correction would be made.

Committee Action

Director Gonzalez made a motion, seconded by Director Hopkins, to **approve** the amended Minutes of the Mobile Source and Climate Impacts Committee meeting of June 14, 2023; and the motion **carried** by the following vote of the Committee:

- AYES: Gioia, Gonzalez, Hopkins, Lee, Lopez, Melgar, Mueller.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Bauters, Hudson, Walton, Young.

ACTION ITEMS

4. **PROJECTS AND CONTRACTS WITH PROPOSED GRANT AWARDS OVER \$500,000**

Clair Keleher, Senior Staff Specialist, gave the staff presentation *Projects and Contracts with Proposed Awards Over \$500,000*, including; outcome; outline; Carl Moyer Program/Mobile Source Incentive Fund (CMP/MSIF), Community Air Protection Program (CAPP), and Funding Agricultural Replacement Measures for Emission Reductions (FARMER); Transportation Fund for Clean Air (TFCA); Reformulated Gas Settlement Funds (RFG) Zero-Emission Grant Program; proposed projects; incentive funds awarded and remaining since July 2023 by project category and county; benefits to priority areas since July 2023; and actions requested.

Public Comments

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County.

Committee Comments

The Committee and staff discussed the desire to see funding allocations more geographically balanced in the future; the manner in which low-income areas are prioritized into the application evaluation process; whether applicants have access to matching funds for their projects; and whether the motor vehicle registration surcharge fee with 40% of funds distributed to the nine Bay Area congestion management agencies includes electric vehicles (EV) or solely combustion vehicles.

Committee Action

Director Gonzalez made a motion, seconded by Director Hopkins, to recommend the Board **approve** recommended projects with proposed grant awards over \$500,000; and **authorize** the Executive Officer/Air Pollution Control Officer (APCO) to enter into all necessary agreements with applicants for the recommended projects; and the motion **carried** by the following vote of the Committee:

AYES: Gioia, Gonzalez, Hopkins, Lee, Lopez, Melgar, Mueller.
NOES: None.
ABSTAIN: None.
ABSENT: Bauters, Hudson, Walton, Young.

5. **PARTICIPATION IN 2023-2024 FUNDING AGRICULTURAL REDUCTION MEASURES FOR EMISSIONS REDUCTIONS (FARMER) INCENTIVE PROGRAM**

Adriana Kolev, Senior Staff Specialist, gave the staff presentation *Participation in FARMER Incentive Program Year 23-24*, including; action items; outline; FARMER Program; FARMER Year 23-24; and funding; requested actions.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the FARMER program is the only funding program that requires an Air District resolution authorizing the Air District's participation (accepting State funds), or whether that is required for all funding programs.

Committee Action

Director Mueller made a motion, seconded by Director Hopkins, to recommend the Board **authorize** the Air District to accept, obligate, and expend up to \$3.4 million in the new Fiscal Year 2023-2024 State funds from the California Air Resources Board (CARB) for the FARMER program; **adopt** a resolution to authorize the Air District's participation in the FARMER program; and **authorize** the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding, and to execute grant agreements and amendments for projects with individual grant award amounts up to \$500,000; and the motion **carried** by the following vote of the Committee:

AYES: Gioia, Gonzalez, Hopkins, Lee, Lopez, Melgar, Mueller.
NOES: None.
ABSTAIN: None.
ABSENT: Bauters, Hudson, Walton, Young.

6. **UPDATES TO THE TRANSPORTATION FUND FOR CLEAN AIR 40% FUND POLICIES FOR FISCAL YEAR ENDING (FYE) 2025 AND A REQUEST FROM ALAMEDA COUNTY TRANSPORTATION COMMISSION FOR APPROVAL OF A COST-EFFECTIVENESS LIMIT FOR A FYE 2024 PROJECT**

Dr. Minda Berbeco, Manager in the Strategic Incentives Division, gave the staff presentation *Proposed Updates to the Transportation Fund for Clean Air 40% Fund Policies for Fiscal Year Ending 2025*, including; action item; outline; background; timeline for update to FYE 2025 policies; equity; summary of proposed updates for FYE 2025; next steps for future cycles; request for consideration of a cost-effectiveness limit (Policy #3); and recommendation.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the advantages and disadvantages of providing subgrantees (including projects that are directly sponsored by the administering agencies) with an extended 24 months to commence their projects (policy #6); regarding Alameda County Transportation Commission & City of Hayward’s Request for Consideration of a Cost Effectiveness Limit of \$250,000/ton (Policy #3), whether other programs have other values for cost effectiveness measures and how the value of \$250,000 was determined); reasons for removing and then adding back the consideration for cost-effectiveness; emissions reduction that are anticipated from arterial management/signal synchronization projects; concern about whether the aforementioned project in Hayward conflicts with the Air District’s objectives; Policy #3 (Eligible Projects and Case-by-Case Approval) and whether Bay Area counties may bring forth requested project exemptions; and the desire for a metric for long-term health and wellness benefits for bike and pedestrian transit (provide additional valuations beyond cost effectiveness).

Committee Action

Director Gonzalez made a motion, seconded by Vice Chair Lopez, to recommend the Board **approve** proposed updates to the Transportation Fund for Clean Air 40% Fund Policies for Fiscal Year Ending (FYE) 2025; and **approve** the proposed cost-effectiveness limit to enable Alameda County Transportation Commission (Alameda CTC) to award FYE 2024 TFCA 40% funds to an arterial management project; and the motion **carried** by the following vote of the Committee:

- AYES: Gioia, Gonzalez, Hopkins, Lopez, Melgar, Mueller.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Bauters, Hudson, Lee, Walton, Young.

OTHER BUSINESS

7. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

8. COMMITTEE MEMBER COMMENTS

None.

9. TIME AND PLACE OF NEXT MEETING

Wednesday, November 8, 2023, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

10. **ADJOURNMENT**

The meeting was adjourned at 1:58 p.m.

Marcy Hiratzka
Clerk of the Boards

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

Mobile Source & Climate Impacts Committee
Wednesday, November 8, 2023

DRAFT MINUTES

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

CALL TO ORDER

1. **Opening Comments:** Mobile Source & Climate Impacts Committee (Committee) Vice Chairperson, Sergio Lopez, called the meeting to order at 1:05 p.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Vice Chairperson Sergio Lopez; and Director Lynda Hopkins.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, California 94530): Director Steve Young.

Present, In-Person Satellite Location (Office of Santa Clara County Supervisor Otto Lee, 70 W Hedding Street, East Wing, 10th Floor, San Jose, California 95110): Director Otto Lee.

Absent: Chairperson Myrna Melgar; Board Chairperson John J. Bauters; and Directors John Gioia, Juan Gonzalez, David Hudson, Ray Mueller, Shamann Walton.

2. **PLEDGE OF ALLEGIANCE**

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF OCTOBER 11, 2023**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Due to a lack of quorum, no action was taken. This item will be continued to the next meeting (December 13, 2023.)

ACTION ITEM

4. PROJECTS AND CONTRACTS WITH PROPOSED GRANT AWARDS OVER \$500,000 AND ACCEPTANCE OF NEW STATE MONIES

Due to a lack of quorum, no presentation was given. This item will be presented at the Board of Directors meeting on November 15, 2023.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Due to a lack of quorum, no action was taken. This item will be considered at the Board of Directors meeting on November 15, 2023.

INFORMATIONAL ITEMS

5. TRANSPORTATION FUND FOR CLEAN AIR 60% FUND GRANT PROGRAM GUIDANCE

Dr. Minda Berbeco, Manager in the Strategic Incentives Division, gave the staff presentation *Transportation Fund for Clean Air Grant Program Guidance*, including: informational item; outline; TFCA background; funding available for projects and programs in FY Ending (FYE) 2024; TFCA Board awards by project type FYE 2019-2023; Board awards by project category FYE 2019-2023; emissions reduced by replacing 50 cars with One Shuttle Bus (in tons); comparison of project categories; guiding principles for Committee discussion; and next steps.

Public Comments

Public comments were given by “Paul”.

Committee Comments

The Committee and staff discussed whether “priority communities” are income-based; shuttle project cost effectiveness trends; the typical scope of an eligible school bus project, and whether school districts that currently do not have buses are eligible to apply for such projects; to what extent prioritized funding for projects that would benefit priority communities is consciously being made part of TCFA criteria; the desire to see the Vehicle Buy Back program expanded and increased in grant amount, as it has historically been popular and ranks favorably, regarding cost effectiveness; whether increasing the grant amount of the Vehicle Buy Back program would decrease its cost-effectiveness; whether the Air District administers the Vehicle Buy Back program (versus another entity); and whether the vehicles newer than 1998 may be retired into the Vehicle Buy Back program.

Committee Action

None; receive and file.

6. TRANSPORTATION FUND FOR CLEAN AIR PROGRAM AUDIT #24 RESULTS

Clair Keleher, Senior Staff Specialist, gave the staff presentation *TFCA Audit #24*, including: outcome; outline; TFCA background; TFCA Audit #24 scope; TFCA Audit #24 results; next steps; and actions requested.

Public Comments

No requests received.

Committee Comments

The Committee congratulated staff for a clean audit.

Committee Action

None; receive and file.

7. CLEAN CARS FOR ALL PROGRAM UPDATE

Deanna Yee, Staff Specialist, gave the staff presentation *Clean Cars for All Program Update*, including: outcome; outline; background on Bay area Zero-Emission Vehicle (ZEV) goals; Bay Area ZEVs and projected increase to meet 2050 goal; ZEV adoption in the Bay Area; program overview: outreach and education; funds awarded; participant data: replacement vehicles; demographics: income, gender & age, and race & ethnicity; 2023-2024 program changes; incentive amounts; and action requested.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed which entity determines the income limit for this program; why Asians may be participating at higher rates than other groups; the suggestion of advertising the program on Spanish radio stations; how the grant amount for the new program was determined; changes between the current and new program; and the request for a list of program grants broken down by zip code and to observe where inequities may exist.

Committee Action

None; receive and file.

OTHER BUSINESS

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by “Paul.”

9. COMMITTEE MEMBER COMMENTS

None.

10. TIME AND PLACE OF NEXT MEETING

The next meeting of the Mobile Source and Climate Impacts Committee was originally scheduled for December 13, 2023, but that meeting was later cancelled. As of January 1, 2024, the Legislative Committee, Mobile Source and Climate Impacts Committee, and Technology Implementation Office Steering Committee were combined to form the new Policy, Grants, and Technology Committee. These minutes will be considered for approval at the first meeting of the Policy, Grants, and Technology Committee, on Wednesday, February 21, 2024, at 1:00 PM, at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

11. ADJOURNMENT

The meeting was adjourned at 2:17 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Approval of the Draft Minutes of the Legislative Committee Meeting of November
29, 2023

RECOMMENDED ACTION

Approve the Draft Minutes of the Legislative Committee Meeting of November 29, 2023.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Legislative Committee Meeting of November 29, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Legislative Committee Meeting of November 29, 2023

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

Legislative Committee
Wednesday, November 29, 2023

DRAFT MINUTES

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

CALL TO ORDER

1. **Opening Comments:** Per Legislative Committee (Committee) Chairperson Margaret Abe-Koga's request, Committee Vice Chair Tyrone Jue was asked to facilitate the meeting, even though she was present. Vice Chair Jue called the meeting to order at 10:10 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center (375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Vice Chairperson Tyrone Jue; and Directors Ken Carlson and Juan Gonzalez.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, California 94530): Directors Joelle Gallagher and Erin Hannigan.

Present, In-Person Satellite Location (San Ramon City Hall, 7000 Bollinger Canyon Road, Community Conference Room, 2nd Floor, San Ramon, California, 94583): Director David Hudson.

Present, In-Person Satellite Location (Mountain View City Hall, Council Chambers, 500 Castro Street, Mountain View, California, 94041): Chairperson Margaret Abe-Koga; and Directors Noelia Corzo and Ray Mueller.

Absent: Board Chairperson John J. Bauters; and Director Brian Barnacle.

2. **PLEDGE OF ALLEGIANCE**

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE LEGISLATIVE COMMITTEE MEETING OF OCTOBER 4, 2023**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Gonzalez made a motion, seconded by Director Carlson, to **approve** the Draft Minutes of the Legislative Committee meeting of October 4, 2023; and the motion **carried** by the following vote of the Committee:

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Hannigan, Hudson, Jue.
NOES: None.
ABSTAIN: None.
ABSENT: Barnacle, Bauters, Mueller.

ACTION ITEM

4. POTENTIAL LEGISLATIVE ACTIVITIES FOR 2024

Alan Abbs, Legislative Officer, gave the staff presentation *Potential Legislative Activities for 2024*, including: outcome; outline; requested action; 2024 Legislative Session; Green and Healthy Buildings; refinery/stationary sources penalties; fluorinated gases (F-Gas) recovery; brake wear particulate; and feedback requested.

NOTED PRESENT: Director Mueller was noted present at 10:26 a.m.

Public Comments

Public comments were given by Arieann Harrison, Marie Harrison Community Foundation.

Committee Comments

The Committee and staff discussed regenerative brakes and brake pad systems; the comparison of historical and current F-gas emission levels and their impacts, and comparison of current F-gas levels with those of methane; the suggestion of asking Assembly Member Ash Kalra to champion a bill to reduce F-gases; the suggestion of working with transit/transportation agencies to collect regenerative braking data; whether there are refrigerant options other than F-gases, and whether F-gases with high global warming potential will be phased out; the desire to see the Air District focus on indoor air quality and improved building filtration systems; the suggestion of educating the public on *the total impact* of a given source, versus listing emission levels without context; the desire for legislation that drives grid reliability and distributed generation (using renewable energy sources instead of centralized generation sources from power plants); concerns regarding home electrification cost burdens for the consumer, and the suggestion of setting aside a State Budget allocation for that, as gas appliance mandates take

effect; and the suggestion that the staff monitors bills related to sustainable cooling practices in the built environment.

Committee Action

Director Gonzalez made a motion, seconded by Director Carlson, to recommend the Board **approve** the following proposed legislative activities for 2024:

Topic	Proposed Activity
<p>Support for Green and Healthy Buildings (Disclosure Requirements for Sale of Property, Homeowner Association (HOA) limitations, State Housing and Community Development (HCD) restrictions)</p>	<p>Proposal would: 1) require disclosure of applicable state or local requirements that could potentially limit a future owner’s ability to purchase appliances that do not meet zero-NOx standards; 2) limit the ability of HOAs to deny a homeowner the ability to replace an older appliance with a new appliance if the new appliance may result in an alteration to the exterior of the property; and 3) amend various existing statutes that may limit the ability of HCD to allow certain zero-NOx appliances to be installed in mobile and manufactured homes.</p> <p>Staff Recommendation: Continue discussions with legislative offices and Sponsor/Co-Sponsor/Support any legislative efforts to address these concerns.</p>
<p>Refinery/Stationary Source Penalties</p>	<p>Assembly Bill (AB) 1465, introduced in 2023 by Assemblymember Wicks, was originally introduced to triple penalties at refineries for discharges of one or more toxic air contaminants and was later amended to increase penalties for all Title V stationary sources if the discharge includes one or more air contaminants.</p> <p>Staff Recommendation: Continue working with Assemblymember Wicks on potential amendments to AB 1465.</p>
<p>F-Gas Recovery from Discarded Refrigerators, Freezers, and Air Conditioners</p>	<p>Proposal could: 1) create a product stewardship model where manufacturers are required to create a program to properly recover refrigerants or develop an up-front fee on purchase of new appliances that fund an end-of-life program for discarded appliances; 2) require additional handling requirements for the network of solid waste handlers involved in various aspects of appliance recovery.</p> <p>Staff Recommendation: Continue research, and if feasible, Sponsor/Co- Sponsor/Support any legislative efforts to address these concerns.</p>
<p>Brake Wear Particulate</p>	<p>Proposal would look at the potential to reduce brake wear dust from light-duty vehicles by limiting the purchase of metallic brake pads upon replacement, with replacement options limited to semi-metallic, organic, or ceramic.</p> <p>Staff Recommendation: Continue research, and if feasible Sponsor/Co-Sponsor/Support any legislative efforts to address these concerns.</p>

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

AYES: Abe-Koga, Carlson, Corzo, Gallagher, Gonzalez, Hannigan, Hudson, Jue.
NOES: None.
ABSTAIN: None.
ABSENT: Barnacle, Bauters, Mueller.

INFORMATIONAL ITEMS

5. DRAFT 2024 LEGISLATIVE PLATFORM

Mr. Abbs gave the staff presentation *Draft 2024 Legislative Platform*, including: presentation for information only; outline; State Budget; State Legislation; and Federal Legislation and regulatory activity.

Public Comments

Public comments were given by Arieann Harrison, Marie Harrison Community Foundation.

Committee Comments

The Committee and staff discussed outreach methods of the Air District's Community Engagement staff (regarding legislative activities), and the desire to give the public as much advanced notice as possible; the history of AB 398 (E. Garcia, 2017), which prohibits air districts from adopting or implementing an emission reduction regulation for carbon dioxide from any covered entity under Cap and Trade; the repeated desire for legislation that drives grid reliability; the desire to ban leaded aviation gas in flight paths over overburdened communities; whether the Air District may enforce the banning of wood burning in particularly dense urban areas within the Bay Area; the desire for larger State funding allocations for motor vehicle programs, more extensive project eligibility within those programs, and how to make changes to those programs.

Committee Action

None; receive and file.

6. STATE LEGISLATIVE BUDGET PRIORITIES

Mr. Abbs gave the staff presentation *State Legislative Budget Priorities*, including: presentation for information only; outline; State Budget process; and State Budget priorities.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

7. FEDERAL LEGISLATIVE UPDATE

Mr. Abbs spoke about an upcoming trip to Washington D.C. that members of Executive Management will take to discuss the Air District's federal priorities. Those attending include the Air District's Executive Officer/Air Pollution Control Officer, Deputy Executive Officer of Public Affairs, Legislative Officer, and several Board members. The Air District representatives plan to meet with multiple federal agencies and congressional members to discuss issues such as: environmental justice, the Green & Healthy Homes Initiative, wildfire smoke and particulate matter, leaded aviation gas, and Inflation Reduction Act of 2022 funds for clean transportation and energy efficiency programs.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District representatives will be meeting with the Federal Energy Regulatory Commission or the Department of Energy to discuss electrification and grid reliability issues; and the request that the Air District representatives discuss clean tech financing opportunities with the Department of Energy.

Committee Action

None; receive and file.

OTHER BUSINESS

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Ariann Harrison, Marie Harrison Community Foundation.

9. COMMITTEE MEMBER COMMENTS

None.

10. TIME AND PLACE OF NEXT MEETING

The next meeting of the Legislative Committee was to be scheduled at the Call of the Chair. As of January 1, 2024, the Legislative Committee will be combined with the Mobile Source and Climate Impacts Committee and Technology Implementation Office Steering Committee, to form the new Policy, Grants, and Technology Committee. The first meeting of the Policy, Grants, and Technology Committee will be held on Wednesday, February 21, 2024, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast.

11. **ADJOURNMENT**

The meeting was adjourned at 11:51 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Report on Transportation Fund for Clean Air (TFCA) Projects Expenditures and
Effectiveness for Fiscal Year Ending 2023

RECOMMENDED ACTION

Recommend to the Board of Directors (Board) that the Board adopt a determination that the Fiscal Year Ending 2023 TFCA 60% Fund expenditures were effective in improving air quality, based on staff's report and presentation.

BACKGROUND

In 1991, the California State Legislature authorized the Bay Area Air Quality Management District (Air District) to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions. Since 1992, the Air District has allocated these funds to its TFCA Program to fund eligible projects and programs. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code (HSC) Sections 44241 and 44242.

Sixty percent of TFCA funds are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air and Commuter Benefits Program) and through a grant program known as the Regional Fund. The remaining 40% of TFCA funds are forwarded to a designated agency within each Bay Area county.

HSC Section 44241 requires that the Board hold a public hearing each year to review the Air District's expenditure of TFCA funds to determine their effectiveness in improving air quality. Additionally, the designated agencies are required to hold a public hearing each year to review their expenditure of TFCA funds.

DISCUSSION

The Fiscal Year Ending (FYE) 2023 Report on Expenditures and Effectiveness of Transportation Fund for Clean Air Regional Fund Projects and Air District-Sponsored Programs, found in Attachment 1, evaluated 16 TFCA Regional Fund projects and four Air District-sponsored programs that were completed prior to June 30, 2023. The following are key findings of the FYE

2023 report which demonstrate that TFCA 60% Fund monies spent were effective in improving air quality:

- TFCA funds were allocated to eligible projects and programs, consistent with the legislation that authorizes the TFCA program.
- The TFCA expenditures for projects and programs totaled \$11.78 million, which includes \$8.93 million in Regional Fund projects, \$1.91 million in Air District-sponsored programs, and \$0.95 million in administrative and indirect costs.
- 62% of funds spent went to projects that provided emissions reductions in Priority Communities (i.e., AB 617, SB 535 disadvantaged, and AB 1550 low-income communities).
- During their operational period, the projects and programs reduced criteria pollutant emissions by an estimated 45.59 tons, including 11.80 tons of reactive organic gases (ROG), 9.21 tons of nitrogen oxides (NOx), and 24.58 tons of particulate matter (PM10) – and reduced emissions of carbon dioxide (CO2) by over 29,000 tons.
- These projects and programs achieved a combined weighted average cost-effectiveness of \$148,173 per ton of criteria emissions reduced.

A discussion of the expenditures, emission reductions, and cost-effectiveness of these TFCA Regional Fund projects and Air District-sponsored programs will be presented at the Policy, Grants, and Technology Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The Air District distributes TFCA monies as “pass-through” funds to public and nonpublic entities. Administrative costs for project staff are provided by the Air District’s TFCA funding.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Hannah Cha
Reviewed by: Minda Berbeco and Linda Hui

ATTACHMENTS:

1. Fiscal Year Ending 2023 Report on Expenditures and Effectiveness of the TFCA 60% Fund

**FISCAL YEAR ENDING (FYE) 2023
REPORT ON EXPENDITURES AND EFFECTIVENESS OF THE
TRANSPORTATION FUND FOR CLEAN AIR (TFCA)
60% FUND**



BAY AREA AIR QUALITY MANAGEMENT DISTRICT
375 BEALE STREET, SUITE 600, SAN FRANCISCO, CA 94105
WWW.BAAQMD.GOV

FEBRUARY 2024

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THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT

The California State Legislature created the Bay Area Air Quality Management District (Air District) in 1955 as the first regional air pollution control agency in the country, recognizing that air pollution transcends political boundaries. The San Francisco Bay Area forms a regional air basin, sharing common geographical features and weather patterns, and therefore similar air pollution burdens, which cannot be addressed by counties acting on their own.

The Air District is the public agency entrusted with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties.

BACKGROUND

On-road motor vehicles, including cars, trucks, and buses, constitute the most significant source of air pollution in the San Francisco Bay Area. Vehicle emissions contribute to unhealthy levels of ozone (summertime "smog"), particulate matter, and greenhouse gases. Because of this, emission reductions from the on-road transportation sector are essential to helping the region attain State and Federal ambient air quality standards and meet greenhouse gas reduction commitments.

To protect public health, the California State Legislature enacted the California Clean Air Act in 1988. As part of the requirements, the Air District prepared and adopted the *2017 Clean Air Plan*, which includes transportation control measures, defined as any strategy "to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for reducing motor vehicle emissions," and mobile source measures, which encourage the introduction of newer, cleaner motor vehicle technologies and the retirement of older, more polluting vehicles.

THE TRANSPORTATION FUND FOR CLEAN AIR

In 1991, the California State Legislature authorized the Department of Motor Vehicles (DMV) to impose a \$4 surcharge on motor vehicles registered within the San Francisco Bay Area to fund projects that reduce on-road motor vehicle emissions. The Air District has allocated these funds to its Transportation Fund for Clean Air (TFCA) to fund eligible projects. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code (HSC) Sections 44241 and 44242.

Sixty percent of TFCA funds (60% Fund) are awarded by the Air District's Board of Directors (Board) to eligible projects and programs implemented directly by the Air District (e.g., Commuter Benefits, Vehicle Buy-Back, and Spare the Air) and through a grant program known as the Regional Fund. The remaining forty percent of TFCA funds are pass-through funds to a designated agency within each Bay Area county. Each year, the Board adopts cost-effectiveness and other criteria for the evaluation and ranking of project applications for the TFCA Program.

In addition to reducing air pollution, including toxic diesel particulate matter, TFCA-funded projects have other benefits including the following:

- Conserving energy and helping to reduce emissions of carbon dioxide (CO₂);
- Reducing traffic congestion; and

- Improving physical fitness and public safety by facilitating active modes of transportation such as walking and biking.

State legislation restricts TFCA funding to the following 11 categories of projects:

1. Implementation of ridesharing programs
2. Clean fuel school and transit bus purchases or leases
3. Last-mile commuter connection to rail/ferry stations and airports
4. Arterial traffic management
5. Rail-bus integration and regional transit information systems
6. Demonstration of congestion pricing of highways, bridges, and public transit
7. Low-emission vehicle projects
8. A smoking-vehicle program
9. A vehicle buy-back scrappage program
10. Bicycle facility improvement projects
11. Physical improvements that support “smart growth” projects

California HSC Section 44241.5 requires the Board to hold a public hearing annually to review the expenditure of revenues received by the Air District pursuant to Section 44241 to determine their effectiveness in improving air quality. This report serves this purpose.

FYE 2023 SUMMARY

This report summarizes the *expenditures* and *effectiveness* of the 16 Regional Fund projects and 4 Air District-sponsored programs that were completed¹ as of the end of fiscal year ending (FYE) 2023 – which was June 30, 2023 – and that were not included in previous reports. **Appendix A** lists each of the Regional Fund projects and Air District-sponsored programs that were summarized as part of this report.

¹ For the purpose of this report, staff considers a project to be “completed” when the Air District accepts and approves the project sponsor’s final invoice, which documents the project sponsor’s expenditure of all eligible project funds and the completion of transportation services or all initial project milestones (e.g., having procured, installed and/or placed all project-related vehicles, equipment, and infrastructure into service). Projects that involve the procurement of equipment/vehicles and construction of infrastructure typically also require continued operation of the funded equipment, vehicles, or infrastructure. These projects may continue to operate for several years after the final invoice is accepted and approved – until the operational and usage requirements are met.

Key Report Findings for Board Effectiveness Determination

- TFCA funds were allocated to eligible projects and programs, consistent with the legislation that authorizes the TFCA program.
- The TFCA expenditures for projects and programs totaled \$11.78 million. These expenditures include \$8.93 million in Regional Fund projects, \$1.91 million in Air District-sponsored programs, and \$0.95 million in administrative and indirect costs.
- About 62% of funds spent provided mobile source emissions reductions in Priority Communities.²
- During their operational periods, the projects and programs reduced criteria pollutant emissions by an estimated 45.59 tons, including 11.80 tons of reactive organic gases (ROG), 9.21 tons of nitrogen oxides (NO_x), and 24.58 tons of particulate matter (PM₁₀) – and reduced emissions of carbon dioxide (CO₂), by over 29,000 tons.
- These projects and programs achieved a combined weighted average cost-effectiveness of \$148,173 per ton of criteria pollutant emissions reduced.

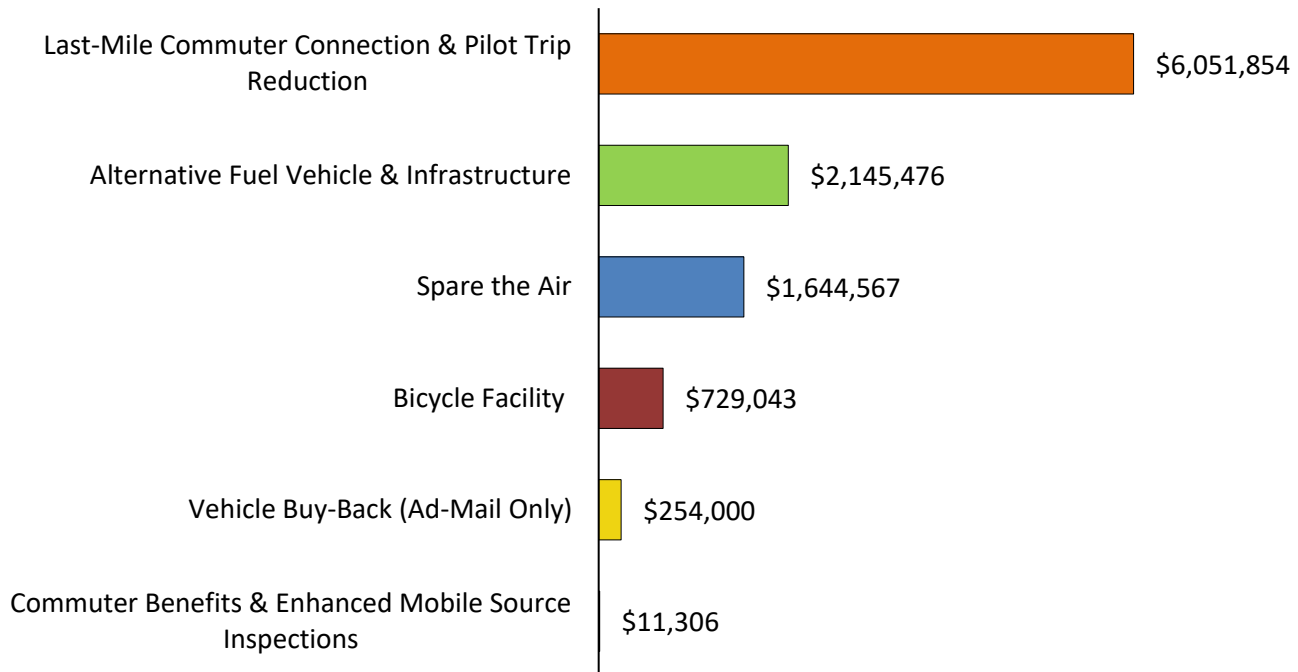
EXPENDITURES

The expenditure of these projects and programs totals approximately \$11.78 million. This total includes \$1.91 million for the programs administered directly by the Air District, \$8.93 million in Regional Fund grants to other organizations, and \$0.95 million in administrative and audit costs associated with the oversight of the TFCA program in FYE 2023. About 62% of funds spent provided mobile source emissions reductions in Priority Communities.²

A summary of the expenditures for these TFCA Regional Fund projects and Air District-sponsored programs is shown in **Figure 1**.

² Priority Communities include communities that have been identified through the AB617 process (i.e., West Oakland and East Oakland in Alameda County, Richmond/San Pablo in Contra Costa County, and Bayview-Hunters Point in San Francisco), SB 535 Disadvantaged Communities (DAC), and AB1550 Low-Income Communities (LIC). Regional projects (i.e., 21R01a, 21R01b, 23R02, 23R03, and 19R17) were excluded from this calculation.

Figure 1. Summary of FYE 2023 Expenditures



EFFECTIVENESS

The cost-effectiveness of a project or program is calculated by dividing the amount of TFCA funds assigned to the project (awarded or expended) by the sum of criteria pollutant emissions (ROG, NO_x, and weighted PM₁₀) reduced by the project during its operational period. Therefore, projects with a lower value in cost-effectiveness require fewer TFCA funds to reduce one ton of criteria emissions. In other words, a lower numeric value means that the project is more cost-effective. Typically, cost-effective projects are highly utilized, involve the operation of zero-emission vehicles, are located in densely populated areas or near activity centers or mass transit hubs, and/or are supported with high percentages of matching funds.

Projects and programs included in this report will reduce criteria pollutant emissions over their operational periods by an estimated total of 45.59 tons. This total is the sum of ozone precursors (11.80 tons of ROG and 9.21 tons of NO_x) and particulate matter (24.58 tons of PM₁₀). These projects and programs will also reduce CO₂ emissions over their operational periods by an estimated 29,000 tons.³

The combined weighted-average cost-effectiveness of the projects and programs reported for FYE 2023 is \$148,173 per ton of criteria pollutant emissions reduced. The Board-adopted cost-effectiveness limits for these projects and programs range from \$150,000 per ton of criteria pollutant emissions reduced to \$500,000 depending on the project category and the year it was funded. Thus, the resulting combined weighted-average cost effectiveness indicates that these projects and programs are more cost-effective than the average

³ Emission reductions reported for criteria pollutants and CO₂ do not include emissions from the Vehicle Buy-Back and Enhanced Mobile Source Inspection.

approved limit. These estimated emissions reductions are also conservative in that many projects continue to operate and reduce emissions even after their operational periods ended; these projects have the potential to be more cost-effective (i.e. lower cost per ton of emissions reduced) in reducing emissions than what is presented in this report.

A summary of expenditures, emission reductions, and cost-effectiveness values by program category is provided in **Table 1**.

Table 1: Emission Reductions and Cost-Effectiveness by Program Category for Projects and Programs Completed by the End of FYE 2023

Category	# of Projects	TFCA \$ Expended	% of TFCA \$ Expended	Emissions Reduced (tons) ^a	% of Emissions Reduced	Weighted Cost-Effectiveness (\$/ton) ^b
Bicycle Facility	4	\$729,043	6.73%	4.59	10.07%	\$24,983
Pilot Trip Reduction	1	\$510,783	4.71%	0.00	0%	-\$34,003
Alternative Fuel Vehicle & Infrastructure	4	\$2,145,476	19.80%	2.96	6.50%	\$1,163,462
Commuter Benefits & Enhanced Mobile Source Inspections	2	\$11,306	0.10%	0.80	1.75%	\$14,185
Spare the Air ^c	8	\$7,185,638	66.31%	37.24	81.69%	\$188,509
Vehicle Buy-Back (Ad-Mail Only)	1	\$254,000	2.34%	-	-	-
Total for Projects and Programs^d	20	\$10,836,246	100%	45.59	100%	\$148,173
Administration		\$946,535				

(a) Combined emission reductions of ROG, NO_x, and PM₁₀ over project operational period.

(b) Consistent with the current California Air Resources Board methodology to calculate cost-effectiveness for the Carl Moyer Program (CMP), PM emissions were weighted by a factor of 20 to account for their harmful impacts on human health.

(c) Spare the Air emission reduction includes last-mile commuter connections.

(d) Totals may vary due to rounding.

The combined weighted-average cost-effectiveness of the projects and programs reported in FYE 2023 is an 10% increase from FYE 2022, meaning that the projects closed out in FYE 2023 were more cost-effective than the previous year. The variation of combined weighted-average cost-effectiveness from year to year is also due to that fact that different types of projects that have different cost-effectiveness limits were completed and included in the cost-effectiveness evaluation each year.

One of the Regional Fund projects listed in Appendix A did not meet the cost-effectiveness threshold of its respective program at the conclusion of its operational period. Below is a discussion on the performance of this project, which resulted in a higher-than-expected cost-effectiveness value.

Project Sponsor: Union City Transit	Project #: 19R22
Project Description: Union City Transit Microtransit Pilot to Union City Central Business District	Final Weighted Cost-Effectiveness: -\$34,003,622
<p>Discussion: The project was evaluated in 2020 and Board approved for a higher cost-effectiveness of \$500,000. The project was estimated to have a weighted cost-effectiveness of \$500,000. The project operational period began in calendar year 2021 when transit ridership still had not recovered due to the pandemic. The service continued to operate for about a year and a half. Due to sustained low participation rate the resulting project did not reduce any emissions.</p>	

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APPENDIX A: TFCA REGIONAL FUND PROJECTS AND AIR DISTRICT-SPONSORED PROGRAMS

Project #	Project Sponsor	Project Description	Weighted Cost-Effectiveness (per ton)	TFCA Funds Expended
16EV003	Powertree Services Inc.	Install 39 single-port level 2 charging stations (with solar) in San Francisco	\$499,736	\$234,000
16EV039	City of Lafayette	Install 2 single-port and 1 dual-port Level 2 charging stations in Lafayette	\$250,000	\$12,000
17R28	City of San Jose	Install 26 electronic bicycle lockers containing 104 bicycle parking spaces in San Jose	\$242,901	\$208,000
17EV018	Los Altos School District	Install and operate 182 single port level 2 (high) and 8 DC Fast charging stations with solar at 9 workplace facilities in Los Altos, Mountain View, and Los Altos Hills	\$413,726	\$1,166,924
18R15	City of San Rafael	Install 0.87 miles of Class I bikeway in San Rafael	\$6,050.72	\$162,374
18R17	East Bay Regional Park District	Install 0.45 miles of Class I bikeway in Rodeo	\$250,000	\$138,669
19R17	Metropolitan Transportation Commission	511 Vanpool Program/511 Carpool Program	N/A*	\$2,997,645
19R22	Union City Transit	Union City Transit Microtransit Pilot to Union City Central Business District	-\$34,003,622 ^a	\$510,783
20R06	Presidio Trust	PresidiGO Downtown Shuttle	N/A*	\$120,000
20R15	City of San Leandro	Install 0.26-mile Class IV Bike Lanes on Fairmont Drive in San Leandro	\$500,000	\$220,000
20R18	Associated Students, San Jose State University	SJSU Trip Reduction	N/A*	\$98,100

Project #	Project Sponsor	Project Description	Weighted Cost-Effectiveness (per ton)	TFCA Funds Expended
21R09	Associated Students, San Jose State University	SJSU Ridesharing & Trip Reduction	N/A*	\$186,666
21R10	Presidio Trust	PresidiGO Downtown Shuttle	N/A*	\$240,000
21R11	Santa Clara Valley Transportation Authority	Altamont Commuter Express (ACE) Shuttle Bus Program	N/A*	\$1,818,660
21R12	San Joaquin Regional Rail Commission	Pleasanton Connector Shuttles	N/A*	\$80,000
21SBP211	Menlo Park City School District	Menlo Park City School District school bus and infrastructure (TFCA match funding for the replacement of 2 diesel school buses with electric)	N/A	\$732,552
16 Regional Fund Projects			Subtotal of Regional Fund Projects:	\$8,926,374

Project #	Project Sponsor	Project Description	Weighted Cost-Effectiveness (per ton)	TFCA Funds Expended
23R01a	BAAQMD	FYE 2023 Commuter Benefits Enforcement	N/A	\$0
23R01b	BAAQMD	FYE 2023 Enhanced Mobile Source Inspection	not determined ^b	\$11,306
23R02	BAAQMD	FYE 2023 Admail for Vehicle Buy-Back ^c (TFCA portion)	N/A	\$254,000
23R03	BAAQMD	FYE 2023 Spare the Air	\$188,509 ^d	\$1,644,567

4 Air District-Sponsored Programs				Subtotal of Air District-Sponsored Programs:	\$1,909,872
23R00	BAAQMD	FYE 2023 Administration ^e		N/A	\$946,535
Subtotal of Administration Expenditures for Regional Fund Projects and Air District-Sponsored Programs:					\$946,535
				Grant Total:	\$11,782,781

* Last-mile Commuter Connections were evaluated as part of Spare the Air.

(a) Project or program did not meet the cost-effectiveness limit that was adopted by the Board for the year that the project was approved.

(b) Cost-effectiveness cannot be determined due to no survey responses during the pandemic.

(c) Total FYE 2023 program cost (which includes funds from CMP, MSIF, and TFCA) is \$2,849,338.63

(d) Spare the Air emission reduction includes last-mile commuter connections.

(e) Sixty percent of the total administrative and audit costs expended in FYE 2023.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Approval of the Legislative Platform for 2024

RECOMMENDED ACTION

The Policy, Grants, and Technology Committee (Committee) will consider approving the attached Legislative Platform for 2024.

BACKGROUND

The Legislative Platform is an attempt to provide overall advocacy principles to the Committee and Board of Directors, as well as provide guidance to Air District staff for this legislative year.

A draft of the Legislative Platform for 2024 was presented to the Air District's former Legislative Committee at their November 29, 2023 meeting. Funding information related to the Governor's proposed budget for fiscal year 2024-25 has been included in the attachment.

DISCUSSION

The platform is divided into three sections – state budget, state legislation, and federal legislation and regulatory activity. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. Legislative Platform for 2024



Legislative Platform (2024)

State Budget

1. **State Funding for Clean Air Projects:** Advocate for new and continued funding for investment in projects that reduce air pollution and exposure in the Bay Area. The Air District will pursue funding to support programs in the Bay Area Region from all available sources, including Carl Moyer, the Greenhouse Gas Revenue Fund, and the Air Pollution Control Fund.
2. **AB 617 Community Air Protection Program Implementation and Incentive Funding:** Advocate for adequate and continuous funding to support the Air District's AB 617 Community Air Protection Program. The state should provide necessary resources to fund the emissions inventory, regulatory, administrative, air monitoring, and community outreach activities necessary to effectively implement AB 617 requirements. The Governor's proposed 2024-25 budget includes statewide funding in the amount of \$50 million (M) for implementation, \$195M for incentives, and \$5M for community grants, which are decreases from the approved 2023-24 budget of \$60M, \$234M, and \$6M respectively.
3. **Wildfire Smoke Public Health Response:** The Air District sponsored AB 836 Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program by Assemblymember Wicks in 2019, which received funding in the state budget for 2020-21 for \$5M. Subsequent budgets have absorbed clean air center funding into a concept called "resilience centers." The Air District will strongly advocate for continued funding of resilience centers and clean air centers.
4. **Support for Air District Activities Related to Wildfire Mitigation:** The passage of Senate Bill (SB) 1260 in 2018 has provided funding for air districts to support prescribed fire and other forest health activities by land managers, which has been continuously funded since then. The Air District will continue to advocate for this funding.
5. **Clean Tech Financing:** Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
6. **Low-Carbon Transportation Incentives:** Support proposals for mobile source incentive programs that accelerate the turnover of older and more polluting diesel engines with cleaner alternatives, including zero-emission alternatives, that reduce emissions of greenhouse gases, criteria pollutants and precursors, and toxic air contaminants.
7. **Commercial Harbor Craft Funding:** The 2022-23 budget included \$60M to reduce emissions from commercial harbor craft subject to regulation by the California Air Resources Board (CARB), however the 2023-24 budget and the Governor's proposed 2024-25 budget did/does not include any additional funding. The Air District will continue to strongly advocate for additional funding for this program.



Legislative Platform (2024)

State Legislation

1. **Vehicle Emissions and Reducing Vehicle Miles Traveled:** Support legislative proposals that encourage active transportation, reduce vehicle miles traveled, and reduce emissions in the transportation sector. Oppose legislative proposals that roll back existing smog check and vehicle maintenance requirements.
2. **Climate Change:** Support legislative proposals that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, supporting Community Choice Aggregation programs.
3. **Green and Healthy Buildings:** Support legislative proposals that accelerate low carbon buildings, support implementation of Air District Rule 9-4 and Rule 9-6 and promote energy efficiency in both new and existing buildings.
4. **AB 617 Community Air Protection Program:** Support legislative proposals that seek to reduce emissions and exposure in overburdened communities consistent with the framework of the Federal Clean Air Act and California Clean Air Act.
5. **Wildfire Smoke Public Health Response:** Support legislative proposals that would improve indoor air quality in public and non-public spaces through improved filtration or weatherization, especially in vulnerable and disadvantaged communities.
6. **Emergency Backup Generation:** Support legislative proposals that seek to reduce diesel particulate emissions in backup generation through use of cleaner generation. Oppose legislative proposals that restrict air district regulatory authority of diesel backup generators.
7. **Toxic Air Emissions:** Support legislative proposals to reduce emissions and exposure of air toxics. Oppose legislation that would potentially result in increases of exposure to air toxic emissions in the Bay Area Region.
8. **Wildfire Smoke Mitigation/Prescribed Fire:** Support legislative proposals to proactively reduce smoke from catastrophic wildfires through responsible fuel management policies, including the use of prescribed fire.
9. **Stationary Source Greenhouse Gas Authority:** Support legislative proposals to allow local air district the authority to establish stationary source greenhouse gas limits.
10. **Land Use:** Monitor legislative proposals that have the potential to directly affect local and regional air quality goals.



Legislative Platform (2024)

Federal Legislation and Regulatory Activity

1. **Federal Funding for Air District Clean Air Programs:** Advocate for continuous and increased funding for Air District programs that reduce emissions and exposure, or that support monitoring and planning efforts in the Bay Area Region, including federal 103 and 105 grants, Diesel Emission Reduction Act grants, and Targeted Airshed Grants.
2. **Wildfire Smoke Public Health Response:** Support federal level efforts, including legislative efforts, to improve wildfire smoke public health response and indoor air quality in the Bay Area Region.
3. **Clean Transportation Programs:** Support efforts to secure funding for clean transportation infrastructure in the Bay Area in federal transportation bills, the Bipartisan Infrastructure Law, and the Inflation Reduction Act.
4. **Clean Energy Programs:** Support efforts to promote clean energy technology through incentive funding or tax credits, especially in disadvantaged communities in the Bay Area. Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
5. **Particulate Matter Standards:** Support EPA's proposal to set a more health-protective particulate matter standard consistent with the scientific evidence.
6. **Vehicle Emission Standards:** Support efforts to retain stringent vehicle emission standards that align with current California standards for light-, medium-, and heavy-duty vehicles. Support efforts to retain California vehicle emission standard authority.
7. **Climate Change:** Support federal level efforts, including legislative efforts, that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, supporting Community Choice Aggregation programs.
8. **Green and Healthy Buildings:** Support federal level efforts, including legislative efforts, that accelerate low carbon buildings, support implementation of Air District Rule 9-4 and 9-6 and promote energy efficiency in both new and existing buildings.
9. **Leaded Aviation Gas:** Support efforts to cause EPA to adopt additional regulatory and incentive programs to promote use of lower lead and no-lead alternatives at general aviation airports.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Air District Sponsored/Co-Sponsored Bills

RECOMMENDED ACTION

Approve staff's recommendation of SUPPORT for the following bill:

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

BACKGROUND

Air District Sponsored Bills:

- Assembly Bill (AB) 1465 (Wicks) – Nonvehicular air pollution: civil penalties.
- SB 1095 (Becker) – Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

Air District Co-Sponsored Bills:

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

DISCUSSION

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

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

Staff Recommendation: Support and offer to sponsor/co-sponsor, if necessary.

Staff Notes: SB 382 is a 2-year bill that was originally introduced as a workforce development bill in 2023. The Air District had been working with the Senator’s staff on several ideas related to supporting our zero-NO_x appliance rules, as well as future statewide rules, and identified realtor disclosures as a potential bill concept (i.e. making sure that potential home buyers were aware of future zero NO_x or electrification requirements). As a result of those discussions, the Senator amended SB 382 with an electric panel disclosure requirement that subsequently passed the Senate and is now in the Assembly, meeting its house of origin requirement as a 2-year bill. It is likely that the bill will now wait in the Assembly for Senate bills introduced in 2024 to catch up before restarting committee hearings. During this time, we plan to work with the Senator on a similar disclosure to add to the bill that would note impending deadlines for purchasing zero-NO_x appliances for replacement purposes.

The Senator may not need a sponsor or additional co-sponsor for SB 382 as a result of any further amendments.

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

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

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

Position: Sponsor

SB 1095 (Becker) – Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

CapitolTrack Summary: The Manufactured Housing Act of 1980 (the “act”) requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling

mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. This bill would specify that the definitions of “manufactured home” and “mobilehome” also include the plumbing, heating, air-conditioning, and electrical systems contained outside the structure.

Staff Notes: This bill will update the Civil Code and Health and Safety Code to address language ambiguity related to electric appliances.

Current Status: Sponsor

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

CapitolTrack Summary: Current law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Current law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood. This bill would require the council, on or before January 1, 2027, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts.

Staff Notes: This bill is a reintroduction of last year’s Air District-sponsored bill, *AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program*, which passed the Assembly, receiving zero “no” votes. The bill was referred to the Senate Committee on Natural Resources and Water, again, receiving zero “no” votes. The bill was referred to the Senate Appropriations Committee where it was placed on the Suspense File, and subsequently held under submission on September 1, 2023. The new version of the bill will address and hopefully reduce some of the fiscal constraints that were added late in the process which ultimately led to AB 953 being held in Senate Appropriations.

Current Status: Co-Sponsor

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. SB 382 (Becker) – Bill Text – As Amended on January 4, 2024
2. AB 1465 (Wicks) – Bill Text – As Amended on July 13, 2023
3. AB 2298 (Hart, et al.) – Bill Text – As Introduced on February 12, 2024
4. SB 1095 (Becker) – Bill Text – As Introduced on February 12, 2024
5. SB 1095 (Becker) – Fact Sheet

AMENDED IN SENATE JANUARY 4, 2024

AMENDED IN SENATE JANUARY 3, 2024

AMENDED IN SENATE APRIL 18, 2023

SENATE BILL

No. 382

Introduced by Senator Becker

February 9, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

1 SECTION 1. Section 1102.6i is added to the Civil Code, to
 2 read:
 3 1102.6i. ~~(a) On or after January 1, 2026, in addition to any~~
 4 ~~other disclosure required pursuant to this article, the seller of any~~
 5 ~~real property subject to this article, or the seller’s agent, shall do~~
 6 ~~both of the following: deliver to the prospective buyer a disclosure~~
 7 ~~statement that provides as follows: “In a purchase of real property,~~
 8 ~~it may be advisable to obtain an inspection of the electrical~~
 9 ~~system(s) of any buildings, including, but not limited to, the main~~
 10 ~~service panel, the subpanel(s), and wiring. Substandard, recalled,~~
 11 ~~or faulty wiring may cause a fire risk and may make it difficult to~~
 12 ~~obtain property insurance. Limited electrical capacity may make~~
 13 ~~it difficult to support future electrical additions to the building(s),~~
 14 ~~such as solar generation, electric space heating, electric water~~
 15 ~~heating, or electric vehicle charging equipment.”~~
 16 ~~(1) Obtain a safety inspection of the building’s electrical~~
 17 ~~systems, including, but not limited to, all of the following:~~
 18 ~~(A) The main service panel.~~
 19 ~~(B) Subpanels.~~
 20 ~~(C) Wiring.~~
 21 ~~(2) Provide a disclosure notice to the prospective buyer of any~~
 22 ~~issues identified in the safety inspection that may do either of the~~
 23 ~~following:~~
 24 ~~(A) Impact the safety of the building.~~
 25 ~~(B) Require the buyer to upgrade or replace the electrical~~
 26 ~~systems to comply with building codes or health and safety codes.~~
 27 ~~(b) The safety inspection shall consider, at minimum, all of the~~
 28 ~~following:~~
 29 ~~(1) An electrical service panel or subpanel model that has been~~
 30 ~~subject to a recall.~~
 31 ~~(2) An electrical service panel or subpanel model that is~~
 32 ~~considered to be unsafe according to standard industry practice.~~
 33 ~~(3) An electrical service panel or subpanel that employs fuses~~
 34 ~~instead of circuit breakers.~~
 35 ~~(4) An electrical service panel that lacks a single main~~
 36 ~~disconnect breaker.~~
 37 ~~(5) An electrical service panel or subpanel with significant signs~~
 38 ~~of faulty wiring, wear, corrosion, infiltration of moisture, or other~~

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

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AMENDED IN SENATE JULY 13, 2023

AMENDED IN SENATE JUNE 21, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Wicks

February 17, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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ASSEMBLY BILL

No. 2298

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

February 12, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 35618. (a) On or before January 1, 2027, the council shall, in
20 coordination with air pollution control districts and air quality
21 management districts along the coast and in consultation with the
22 federal Office of National Marine Sanctuaries, the federal
23 Environmental Protection Agency, the United States Navy, the
24 United States Coast Guard, the State Air Resources Board, and
25 maritime industry, implement a statewide voluntary vessel speed
26 reduction and sustainable shipping program for the California coast
27 in order to reduce air pollution, the risk of fatal vessel strikes on
28 whales, and harmful underwater acoustic impacts.

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

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

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

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

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

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

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

17 (7) Seasonality of the program.

18 (8) Description of covered vessels.

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

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

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

30 (f) (1) On or before December 31, 2027, the council shall submit
31 a report to the Legislature regarding the implementation of the
32 program.

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

35 (3) Pursuant to Section 10231.5 of the Government Code, the
36 requirement for submitting a report imposed by paragraph (1) is
37 inoperative on December 31, 2031.

38 (g) The program, each component of the program, and actions
39 taken by the council to implement the program are based upon
40 voluntary actions initiated by entities pursuant to this section and

1 are not regulations as defined in Section 11342.600 of the
2 Government Code, and shall not be implemented in a way that
3 conflicts with federal law and regulations.

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Introduced by Senator BeckerFebruary 12, 2024

An act to add Section 4737 to the Civil Code, and to amend Sections 17958.8, 18007, 18008, 18031.7, and 18031.8 of, to add Section 18031.9 to, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1095, as introduced, Becker. Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

(1) Existing law, the Manufactured Housing Act of 1980 (the “act”), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines “manufactured home” and “mobilehome” to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure.

This bill would specify that the definitions of “manufactured home” and “mobilehome” also include the plumbing, heating, air-conditioning, and electrical systems contained outside the structure.

The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified.

This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome.

This bill would provide that the act, including any regulation, rule, or bulletin adopted pursuant thereto, does not prohibit the installation of plumbing, heating, or air-conditioning systems for manufactured homes, mobilehomes, or multifamily manufactured homes from being located outside of the home if necessary to replace an existing fuel-gas-burning water heater.

(2) The act requires replacement fuel-gas-burning water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

This bill would also require replacement electric water heaters to be listed for residential use and installed within the specifications of that listing to include tiedown or bracing to prevent overturning.

The act requires fuel-gas-burning water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

This bill would also require electric water heater appliances in new manufactured homes or new multifamily manufactured homes to be seismically braced, anchored, or strapped, as specified.

The act required the Department of Housing and Community Development, on or before July 1, 2009, to promulgate rules and regulations that include standards for water heater seismic bracing, anchoring, or strapping.

This bill would require the department, on or before August 15, 2025, to promulgate rules and regulations that include standards for electric water heater seismic bracing, anchoring, or strapping, as specified.

This bill would also require the department, if necessary, by December 31, 2025, to update rules and regulations that facilitate the use of electricity-powered space and water heating technologies for manufactured homes, mobilehomes, and multifamily manufactured homes when necessary to replace fuel-burning appliances with electric appliances.

The act provides that any person who knowingly violates any provision of the act or any rule or regulation issued pursuant to the act is guilty of a misdemeanor.

By establishing new standards applicable to the installation and replacement of electric water heaters, the bill would expand the above-mentioned crime and thus impose a state-mandated local program.

(3) The act provides that it does not prohibit the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with fuel-gas-burning ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

This bill would authorize the replacement in manufactured homes or mobilehomes of ovens, ranges, or clothes dryers with electric ovens, ranges, or clothes dryers that are not specifically listed for use in a manufactured home or mobilehome.

The act requires replacement gas-fuel-burning ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

This bill would require replacement electric ovens, ranges, or clothes dryers to be listed for residential use and installed in accordance with the specifications of that listing to include tiedown and bracing to prevent displacement.

(4) Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. The State Housing Law requires local ordinances or regulations that govern the alteration and repair of existing buildings to permit the replacement, retention, and extension of original materials and the use of original methods of constructions, provided that the portion of the building and structure complies with applicable building code provisions and the building does not become or continue to be a substandard building, as specified.

This bill would provide that the above provision regarding the use of original materials and methods of construction does not prevail over any state or local law that prohibits the use or installation of fuel-gas-burning appliances or that requires the use or installation of electric appliances.

(5) The Davis-Stirling Common Interest Development Act governs the management and operation of common interest developments. Existing law makes void and unenforceable any provision of the governing documents or architectural or landscaping guidelines or policies that prohibits use of low water-using plants, or prohibits or restricts compliance with water-efficient landscape ordinances or regulations on the use of water, as specified.

This bill would make void and unenforceable any provision of the governing documents or architectural guidelines or policies to the extent

that the provision prevents the replacement of a fuel-gas-burning appliance with an electric appliance.

(6) This bill would state that specified provisions of the bill are declaratory of existing law.

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

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

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Cozy Homes Cleanup Act.

3 SEC. 2. Section 4737 is added to the Civil Code, to read:

4 4737. Notwithstanding any other law, any provision of the
5 governing documents or architectural guidelines or policies shall
6 be void and unenforceable to the extent that the provision prevents
7 the replacement of a fuel-gas-burning appliance with an electric
8 appliance.

9 SEC. 3. Section 17958.8 of the Health and Safety Code is
10 amended to read:

11 17958.8. (a) Local ordinances or regulations governing
12 alterations and repair of existing buildings shall permit the
13 replacement, retention, and extension of original materials and the
14 use of original methods of construction for any building or
15 accessory structure subject to this part, including a hotel,
16 lodginghouse, motel, apartment house, or dwelling, or portions
17 thereof, as long as the portion of the building and structure subject
18 to the replacement, retention, or extension of original materials
19 and the use of original methods of construction complies with the
20 building code provisions governing that portion of the building or
21 accessory structure at the time of construction, and the other rules
22 and regulations of the department or alternative local standards
23 governing that portion at the time of its construction and adopted
24 pursuant to Section 13143.2 and the building or accessory structure
25 does not become or continue to be a substandard building.

1 **(b)** *This section shall not prevail over any other state or local*
2 *law that prohibits the use or installation of fuel-gas-burning*
3 *appliances or that requires the use or installation of electric*
4 *appliances.*

5 SEC. 4. Section 18007 of the Health and Safety Code is
6 amended to read:

7 18007. (a) “Manufactured home,” for the purposes of this part,
8 means a structure that was constructed on or after June 15, 1976,
9 is transportable in one or more sections, is eight body feet or more
10 in width, or 40 body feet or more in length, in the traveling mode,
11 or, when erected on site, is 320 or more square feet, is built on a
12 permanent chassis and designed to be used as a single-family
13 dwelling with or without a foundation when connected to the
14 required utilities, and includes the plumbing, heating, air
15 conditioning, and electrical systems contained ~~therein.~~ *within or*
16 *outside the structure.* “Manufactured home” includes any structure
17 that meets all the requirements of this paragraph except the size
18 requirements and with respect to which the manufacturer
19 voluntarily files a certification and complies with the standards
20 established under the National Manufactured Housing Construction
21 and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

22 (b) Notwithstanding any other provision of law, if a codified
23 provision of state law uses the term “manufactured home,” and it
24 clearly appears from the context that the term “manufactured home”
25 should apply only to manufactured homes, as defined under
26 subdivision (a), the codified provision shall apply only to those
27 manufactured homes. If any codified provision of state law, by its
28 context, requires that the term applies to manufactured homes or
29 mobilehomes without regard to the date of construction, the
30 codified provision shall apply to both manufactured homes, as
31 defined under subdivision (a), and mobilehomes as defined under
32 Section 18008.

33 SEC. 5. Section 18008 of the Health and Safety Code is
34 amended to read:

35 18008. (a) “Mobilehome,” for the purposes of this part, means
36 a structure that was constructed prior to June 15, 1976, is
37 transportable in one or more sections, is eight body feet or more
38 in width, or 40 body feet or more in length, in the traveling mode,
39 or, when erected onsite, is 320 or more square feet, is built on a
40 permanent chassis and designed to be used as a single-family

1 dwelling with or without a foundation system when connected to
2 the required utilities, and includes the plumbing, heating, air
3 conditioning, and electrical systems contained ~~therein~~ *within or*
4 *outside the structure*. “Mobilehome” includes any structure that
5 meets all the requirements of this paragraph and complies with the
6 state standards for mobilehomes in effect at the time of
7 construction. “Mobilehome” does not include a commercial
8 modular, as defined in Section 18001.8, factory-built housing, as
9 defined in Section 19971, a manufactured home, as defined in
10 Section 18007, a multifamily manufactured home, as defined in
11 Section 18008.7, or a recreational vehicle, as defined in Section
12 18010.

13 (b) Notwithstanding any other provision of law, if a codified
14 provision of state law uses the term “mobilehome,” and it clearly
15 appears from the context that the term “mobilehome” should apply
16 only to mobilehomes, as defined under subdivision (a), the codified
17 provision shall apply only to those mobilehomes. If any codified
18 provision of state law, by its context, requires that the term applies
19 to mobilehomes or manufactured homes without regard to the date
20 of construction, the codified provision shall apply to both
21 mobilehomes, as defined under subdivision (a), and manufactured
22 homes, as defined under Section 18007.

23 SEC. 6. Section 18031.7 of the Health and Safety Code is
24 amended to read:

25 18031.7. (a) (1) Nothing in this part shall prohibit the
26 replacement of water heaters in manufactured homes or
27 mobilehomes with *electric or* fuel-gas-burning water heaters not
28 specifically listed for use in a manufactured home or mobilehome
29 or from having hot water supplied from an approved source within
30 the manufactured home or mobilehome, or in the garage, in
31 accordance with this part or Part 2.1 (commencing with Section
32 18200).

33 ~~(b)~~
34 (2) Nothing in this part shall prohibit the replacement of
35 appliances for comfort heating in manufactured homes,
36 mobilehomes, or multifamily manufactured homes with *electric*
37 *or* fuel-gas appliances for comfort heating not specifically listed
38 for use in a manufactured home or mobilehome within the
39 manufactured home, mobilehome, or multifamily manufactured

1 home in accordance with this part, Part 2.1 (commencing with
2 Section 18200), or Part 2.3 (commencing with Section 18860).

3 (b) *Nothing in this part, nor any regulation, rule, or bulletin*
4 *adopted pursuant to this part, shall prohibit the installation of*
5 *plumbing, heating, or air-conditioning systems for manufactured*
6 *homes, mobilehomes, or multifamily manufactured homes from*
7 *being located outside of the home if necessary to replace an*
8 *existing fuel-gas-burning water heater.*

9 (c) Replacement *electric or fuel-gas-burning* water heaters shall
10 be listed for residential use and installed within the specifications
11 of that listing to include tiedown or bracing to prevent overturning.

12 (d) Replacement *electric or fuel-gas-burning* water heaters
13 installed in accordance with subdivision (c) shall bear a label
14 permanently affixed in a visible location adjacent to the fuel gas
15 inlet *or electrical power source* which reads, as applicable:

16
17
18

WARNING

This appliance is approved only for use with natural gas (NG).

19
20
21

OR

22
23
24

WARNING

This appliance is approved only for use with liquified petroleum gas (LPG).

25
26
27

OR

28
29
30

WARNING

This appliance is approved only for electrical use.

31
32
33 Lettering on the label shall be black on a red background and
34 not less than ¼ inch in height except for the word “WARNING”
35 which shall be not less than ½ inch in height.

36 (e) (1) All *electric or fuel-gas-burning* water heater appliances
37 in new manufactured homes or new multifamily manufactured
38 homes installed in the state shall be seismically braced, anchored,

1 or strapped pursuant to paragraph (3) *or* (4) and shall be completed
2 before or at the time of installation of the homes.

3 (2) Any replacement *electric or* fuel-gas-burning water heater
4 appliances installed in existing mobilehomes, existing
5 manufactured homes, or existing multifamily manufactured homes
6 that are offered for sale, rent, or lease shall be seismically braced,
7 anchored, or strapped pursuant to paragraph~~(3)~~: (3) *or* (4).

8 (3) On or before July 1, 2009, the department shall promulgate
9 rules and regulations that include standards for water heater seismic
10 bracing, anchoring, or strapping. These standards shall be
11 substantially in accordance with either the guidelines developed
12 pursuant to Section 19215 or the California Plumbing Code (Part
13 5 of Title 24 of the California Code of Regulations), and shall be
14 applicable statewide.

15 (4) *On or before August 15, 2025, the department shall*
16 *promulgate rules and regulations that include standards for electric*
17 *water heater seismic bracing, anchoring, or strapping. These*
18 *standards shall be substantially in accordance with either the*
19 *guidelines developed pursuant to Section 19215 or the California*
20 *Plumbing Code (Part 5 of Title 24 of the California Code of*
21 *Regulations), and shall be applicable statewide.*

22 ~~(4)~~

23 (5) The dealer, or manufacturer acting as a dealer, responsible,
24 as part of the purchase contract, for both the sale and installation
25 of any home subject to this subdivision shall ensure all water
26 heaters are seismically braced, anchored, or strapped in compliance
27 with this subdivision prior to completion of installation.

28 ~~(5)~~

29 (6) In the event of a sale of a home, pursuant to either paragraph
30 (1) of subdivision (e) of Section 18035 or Section 18035.26, the
31 homeowner or contractor responsible for the installation of the
32 home shall ensure all *electric or* fuel-gas-burning water heater
33 appliances are seismically braced, anchored, or strapped consistent
34 with the requirements of paragraph (3). This requirement shall be
35 satisfied when the homeowner or responsible contractor signs a
36 declaration stating each *electric or* fuel-gas-burning water heater
37 is secured as required by this section on the date the declaration
38 is signed.

39 (f) All used mobilehomes, used manufactured homes, and used
40 multifamily manufactured homes that are sold shall, on or before

1 the date of transfer of title, have the *electric or* fuel-gas-burning
2 water heater appliance or appliances seismically braced, anchored,
3 or strapped consistent with the requirements of paragraph (3) *or*
4 (4) of subdivision (e). This requirement shall be satisfied if, within
5 45 days prior to the transfer of title, the transferor signs a
6 declaration stating that each water heater appliance in the used
7 mobilehome, used manufactured home, or used multifamily
8 manufactured home is secured pursuant to paragraph (3) *or* (4) of
9 subdivision (e) on the date the declaration is signed.

10 (g) For sales of manufactured homes or mobilehomes installed
11 on real property pursuant to subdivision (a) of Section 18551, as
12 to real estate agents licensed pursuant to Division 4 (commencing
13 with Section 10000) of the Business and Professions Code, the
14 real estate licensee duty provisions of Section 8897.5 of the
15 Government Code shall apply to this section.

16 SEC. 7. Section 18031.8 of the Health and Safety Code is
17 amended to read:

18 18031.8. (a) Nothing in this part or the regulations promulgated
19 thereunder shall prohibit the replacement in manufactured homes
20 or mobilehomes of ovens, ranges, or clothes dryers with *electric*
21 *or* fuel gas burning ovens, ranges, or clothes dryers not specifically
22 listed for use in a manufactured home or mobilehome.

23 (b) Replacement *electric or* fuel gas burning ovens, ranges, or
24 clothes dryers shall be listed for residential use and installed in
25 accordance with the specifications of that listing to include tiedown
26 and bracing to prevent displacement.

27 (c) Replacement *electric or* fuel gas burning ovens, ranges, or
28 clothes dryers installed in accordance with subdivision (b) shall
29 bear a label in compliance with subdivision (c) of Section 18031.7.

30 SEC. 8. Section 18031.9 is added to the Health and Safety
31 Code, to read:

32 18031.9. The department shall, if necessary, by December 31,
33 2025, update existing rules and regulations that facilitate the use
34 of electricity-powered space and water heating technologies for
35 manufactured homes, mobilehomes, and multifamily manufactured
36 homes when necessary to replace fuel-burning appliances with
37 electric appliances.

38 SEC. 9. The amendments to Sections 17958.8, 18007, and
39 18008 of the Health and Safety Code made by this act do not
40 constitute a change in, but are declaratory of, existing law.

1 SEC. 10. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

O



SB 1095 – The Cozy Homes Cleanup Act

SUMMARY

SB 1095 updates code ambiguities to ensure individuals can switch from gas to electric appliances, allowing Californians to opt for cozier and healthier zero-emission homes.

BACKGROUND

Residential buildings compose 8% of greenhouse gas emissions (GHG) in California.¹ To achieve the AB 1279 (Muratsuchi, 2022) goal of 85% GHG reductions through 2045, California is incentivizing and enabling the uptake of electric appliances in homes.

California’s Scoping Plan, budget, and regulations are all aiming to transition both the new and existing residential housing stock to be fully electric. The Scoping Plan calls for all electric appliances installed in new residential buildings by 2026. For existing buildings, the Scoping Plan establishes goals for the sales of new appliances to be 80% electric for residential buildings by 2030 and 100% by 2035, targeting the conversions of appliances at their end of life. In tandem with the scoping plan, Governor Newsom has established a target of 6 million heat pumps deployed in buildings by 2030.² The 2023-24 budget cycle committed \$423 million toward the direct installation of electric appliances, particularly targeted at low-income homes.³

Beyond increasing and improving the comfort of homes, building electrification will prevent asthma symptoms for over 300,000 Californians and prevent more than 1,000 deaths through 2045.⁴

THE PROBLEM

Despite California’s ambitious targets and incentives, local agencies and non-profit organizations at the forefront of electric appliance installations have raised concerns about outdated

¹ [CARB, 2021. GHG Emissions by Main Economic Sector](#)

² [Gov. Newsom, 2022. Letter to CARB.](#)

³ [SB 102 \(Budget Act of 2023\).](#)

⁴ [CARB, 2022. Scoping Plan.](#) Table 3-7.

health and safety codes that could prevent or discourage individuals from making the switch from gas to electric appliances.

Issues such as legal ambiguities or delays in approval of installation from a homeowner association can potentially add time or costs to the process of allowing residents to make the switch. This is particularly burdensome in cases of changes of appliances at the ‘end of life,’ where a family cannot and will not wait 3-6 months for their HOA to approve replacement water heater installation.

These outdated regulations could preemptively increase building electrification barriers and costs, particularly for edge cases installations of heat pumps on the exteriors of homes, or for replacements in mobile and multi-family homes.

SOLUTION

SB 1095 cleans up outdated building and safety codes language inhibiting or delaying building and home electrification. Specifically, this bill:

- Prevent HOAs from implementing provisions which prevent the switch from gas to electric appliances
- Clarifies the authority of individuals to replace gas with electric appliances in mobile and manufactured homes
- Clarifies that provisions regarding the right to the original construction materials of a building does not superseded local jurisdictional policies requiring gas to electric appliances switches
- Provides the Department of Housing and Community Development authority to update its regulations should further legal uncertainty inhibits appliance replacement

This legal language clean up will preemptively remove potential barriers that could frustrate Californians trying or required to make the switch to electric appliances.

SUPPORT

Bay Area Air Quality Management District
Natural Resources Defense Council

FOR MORE INFORMATION

Jo Gardias, *Legislative Aide*

Jo.Gardias@sen.ca.gov

(916) 651-4235

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: State Legislative Bill Review

RECOMMENDED ACTION

Approve staff's recommendation of SUPPORT for the following bills:

- Senate Bill (SB) 1158 (Archuleta) - Carl Moyer Memorial Air Quality Standards Attainment Program.
- SB 1193 (Menjivar) - Airports: leaded aviation gasoline.

Approve staff's recommendation of OPPOSE for the following bill:

- Assembly Bill (AB) 1894 (Ta) - Nonvehicular air pollution: civil penalties.

BACKGROUND

This is the second year of the two-year 2023-2024 Legislative Session. February 16, 2024, was the last day for bills to be introduced. Bills can be heard in committee 31 days after being introduced, with most bills being heard in committee beginning in mid-March.

Attached is a matrix of bills that the Air District is currently tracking and has been arranged by category.

As defined by the Legislative Counsel, a “spot bill” is a bill that proposes nonsubstantive amendments to a code section in a particular subject; introduced to assure that a bill will be available, subsequent to the deadline to introduce bills, for revision by amendments that are germane to the subject of the bill.

An “intent bill” is essentially a placeholder for a bill that will be amended in the subject area of the bill’s stated intent language.

Please note – as of this writing, all bills for the 2024 Legislative Session have not yet been introduced – staff will provide a verbal update, as noted below in the Discussion section.

Bills with a Board of Directors (Board) approved position that are still able to move in the 2024 Legislative Session:

AB 817 (Pacheco) – Open meetings: teleconferencing: subsidiary body.

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

Status: Passed the Assembly on January 25, 2024, ordered to the Senate. AB 817 is currently pending committee referral.

Position: Support

SB 537 (Becker) – Open meetings: multijurisdictional, cross-county agencies: teleconferences.

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

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

Status: The last location for SB 537 was the Assembly Floor. Ordered to the Inactive File on September 14, 2023.

Position: Support

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

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

Status: The last location for SB 674 was the Assembly Floor. Ordered to the Inactive File on September 14, 2023.

Position: Support

DISCUSSION

Staff will provide the Policy, Grants, and Technology Committee (Committee) with a brief summary and status of bills listed on the attached bill matrix and will recommend bills to support, oppose, and work with the author during the session. Staff will review other bills that may be of interest to the Committee.

Specifically, staff will plan to discuss the following bills:

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

CapitolTrack Summary: Current law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Current law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Current law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation. This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes. This bill contains other related provisions and other existing laws. (Based on 02/14/2024 text)

Status: This bill has not yet been referred to a committee for a hearing. The earliest it may be heard is March 16, 2024.

Staff Recommendation: Support

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

CapitolTrack Summary: Current law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime. This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided. (Based on 02/14/2024 text)

Status: This bill has not yet been referred to a committee for a hearing. The earliest it may be heard is March 16, 2024.

Staff Recommendation: Support

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

CapitolTrack Summary: Current law establishes the State Air Resources Board as the state agency with primary jurisdiction over the regulation of air pollution. Existing law generally designates air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Current law subjects violators of specified air pollution laws or any rule, regulation, permit, or order of a district or of the state board to specified civil penalties. This bill would require a district to provide a person with a period of not less than 30 days to rectify a violation before the person may be subject to those civil penalties. (Based on 01/23/2024 text)

Status: This bill has not yet been referred to a committee for a hearing. The earliest it may be heard is February 23, 2024.

Staff Recommendation: Oppose

As this Committee’s meeting materials will be posted on or before the February 16, 2024, deadline for bill introduction, staff will provide the Committee with a verbal update on any additional bills of interest and discuss any proposed recommended positions for those bills not included on the agenda. If the Committee determines that there are bills that they would like the Board to consider taking a position on of those bills that are not included on this meeting’s agenda, staff will include the Committee’s recommendations for those additional bills as an action item at the next Board meeting on March 6, 2024.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. Bills of Interest Matrix - As of February 16, 2024
2. SB 1158 (Archuleta) - Bill Text - As Introduced on February 14, 2024
3. SB 1193 (Menjivar) - Bill Text - As Introduced on February 14, 2024
4. AB 1894 (Ta) - Bill Text - As Introduced on January 23, 2024
5. AB 817 (Pacheco) - Bill Text - As Amended on January 17, 2024
6. SB 537 (Becker) - Bill Text - As Amended on September 5, 2023
7. SB 674 (Gonzalez) - Bill Text - As Amended on September 1, 2023

Bill #	Author	Subject	Last Amended	Last Status - As of 2/16/2024	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 593	Haney	Carbon emission reduction strategy: building sector.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Climate Change
AB 1992	Boerner	Coastal resources: coastal development permits: blue carbon demonstration projects.		02/12/2024 - Referred to Com. on NAT. RES.	02/12/2024 - Assembly NAT. RES.			Low	Climate Change
AB 2008	Wallis	Hard to Decarbonize Program.		02/12/2024 - Referred to Coms. on U. & E. and NAT. RES.	02/12/2024 - Assembly U. & E.			Low	Climate Change
AB 2331	Gabriel	Voluntary carbon market disclosures.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT	Intent Bill		Low	Climate Change
AB 2372	Bains	Greenhouse gas emissions: state board: report.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT			Low	Climate Change
AB 2543	Arambula	California Carbon Sequestration and Climate Resiliency Project Registry.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT	Spot Bill		Low	Climate Change
AB 2569	Connolly	Climate change.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT	Intent Bill		Low	Climate Change
AB 2572	Muratsuchi	Carbon Capture, Removal, Utilization, and Storage Program.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT	Spot Bill		Low	Climate Change
AB 2623	Arambula	Carbon dioxide transport.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT			Low	Climate Change
AB 2732	Papan	Climate change: childcare sector.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT	Intent Bill		Low	Climate Change
AB 2870	Muratsuchi	Methane: dairy and livestock.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT	Spot Bill		Low	Climate Change
SB 308	Becker	Carbon Dioxide Removal Market Development Act.	5/18/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 6/8/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Climate Change
SB 422	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.	3/20/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/12/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Medium	Climate Change
SB 972	Min	Methane emissions: organic waste: landfills.		02/14/2024 - Referred to Com. on E.Q.	02/14/2024 - Senate E.Q.			Low	Climate Change
SB 1036	Limón	Voluntary carbon offsets: business regulation.		02/14/2024 - Referred to Coms. on E.Q. and JUD.	02/14/2024 - Senate E.Q.			Low	Climate Change
SB 1136	Stern	California Global Warming Solutions Act of 2006: report.		02/14/2024 - From printer. May be acted upon on or after March 15.	02/13/2024 - Senate RLS.			Low	Climate Change
AB 124	Committee on Budget	Energy.	6/26/2023	08/14/2023 - Re-referred to Com. on B. & F.R.	08/14/2023 - Senate BUDGET & F.R.			Low	Energy
AB 1176	Zbur	General plans: Local Electrification Planning Act.	5/26/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/14/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	Energy
AB 1921	Papan	Energy: renewable electrical generation facilities: linear generators.		02/05/2024 - Referred to Coms. on U. & E. and NAT. RES.	02/05/2024 - Assembly U. & E.			Medium	Energy
AB 2092	Mathis	Energy: small modular reactors: feasibility study.		02/06/2024 - From printer. May be heard in committee March 7.	02/05/2024 - Assembly PRINT			Low	Energy
AB 2495	Muratsuchi	Electricity: state policy.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT	Spot Bill		Low	Energy
AB 2601	Ramos	Energy Savings Assistance Program: energy-efficient appliances.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT			Low	Energy
AB 2805	Essayli	Electricity: fixed charges: repeal.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT			Low	Energy
AB 2912	Dixon	Energy: retail gasoline pricing.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT			Low	Energy
SB 233	Skinner	Battery electric vehicles and electric vehicle supply equipment: bidirectional capability.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/13/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	Energy
SB 438	Caballero	Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program: incidental and unintentional residual oil production.	6/6/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 5/26/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Energy
SB 983	Wahab	Energy: gasoline stations and alternative fuel infrastructure.		01/30/2024 - From printer. May be acted upon on or after February 29.	01/29/2024 - Senate RLS.			Low	Energy
SB 993	Becker	Clean energy development incentive rate tariff.		02/14/2024 - Referred to Com. on E., U. & C.	02/14/2024 - Senate E. U., & C.			Low	Energy
SB 1003	Dodd	Electrical corporations: wildfire mitigation plans.		02/14/2024 - Referred to Com. on E., U. & C.	02/14/2024 - Senate E. U., & C.			Low	Energy
SB 1006	Padilla	Electricity: transmission capacity: reductoring and grid enhancing technologies.		02/14/2024 - Referred to Com. on E., U. & C.	02/14/2024 - Senate E. U., & C.			Low	Energy
SB 1095	Becker	Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.		02/13/2024 - From printer. May be acted upon on or after March 14.	02/12/2024 - Senate RLS.		Air District-Sponsored	High	Energy
AB 2250	Weber	Social determinants of health: screening and outreach.		02/09/2024 - From printer. May be heard in committee March 10.	02/08/2024 - Assembly PRINT			Low	Environmental Justice
AB 2851	Bonta	Metal shredding facilities: fence-line monitoring.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT	Intent Bill		Medium	Environmental Justice
SB 720	Stern	Aviation: airports: report: emissions: GO-Biz.	7/10/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was NAT. RES. on 7/5/2023)(May be acted upon Jan 2024)	07/14/2023 - Assembly 2 YEAR			Low	Environmental Justice
AB 985	Arambula	San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.	7/6/2023	09/13/2023 - Assembly refused to concur in Senate amendments. Motion to reconsider made by Assembly Member Arambula.	09/12/2023 - Assembly RECONSIDER ATION			Low	General-Air District

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AB 2188	Ta	Vehicles: pollution control devices.		02/08/2024 - From printer. May be heard in committee March 9.	02/07/2024 - Assembly PRINT			Low	General-Air District
AB 2298	Hart	Coastal resources: voluntary vessel speed reduction and sustainable shipping program.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT		Air-District Co-Sponsor	High	General-Air District
AB 2522	Carrillo, Wendy	South Coast Air Quality Management District: district board: compensation.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT			Low	General-Air District
SB 336	Umberg	State grant programs: negotiated indirect cost rates.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	General-Air District
SB 674	Gonzalez	Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/14/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR		Support	Medium	General-Air District
SB 1158	Archuleta	Carl Moyer Memorial Air Quality Standards Attainment Program.		02/15/2024 - From printer. May be acted upon on or after March 16.	02/14/2024 - Senate RLS.		Propose Support	Medium	General-Air District
AB 627	Jackson	Drayage trucks: voucher incentive project.	1/22/2024	01/29/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 67. Noes 1.) In Senate. Read first time. To Com. on RLS for assignment.	01/29/2024 - Senate RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 637	Jackson	Zero-emission vehicles: fleet owners: rental vehicles.	9/6/2023	01/25/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 70. Noes 0.) In Senate. Read first time. To Com. on RLS for assignment.	01/25/2024 - Senate RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1349	Irwin	Electric vehicle charging station networks: data fields.	6/5/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was E. U., & C. on 6/13/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1567	Garcia	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.	5/26/2023	06/14/2023 - Referred to Coms. on N.R. & W. and GOV. & F.	06/14/2023 - Senate N.R. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1969	Hart	State Air Resources Board: Clean Off-Road Equipment Voucher Incentive Project: unmanned aerial systems.		01/31/2024 - From printer. May be heard in committee March 1.	01/30/2024 - Assembly PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2061	Wilson	Sales and Use Tax: exemptions: zero-emission public transportation ferries.		02/12/2024 - Referred to Com. on REV. & TAX.	02/12/2024 - Assembly REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2418	Patterson, Jim	Vehicular air pollution: heavy-duty trucks.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2480	Garcia	Carl Moyer Memorial Air Quality Standards Attainment Program: grants: school buses.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2626	Dixon	Advanced Clean Fleets regulations: local governments.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2796	Alvarez	Equitable Access to Zero-Emissions Vehicles Fund.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2815	Petrie-Norris	Clean Transportation Program: electric vehicle charging infrastructure.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
ACA 2	Alanis	Public resources: Water and Wildfire Resiliency Act of 2023.		04/20/2023 - Referred to Coms. on W., P., & W. and NAT. RES.	04/20/2023 - Assembly W.P. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 301	Portantino	Vehicular air pollution: Zero-Emission Aftermarket Conversion Project.	9/1/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/13/2023)(May be acted upon Jan 2024)	09/14/2023 - Assembly 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 638	Eggman	Climate Resiliency and Flood Protection Bond Act of 2024.	6/28/2023	07/06/2023 - July 11 hearing postponed by committee.	06/15/2023 - Assembly W.P. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 867	Allen	Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.	6/22/2023	07/06/2023 - July 10 hearing postponed by committee.	06/20/2023 - Assembly NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1135	Limón	Greenhouse Gas Reduction Fund: income taxes: credit.		02/14/2024 - From printer. May be acted upon on or after March 15.	02/13/2024 - Senate RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2125	Garcia	Clean Cars 4 All Program.		02/07/2024 - From printer. May be heard in committee March 8.	02/06/2024 - Assembly PRINT	Spot Bill		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2266	Petrie-Norris	California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: vehicle eligibility.		02/09/2024 - From printer. May be heard in committee March 10.	02/08/2024 - Assembly PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2401	Ting	Clean Cars 4 All Program.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1054	Rubio	Climate Pollution Reduction in Homes Initiative: grants.		02/09/2024 - From printer. May be acted upon on or after March 10.	02/08/2024 - Senate RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 817	Pacheco	Open meetings: teleconferencing: subsidiary body.	1/17/2024	01/25/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 54. Noes 8.) In Senate. Read first time. To Com. on RLS for assignment.	01/25/2024 - Senate RLS.		Support	Medium	Other
AB 1465	Wicks	Nonvehicular air pollution: civil penalties.	7/13/2023	09/14/2023 - Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/6/2023)(May be acted upon Jan 2024)	09/14/2023 - Senate 2 YEAR		Air District-Sponsored	High	Other
AB 1812	Gabriel	Budget Act of 2024.		01/16/2024 - Referred to Com. on BUDGET.	01/16/2024 - Assembly BUDGET	January Budget Proposal		High	Other
AB 1857	Jackson	State Air Resources Board: air quality regulation: valleys.		01/29/2024 - Referred to Com. on NAT. RES.	01/29/2024 - Assembly NAT. RES.			Low	Other
AB 1864	Connolly	Pesticides: agricultural use near schoolsites: notification and reporting.		02/12/2024 - Referred to Coms. on E.S. & T.M. and ED.	02/12/2024 - Assembly E.S. & T.M.			Low	Other
AB 1866	Hart	Oil and gas: idle wells.		01/29/2024 - Referred to Com. on NAT. RES.	01/29/2024 - Assembly NAT. RES.			Low	Other
AB 1894	Ta	Nonvehicular air pollution: civil penalties.		02/12/2024 - Referred to Coms. on NAT. RES. and JUD.	02/12/2024 - Assembly NAT. RES.		Propose Oppose	Medium	Other

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AB 1922	Davies	California Conservation Corps: Green Collar Certification Program.		02/05/2024 - Referred to Com. on NAT. RES.	02/05/2024 - Assembly NAT. RES.			Low	Other
AB 1923	Davies	Green Assistance Program.		02/05/2024 - Referred to Com. on NAT. RES.	02/05/2024 - Assembly NAT. RES.			Low	Other
AB 2037	Papan	Weights and measures: electric vehicle chargers.		02/12/2024 - Referred to Com. on P. & C.P.	02/12/2024 - Assembly P. & C.P.			Low	Other
AB 2153	Lowenthal	California Public Records Act: public agency employees: notice requirements: personnel and medical information.		02/07/2024 - From printer. May be heard in committee March 8.	02/06/2024 - Assembly PRINT			Low	Other
AB 2190	Mathis	California Environmental Quality Act: expedited judicial review: infrastructure projects: hydrogen.		02/08/2024 - From printer. May be heard in committee March 9.	02/07/2024 - Assembly PRINT			Low	Other
AB 2302	Addis	Open meetings: local agencies: teleconferences.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT			Low	Other
AB 2309	Muratsuchi	City attorney: state law: misdemeanor.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT			Low	Other
AB 2394	Grayson	California Environmental Quality Act.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT	Spot Bill		Low	Other
AB 2453	Villapudua	Weights and measures: electric vehicle chargers and electric vehicle supply equipment.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT			Low	Other
AB 2487	Fong, Mike	Public employment: climate change.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT	Intent Bill		Low	Other
AB 2513	Pellerin	Gas stoves and ranges: warning label.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT			Low	Other
AB 2557	Ortega	Local agencies: legislative bodies.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT	Spot Bill		Low	Other
AB 2577	Irwin	Organic waste: reduction regulations.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT			Low	Other
AB 2639	Patterson, Joe	California Environmental Quality Act.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT	Spot Bill		Low	Other
AB 2658	Bains	Short-lived climate pollutants: organic waste: reduction regulations: exemption.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT			Low	Other
AB 2675	Low	State agencies: electronic transmission of information.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT	Spot Bill		Low	Other
AB 2715	Boerner	Ralph M. Brown Act: closed sessions.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT			Low	Other
AB 2900	Soria	Toxic air contaminant emissions: California's central valley.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT	Intent Bill		Low	Other
AB 2902	Wood	Organic waste: reduction regulations: exemptions.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT			Low	Other
AB 2937	Wicks	California Environmental Quality Act: streamlined environmental reviews.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT	Spot Bill		Low	Other
AB 2940	Muratsuchi	California Environmental Quality Act: environmental leadership development projects: transmission projects.		02/15/2024 - Read first time. To print.	02/15/2024 - Assembly PRINT			Low	Other
SB 312	Wiener	California Environmental Quality Act: university housing development projects: exemption.	1/11/2024	01/25/2024 - Read third time. Passed. (Ayes 34. Noes 1.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	01/25/2024 - Assembly DESK			Low	Other
SB 382	Becker	Single-family residential property: disclosures.	1/4/2024	01/18/2024 - Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	01/18/2024 - Assembly DESK		Propose Support	Medium	Other
SB 537	Becker	Open meetings: multijurisdictional, cross-county agencies: teleconferences.	9/5/2023	09/14/2023 - Ordered to inactive file on request of Assembly Member Bryan.	09/14/2023 - Assembly INACTIVE FILE		Support	Medium	Other
SB 908	Cortese	Public records: legislative records: electronic messages.		01/09/2024 - From printer. May be acted upon on or after February 8.	01/08/2024 - Senate RLS.			Low	Other
SB 917	Skinner	Budget Act of 2024.		01/10/2024 - Introduced. Read first time. Referred to Com. on B. & F.R. To print.	01/10/2024 - Senate BUDGET & F.R.	January Budget Proposal		High	Other
SB 967	Padilla	University of California: pilot project: dust forecast and warning system: Imperial County and Coachella Valley.		02/14/2024 - Referred to Com. on ED.	02/14/2024 - Senate ED.			Low	Other
SB 979	Grove	Oil and gas: operations: notices of intention: written response for denied notice.		02/14/2024 - Referred to Com. on N.R. & W.	02/14/2024 - Senate N.R. & W.			Low	Other
SB 1045	Blakespear	Composting facilities.		02/14/2024 - Referred to Com. on E.Q.	02/14/2024 - Senate E.Q.			Low	Other
SB 1046	Laird	Organic waste reduction: program environmental impact report: composting facilities.		02/14/2024 - Referred to Com. on E.Q.	02/14/2024 - Senate E.Q.			Low	Other
SB 1062	Dahle	Air quality standards: idled biomass facilities: emissions technology.		02/09/2024 - From printer. May be acted upon on or after March 10.	02/08/2024 - Senate RLS.	Intent Bill		Low	Other
SB 1087	Grove	Oil imports: air quality emissions data.		02/13/2024 - From printer. May be acted upon on or after March 14.	02/12/2024 - Senate RLS.	Intent Bill		Low	Other
SB 1193	Menjivar	Airports: leaded aviation gasoline.		02/15/2024 - From printer. May be acted upon on or after March 16.	02/14/2024 - Senate RLS.		Propose Support	Medium	Other
SB 1204	Archuleta	Planning and Zoning Law: electric vehicle charging stations.		02/15/2024 - Introduced. Read first time. To Com. on RLS. for assignment. To print.	02/15/2024 - Senate RLS.	Spot Bill		Low	Other
SB 1232	Grove	Organic waste: reduction regulations: exemptions.		02/15/2024 - Introduced. Read first time. To Com. on RLS. for assignment. To print.	02/15/2024 - Senate RLS.			Low	Other
SB 1308	Gonzalez	Ozone: indoor air cleaning devices.		02/15/2024 - Introduced. Read first time. To Com. on RLS. for assignment. To print.	02/15/2024 - Senate RLS.			Low	Other
AB 6	Friedman	Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.	3/16/2023	07/14/2023 - Failed Deadline pursuant to Rule 61(a)(10). (Last location was TRANS. on 6/14/2023)(May be acted upon Jan 2024)	07/14/2023 - Senate 2 YEAR			Low	Transportation

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AB 99	Connolly	Department of Transportation: state roads and highways: integrated pest management.	7/13/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)	09/01/2023 - Senate 2 YEAR			Low	Transportation
AB 1774	Dixon	Vehicles: electric bicycles.		01/16/2024 - Referred to Com. on TRANS.	01/16/2024 - Assembly TRANS.			Low	Transportation
AB 1778	Connolly	Vehicles: electric bicycles.		01/16/2024 - Referred to Com. on TRANS.	01/16/2024 - Assembly TRANS.			Low	Transportation
AB 1837	Papan	San Francisco Bay area: public transportation.		01/17/2024 - From printer. May be heard in committee February 16.	01/16/2024 - Assembly PRINT	Intent Bill		Low	Transportation
AB 1953	Villapudua	Vehicles: weight limits.		02/12/2024 - Referred to Com. on TRANS.	02/12/2024 - Assembly TRANS.			Low	Transportation
AB 2029	Jackson	Electric vehicle charging stations: public access.		02/12/2024 - Referred to Coms. on TRANS. and U. & E.	02/12/2024 - Assembly TRANS.			Low	Transportation
AB 2147	Mathis	Clean Transportation Program: hydrogen-fueling stations: report: job creation and workforce development.		02/07/2024 - From printer. May be heard in committee March 8.	02/06/2024 - Assembly PRINT			Low	Transportation
AB 2234	Boerner	Vehicles: electric bicycles.		02/09/2024 - From printer. May be heard in committee March 10.	02/08/2024 - Assembly PRINT			Low	Transportation
AB 2290	Friedman	Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT			Low	Transportation
AB 2325	Lee	San Francisco Bay Area Rapid Transit District: officers: designation and appointment.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT			Low	Transportation
AB 2427	McCarty	Electric vehicle charging stations: permitting: curbside charging.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT			Low	Transportation
AB 2448	Jackson	Electric Vehicle Economic Opportunity Zone: County of Riverside.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT			Low	Transportation
AB 2455	Gabriel	San Francisco Bay Area Water Emergency Transportation Authority.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT	Spot Bill		Low	Transportation
AB 2535	Bonta	Trade Corridor Enhancement Program.		02/14/2024 - From printer. May be heard in committee March 15.	02/13/2024 - Assembly PRINT			Low	Transportation
AB 2678	Wallis	Vehicles: high-occupancy vehicle lanes.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT			Low	Transportation
AB 2697	Irwin	Vehicles: electric vehicle charging.		02/15/2024 - From printer. May be heard in committee March 16.	02/14/2024 - Assembly PRINT	Intent Bill		Low	Transportation
SB 532	Wiener	San Francisco Bay area toll bridges: tolls: transit operating expenses.	6/29/2023	08/23/2023 - August 23 set for first hearing canceled at the request of author.	07/05/2023 - Assembly APPR.			Low	Transportation
SB 768	Caballero	California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.	1/11/2024	01/29/2024 - Read third time. Passed. (Ayes 34. Noes 4.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	01/29/2024 - Assembly DESK		Work with Author	Medium	Transportation
SB 925	Wiener	San Francisco Bay area: local revenue measure: transportation improvements.		02/14/2024 - Referred to Com. on RLS.	01/11/2024 - Senate RLS.	Intent Bill		Low	Transportation
SB 926	Wahab	San Francisco Bay area: public transportation.		02/14/2024 - Referred to Com. on TRANS.	02/14/2024 - Senate TRANS.			Low	Transportation
AB 1951	Fong, Vince	California Environmental Quality Act: exemption: roadside wildfire prevention projects.		02/12/2024 - Referred to Com. on NAT. RES.	02/12/2024 - Assembly NAT. RES.			Low	Wildfire/Smoke/PSPS
AB 2330	Holden	Endangered species: authorized take: routine fuel management activities.		02/13/2024 - From printer. May be heard in committee March 14.	02/12/2024 - Assembly PRINT			Low	Wildfire/Smoke/PSPS
SB 310	Dodd	Prescribed fire: civil liability: cultural burns.	6/28/2023	09/01/2023 - Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)	09/01/2023 - Assembly 2 YEAR			Low	Wildfire/Smoke/PSPS
SB 945	Alvarado-Gil	The Wildfire Smoke and Health Outcomes Data Act.		02/14/2024 - Referred to Coms. on HEALTH and E.Q.	02/14/2024 - Senate HEALTH			Low	Wildfire/Smoke/PSPS
SB 946	McGuire	Wildfires: community hardening.		02/14/2024 - Referred to Com. on RLS.	01/18/2024 - Senate RLS.	Intent Bill		Low	Wildfire/Smoke/PSPS
SB 1176	Niello	Wildfires: workgroup: toxic heavy metals.		02/15/2024 - From printer. May be acted upon on or after March 16.	02/14/2024 - Senate RLS.			Low	Wildfire/Smoke/PSPS
Total Active Bills	131							Low: 113 Medium: 13 High: 5	

Introduced by Senator ArchuletaFebruary 14, 2024

An act to amend Sections 44287, 44299.1, and 44299.2 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1158, as introduced, Archuleta. Carl Moyer Memorial Air Quality Standards Attainment Program.

Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Existing law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Existing law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation.

This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes.

Under the Carl Moyer Program, existing law limits the amount of moneys that a local air district may use from its allocation for indirect costs of implementation of the program. Under existing law, that limit is 6.25% of the allocated moneys for a district with a population of 1,000,000 or more and 12.5% of the allocated moneys for a district with a population of less than 1,000,000.

This bill would instead set that limit at 12.5% for all local air districts regardless of population.

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

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

1 SECTION 1. Section 44287 of the Health and Safety Code, as
 2 amended by Section 121 of Chapter 131 of the Statutes of 2023,
 3 is amended to read:

4 44287. (a) The state board shall establish grant criteria and
 5 guidelines consistent with this chapter for covered vehicle projects
 6 as soon as practicable, but not later than January 1, 2000. The
 7 adoption of guidelines is exempt from the rulemaking provisions
 8 of the Administrative Procedure Act, Chapter 3.5 (commencing
 9 with Section 11340) of Part 1 of Division 3 of Title 2 of the
 10 Government Code. The state board shall solicit input and comment
 11 from the districts during the development of the criteria and
 12 guidelines and shall make every effort to develop criteria and
 13 guidelines that are compatible with existing district programs that
 14 are also consistent with this chapter. Guidelines shall include
 15 protocols to calculate project cost-effectiveness. The grant criteria
 16 and guidelines shall include safeguards to ensure that the project
 17 generates surplus emissions reductions. Guidelines shall enable
 18 and encourage districts to cofund projects that provide emissions
 19 reductions in more than one district. The state board shall make
 20 draft criteria and guidelines available to the public 45 days before
 21 final adoption, and shall hold at least one public meeting to
 22 consider public comments before final adoption.

23 (b) The state board, in consultation with the participating
 24 districts, may propose revisions to the criteria and guidelines
 25 established pursuant to subdivision (a) as necessary to improve
 26 the ability of the program to achieve its goals. A proposed revision
 27 shall be made available to the public 45 days before final adoption

1 of the revision and the state board shall hold at least one public
2 meeting to consider public comments before final adoption of the
3 revision.

4 (c) The state board shall reserve funds for, and disburse funds
5 to, districts from the fund for administration pursuant to this section
6 and Section 44299.1.

7 (d) The state board shall develop guidelines for a district to
8 follow in applying for the reservation of funds, in accordance with
9 this chapter. It is the intent of the Legislature that district
10 administration of any reserved funds be in accordance with the
11 project selection criteria specified in Sections 44281, 44282, and
12 44283 and all other provisions of this chapter. The guidelines shall
13 be established and published by the state board as soon as
14 practicable, but not later than January 1, 2000.

15 (e) Funds shall be reserved by the state board for administration
16 by a district that adopts an eligible program pursuant to this chapter
17 and offers matching funds at a ratio of one dollar (\$1) of matching
18 funds committed by the district or the Mobile Source Air Pollution
19 Reduction Review Committee for every two dollars (\$2) committed
20 from the fund. Funds available to the Mobile Source Air Pollution
21 Reduction Review Committee may be counted as matching funds
22 for projects in the South Coast Air Basin only if the committee
23 approves the use of these funds for matching purposes. Matching
24 funds may be any funds under the district's budget authority that
25 are committed to be expended in accordance with the program.
26 Funds committed by a port authority or a local government, in
27 cooperation with a district, to be expended in accordance with the
28 program may also be counted as district matching funds. Matching
29 funds provided by a port authority or a local government may not
30 exceed 30 percent of the total required matching funds in any
31 district that applies for more than three hundred thousand dollars
32 (\$300,000) of the state board funds. Only a district, or a port
33 authority or a local government teamed with a district, may provide
34 matching funds.

35 (f) The state board may adjust the ratio of matching funds
36 described in subdivision (e), if it determines that an adjustment is
37 necessary in order to maximize the use of, or the air quality benefits
38 provided by, the program, based on a consideration of the financial
39 resources of the district.

1 (g) Notwithstanding subdivision (e), a district need not provide
2 matching funds for state board funds allocated to the district for
3 program outreach activities pursuant to paragraph (2) of subdivision
4 (a) of Section 44299.1.

5 (h) A district may include within its matching funds a reasonable
6 estimate of direct or in-kind costs for assistance in providing
7 program outreach and application evaluation. In-kind and direct
8 matching funds shall not exceed 15 percent of the total matching
9 funds offered by a district. A district may also include within its
10 matching funds any money spent on or after February 25, 1999,
11 that would have qualified as matching funds but were not
12 previously claimed as matching funds.

13 (i) A district desiring a reservation of funds shall apply to the
14 state board following the application guidelines established
15 pursuant to this section. The state board shall approve or disapprove
16 a district application not later than 60 days after receipt. Upon
17 approval of any district application, the state board shall
18 simultaneously approve a reservation of funding for that district
19 to administer. Reserved funds shall be disbursed to the district so
20 that funding of a district-approved project is not impeded.

21 (j) Notwithstanding any other provision of this chapter, districts
22 and the Mobile Source Air Pollution Reduction Review Committee
23 shall not use funds collected pursuant to Section 41081 or Chapter
24 7 (commencing with Section 44220), or pursuant to Section
25 9250.11 of the Vehicle Code, as matching funds to fund a project
26 with stationary or portable engines, locomotives, or marine vessels.

27 (k) Any funds reserved for a district pursuant to this section are
28 available to the district for a period of not more than two years
29 from the time of reservation. Funds not expended by June 30 of
30 the ~~second~~ *sixth* calendar year following the date of ~~the reservation~~
31 *disbursement* shall revert back to the state board as of that June
32 30, and shall be deposited in the fund for use by the program. The
33 funds may then be redirected based on applications to the fund.
34 Regardless of any reversion of funds back to the state board, the
35 district may continue to request other reservations of funds for
36 local administration. Each reservation of funds shall be accounted
37 for separately, and unused funds from each application shall revert
38 back to the state board as specified in this subdivision.

39 (l) The state board shall specify a date each year when district
40 applications are due. If the eligible applications received in any

1 year oversubscribe the available funds, the state board shall reserve
2 funds on an allocation basis, pursuant to subdivision (b) of Section
3 44299.1. The state board may accept a district application after
4 the due date for a period of months specified by the state board.
5 Funds may be reserved in response to those applications, in
6 accordance with this chapter, out of funds remaining after the
7 original reservation of funds for the year.

8 (m) Guidelines for a district application shall require information
9 from an applicant district to the extent necessary to meet the
10 requirements of this chapter, but shall otherwise minimize the
11 information required of a district.

12 (n) A district application shall be reviewed by the state board
13 immediately upon receipt. If the state board determines that an
14 application is incomplete, the applicant shall be notified within 10
15 working days with an explanation of what is missing from the
16 application. A completed application fulfilling the criteria shall be
17 approved as soon as practicable, but not later than 60 working days
18 after receipt.

19 (o) The state board, in consultation with the districts, shall
20 establish project approval criteria and guidelines for infrastructure
21 projects consistent with Section 44284 as soon as practicable, but
22 not later than February 15, 2000. The commission shall make draft
23 criteria and guidelines available to the public 45 days before final
24 adoption, and shall hold at least one public meeting to consider
25 public comments before final adoption.

26 (p) The state board, in consultation with the participating
27 districts, may propose revisions to the criteria and guidelines
28 established pursuant to subdivision (o) as necessary to improve
29 the ability of the program to achieve its goals. A revision may be
30 proposed at any time, or may be proposed in response to a finding
31 made in the annual report on the program published by the state
32 board pursuant to Section 44295. A proposed revision shall be
33 made available to the public 45 days before final adoption of the
34 revision and the commission shall hold at least one public meeting
35 to consider public comments before final adoption of the revision.

36 (q) This section shall become operative on January 1, 2034.

37 SEC. 2. Section 44287 of the Health and Safety Code, as
38 amended by Section 122 of Chapter 131 of the Statutes of 2023,
39 is amended to read:

1 44287. (a) The state board shall establish or update grant
2 criteria and guidelines consistent with this chapter for covered
3 vehicle and infrastructure projects as soon as practicable, but not
4 later than July 1, 2017. The adoption of guidelines is exempt from
5 the rulemaking provisions of the Administrative Procedure Act
6 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
7 Division 3 of Title 2 of the Government Code). The state board
8 shall solicit input and comment from the districts during the
9 development of the criteria and guidelines and shall make every
10 effort to develop criteria and guidelines that are compatible with
11 existing district programs that are also consistent with this chapter.
12 Guidelines shall include protocols to calculate project
13 cost-effectiveness. The grant criteria and guidelines shall include
14 safeguards to ensure that the project generates surplus emissions
15 reductions. Guidelines shall enable and encourage districts to
16 cofund projects that provide emissions reductions in more than
17 one district. The state board shall make draft criteria and guidelines
18 available to the public 45 days before final adoption, and shall
19 hold at least one public meeting to consider public comments
20 before final adoption. The state board may develop separate
21 guidelines and criteria for the different types of eligible projects
22 described in subdivision (a) of Section 44281.

23 (b) The state board, in consultation with the participating
24 districts, may propose revisions to the criteria and guidelines
25 established pursuant to subdivision (a) as necessary to improve
26 the ability of the program to achieve its goals. A proposed revision
27 shall be made available to the public 45 days before final adoption
28 of the revision and the state board shall hold at least one public
29 meeting to consider public comments before final adoption of the
30 revision.

31 (c) The state board shall reserve funds for, and disburse funds
32 to, districts from the fund for administration pursuant to this section
33 and Section 44299.1.

34 (d) The state board shall develop guidelines for a district to
35 follow in applying for the reservation of funds, in accordance with
36 this chapter. It is the intent of the Legislature that district
37 administration of any reserved funds be in accordance with the
38 project selection criteria specified in Sections 44281, 44282, and
39 44283 and all other provisions of this chapter. The guidelines shall

1 be established and published by the state board as soon as
2 practicable, but not later than January 1, 2006.

3 (e) Funds shall be reserved by the state board for administration
4 by a district that adopts an eligible program pursuant to this chapter
5 and offers matching funds at a ratio of one dollar (\$1) of matching
6 funds committed by the district or the Mobile Source Air Pollution
7 Reduction Review Committee for every two dollars (\$2) committed
8 from the fund. Funds available to the Mobile Source Air Pollution
9 Reduction Review Committee may be counted as matching funds
10 for projects in the South Coast Air Basin only if the committee
11 approves the use of these funds for matching purposes. Matching
12 funds may be any funds under the district's budget authority that
13 are committed to be expended in accordance with the program.
14 Funds committed by a port authority or a local government, in
15 cooperation with a district, to be expended in accordance with the
16 program may also be counted as district matching funds. Matching
17 funds provided by a port authority or a local government shall not
18 exceed 30 percent of the total required matching funds in any
19 district that applies for more than three hundred thousand dollars
20 (\$300,000) of the state board funds. Only a district, or a port
21 authority or a local government teamed with a district, may provide
22 matching funds.

23 (f) The state board may adjust the ratio of matching funds
24 described in subdivision (e), if it determines that an adjustment is
25 necessary in order to maximize the use of, or the air quality benefits
26 provided by, the program, based on a consideration of the financial
27 resources of the district.

28 (g) Notwithstanding subdivision (e), a district need not provide
29 matching funds for state board funds allocated to the district for
30 program outreach activities pursuant to paragraph (2) of subdivision
31 (a) of Section 44299.1.

32 (h) A district may include within its matching funds a reasonable
33 estimate of direct or in-kind costs for assistance in providing
34 program outreach and application evaluation. In-kind and direct
35 matching funds shall not exceed 15 percent of the total matching
36 funds offered by a district. A district may also include within its
37 matching funds any money spent on or after February 25, 1999,
38 that would have qualified as matching funds but were not
39 previously claimed as matching funds.

1 (i) A district desiring a reservation of funds shall apply to the
2 state board following the application guidelines established
3 pursuant to this section. The state board shall approve or disapprove
4 a district application not later than 60 days after receipt. Upon
5 approval of any district application, the state board shall
6 simultaneously approve a reservation of funding for that district
7 to administer. Reserved funds shall be disbursed to the district so
8 that funding of a district-approved project is not impeded.

9 (j) Any funds reserved for a district by the state board pursuant
10 to this section are available for disbursement to the district for a
11 period of not more than two years from the time of reservation.
12 Funds not liquidated by a district by June 30 of the ~~fourth~~ *sixth*
13 calendar year following the date of ~~the reservation~~ *disbursement*
14 shall be returned to the state board within 90 days for future
15 allocation pursuant to this chapter. Each reservation of funds shall
16 be accounted for separately, and unused funds from each
17 application shall revert back to the state board for use pursuant to
18 this chapter as specified in this subdivision.

19 (k) The state board shall specify a date each year when district
20 applications are due. If the eligible applications received in any
21 year oversubscribe the available funds, the state board shall reserve
22 funds on an allocation basis, pursuant to Section 44299.2. The
23 state board may accept a district application after the due date for
24 a period of months specified by the state board. Funds may be
25 reserved in response to those applications, in accordance with this
26 chapter, out of funds remaining after the original reservation of
27 funds for the year.

28 (l) Guidelines for a district application shall require information
29 from an applicant district to the extent necessary to meet the
30 requirements of this chapter, but shall otherwise minimize the
31 information required of a district.

32 (m) A district application shall be reviewed by the state board
33 immediately upon receipt. If the state board determines that an
34 application is incomplete, the applicant shall be notified within 10
35 working days with an explanation of what is missing from the
36 application. A completed application fulfilling the criteria shall be
37 approved as soon as practicable, but not later than 60 working days
38 after receipt.

39 (n) The commission, in consultation with the districts, shall
40 establish project approval criteria and guidelines for infrastructure

1 projects consistent with Section 44284 as soon as practicable, but
2 not later than February 15, 2000. The commission shall make draft
3 criteria and guidelines available to the public 45 days before final
4 adoption, and shall hold at least one public meeting to consider
5 public comments before final adoption.

6 (o) The commission, in consultation with the participating
7 districts, may propose revisions to the criteria and guidelines
8 established pursuant to subdivision (n) as necessary to improve
9 the ability of the program to achieve its goals. A revision may be
10 proposed at any time, or may be proposed in response to a finding
11 made in the annual report on the program published by the state
12 board pursuant to Section 44295. A proposed revision shall be
13 made available to the public 45 days before final adoption of the
14 revision and the commission shall hold at least one public meeting
15 to consider public comments before final adoption of the revision.

16 (p) Unclaimed funds will be allocated by the state board in
17 accordance with Section 44299.2.

18 (q) This section shall remain in effect only until January 1, 2034,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2034, deletes or extends that date.

21 SEC. 3. Section 44299.1 of the Health and Safety Code is
22 amended to read:

23 44299.1. (a) To ensure that emission reductions are obtained
24 as needed from pollution sources, any moneys deposited in the
25 fund for use by the program or appropriated to the program shall
26 be segregated and administered as follows:

27 (1) Not more than 2.5 percent of the moneys in the fund for use
28 by the program shall be allocated to program support and outreach
29 costs incurred by the state board and the commission directly
30 associated with implementing the program pursuant to this chapter.
31 These funds shall be allocated to the state board and the
32 commission in proportion to total program funds administered by
33 the state board and the commission.

34 (2) Not more than 2.5 percent of the moneys in the fund for use
35 by the program shall be allocated to direct program outreach
36 activities. The state board may use these funds for program
37 outreach contracts or may allocate outreach funds to participating
38 districts in proportion to each district's allocation from the program
39 moneys in the fund. The state board shall report on the use of

1 outreach funds in their reports to the Legislature pursuant to Section
 2 44295.

3 (3) The balance shall be deposited in the fund to be expended
 4 to offset added costs of new very low or zero-emission vehicle
 5 technologies, and emission reducing repowers, retrofits, and add-on
 6 equipment for covered vehicles and engines, and other projects
 7 specified in Section 44281.

8 (b) Moneys in the fund shall be allocated to a district that
 9 submits an eligible application to the state board pursuant to
 10 Section 44287. The state board shall determine the maximum
 11 amount of annual funding from the fund for use by the program
 12 that each district may receive. This determination shall be based
 13 on the population in each district as well as the relative importance
 14 of obtaining covered emission reductions in each district,
 15 specifically through the program.

16 ~~(e) Not more than 6.25 percent of the moneys allocated pursuant~~
 17 ~~to this chapter to a district with a population of one million or more~~
 18 ~~may be used by the district for indirect costs of implementation of~~
 19 ~~the program, including outreach costs that are subject to the~~
 20 ~~limitation in paragraph (2) of subdivision (a).~~

21 ~~(d)~~
 22 (c) Not more than 12.5 percent of the moneys allocated pursuant
 23 to this chapter to a district ~~with a population of less than one~~
 24 ~~million~~ may be used by the district for indirect costs of
 25 implementation of the program, including outreach costs that are
 26 subject to the limitation in paragraph (2) of subdivision (a).

27 SEC. 4. Section 44299.2 of the Health and Safety Code is
 28 amended to read:

29 44299.2. Funds shall be allocated to districts, and shall be
 30 subject to administrative terms and conditions as follows:

31 (a) Available funds shall be distributed to districts taking into
 32 consideration the population of the area, the severity of the air
 33 quality problems experienced by the population, and the historical
 34 allocation of the program funds, except that the south coast district
 35 shall be allocated a percentage of the total funds available to
 36 districts that is proportional to the percentage of the total state
 37 population residing within the jurisdictional boundaries of that
 38 district. For the purposes of this subdivision, population shall be
 39 determined by the state board based on the most recent data
 40 provided by the Department of Finance. The allocation to the south

1 coast district shall be subtracted from the total funds available to
2 districts. Each district, except the south coast district, shall be
3 awarded a minimum allocation of two hundred thousand dollars
4 (\$200,000), and the remainder, which shall be known as the
5 “allocation amount,” shall be allocated to all districts as follows:

6 (1) The state board shall distribute 35 percent of the allocation
7 amount to the districts in proportion to the percentage of the total
8 residual state population that resides within each district’s
9 boundaries. For purposes of this paragraph, “total residual state
10 population” means the total state population, less the total
11 population that resides within the south coast district.

12 (2) The state board shall distribute 35 percent of the allocation
13 amount to the districts in proportion to the severity of the air quality
14 problems to which each district’s population is exposed. The
15 severity of the exposure shall be calculated as follows:

16 (A) Each district shall be awarded severity points based on the
17 district’s attainment designation and classification, as most recently
18 promulgated by the federal Environmental Protection Agency for
19 the National Ambient Air Quality Standard for ozone averaged
20 over eight hours, as follows:

21 (i) A district that is designated attainment for the federal
22 eight-hour ozone standard shall be awarded one point.

23 (ii) A district that is designated nonattainment for the federal
24 eight-hour ozone standard shall be awarded severity points based
25 on classification. Two points shall be awarded for transitional,
26 basic, or marginal classifications, three points for moderate
27 classification, four points for serious classification, five points for
28 severe classification, six points for severe-17 classification, and
29 seven points for extreme classification.

30 (B) Each district shall be awarded severity points based on the
31 annual diesel particulate emissions in the air basin, as determined
32 by the state board. One point shall be awarded to the district, in
33 increments, for each 1,000 tons of diesel particulate emissions. In
34 making this determination, 0 to 999 tons shall be awarded no
35 points, 1,000 to 1,999 tons shall be awarded one point, 2,000 to
36 2,999 tons shall be awarded two points, and so forth. If a district
37 encompasses more than one air basin, the air basin with the greatest
38 diesel particulate emissions shall be used to determine the points
39 awarded to the district. The San Diego County Air Pollution
40 Control District and the Imperial County Air Pollution Control

1 District shall be awarded one additional point each to account for
2 annual diesel particulate emissions transported from Mexico.

3 (C) The points awarded under subparagraphs (A) and (B), shall
4 be added together for each district, and the total shall be multiplied
5 by the population residing within the district boundaries, to yield
6 the local air quality exposure index.

7 (D) The local air quality exposure index for each district shall
8 be summed together to yield a total state exposure index. Funds
9 shall be allocated under this paragraph to each district in proportion
10 to its local air quality exposure index divided by the total state
11 exposure index.

12 (3) The state board shall distribute 30 percent of the allocation
13 amount to the districts in proportion to the allocation of funds from
14 the program moneys in the fund, as follows:

15 (A) Because each district is awarded a minimum allocation
16 pursuant to subdivision (a), there shall be no additional minimum
17 allocation from the program historical allocation funds. The total
18 amount allocated in this way shall be subtracted from total funding
19 previously awarded to the district under the program, and the
20 remainder, which shall be known as directed funds, shall be
21 allocated pursuant to subparagraph (B).

22 (B) Each district with a population that is greater than or equal
23 to 1 percent of the state's population shall receive an additional
24 allocation based on the population of the district and the district's
25 relative share of emission reduction commitments in the state
26 implementation plan to attain the National Ambient Air Quality
27 Standard for ozone averaged over one hour. This additional
28 allocation shall be calculated as a percentage share of the directed
29 funds for each district, derived using a ratio of each district's share
30 amount to the base amount, which shall be calculated as follows:

31 (i) The base amount shall be the total program funds allocated
32 by the state board to the districts in the 2002–03 fiscal year, less
33 the total of the funds allocated through the minimum allocation to
34 each district in the 2002–03 fiscal year.

35 (ii) The share amount shall be the allocation that each district
36 received in the 2002–03 fiscal year, not including the minimum
37 allocation. There shall be one share amount for each district.

38 (iii) The percentage share shall be calculated for each district
39 by dividing the district's share amount by the base amount, and

1 multiplying the result by the total directed funds available under
2 this subparagraph.

3 (b) Funds shall be distributed as expeditiously as reasonably
4 practicable, and a report of the distribution shall be made available
5 to the public.

6 (c) All funds allocated pursuant to this section shall be liquidated
7 as provided for in the guidelines adopted pursuant to Section ~~44287~~
8 ~~by June 30 of the fourth year following the year of allocation.~~
9 ~~Funds not liquidated within the four years shall be returned to the~~
10 ~~state board within 90 days for future allocation pursuant to this~~
11 ~~chapter. 44287.~~

O

**Introduced by Senator Menjivar
(Principal coauthor: Senator Stern)**

February 14, 2024

An act to add Chapter 8 (commencing with Section 21710) to Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as introduced, Menjivar. Airports: leaded aviation gasoline.

Existing law, the State Aeronautics Act, governs various matters relative to aviation in the state, and authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act. Under existing law, a violation of the State Aeronautics Act is a crime.

This bill would prohibit an airport operator or aviation retail establishment, as defined, from selling, distributing, or otherwise making available leaded aviation gasoline to consumers, consistent with a specified timeline, as provided.

This bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to identify best management practices for reducing public health and environmental exposures to lead associated with airport operations. The bill would require the department, on or before July 1, 2025, to publish on its internet website initial guidance for airport operators regarding best airport operating practices to minimize environmental and public health impacts of lead exposure. The bill would require the department to publish updated guidance on or before July 1, 2026, as specified.

This bill would require each airport operator, on or before November 1, 2025, to submit to the department, and begin implementing, a plan

to implement the best practices identified by the department to minimize environmental impacts and public health risks associated with leaded aviation gasoline use at airports. The bill would require each airport operator, by December 1, 2026, and each December 1 thereafter, to provide a status report to the department regarding its implementation of the plan, including the status of planning and investments to facilitate the supply of unleaded aviation gasoline at the airport, except as specified. The bill would require the department, in consultation with the State Department of Public Health and the California Environmental Protection Agency, to offer technical assistance to each airport operator that has not submitted a plan, or that does not implement the plan submitted to the department in the manner described in the plan.

This bill would provide that a person in violation of the prohibition on selling, distributing, or otherwise making available leaded aviation gasoline to consumers is subject to a civil penalty of up to \$1,000 per day that leaded aviation gasoline was sold, distributed, or supplied. The bill would provide that a person who remains in violation of the requirements to submit a plan or status report to the department 30 days after the offer of technical assistance by the department is subject to a civil penalty of up to \$1,000 per day of continued noncompliance. The bill would also make its provisions severable.

Because the above provisions would be a part of the State Aeronautics Act, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Chapter 8 (commencing with Section 21710) is
2 added to Part 1 of Division 9 of the Public Utilities Code, to read:

3

4

CHAPTER 8. LEADED AVIATION GASOLINE

5

6

21710. (a) An airport operator or aviation retail establishment

7

shall not sell, distribute, or otherwise make available leaded

1 aviation gasoline to consumers consistent with the following
2 timeline:

3 (1) Beginning January 1, 2026, for airports and aviation retail
4 establishments located in or adjacent to either of the following:

5 (A) A disadvantaged community, as identified pursuant to
6 Section 39711 of the Health and Safety Code.

7 (B) A city with a population of at least 700,000 as of January
8 1, 2024, as determined using the latest official estimate published
9 by the Department of Finance.

10 (2) Beginning January 1, 2028, for airports and aviation retail
11 establishments located in or immediately adjacent to an urban
12 growth boundary.

13 (3) Beginning January 1, 2030, for all other airports and aviation
14 retail establishments.

15 (b) For purposes of this section, “aviation retail establishment”
16 means any public or private entity that sells aviation gasoline, or
17 offers or otherwise makes available aviation gasoline to a customer,
18 including other businesses or government entities, for use in this
19 state.

20 21711. (a) The department, in consultation with the State
21 Department of Public Health and the California Environmental
22 Protection Agency, and using all available information, shall
23 identify best management practices for reducing public health and
24 environmental exposures to lead associated with airport operations.

25 (b) On or before July 1, 2025, the department shall publish on
26 its internet website initial guidance for airport operators regarding
27 best airport operating practices to minimize environmental and
28 public health impacts of lead exposure. The department shall
29 publish updated guidance on or before July 1, 2026, and may
30 periodically review and update its guidance thereafter.

31 (c) In developing the guidance pursuant to subdivision (b), the
32 department shall consider including measures to address all of the
33 following:

34 (1) Managing runup practices, including by increasing the
35 distance between runup areas and public areas on or off the airport,
36 or increasing the size of runup areas.

37 (2) Eliminating the castoff of leaded aviation gasoline, and
38 minimizing and mitigating other spills and releases of unexpended
39 leaded aviation gasoline.

40 (3) Minimizing airport employee exposures.

1 (4) Minimizing releases of leaded aviation gasoline caused by
2 refueling and maintenance activities at the airport, including
3 processes used to store and dispense aviation gasoline at the airport.

4 (5) Minimizing idle time and engine runup time.

5 (6) Educating and financially incentivizing consumers that have
6 the option to purchase and use unleaded aviation gasoline at the
7 airport to do so.

8 (d) The department may adopt rules and regulations to
9 implement, administer, and enforce the requirements of this
10 chapter.

11 21712. (a) On or before November 1, 2025, each airport
12 operator shall submit to the department, and begin implementing,
13 a plan to implement the best practices identified by the department
14 pursuant to Section 21711 designed to minimize environmental
15 impacts and public health risks associated with leaded aviation
16 gasoline use at airports.

17 (b) Each airport operator shall update its plan by the November
18 1 following an updated publication of the guidance issued by the
19 department pursuant to subdivision (b) of Section 21711.

20 (c) At minimum, each airport operator shall include in its plan
21 both of the following:

22 (1) A description of how the airport operator plans to implement
23 the operational and logistical recommendations contained in the
24 guidance issued pursuant to subdivision (b) of Section 21711.

25 (2) A plan and budget for the financing of any needed fueling
26 infrastructure improvements at the airport to enable the airport to
27 begin supplying unleaded aviation gasoline by the timelines
28 established in Section 21710.

29 (d) By December 1, 2026, and each December 1 thereafter, each
30 airport operator shall provide a status report to the department
31 regarding its implementation of the plan submitted pursuant to
32 subdivision (a), including the status of planning and investments
33 to facilitate the supply of unleaded aviation gasoline at the airport.

34 (e) The department, in consultation with the State Department
35 of Public Health and the California Environmental Protection
36 Agency, shall offer technical assistance to each airport operator
37 that has not submitted a plan pursuant to subdivision (a), or that
38 does not implement the plan submitted to the department in the
39 manner described in the plan.

1 (f) This section does not apply to the operator of an airport at
2 which leaded aviation gasoline is not sold, distributed, or otherwise
3 made available. When an airport ceases to sell, distribute, or
4 otherwise make available leaded aviation gasoline, the airport
5 operator shall notify the department within 30 days of the cessation
6 of the use of leaded aviation gasoline at the airport.

7 21713. (a) A person in violation of the requirements of Section
8 21710 is subject to a civil penalty of up to one thousand dollars
9 (\$1,000) per day that leaded aviation gasoline was sold, distributed,
10 or supplied.

11 (b) A person who remains in violation of the requirements of
12 Section 21712 30 days after the offer of technical assistance under
13 subdivision (e) of Section 21712 is subject to a civil penalty of up
14 to one thousand dollars (\$1,000) per day of continued
15 noncompliance.

16 21714. (a) If the provisions of this section are in conflict with
17 federal grant assurances in effect on or before January 1, 2025,
18 those provisions of this section shall apply to an airport operator
19 upon the expiration of those grant assurances.

20 (b) The provisions of this chapter are severable. If any provision
21 of this chapter or its application is held invalid, that invalidity shall
22 not affect other provisions or applications that can be given effect
23 without the invalid provision or application.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

O

ASSEMBLY BILL

No. 1894

Introduced by Assembly Member Ta

January 23, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

- 1 SECTION 1. Section 42407.5 is added to the Health and Safety
- 2 Code, to read:
- 3 42407.5. Before a person may be subject to civil penalties for
- 4 a violation described in this article, the district shall provide the
- 5 person an opportunity to rectify the violation. The period for
- 6 rectifying a violation shall be not less than 30 days and not more
- 7 than 60 days, except that a district, in its discretion, may provide
- 8 more than 60 days.
- 9 SEC. 2. If the Commission on State Mandates determines that
- 10 this act contains costs mandated by the state, reimbursement to
- 11 local agencies and school districts for those costs shall be made
- 12 pursuant to Part 7 (commencing with Section 17500) of Division
- 13 4 of Title 2 of the Government Code.

O

AMENDED IN ASSEMBLY JANUARY 17, 2024

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 817

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

February 13, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

O

AMENDED IN ASSEMBLY SEPTEMBER 5, 2023

AMENDED IN ASSEMBLY AUGUST 14, 2023

AMENDED IN SENATE APRIL 24, 2023

AMENDED IN SENATE MARCH 22, 2023

SENATE BILL

No. 537

Introduced by Senator Becker

February 14, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (B) Any of the following circumstances exist:

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

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

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

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

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

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

12 (i) A two-way audiovisual platform.

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

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

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

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

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

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

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

10 (A) One of the following circumstances applies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~(B)~~

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

25 ~~(C)~~

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

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

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

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

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

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

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

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

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

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

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

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

12 ~~(i)~~

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

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

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

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

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

33 (i) A two-way audiovisual platform.

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

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

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

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

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

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

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

30 (A) One of the following circumstances applies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (i) A two-way audiovisual platform.

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

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

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

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

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

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

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

4 (A) One of the following circumstances applies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (5) “Teleconference” means a meeting of a legislative body,
22 the members of which are in different locations, connected by
23 electronic means, through either audio or video, or both.

24 (6) “Two-way audiovisual platform” means an online platform
25 that provides participants with the ability to participate in a meeting
26 via both an interactive video conference and a two-way telephonic
27 function.

28 (7) “Two-way telephonic service” means a telephone service
29 that does not require internet access, is not provided as part of a
30 two-way audiovisual platform, and allows participants to dial a
31 telephone number to listen and verbally participate.

32 (8) “Webcasting” means a streaming video broadcast online or
33 on television, using streaming media technology to distribute a
34 single content source to many simultaneous listeners and viewers.

35 (j) This section shall become operative January 1, 2024, shall
36 remain in effect only until January 1, 2026, and as of that date is
37 repealed.

38 *SEC. 2.5. Section 54953 of the Government Code, as amended*
39 *by Section 2 of Chapter 285 of the Statutes of 2022, is amended*
40 *to read:*

1 54953. (a) All meetings of the legislative body of a local
2 agency shall be open and public, and all persons shall be permitted
3 to attend any meeting of the legislative body of a local agency,
4 except as otherwise provided in this chapter.

5 (b) (1) Notwithstanding any other provision of law, the
6 legislative body of a local agency may use teleconferencing for
7 the benefit of the public and the legislative body of a local agency
8 in connection with any meeting or proceeding authorized by law.
9 The teleconferenced meeting or proceeding shall comply with all
10 otherwise applicable requirements of this chapter and all otherwise
11 applicable provisions of law relating to a specific type of meeting
12 or proceeding.

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

18 (A) All votes taken during a teleconferenced meeting shall be
19 by rollcall.

20 (B) The teleconferenced meetings shall be conducted in a
21 manner that protects the statutory and constitutional rights of the
22 parties or the public appearing before the legislative body of a
23 local agency.

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

26 (D) The legislative body shall allow members of the public to
27 access the meeting and the agenda shall provide an opportunity
28 for members of the public to address the legislative body directly
29 pursuant to Section 54954.3.

30 (3) If the legislative body of a local agency elects to use
31 teleconferencing, it shall post agendas at all teleconference
32 locations. Each teleconference location shall be identified in the
33 notice and agenda of the meeting or proceeding, and each
34 teleconference location shall be accessible to the public. During
35 the teleconference, at least a quorum of the members of the
36 legislative body shall participate from locations within the
37 boundaries of the territory over which the local agency exercises
38 jurisdiction, except as provided in ~~subdivision (d)~~: *subdivisions*
39 *(d) and (e)*.

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

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

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

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

28 (2) Nothing in this subdivision shall be construed as
29 discouraging health authority members from regularly meeting at
30 a common physical site within the jurisdiction of the authority or
31 from using teleconference locations within or near the jurisdiction
32 of the authority. A teleconference meeting for which a quorum is
33 established pursuant to this subdivision shall be subject to all other
34 requirements of this section.

35 (3) For purposes of this subdivision, a health authority means
36 any entity created pursuant to Sections 14018.7, 14087.31,
37 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
38 and Institutions Code, any joint powers authority created pursuant
39 to Article 1 (commencing with Section 6500) of Chapter 5 of
40 Division 7 for the purpose of contracting pursuant to Section

1 14087.3 of the Welfare and Institutions Code, and any advisory
2 committee to a county-sponsored health plan licensed pursuant to
3 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
4 Health and Safety Code if the advisory committee has 12 or more
5 members.

6 (e) (1) The legislative body of a local agency may use
7 teleconferencing without complying with *the requirements of*
8 paragraph (3) of subdivision (b) ~~if, during the teleconference~~
9 ~~meeting, at least a quorum of the members of the legislative body~~
10 ~~participates in person from a singular physical location clearly~~
11 ~~identified on the agenda, which location shall be open to the public~~
12 ~~and situated within the boundaries of the territory over which the~~
13 ~~local agency exercises jurisdiction and the legislative body~~
14 ~~complies with all of the following: if the legislative body complies~~
15 ~~with the requirements of paragraph (2) of this subdivision in either~~
16 ~~of the following circumstances:~~

17 (A) The legislative body ~~shall provide at least one of the~~
18 ~~following as a means by which the public may remotely hear and~~
19 ~~visually observe the meeting, and remotely address the legislative~~
20 ~~body: holds a meeting during a proclaimed state of emergency for~~
21 ~~the purpose of determining, by majority vote, whether as a result~~
22 ~~of the emergency, meeting in person would present imminent risks~~
23 ~~to the health or safety of attendees.~~

24 ~~(i) A two-way audiovisual platform.~~

25 ~~(ii) A two-way telephonic service and a live webcasting of the~~
26 ~~meeting.~~

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

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

34 ~~(B)~~

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

1 and include an opportunity for all persons to attend via a call-in
2 option or an internet-based service option.

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

7 ~~(D)~~

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

20 ~~(E)~~

21 (C) The legislative body shall not require public comments to
22 be submitted in advance of the meeting and must provide an
23 opportunity for the public to address the legislative body and offer
24 comment in real time.

25 ~~(F)~~

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

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

35 ~~(A) One of the following circumstances applies:~~

36 ~~(i) The member notifies the legislative body at the earliest
37 opportunity possible, including at the start of a regular meeting,
38 of their need to participate remotely for just cause, including a
39 general description of the circumstances relating to their need to
40 appear remotely at the given meeting. The provisions of this clause~~

1 shall not be used by any member of the legislative body for more
2 than two meetings per calendar year.

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

15 (I) ~~A member shall make a request to participate remotely at a~~
16 ~~meeting pursuant to this clause as soon as possible. The member~~
17 ~~shall make a separate request for each meeting in which they seek~~
18 ~~to participate remotely.~~

19 (II) ~~The legislative body may take action on a request to~~
20 ~~participate remotely at the earliest opportunity. If the request does~~
21 ~~not allow sufficient time to place proposed action on such a request~~
22 ~~on the posted agenda for the meeting for which the request is made,~~
23 ~~the legislative body may take action at the beginning of the meeting~~
24 ~~in accordance with paragraph (4) of subdivision (b) of Section~~
25 ~~54954.2.~~

26 (B) ~~The member shall publicly disclose at the meeting before~~
27 ~~any action is taken whether any other individuals 18 years of age~~
28 ~~or older are present in the room at the remote location with the~~
29 ~~member, and the general nature of the member's relationship with~~
30 ~~any such individuals.~~

31 (C) ~~The member shall participate through both audio and visual~~
32 ~~technology.~~

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

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

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

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

18 (3) If a state of emergency remains active, in order to continue
19 to teleconference without compliance with paragraph (3) of
20 subdivision (b), the legislative body shall, not later than 45 days
21 after teleconferencing for the first time pursuant to subparagraph
22 (A) or (B) of paragraph (1), and every 45 days thereafter, make
23 the following findings by majority vote:

24 (A) The legislative body has reconsidered the circumstances of
25 the state of emergency.

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

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

31 (f) The legislative body shall have and implement a procedure
32 for receiving and swiftly resolving requests for reasonable
33 accommodation for individuals with disabilities, consistent with
34 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
35 Sec. 12132), and resolving any doubt in favor of accessibility. In
36 each instance in which notice of the time of the meeting is
37 otherwise given or the agenda for the meeting is otherwise posted,
38 the legislative body shall also give notice of the procedure for
39 receiving and resolving requests for accommodation.

1 (g) The legislative body shall conduct meetings subject to this
2 chapter consistent with applicable civil rights and
3 nondiscrimination laws.

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

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

10 (i) For the purposes of this section, the following definitions
11 shall apply:

12 ~~(1) “Emergency circumstances” means a physical or family~~
13 ~~medical emergency that prevents a member from attending in~~
14 ~~person.~~

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

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

21 ~~(B) A contagious illness that prevents a member from attending~~
22 ~~in person.~~

23 ~~(C) A need related to a physical or mental disability as defined~~
24 ~~in Sections 12926 and 12926.1 not otherwise accommodated by~~
25 ~~subdivision (f).~~

26 ~~(D) Travel while on official business of the legislative body or~~
27 ~~another state or local agency.~~

28 ~~(3) “Remote location” means a location from which a member~~
29 ~~of a legislative body participates in a meeting pursuant to~~
30 ~~subdivision (e), other than any physical meeting location designated~~
31 ~~in the notice of the meeting. Remote locations need not be~~
32 ~~accessible to the public.~~

33 ~~(4) “Remote participation” means participation in a meeting by~~
34 ~~teleconference at a location other than any physical meeting~~
35 ~~location designated in the notice of the meeting. Watching or~~
36 ~~listening to a meeting via webcasting or another similar electronic~~
37 ~~medium that does not permit members to interactively hear,~~
38 ~~discuss, or deliberate on matters, does not constitute remote~~
39 ~~participation.~~

1 (1) “State of emergency” means a state of emergency
 2 proclaimed pursuant to Section 8625 of the California Emergency
 3 Services Act (Article 1 (commencing with Section 8550) of Chapter
 4 7 of Division 1 of Title 2).

5 ~~(5)~~

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

9 ~~(6) “Two-way audiovisual platform” means an online platform~~
 10 ~~that provides participants with the ability to participate in a meeting~~
 11 ~~via both an interactive video conference and a two-way telephonic~~
 12 ~~function.~~

13 ~~(7) “Two-way telephonic service” means a telephone service~~
 14 ~~that does not require internet access, is not provided as part of a~~
 15 ~~two-way audiovisual platform, and allows participants to dial a~~
 16 ~~telephone number to listen and verbally participate.~~

17 ~~(8) “Webcasting” means a streaming video broadcast online or~~
 18 ~~on television, using streaming media technology to distribute a~~
 19 ~~single content source to many simultaneous listeners and viewers.~~

20 (j) This section shall become operative January 1, 2024, shall
 21 remain in effect only until January 1, 2026, and as of that date is
 22 repealed. 2026.

23 SEC. 3. Section 54953.4 is added to the Government Code, to
 24 read:

25 54953.4. (a) For purposes of this section, the following
 26 definitions apply:

27 (1) “Eligible legislative body” means a board, commission, or
 28 advisory body of a multijurisdictional, cross-county agency, the
 29 membership of which board, commission, or advisory body is
 30 appointed and which board, commission, or advisory body is
 31 otherwise subject to this chapter.

32 (2) “Multijurisdictional” means a legislative body that includes
 33 representatives from more than one county, city, city and county,
 34 special district, or a joint powers entity formed pursuant to Article
 35 1 (commencing with Section 6500) of Chapter 5 of Division 7 of
 36 Title 1.

37 (b) An eligible legislative body may use teleconferencing
 38 without complying with paragraph (3) of subdivision (b) of Section
 39 54953 if the legislative body complies with this section.

1 (c) An eligible legislative body shall not use teleconferencing
2 pursuant to this section unless the eligible legislative body has
3 adopted a resolution that authorizes the eligible legislative body
4 to use teleconferencing at a regular meeting in open session.

5 (d) An eligible legislative body that holds a meeting pursuant
6 to this section shall comply with all of the following:

7 (1) In each notice and posting of the time or agenda of the
8 teleconferenced meeting, the eligible legislative body shall include
9 the means by which members of the public may access the meeting
10 and offer public comment. The agenda shall identify and include
11 an opportunity for all persons to attend via a call-in option or an
12 internet-based service option.

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

25 (3) The eligible legislative body shall not require public
26 comments to be submitted in advance of the meeting and shall
27 provide an opportunity for the public to address the legislative
28 body and offer comment in real time.

29 (4) (A) If an eligible legislative body provides a timed public
30 comment period for each agenda item, the eligible legislative body
31 shall not close the public comment period for the agenda item, or
32 the opportunity to register, pursuant to subdivision (f), to provide
33 public comment until that timed public comment period has
34 elapsed.

35 (B) If an eligible legislative body does not provide a timed
36 public comment period, but takes public comment separately on
37 each agenda item, the eligible legislative body shall allow a
38 reasonable amount of time per agenda item to allow public
39 members the opportunity to provide public comment, including

1 time for members of the public to register pursuant to subdivision
2 (f).

3 (C) If an eligible legislative body provides a timed general public
4 comment period that does not correspond to a specific agenda
5 item, the eligible legislative body shall not close the public
6 comment period or the opportunity to register, pursuant to
7 subdivision (f), until the timed general public comment period has
8 elapsed.

9 (5) Except as provided in Section 54953.3, an eligible legislative
10 body, within ~~seven~~ 10 days of holding a teleconference meeting,
11 shall provide ~~both~~ all of the following on its internet website:

12 (A) A record of attendance of ~~both community members and~~
13 ~~the~~ members of the eligible legislative body.

14 (B) (i) *The number of community members in attendance in the*
15 *teleconference meeting.*

16 (ii) *The number of community members in attendance at the*
17 *physical location of the public meeting may be provided in addition*
18 *to the requirement specified in clause (i).*

19 ~~(B)~~

20 (C) The number of public comments in the meeting.

21 (6) (A) At least a quorum of the members of the eligible
22 legislative body shall participate from one or more physical
23 locations that are open to the public and within the boundaries of
24 the territory over which the local agency exercises jurisdiction.

25 (B) Any member of the eligible legislative body who receives
26 compensation for their service on the eligible legislative body shall
27 participate from a physical location that is open to the public. For
28 purposes of this subparagraph, “compensation” does not include
29 reimbursement for traveling or other actual and necessary expenses
30 incurred in connection with participating in person.

31 (C) The eligible legislative body shall identify each member of
32 the eligible legislative body who plans to participate remotely in
33 the agenda and shall include the address of the publicly accessible
34 building from where they will participate via teleconference. The
35 specific room or location within the publicly accessible building
36 from which a member participates via teleconference is not required
37 to be publicly accessible.

38 (7) The eligible legislative body shall provide a physical location
39 from which the public may attend or comment.

1 (8) The eligible legislative body shall comply with all
2 requirements of Section 54953 except paragraph (3) of subdivision
3 (b) of that section.

4 (e) A member of the eligible legislative body shall not participate
5 in a meeting remotely pursuant to this section unless they meet
6 both of the following requirements:

7 (1) The location from which the member participates is more
8 than 40 miles from the in-person location of the meeting.

9 (2) The member participates from their office or another location
10 in a publicly accessible building.

11 (f) Notwithstanding Section 54953.3, an individual desiring to
12 provide public comment through the use of a third-party internet
13 website or other online platform during a meeting held pursuant
14 to this section may be required to register to log in to the
15 teleconference if both of the following conditions are met:

16 (1) The internet website or online platform requires that
17 registration.

18 (2) The decision to require registration is not under the control
19 of the legislative body.

20 (g) This section shall remain in effect only until January 1, 2026,
21 and as of that date is repealed.

22 SEC. 4. The Legislature finds and declares that Sections 1, 2,
23 and 3 of this act, which amend Section 54953 of, and add Section
24 54953.4 to, the Government Code, impose a limitation on the
25 public's right of access to the meetings of public bodies or the
26 writings of public officials and agencies within the meaning of
27 Section 3 of Article I of the California Constitution. Pursuant to
28 that constitutional provision, the Legislature makes the following
29 findings to demonstrate the interest protected by this limitation
30 and the need for protecting that interest:

31 Permitting remote participation for just cause due to a member's
32 immunocompromised family member, as well as extending the
33 operation of teleconferencing for legislative bodies of
34 multijurisdictional, cross-county agencies with appointed
35 membership, will further increase public participation, increase
36 the pool of people who are able to serve on these bodies, including
37 those that would otherwise have to travel long distances to attend
38 meetings in person, and protect the health and safety of the public.

39 SEC. 5. Sections 1.5 and 2.5 of this bill incorporate
40 amendments to Section 54953 of the Government Code proposed

1 *by both this bill and Assembly Bill 557. Those sections of this bill*
 2 *shall only become operative if (1) both bills are enacted and*
 3 *become effective on or before January 1, 2024, but this bill*
 4 *becomes operative first, (2) each bill amends Section 54953 of the*
 5 *Government Code, and (3) this bill is enacted after Assembly Bill*
 6 *557, in which case Section 54953 of the Government Code, as*
 7 *amended by Sections 1 and 2 of this bill, shall remain operative*
 8 *only until the operative date of Assembly Bill 557, at which time*
 9 *Sections 1.5 and 2.5 of this bill shall become operative.*

10 ~~SEC. 5.~~

11 *SEC. 6.* The Legislature finds and declares that Sections 1, 2,
 12 and 3 of this act, which amend Section 54953 of, and add Section
 13 54953.4 to, the Government Code, further, within the meaning of
 14 paragraph (7) of subdivision (b) of Section 3 of Article I of the
 15 California Constitution, the purposes of that constitutional section
 16 as it relates to the right of public access to the meetings of local
 17 public bodies or the writings of local public officials and local
 18 agencies. Pursuant to paragraph (7) of subdivision (b) of Section
 19 3 of Article I of the California Constitution, the Legislature makes
 20 the following findings:

21 Permitting remote participation for just cause due to a member's
 22 immunocompromised family member, as well as extending the
 23 operation of teleconferencing for legislative bodies of
 24 multijurisdictional, cross-county agencies with appointed
 25 membership, will further increase public participation, increase
 26 the pool of people who are able to serve on these bodies, including
 27 those that would otherwise have to travel long distances to attend
 28 meetings in person, and protect the health and safety of the public.

29 ~~SEC. 6.~~

30 *SEC. 7.* This act is an urgency statute necessary for the
 31 immediate preservation of the public peace, health, or safety within
 32 the meaning of Article IV of the California Constitution and shall
 33 go into immediate effect. The facts constituting the necessity are:

34 Virtual meetings have allowed much easier access to appointed
 35 bodies of local agencies with far more members of the public
 36 participating in each meeting. This has created greater equity in
 37 the process and fostered the health of our democracy. In-person

- 1 meetings may jeopardize the health and safety of vulnerable
- 2 citizens due to ongoing risks of illnesses.

O

AMENDED IN ASSEMBLY SEPTEMBER 1, 2023

AMENDED IN ASSEMBLY JULY 12, 2023

AMENDED IN ASSEMBLY JUNE 19, 2023

AMENDED IN SENATE APRIL 10, 2023

AMENDED IN SENATE APRIL 10, 2023

SENATE BILL

No. 674

Introduced by Senator Gonzalez
(Coauthors: Senators Skinner, Stern, and Wiener)
(Coauthors: Assembly Members Lowenthal and Muratsuchi)

February 16, 2023

An act to amend Section 42705.6 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 674, as amended, Gonzalez. Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.

Existing law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Existing law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Existing law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public ~~those~~ *the* data in a publicly accessible format.

This bill would ~~extend the above requirements to~~ *expand the definition of a refinery for these purposes to include related facilities located on contiguous or adjacent properties and to include refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities.* ~~feedstock.~~ The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be *updated or* installed on or before January 1, 2026, 2028, after a 30-day public comment period, ~~and would require the refinery-related community air monitoring system to be updated,~~ as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries to notify the air district and the public, as provided, as quickly as possible of any exceedances of ~~the lowest available one-hour average reference exposure levels set by the office or the United States Environmental Protection Agency.~~ *specified pollutant thresholds.* The bill would require the owners or operators of refineries, within 24 hours of a fence-line monitoring system detecting an exceedance of ~~a historical one-hour average concentration of any measured pollutant,~~ *those thresholds,* to initiate a root cause analysis and to determine appropriate corrective action, as provided. The bill would require the owners or operators of refineries to conduct third-party audits of its fence-line monitoring system, as provided, to ensure the accuracy of the system. Because the bill would impose additional duties on air districts, the bill would impose a state-mandated local program.

Under existing ~~law~~ *law*, a violation of requirements for stationary ~~sources,~~ *sources* or any rule, regulation, permit, or order of the state board or of an air district is a crime.

Because this bill would impose the monitoring systems requirement on owners or operators of refineries engaging in other types of refining

~~processes, as defined,~~ *processes* and would impose additional requirements on owners and operators of refineries, a violation of which would be a crime, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Refinery Air Pollution Transparency and Reduction Act.

3 SEC. 2. Section 42705.6 of the Health and Safety Code is
4 amended to read:

5 42705.6. (a) For purposes of this section, the following
6 definitions apply:

7 (1) ~~“Auxiliary facilities” means any site necessary to support~~
8 ~~refining processes at a refinery, including storage tanks, hydrogen~~
9 ~~plants, sulfuric acid plants, port terminals, and electrical generation~~
10 ~~plants that receive or provide more than 50 percent of their input~~
11 ~~from, or production output to, the refinery. “Auxiliary facilities”~~
12 ~~does not include gas stations.~~

13 (2)

14 (1) “Biofuel” means biodiesel, renewable diesel, and renewable
15 aviation fuel, and other liquid products derived from ~~noncrude oil~~
16 ~~feedstock~~; *alternative feedstock, if the alternative feedstock is*
17 *refined through coprocessing or at a refinery that was converted*
18 *from petroleum to alternative feedstock.*

19 (3)

20 (2) “Fence-line monitoring system” means equipment that
21 measures and records ambient air pollutant concentrations at or
22 adjacent to a refinery and that detects and estimates the quantity
23 of fugitive emissions, gas leaks, and other air emissions from the
24 refinery and that may be useful for estimating associated pollutant
25 exposures and health risks and in determining trends in air pollutant
26 levels over time.

27 (4)

1 (3) “Refinery” means an establishment ~~that is and related~~
2 *facilities, including storage tanks, sulfur recovery plants, port*
3 *terminals, electrical generation plants, and hydrogen plants, that*
4 *are located on one or more contiguous or adjacent properties that*
5 ~~is primarily involved in refining processes and related auxiliary~~
6 ~~facilities. and that produce gasoline, diesel fuel, aviation fuel,~~
7 *biofuel, lubricating oil, asphalt, petrochemical feedstock, or other*
8 *similar products through the processing of crude oil or alternative*
9 *feedstock, redistillation of unfinished petroleum derivatives,*
10 *cracking, or other processes.*

11 (5)

12 (4) “Refinery-related community air monitoring system” means
13 equipment that measures and records air pollutant concentrations
14 in the ambient air at or near sensitive receptor locations near a
15 refinery and that may be useful for estimating associated pollutant
16 exposures and health risks and in determining trends in air pollutant
17 levels over time.

18 (6) ~~“Refining processes” means the production, separation,~~
19 ~~conversion, treating, handling, or blending of gasoline, diesel fuel,~~
20 ~~aviation fuel, biofuel, petroleum distillates, lubricating oils,~~
21 ~~petroleum coke, asphalt, or petrochemicals, among other products~~
22 ~~derived from petroleum and alternative feedstock, if the alternative~~
23 ~~feedstock is refined through coprocessing or at a refinery that was~~
24 ~~converted from petroleum to alternative feedstock.~~

25 (7)

26 (5) “Sensitive receptor” has the same meaning as set forth in
27 Section 42705.5.

28 (b) Notwithstanding Section 42708, and on or before January
29 1, ~~2026, 2028~~, a refinery-related community air monitoring system
30 shall, after a 30-day public comment period, be *updated or* installed
31 near each refinery that is consistent with the requirements and
32 guidance applicable to the siting of air quality monitors as
33 established by the United States Environmental Protection Agency,
34 and be updated, as deemed necessary by the state board, within
35 120 days of amendments to the guidance by the United States
36 Environmental Protection Agency, that meets both of the following
37 requirements:

38 (1) A district shall *update an existing refinery-related community*
39 *air monitoring system to implement this section or* design, develop,
40 install, operate, and maintain ~~the a new~~ refinery-related community

1 air monitoring system, which shall be operated and maintained in
2 accordance with guidance from the appropriate district. A district
3 may contract with a third party to implement this paragraph.

4 (2) The refinery-related community air monitoring system shall
5 include equipment capable of measuring compounds emitted to
6 the atmosphere from refinery processes, meteorological parameters,
7 and digital components capable of enabling real-time access to air
8 pollution and meteorological measurements via an internet website
9 and application programming interface, as determined by the
10 appropriate district.

11 (c) On or before January 1, ~~2026~~, 2028, the owner or operator
12 of a refinery shall, after a 30-day public comment period and
13 approval by the appropriate district, *update an existing fence-line*
14 *monitoring system to implement this section or* develop, install,
15 operate, and maintain a *new* fence-line monitoring system in
16 accordance with guidance developed by the appropriate district.
17 The fence-line monitoring system shall cover the entire perimeter
18 of the refinery, unless it is infeasible based on substantial evidence.
19 *The fence-line monitoring system shall cover all facilities at the*
20 *refinery, including related facilities as described in paragraph (3)*
21 *of subdivision (a).* The fence-line monitoring system shall include
22 equipment capable of measuring compounds emitted to the
23 atmosphere from refinery processes, meteorological parameters,
24 and digital components capable of enabling real-time access to air
25 pollution and meteorological measurements via an internet website
26 and application programming interface.

27 (d) (1) The appropriate district shall establish pollutants for
28 monitoring at refinery-related community air monitoring systems
29 and refinery fence-line monitoring systems and shall include
30 pollutants identified by the Office of Environmental Health Hazard
31 Assessment, including, but not limited to, the following pollutants
32 identified in the office's March 2019 Analysis of Refinery
33 Chemical Emissions and Health Effects as candidates for air
34 monitoring at a refinery:

- 35 (A) Acetaldehyde.
- 36 (B) Ammonia.
- 37 (C) Benzene.
- 38 (D) 1,3-butadiene.
- 39 (E) Cadmium.
- 40 (F) Diethanolamine.

- 1 (G) Formaldehyde.
- 2 (H) Hydrogen fluoride.
- 3 (I) Hydrogen sulfide.
- 4 (J) Manganese.
- 5 (K) Naphthalene.
- 6 (L) Nickel.
- 7 (M) Oxides of nitrogen.
- 8 (N) Polycyclic aromatic hydrocarbons.
- 9 (O) Particulate matter.
- 10 (P) Sulfur dioxide.
- 11 (Q) Sulfuric acid.
- 12 (R) Toluene.
- 13 (2) A district may exclude a pollutant for monitoring at a
- 14 refinery-related community air monitoring system and refinery
- 15 fence-line monitoring system if substantial evidence supports that
- 16 real-time monitoring of the pollutant is technologically infeasible
- 17 or the pollutant would not be released by refining processes during
- 18 routine and nonroutine operations at the refinery.
- 19 (3) A district shall, on a five-year basis, review the list of
- 20 pollutants being measured and may revise the list of pollutants
- 21 after considering advances in monitoring technology, reported
- 22 refinery emissions, ambient air data collected by the refinery
- 23 fence-line and refinery-related community monitoring systems,
- 24 and any other relevant emissions information.
- 25 (e) (1) The district and the owner or operator of a refinery shall
- 26 collect real-time data from the refinery-related community air
- 27 monitoring system and the fence-line monitoring system and shall
- 28 maintain records of that data for at least five years. The owner or
- 29 operator of a refinery shall post online quarterly reports that
- 30 summarize pollutant levels, variations, and trends over a
- 31 three-month period timeframe and notify the public of the
- 32 availability of the reports.
- 33 (2) The data generated by these systems shall be provided to
- 34 the public within 24 hours in a publicly accessible and
- 35 machine-readable format. The data shall be archived and made
- 36 available to the public online for download through an application
- 37 programming interface or other widely recognized standard and
- 38 backend components shall be optimized to minimize delays in
- 39 accessing data. The data shall include all historical and
- 40 meteorological data, and pollution measurements and metadata,

1 including latitude and longitude, detection limits, signal strength,
2 calibration, and quality control checks.

3 (f) The owner or operator of a refinery shall conduct third-party
4 audits, using an auditor approved by the district, of its fence-line
5 monitoring system to ensure the system is providing accurate data,
6 including conducting quality control checks, system calibration,
7 and evaluation of quality control and assurance plans. The audit
8 reports shall be submitted to the district and made available to the
9 public online by the refinery. The third-party audits shall be
10 conducted in accordance with the following schedule:

11 (1) An initial audit shall be conducted as follows:

12 (A) For a fence-line monitoring system installed on or after
13 January 1, 2024, within ~~three~~ six months after the installation and
14 operation of the system.

15 (B) For a fence-line monitoring system installed before January
16 1, 2024, by July 1, 2024.

17 (2) Subsequent audits shall occur every two years and review
18 at least one year of monitoring data.

19 (3) If an audit makes recommendations or identifies deficiencies
20 in a fence-line monitoring system, the owner or operator of the
21 refinery shall develop a corrective action plan within one month
22 of the audit report to describe actions that will be taken to address
23 all recommendations and deficiencies within a timeline of no more
24 than six months. A followup performance audit shall be conducted
25 within one month of completion of the corrective action plan to
26 document the resolution of the recommendations and deficiencies
27 identified in the audit. The owner or operator of a refinery shall
28 implement all recommendations of the auditor for correcting
29 deficiencies, except those that would cause a safety concern. The
30 corrective action plan shall be submitted to the district and made
31 available to the public online by the refinery.

32 (g) The owner or operator of a refinery shall notify the district
33 and public as quickly as possible of any exceedances of the ~~lowest~~
34 ~~available one-hour average reference exposure or concentration~~
35 ~~levels set by the Office of Environmental Health Hazard~~
36 ~~Assessment or the United States Environmental Protection Agency~~
37 *notification threshold* that are detected by the fence-line monitoring
38 system. *The notification threshold shall be established as the lowest*
39 *available one-hour average of the National Ambient Air Quality*
40 *Standards, California Ambient Air Quality Standards, and the*

1 acute reference exposure levels as assessed by the Office of
 2 Environmental Health Hazard Assessment, or, if not established,
 3 the historical concentration of any measured pollutant, if historical
 4 data is available. At a minimum, the notification to the public
 5 shall include email and text message notifications to members of
 6 the public requesting notification by email or text message
 7 notification, as appropriate.

8 (h) (1) Within 24 hours of a fence-line *monitoring* system
 9 detecting an exceedance of ~~a historical one-hour average~~
 10 ~~concentration~~ *the notification threshold* of any measured pollutant,
 11 the owner or operator of a refinery shall initiate a root cause
 12 analysis to locate the cause of the exceedance and to determine
 13 appropriate corrective action. The owner or operator of the refinery
 14 shall prepare and submit a report to the district and post online
 15 ~~within five~~ 14 days of the exceedance explaining the root cause
 16 analysis findings and corrective action performed by the refinery.
 17 The root cause analysis shall include a visual inspection to
 18 determine the cause of the exceedance and any of the following:

- 19 (A) Optical gas imaging.
- 20 (B) Leak inspection using Method 21 under Appendix A-7 of
- 21 Part 60 (commencing with Section 60.1) of Title 40 of the Code
- 22 of Federal Regulations.
- 23 (C) Other test or monitoring method approved by the district,
- 24 ~~the State Air Resources Board,~~ *state board*, or the United States
- 25 Environmental Protection Agency.

26 (2) If the root cause analysis requires corrective action, the
 27 refinery shall conduct a reinspection of the source within 14 days
 28 of the corrective action and submit a report to the district and post
 29 online.

30 (3) The refinery shall be assessed a civil penalty pursuant to
 31 Article 3 (commencing with Section 42400) of Chapter 4 by the
 32 district for failing to conduct a root cause analysis and take
 33 corrective action ~~within five~~ 14 days.

34 (4) (A) A fence-line monitoring system approved by the district
 35 shall presumptively yield credible evidence that may be used to
 36 establish whether a refinery has violated or is in violation of any
 37 plan, order, permit, rule, regulation, or law.

38 (B) A refinery may rebut the presumption established in
 39 subparagraph (A) by providing evidence that the refinery was not

1 the source of pollution that triggered the fence-line monitoring
2 system.

3 (i) (1) Guidance developed by a district pursuant to this section
4 shall require the preparation of a quality control and assurance
5 plan to ensure data quality and take into account technological
6 capabilities and incorporate input from affected parties and, to the
7 extent feasible, shall be informed by refinery-related guidance in
8 the monitoring plan prepared pursuant to subdivision (b) of Section
9 42705.5 and the United States Environmental Protection Agency
10 guidance on quality assurance and management plans.

11 (2) Guidance and rules or regulations developed by a district
12 pursuant to this section shall be reviewed and updated every five
13 years through a public process.

14 (j) (1) Except as provided in paragraph (2), the owner or
15 operator of a refinery shall be responsible for the costs associated
16 with implementing this section.

17 (2) To the extent a refinery-related community air monitoring
18 system is intentionally used by a district to monitor emissions from
19 sources under its jurisdiction other than a refinery, the district shall
20 ensure the costs of the system are shared in a reasonably equitable
21 manner.

22 (k) *No later than July 1, 2027, the appropriate district shall*
23 *provide notice to the appropriate policy committees of the*
24 *Legislature regarding its progress toward meeting the January 1,*
25 *2028, implementation deadline pursuant to subdivisions (b) and*
26 *(c).*

27 (l) *All fence-line monitoring systems and refinery-related*
28 *community air monitoring systems installed before January 1,*
29 *2024, shall continue in operation during the implementation of*
30 *any additional requirements pursuant to this section.*

31 ~~(k)~~

32 (m) This section does not limit the authority or jurisdiction of
33 the Environmental Protection Agency, the ~~State Air Resources~~
34 ~~Board~~, *state board*, or the districts, and does not prohibit a city,
35 county, or city and county from imposing more stringent
36 regulations, limits, or prohibitions on a refinery.

37 SEC. 3. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 a local agency or school district has the authority to levy service
40 charges, fees, or assessments sufficient to pay for the program or

1 level of service mandated by this act or because costs that may be
2 incurred by a local agency or school district will be incurred
3 because this act creates a new crime or infraction, eliminates a
4 crime or infraction, or changes the penalty for a crime or infraction,
5 within the meaning of Section 17556 of the Government Code, or
6 changes the definition of a crime within the meaning of Section 6
7 of Article XIII B of the California Constitution.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On January 10, 2024, Governor Newsom released his initial proposal for the fiscal year (FY) 2024-25 Budget. Assembly Bill (AB) 1812 (Gabriel) and Senate Bill (SB) 917 (Skinner) are identical bills reflecting the Governor's proposed budget.

The text below was obtained from the Assembly's "Highlights of Governor's Proposed 2024-25 Budget" released on January 10, 2024:

Late Tax Data Necessitates More Budget Balancing. Following an unprecedented decision by the federal government to allow high-income taxpayers to delay 2022 tax payments to November 2023, recent tax receipts show that the 2022 California budget surplus effectively was much less than estimated. In June 2023, the Legislature and the Governor addressed a more than \$30 billion shortfall to correct part of this overestimate. The November tax data show that additional budget balancing will be required in 2024 and over the next few fiscal years.

The Governor's new proposal estimates that \$37.9 billion of budget-balancing actions will be required to balance the 2024-25 state budget as required by the Constitution. (The Legislative Analyst's Office estimated a \$68 billion gap in a report last month but made different assumptions about revenues, Proposition 98 school funding, and baseline state spending.) Both the administration and the LAO note, as always, that the California tax system is unpredictable, and revenue estimates may change by many billions of dollars between now and this summer when the 2024 budget is finalized.

The Governor's budget summary notes that state revenues remain well above prepandemic levels. The administration notes that the stock market run-up through the end of 2021 led to a tax revenue surge that ended in 2022. In addition to general stock market declines,

revenue sources attributable to high-income households and businesses in California’s important technology sector—sources related to initial public offerings and venture capital funding—weakened during 2022 and much of 2023. The Governor’s summary notes the recent recovery of the stock market and growth in California’s overall economy.

DISCUSSION

Staff will provide an update to the Policy, Grants, and Technology Committee on activities related to the budget.

The Senate and Assembly have started budget hearings that will continue for several months. Air District staff will participate and comment as appropriate. In May, the Governor will release a budget revision (the “May Revise”), and the remainder of May and most of June will be spent reconciling priorities and funding of the Administration, Senate, and Assembly. The budget must be signed by the Governor by July 1, 2024.

Attached is a table of programs significant to the Air District, along with budget data from the previous year. These items may be subject to change based on future budget adjustments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

1. 2024-25 Proposed State Budget vs. Previous Year

Program	FY 23/24 Approved Budget, Budget Bill Jr.	FY 24/25 Proposed Budget (January) AB 1812 (Gabriel) and SB 917 (Skinner)
AB 617 - Implementation	\$60M	\$50M
AB 617 - Incentives	\$234M	\$195M
AB 617 - Community Grants	\$6M	\$5M
AB 617 - Additional (CERP)	\$0	\$0
Clean Vehicle Rebate	\$0	\$0
Clean Truck & Bus	\$0	\$0
Ag Diesel Engine Replacement	\$75M	\$0
Clean Cars For All/School Bus/Equity	\$80M	\$0
Resilience Centers	\$0	\$0
Prescribed Fire	\$2M	\$3M
Carl Moyer Program	\$130M	\$136.3M
Zero-Emission Lawn and Garden	\$0	\$0
Woodstove Replacement	\$0	\$0
Port and Freight Goods Movement Infrastructure	\$50M	\$100M
ZEV Drayage/Transit Bus/School Bus	\$80M	\$0
Long Duration Energy Storage	\$171M	\$56.9M*
Residential Decarbonization	\$310.5M	\$78.3M*
Commercial Harbor Craft	\$0	\$0

*Reversions also noted in proposed budget for some previously allocated funding from previous budget years.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Federal Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

To avert multiple government shutdowns, Congress has passed three short-term spending bills, the most recently in mid-January, which extends government spending into the month of March. However, Congress will still need to reach an agreement on a full-year spending package for fiscal year (FY) 2024, which began last October.

In December 2023, the Air District organized a federal legislative advocacy trip attended by current Chair (then Vice Chair) Hurt, Director Veenker, Air District Executive Officer/APCO, Dr. Fine, Deputy Executive Officer of Public Affairs, Viet Tran, and Legislative Officer, Alan Abbs, and facilitated by the Air District's contracted federal advocacy firm, Kadesh & Associates.

The trip included meetings with members of the Bay Area House delegation, both Senate offices, two Department of Energy offices, Department of Transportation, White House Council on Environmental Quality, and two Non-Governmental Organizations (NGOs), the American Lung Association, and the U.S. Climate Alliance.

Office of Senator Butler (Staff)

- Discussion items: Assembly Bill (AB) 617 work, building appliance rules, Bipartisan Infrastructure Law (BIL)/Inflation Reduction Act (IRA) funding efforts.

Office of Senator Padilla (Member and staff)

- Discussion items: Refinery incidents, AB 617 community work, wildfire smoke and PM_{2.5}, appliance rules, Infrastructure Investment and Jobs Act (IIJA) and IRA funding.

Office of Representative DeSaulnier (Member and staff)

- Discussion items: Refinery incidents, appliance rules, IIJA and IRA funding. Contra Costa County Just Transition project.

Office of Representative Eshoo (Staff)

- Discussion items: Building appliance rules and implementation, wildfire smoke, BIL/IRA funding efforts.

Office of Representative Garamendi (Member and staff)

- Discussion items: Refinery incidents, appliance rules, IIJA and IRA funding.

Office of Representative Huffman (Member and staff)

- Discussion items: AB 617 community work, appliance rules, IIJA and IRA funding.

Office of Representative Mullin (Member and staff)

- Discussion items: AB 617 community work, wildfire smoke, appliance rules, IIJA and IRA funding.

Department of Energy (DOE) – Office of Energy Efficiency and Renewable Energy (EERE) – Building Technologies Office

- Discussion items: Appliance rules, including technical needs and implementation pathway. Expressed interest in seeing how DOE programs overlay with Air District needs on research and development, adoption, and workforce.

Department of Energy – Office of State and Community Energy Partners

- Discussion items: Federal funding options for clean appliances and other clean technologies. Very familiar with the state funding pathways and the dozens of new federal programs that might be applicable to some of the work that the Air District and partners are doing.

Department of Transportation (DOT)

- Discussion items: AB 617 work. DOT is interested in how those plans inform Transportation Improvement Plan (TIP)/State Transportation Improvement Program (STIP) transportation planning and could feed into DOT’s new greenhouse gas (GHG) planning.

White House Council on Environmental Quality (CEQ)

- Discussion items: AB 617 programs, specific communities and partners, IRA programs with Justice40 overlay. White House campaign for environmental justice.

American Lung Association

- Discussion items: Building appliance rules, wildfire, PM_{2.5}, other U.S. Environmental Protection Agency (EPA) rules and Administration efforts aimed at air quality & public health.

U.S. Climate Alliance

- Discussion items: Appliance rules and helping identify best policy/implementation practices across states/localities.

DISCUSSION

The Policy, Grants, and Technology Committee will receive an update on recent events of significance on the federal level, as well as a recap on our federal advocacy trip in December 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Viet Tran

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: February 21, 2024

Re: Status of Actions to Address Lead from General Aviation Fuel

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Leaded gasoline used in general aviation for piston-engine powered small aircraft (avgas) remains the largest nationwide source of lead emissions into the air. Elevated levels of lead in air near airports cause higher exposure levels for the public. Communities near general aviation airports tend to be lower income and higher minority areas.

Several studies, including one completed over two years ago at Reid Hillview airport in Santa Clara County, have shown elevated blood lead levels in children living near these airports. Lead is a toxic substance and can persist in human tissue, the brain, and the skeletal system for many decades after exposure. Even low levels of lead in blood are linked to adverse cognitive and behavioral performance in children. Children of low socioeconomic status are at greater risk of being disproportionately impacted by lead emissions.

The United States Environmental Protection Agency (U.S. EPA) was first petitioned on the issue of lead emissions from general aviation aircraft in 2006 and has intermittently evaluated impacts from lead in aviation fuel since that time.

Below is a status update on measures to reduce and eliminate lead from avgas.

DISCUSSION

In October 2021, the Board of Directors directed staff to take actions toward eliminating lead emissions from general aviation fuel. Since then, technological advances in developing formulations of unleaded avgas have occurred. Below is a general status update on efforts to reduce and eliminate lead from general aviation fuel.

1. U.S. EPA finalizes an endangerment finding for leaded aviation gasoline

On October 18, 2023, the U.S. EPA issued a final determination that lead emissions from piston-engine aircraft cause or contribute to air pollution which may reasonably be anticipated to endanger public health and welfare under the Clean Air Act.

Finalization of the endangerment finding now requires U.S. EPA to propose and promulgate regulatory standards for lead emissions from aircraft engines, after which the Federal Aviation Administration (FAA) is required to finalize regulations to enforce U.S. EPA's engine emissions standards. The endangerment finding also requires the FAA to establish standards for the composition of aviation gasoline to control or eliminate aircraft lead emissions.

The Air District and other agencies sent a letter of support for the 2021 petition to EPA to make an endangerment finding, signed March 21, 2022. Also, a letter of support for the proposed endangerment finding led by Santa Clara County was sent in January 2023.

2. Technological advances in development of unleaded avgas:

Swift Fuels UL94 unleaded avgas has been available for the past six (6) years. This formulation was certified by the FAA in 2015 for use in about 70% of piston-engine aircraft in the existing general aviation fleet. Twenty-five (25) airports in northern California and twenty-two (22) in Southern California will now have this fuel available.

Two companies, Swift Fuels and General Aviation Modifications Inc. (GAMI), have developed high octane, unleaded fuels for piston-engine aircraft. The Swift Fuels formulation for 100 octane, unleaded avgas, 100R, is designed to fully replace leaded avgas across the entire piston engine fleet once it receives the proper approvals. This Swift 100R is currently under review for FAA testing, American Society for Testing Materials (ASTM) certification and eventual production and distribution. Swift Fuels hopes to have this fleetwide fuel available across North America by the end of 2025.

On September 1, 2022, the FAA approved GAMI's 100-octane unleaded fuel (G100UL) to be used in all piston aircraft. The signed supplemental type certificates allow GAMI's fuel to be used in every general aviation spark-ignition engine and every airframe powered by those engines. General transition and commercialization, including manufacture and distribution of this fuel, are the next steps in making this unleaded fuel widely available.

3. Federal Grant for Pollution Prevention to Advance Environmental Justice

The California Department of Public Health (CDPH) received a grant of over \$776,600 from US EPA for pollution prevention in underserved communities. The CDPH proposal will provide voluntary outreach for technical assistance to general aviation airports in California located in disadvantaged communities to support the reduction or elimination of leaded aviation gasoline. Technical assistance will include voluntary business roundtable discussions, training, and developing educational materials and case studies. The proposed project aims to improve human health and the environment in disadvantaged communities by reducing harmful lead emissions in

communities from pollution sources identified through CalEnviroScreen. The Air District will assist CDPH with outreach to Bay Area general aviation airports.

4. Letter of Support to City of Livermore to phaseout leaded avgas:

At the request of the Air District’s James Cary Smith Community Grantee, Tri-Valley Air Quality Climate Alliance, on September 8, 2023, the Air District wrote a letter to the City of Livermore in support of the Livermore City Council’s efforts encouraging the use of unleaded avgas at general aviation airports in Alameda County. In December 2023, Livermore City Council approved a resolution to require an unleaded fuel option at the Livermore Municipal Airport.

5. Pending Federal Legislation

Two bills regarding the 2023 FAA Reauthorization potentially complicate the current status of eliminating leaded avgas: One bill passed by the House of Representatives requires leaded avgas to remain available at general aviation airports. A corresponding bill in the Senate is pending.

Next Steps:

The Air District will continue to urge U.S. EPA and the FAA to protect public health and welfare by phasing out leaded aviation fuels.

- Assist CDPH with outreach and education program to Bay Area general aviation airports.
- Support communities, cities, and counties in the transition to unleaded general aviation fuel.
- Advocate for production, distribution, and wide availability of unleaded fuel for piston-engine aircraft at general aviation airports.
- Track the status of U.S. EPA and FAA rulemaking.

The Air District can serve as a resource to local governments and communities in the transition to unleaded fuel for general aviation airports.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Judith Cutino
Reviewed by: Greg Nudd

ATTACHMENTS:

None