

AMENDED IN ASSEMBLY AUGUST 27, 2013

SENATE BILL

No. 99

Introduced by Committee on Budget and Fiscal Review

January 10, 2013

An act relating to the Budget Act of 2013. An act to amend Sections 164.56 and 2106 of, to amend the heading of Chapter 3 (commencing with Section 2100) of Division 3 of, to amend and repeal Sections 892.2, 892.4, 892.5, 892.6, 893, 893.2, 893.4, 893.6, 894, 894.2, and 2333.5 of, and to add Chapter 8 (commencing with Section 2380) to Division 3 of, the Streets and Highways Code, relating to transportation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 99, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2013. Active Transportation Program.~~

Existing law establishes various transportation programs and associated funds and accounts, including the Bicycle Transportation Account, the Bikeway Account, and the Safe Routes to School Program. Existing federal law, pursuant to the Moving Ahead for Progress in the 21st Century Act, reconstitutes various federal transportation funding programs, including the former Transportation Enhancements Program, and creates the new federal Transportation Alternatives Program comprised of various former separate programs.

This bill would create the Active Transportation Program in the Department of Transportation, to be funded in the annual Budget Act from specified federal and state transportation funds, including 100% of the available federal Transportation Alternatives Program funds and federal Recreational Trails Program funds, except as specified,

\$21,000,000 of federal Highway Safety Improvement Program funds or other federal funds, a specified amount of fuel tax revenues from the Highway Users Tax Account and the State Highway Account, and from other available funds. The bill would provide for funds to be allocated to eligible projects by the California Transportation Commission, with 40% of available funds to be made available for programming by metropolitan planning organizations in urbanized areas with a population greater than 200,000, 10% for small urban and rural regions, and 50% on a statewide basis, with all awards to be made competitively, as specified. The bill would include among the authorized activities for the Active Transportation Program certain existing activities of the above-referenced programs and accounts. The bill would also add new authorized activities, as specified. The bill would require the commission to develop guidelines and procedures, including project selection criteria, for the program in consultation with various agencies and interested parties. The bill would require the commission to initially adopt a 2-year program of projects for the program, with subsequent 4-year programs thereafter. The bill would correspondingly eliminate the Bicycle Transportation Account, the Bikeway Account, and the Safe Routes to School Program as separate programs. The bill would require the Commission, no later than 45 days prior to adopting the initial set of final guidelines for the Active Transportation Program, to submit the draft guidelines to the Joint Legislative Budget Committee.

This bill would provide that no additional funds shall be transferred to the Bicycle Transportation Account. The bill would transfer the remaining assets and liabilities of the Bicycle Transportation Account and the Bikeway Account to the State Highway Account on July 1, 2014, and would provide that various provisions governing these programs become inoperative on July 1, 2014, and would be repealed on January 1, 2015.

Existing law creates the Environmental Enhancement and Mitigation Program Fund, and states the intent of the Legislature to allocate \$10,000,000 annually to the fund, for expenditure on grants to specified agencies and nonprofit entities for various types of projects that are directly or indirectly related to the environmental impact of transportation facilities, including, among other things, highway landscaping and roadside recreational opportunities.

This bill would instead state the intent of the Legislature to allocate \$7,000,000 annually to the fund, and would delete the reference to

projects for highway landscaping and roadside recreational opportunities.

The bill would appropriate \$10,000,000 from the Environmental Enhancement and Mitigation Program Fund to the Secretary of the Natural Resources Agency for grants awarded by the secretary to support local environmental enhancement and mitigation programs.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2013.~~

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

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

1 SECTION 1. Section 164.56 of the Streets and Highways Code
2 is amended to read:

3 164.56. (a) It is the intent of the Legislature to allocate ~~ten~~
4 ~~seven million dollars (\$10,000,000)~~ (\$7,000,000) annually to the
5 Environmental Enhancement and Mitigation Program Fund, which
6 is hereby created.

7 (b) Local, state, and federal agencies and nonprofit entities may
8 apply for and may receive grants, not to exceed five million dollars
9 (\$5,000,000) for any single grant, to undertake environmental
10 enhancement and mitigation projects that are directly or indirectly
11 related to the environmental impact of modifying existing
12 transportation facilities or for the design, construction, or expansion
13 of new transportation facilities.

14 (c) Projects eligible for funding include, but are not limited to,
15 all of the following:

16 (1) ~~Highway landscaping and urban~~ Urban forestry projects
17 designed to offset vehicular emissions of carbon dioxide.

18 (2) Acquisition or enhancement of resource lands to mitigate
19 the loss of, or the detriment to, resource lands lying within the
20 right-of-way acquired for proposed transportation improvements.

21 ~~(3) Roadside recreational opportunities, including roadside rests,~~
22 ~~trails, trailheads, and parks.~~

23 ~~(4)~~

24 (3) Projects to mitigate the impact of proposed transportation
25 facilities or to enhance the environment, where the ability to

1 effectuate the mitigation or enhancement measures is beyond the
2 scope of the lead agency responsible for assessing the
3 environmental impact of the proposed transportation improvement.

4 (d) Grant proposals shall be submitted to the Resources Agency
5 for evaluation in accordance with procedures and criteria prescribed
6 by the Resources Agency. The Resources Agency shall evaluate
7 proposals submitted to it and prepare a list of proposals
8 recommended for funding. The list may be revised at any time.
9 Prior to including a proposal on the list, the Resources Agency
10 shall make a finding that the proposal is eligible for funding
11 pursuant to subdivision (f).

12 (e) Within the fiscal limitations of subdivisions (a) and (b), the
13 commission shall annually award grants to fund proposals that are
14 included on the list prepared by the Resources Agency pursuant
15 to subdivision (d).

16 (f) Projects funded pursuant to this section shall be projects that
17 contribute to mitigation of the environmental effects of
18 transportation facilities, as provided for by Section 1 of Article
19 XIX of the California Constitution.

20 *SEC. 2. Section 892.2 of the Streets and Highways Code is*
21 *amended to read:*

22 892.2. (a) The Bicycle Transportation Account is continued
23 in existence in the State Transportation Fund, and, notwithstanding
24 Section 13340 of the Government Code, the money in the account
25 is continuously appropriated to the department for expenditure for
26 the purposes specified in Section 892.4. Unexpended moneys shall
27 be retained in the account for use in subsequent fiscal years.

28 (b) Any reference in law or regulation to the Bicycle Lane
29 Account is a reference to the Bicycle Transportation Account.

30 (c) *All assets and liabilities of the Bicycle Transportation*
31 *Account shall become assets and liabilities of the State Highway*
32 *Account before July 1, 2014.*

33 (d) *This section shall become inoperative on July 1, 2014, and,*
34 *as of January 1, 2015, is repealed, unless a later enacted statute,*
35 *that becomes operative on or before January 1, 2015, deletes or*
36 *extends the dates on which it becomes inoperative and is repealed.*

37 *SEC. 3. Section 892.4 of the Streets and Highways Code is*
38 *amended to read:*

1 892.4. The department shall allocate and disburse moneys from
2 the Bicycle Transportation Account according to the following
3 priorities:

4 (a) To the department, the amounts necessary to administer this
5 article, not to exceed 1 percent of the funds expended per year.

6 (b) To counties and cities, for bikeways and related facilities,
7 planning, safety and education, in accordance with Section 891.4.

8 (c) *This section shall become inoperative on July 1, 2014, and,*
9 *as of January 1, 2015, is repealed, unless a later enacted statute,*
10 *that becomes operative on or before January 1, 2015, deletes or*
11 *extends the dates on which it becomes inoperative and is repealed.*

12 SEC. 4. Section 892.5 of the Streets and Highways Code is
13 amended to read:

14 892.5. The Bikeway Account, created in the State
15 Transportation Fund by Chapter 1235 of the Statutes of 1975, is
16 continued in effect, and, notwithstanding Section 13340 of the
17 Government Code, money in the account is hereby continuously
18 appropriated to the department for expenditure for the purposes
19 specified in this chapter. ~~Unexpended money shall be retained in~~
20 ~~the account for use in subsequent fiscal years.~~

21 *All assets and liabilities of the Bikeway Account shall become*
22 *assets and liabilities of the State Highway Account before July 1,*
23 *2014.*

24 *This section shall become inoperative on July 1, 2014, and, as*
25 *of January 1, 2015, is repealed, unless a later enacted statute, that*
26 *becomes operative on or before January 1, 2015, deletes or extends*
27 *the dates on which it becomes inoperative and is repealed.*

28 SEC. 5. Section 892.6 of the Streets and Highways Code is
29 amended to read:

30 892.6. The Legislature finds and declares that the construction
31 of bikeways pursuant to this article constitutes a highway purpose
32 under Article XIX of the California Constitution and justifies the
33 expenditure of highway funds therefor.

34 *This section shall become inoperative on July 1, 2014, and, as*
35 *of January 1, 2015, is repealed, unless a later enacted statute, that*
36 *becomes operative on or before January 1, 2015, deletes or extends*
37 *the dates on which it becomes inoperative and is repealed.*

38 SEC. 6. Section 893 of the Streets and Highways Code is
39 amended to read:

893. The department shall disburse the money from the Bicycle Transportation Account pursuant to Section 891.4 for projects that improve the safety and convenience of bicycle commuters, including, but not limited to, any of the following:

- (a) New bikeways serving major transportation corridors.
- (b) New bikeways removing travel barriers to potential bicycle commuters.
- (c) Secure bicycle parking at employment centers, park-and-ride lots, rail and transit terminals, and ferry docks and landings.
- (d) Bicycle-carrying facilities on public transit vehicles.
- (e) Installation of traffic control devices to improve the safety and efficiency of bicycle travel.
- (f) Elimination of hazardous conditions on existing bikeways.
- (g) Planning.
- (h) Improvement and maintenance of bikeways.

In recommending projects to be funded, due consideration shall be given to the relative cost effectiveness of proposed projects.

This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 7. Section 893.2 of the Streets and Highways Code is amended to read:

893.2. The department shall not finance projects with the money in accounts continued in existence pursuant to this article which could be financed appropriately pursuant to Article 2 (commencing with Section 887), or fully financed with federal financial assistance.

This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 8. Section 893.4 of the Streets and Highways Code is amended to read:

893.4. If available funds are insufficient to finance completely any project whose eligibility is established pursuant to Section 893, the project shall retain its priority for allocations in subsequent fiscal years.

This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that

1 *becomes operative on or before January 1, 2015, deletes or extends*
2 *the dates on which it becomes inoperative and is repealed.*

3 SEC. 9. Section 893.6 of the Streets and Highways Code is
4 amended to read:

5 893.6. The department shall make a reasonable effort to
6 disburse funds in general proportion to population. However, no
7 applicant shall receive more than 25 percent of the total amounts
8 transferred to the Bicycle Transportation Account in a single fiscal
9 year.

10 *This section shall become inoperative on July 1, 2014, and, as*
11 *of January 1, 2015, is repealed, unless a later enacted statute, that*
12 *becomes operative on or before January 1, 2015, deletes or extends*
13 *the dates on which it becomes inoperative and is repealed.*

14 SEC. 10. Section 894 of the Streets and Highways Code is
15 amended to read:

16 894. The department may enter into an agreement with any
17 city or county concerning the handling and accounting of the
18 money disbursed pursuant to this article, including, but not limited
19 to, procedures to permit prompt payment for the work
20 accomplished.

21 *This section shall become inoperative on July 1, 2014, and, as*
22 *of January 1, 2015, is repealed, unless a later enacted statute, that*
23 *becomes operative on or before January 1, 2015, deletes or extends*
24 *the dates on which it becomes inoperative and is repealed.*

25 SEC. 11. Section 894.2 of the Streets and Highways Code is
26 amended to read:

27 894.2. The department, in cooperation with county and city
28 governments, shall adopt the necessary guidelines for implementing
29 this article.

30 *This section shall become inoperative on July 1, 2014, and, as*
31 *of January 1, 2015, is repealed, unless a later enacted statute, that*
32 *becomes operative on or before January 1, 2015, deletes or extends*
33 *the dates on which it becomes inoperative and is repealed.*

34 SEC. 12. The heading of Chapter 3 (commencing with Section
35 2100) of Division 3 of the Streets and Highways Code is amended
36 to read:

37
38 CHAPTER 3. HIGHWAY USERS TAX-~~FUND~~ ACCOUNT
39

1 *SEC. 13. Section 2106 of the Streets and Highways Code is*
2 *amended to read:*

3 2106. Notwithstanding Section 13340 of the Government Code,
4 a sum equal to the net revenue derived from one and four
5 one-hundredths cent (\$.0104) per gallon tax under the Motor
6 Vehicle Fuel License Tax Law (Part 2 (commencing with Section
7 7301) of Division 2 of the Revenue and Taxation Code) shall be
8 apportioned monthly from the Highway Users Tax Account in the
9 Transportation Tax Fund among the counties and cities as follows:

10 (a) Four hundred dollars (\$400) per month shall be apportioned
11 to each city and city and county and eight hundred dollars (\$800)
12 per month shall be apportioned to each county and city and county.

13 (b) ~~Commencing on July 31, 2007, and on~~ On the last day of
14 each month ~~after that date~~, the sum of six hundred thousand dollars
15 (\$600,000) ~~per month~~ shall be transferred to the ~~Bicycle~~
16 ~~Transportation~~ State Highway Account in the State Transportation
17 Fund *for the Active Transportation Program pursuant to Chapter*
18 *8 (commencing with Section 2380). For each month in the 2013–14*
19 *fiscal year that has passed prior to the enactment of the bill adding*
20 *this sentence, six hundred thousand dollars (\$600,000) shall be*
21 *immediately transferred from the Bicycle Transportation Account*
22 *to the State Highway Account in the State Transportation Fund*
23 *for the Active Transportation Program, less any amount already*
24 *expended for that program from the Bicycle Transportation*
25 *Account during the 2013–14 fiscal year.*

26 (c) The balance shall be apportioned, as follows:

27 (1) A base sum shall be computed for each county by using the
28 same proportions of fee-paid and exempt vehicles as are established
29 for purposes of apportionment of funds under subdivision (d) of
30 Section 2104.

31 (2) For each county, the percentage of the total assessed
32 valuation of tangible property subject to local tax levies within the
33 county which is represented by the assessed valuation of tangible
34 property outside the incorporated cities of the county shall be
35 applied to its base sum, and the resulting amount shall be
36 apportioned to the county. The assessed valuation of taxable
37 tangible property, for purposes of this computation, shall be that
38 most recently used for countywide tax levies as reported to the
39 Controller by the State Board of Equalization. If an incorporation
40 or annexation is legally completed following the base sum

1 computation, the new city's assessed valuation shall be deducted
2 from the county's assessed valuation, the estimate of which may
3 be provided by the State Board of Equalization.

4 (3) The difference between the base sum for each county and
5 the amount apportioned to the county shall be apportioned to the
6 cities of that county in the proportion that the population of each
7 city bears to the total population of all the cities in the county.
8 Populations used for determining apportionment of money under
9 Section 2107 are to be used for purposes of this section.

10 (d) (1) Transfers of revenues from the Highway Users Tax
11 Account to counties or cities pursuant to this section collected
12 during the months of March, April, May, June, and July of 2008,
13 shall be made with the transfer of August 2008 revenues in
14 September of 2008. This suspension shall not apply to a county
15 with a population of less than 40,000.

16 (2) For the purpose of meeting the cash obligations associated
17 with ongoing budgeted costs, a city or county may make use of
18 any cash balance in the city account that is designated for the
19 receipt of state funds allocated for local streets and roads or the
20 county road fund, including that resulting from the receipt of funds
21 pursuant to the Highway Safety, Traffic Reduction, Air Quality,
22 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing
23 with Section 8879.20) of Division 1 of Title 2 of the Government
24 Code (hereafter bond act)) for local streets and roads maintenance,
25 during the period of this suspension, without the use of this cash
26 being reflected as an expenditure of bond act funds, provided the
27 cash is replaced once this suspension is repaid in September of
28 2008. Counties and cities may accrue the revenue received in
29 September 2008 as repayment of these suspensions for the months
30 of April, May, and June of 2008 back to the 2007–08 fiscal year.
31 Nothing in this paragraph shall change the fact that expenditures
32 must be accrued and reflected from the appropriate funding sources
33 for which the moneys were received and meet all the requirements
34 of those funding sources.

35 (e) (1) The transfer of revenues from the Highway Users Tax
36 Account to counties or cities pursuant to this section collected
37 during the months of January, February, and March 2009, shall be
38 made with the transfer of April 2009 revenues in May 2009.

39 (2) For the purpose of meeting the cash obligations associated
40 with ongoing budgeted costs, a city or county may make use of

1 any cash balance in the city account that is designated for the
2 receipt of state funds allocated for local streets and roads or the
3 county road fund, including that resulting from the receipt of funds
4 pursuant to the Highway Safety, Traffic Reduction, Air Quality,
5 and Port Security Bond Act of 2006 (Chapter 12.49 (commencing
6 with Section 8879.20) of Division 1 of Title 2 of the Government
7 Code (bond act)) for local streets and roads maintenance, during
8 the period of this suspension, and the use of this cash shall not be
9 considered as an expenditure of bond act funds, if the cash is
10 replaced when the payments that are suspended pursuant to this
11 subdivision are repaid in May 2009.

12 (3) This subdivision shall not affect any requirement that an
13 expenditure is required to be accrued and reflected from the
14 appropriate funding source for which the money was received and
15 to meet all the requirements of its funding source.

16 *SEC. 14. Section 2333.5 of the Streets and Highways Code is*
17 *amended to read:*

18 2333.5. (a) The department, in consultation with the
19 Department of the California Highway Patrol, shall establish and
20 administer a “Safe Routes to School” construction program for
21 construction of bicycle and pedestrian safety and traffic calming
22 projects.

23 (b) The department shall award grants to local governmental
24 agencies under the program based on the results of a statewide
25 competition that requires submission of proposals for funding and
26 rates those proposals on all of the following factors:

27 (1) Demonstrated needs of the applicant.

28 (2) Potential of the proposal for reducing child injuries and
29 fatalities.

30 (3) Potential of the proposal for encouraging increased walking
31 and bicycling among students.

32 (4) Identification of safety hazards.

33 (5) Identification of current and potential walking and bicycling
34 routes to school.

35 (6) Use of a public participation process, including, but not
36 limited to, a public meeting that satisfies all of the following:

37 (A) Involves the public, schools, parents, teachers, local
38 agencies, the business community, key professionals, and others.

39 (B) Identifies community priorities and gathers community
40 input to guide the development of projects included in the proposal.

1 (C) Ensures that community priorities are reflected in the
2 proposal.

3 (D) Secures support for the proposal by relevant stakeholders.

4 (7) Benefit to a low-income school, defined for purposes of this
5 section to mean a school where at least 75 percent of students are
6 eligible to receive free or reduced-price meals under the National
7 School Lunch Program.

8 (c) Any annual budget allocation to fund grants described in
9 subdivision (b) shall be in addition to any federal funding received
10 by the state that is designated for “Safe Routes to School” projects
11 pursuant to Section 1404 of SAFETEA-LU or any similar program
12 funded through a subsequent transportation act.

13 (d) Any federal funding received by the state that is designated
14 for “Safe Routes to School” projects shall be distributed by the
15 department under the competitive grant process, consistent with
16 all applicable federal requirements.

17 (e) Prior to the award of any construction grant or the
18 department’s use of those funds for a “Safe Routes to School”
19 construction project encompassing a freeway, state highway, or
20 county road, the department shall consult with, and obtain approval
21 from, the Department of the California Highway Patrol, ensuring
22 that the “Safe Routes to School” proposal complements the
23 California Highway Patrol’s Pedestrian Corridor Safety Program
24 and is consistent with its statewide pedestrian safety statistical
25 analysis.

26 (f) The department is encouraged to coordinate with law
27 enforcement agencies’ community policing efforts in establishing
28 and maintaining the “Safe Routes to School” construction program.

29 (g) In the development of guidelines and procedures governing
30 this program, the department shall fully consider the needs of
31 low-income schools.

32 (h) Up to 10 percent of program funds may be used to assist
33 eligible recipients in making infrastructure improvements, other
34 than schoolbus shelters, that create safe routes to schoolbus stops
35 that are located outside the vicinity of schools.

36 (i) *This section shall become inoperative on July 1, 2014, and,*
37 *as of January 1, 2015, is repealed, unless a later enacted statute,*
38 *that becomes operative on or before January 1, 2015, deletes or*
39 *extends the dates on which it becomes inoperative and is repealed.*

1 *SEC. 15. Chapter 8 (commencing with Section 2380) is added*
2 *to Division 3 of the Streets and Highways Code, to read:*

3
4 *CHAPTER 8. ACTIVE TRANSPORTATION PROGRAM*
5

6 2380. *There is hereby established the Active Transportation*
7 *Program in the department for the purpose of encouraging*
8 *increased use of active modes of transportation, such as biking*
9 *and walking. It is the intent of the Legislature that the program*
10 *achieve all of the following goals:*

11 (i) *Increase the proportion of trips accomplished by biking and*
12 *walking.*

13 (ii) *Increase safety and mobility for nonmotorized users.*

14 (iii) *Advance the active transportation efforts of regional agencies*
15 *to achieve greenhouse gas reduction goals as established pursuant*
16 *to SB 375 (Chapter 728, Statutes of 2008) and SB 391 (Chapter*
17 *585, Statutes of 2009).*

18 (iv) *Enhance public health, including reduction of childhood*
19 *obesity through the use of programs including, but not limited to,*
20 *projects eligible for Safe Routes to School Program funding.*

21 (v) *Ensure that disadvantaged communities fully share in the*
22 *benefits of the program.*

23 (vi) *Provide a broad spectrum of projects to benefit many types*
24 *of active transportation users.*

25 2381. (a) *The Active Transportation Program shall be funded*
26 *by state and federal funds from appropriations in the annual*
27 *Budget Act. Funds for the program shall be appropriated to the*
28 *department, for allocation by the commission. The amount to be*
29 *appropriated shall include 100 percent of the federal*
30 *Transportation Alternative Program funds, except for any federal*
31 *Recreational Trails Program funds appropriated to the Department*
32 *of Parks and Recreation; twenty-one million dollars (\$21,000,000)*
33 *of federal Highway Safety Improvement funds or other federal*
34 *funds; and State Highway Account funds. Future funding may be*
35 *augmented if state or federal funds increase, or if other funding*
36 *sources are identified. Funds appropriated for the Active*
37 *Transportation Program shall be distributed as follows:*

38 (1) *Forty percent to metropolitan planning organizations in*
39 *urban areas with populations greater than 200,000, in proportion*
40 *to their relative share of population. Funds allocated under this*

1 paragraph shall be obligated for eligible projects selected through
2 a competitive process by the metropolitan planning organizations
3 in consultation with the department and the commission and in
4 accordance with guidelines established pursuant to this chapter.

5 (2) Ten percent to small urban and rural regions with
6 populations of 200,000 or less, with projects competitively awarded
7 by the commission to projects in those regions.

8 (3) Fifty percent to projects competitively awarded by the
9 commission on a statewide basis.

10 (b) For the purpose of paragraph (1) of subdivision (a), the
11 following shall apply in the region served by the multicounty
12 designated transportation planning agency described in Section
13 130004 of the Public Utilities Code:

14 (1) The multicounty designated transportation planning agency
15 shall consult with the county transportation commissions created
16 pursuant to Sections 130050, 130050.1, and 132800 of the Public
17 Utilities Code, the commission, and the department in the
18 development of competitive selection criteria to be adopted by the
19 multicounty designated transportation planning agency, which
20 should include consideration of geographic equity, consistent with
21 program objectives.

22 (2) The multicounty designated transportation planning agency
23 shall place priority on projects that are consistent with plans
24 adopted by local and regional governments within the county
25 where the project is located.

26 (3) The multicounty designated transportation planning agency
27 shall obtain concurrence from the county transportation
28 commissions, adopt the projects selected in a comprehensive
29 program of projects, and make funds available to selected project
30 recipients.

31 (c) The Legislature finds and declares that the program
32 described in this chapter constitutes a highway purpose under
33 Article XIX of the California Constitution and justifies the
34 expenditure of highway funds therefor, and all expenditures of
35 Article XIX funds under this program shall be consistent with
36 Article XIX.

37 2382. (a) The California Transportation Commission shall
38 develop guidelines and project selection criteria for the Active
39 Transportation Program in consultation with the Active
40 Transportation Program Workgroup, which shall be formed for

1 purposes of providing guidance on matters including, but not
2 limited to, development of and subsequent revisions to program
3 guidelines, schedules and procedures, project selection criteria,
4 performance measures, and program evaluation. The workgroup
5 shall include, but not be limited to, representatives of government
6 agencies and active transportation stakeholder organizations with
7 expertise in pedestrian and bicycle issues, including Safe Routes
8 to School programs.

9 (b) The guidelines shall be the complete and full statement of
10 the policies and criteria that the commission intends to use in
11 selecting projects to be included in the program. The guidelines
12 shall address subjects that include, but are not limited to, project
13 eligibility, application timelines, application rating and ranking
14 criteria, project monitoring, reporting, and transparency, and
15 project performance measurement.

16 (c) The guidelines shall include a process to ensure that no less
17 than 25 percent of overall program funds benefit disadvantaged
18 communities during each program cycle. The guidelines shall
19 establish a program definition for disadvantaged communities that
20 may include, but need not be limited to, the definition in Section
21 39711 of the Health and Safety Code and the definition of
22 low-income schools in paragraph (7) of subdivision (b) of former
23 Section 2333.5, as that section read on January 1, 2013. A project
24 eligible under this subdivision shall clearly demonstrate a benefit
25 to a disadvantaged community or be directly located in a
26 disadvantaged community.

27 (d) The California Transportation Commission shall adopt the
28 guidelines and selection criteria for, and define the types of
29 projects eligible to be funded through, the program following at
30 least two public hearings. Projects funded in this program shall
31 be limited to active transportation projects. The guidelines shall
32 ensure that eligible projects meet one or more of the goals set forth
33 in Section 2380 and may give increased weight to projects meeting
34 multiple goals.

35 (e) In developing the guidelines with regard to project eligibility,
36 the commission shall include, but need not be limited to, the
37 following project types:

38 (1) Development of new bikeways and walkways, or
39 improvements to existing bikeways and walkways, that improve
40 mobility, access, or safety for nonmotorized users.

1 (2) *Secure bicycle parking at employment centers, park and*
2 *ride lots, rail and transit stations, and ferry docks and landings.*

3 (3) *Bicycle-carrying facilities on public transit, including rail*
4 *and ferries.*

5 (4) *Installation of traffic control devices to improve the safety*
6 *of pedestrians and bicyclists.*

7 (5) *Elimination of hazardous conditions on existing bikeways*
8 *and walkways.*

9 (6) *Maintenance of bikeways and walkways.*

10 (7) *Recreational trails and trailheads, park projects that*
11 *facilitate trail linkages or connectivity to nonmotorized corridors,*
12 *and conversion of abandoned railroad corridors to trails.*

13 (8) *Safe Routes to School projects that improve the safety of*
14 *children walking and bicycling to school, in accordance with*
15 *Section 1404 of Public Law 109-59.*

16 (9) *Safe routes to transit projects, which will encourage transit*
17 *by improving biking and walking routes to mass transportation*
18 *facilities and school bus stops.*

19 (10) *Educational programs to increase biking and walking, and*
20 *other noninfrastructure investments that demonstrate effectiveness*
21 *in increasing active transportation.*

22 (f) *In developing the guidelines with regard to project selection,*
23 *the commission shall include, but need not be limited to, the*
24 *following criteria:*

25 (1) *Demonstrated needs of the applicant.*

26 (2) *Potential for reducing pedestrian and bicyclist injuries and*
27 *fatalities.*

28 (3) *Potential for encouraging increased walking and bicycling,*
29 *especially among students.*

30 (4) *Identification of safety hazards for pedestrians and bicyclists.*

31 (5) *Identification of walking and bicycling routes to and from*
32 *schools, transit facilities, and community centers.*

33 (6) *Identification of the local public participation process that*
34 *culminated in the project proposal, which may include noticed*
35 *public meetings and consultation with local stakeholders.*

36 (7) *Benefit to disadvantaged communities. In developing*
37 *guidelines relative to this paragraph, the commission shall*
38 *consider, but need not be limited to, the definition of disadvantaged*
39 *communities as applied pursuant to subdivision (c).*

1 (8) *Cost-effectiveness, defined as maximizing the impact of the*
2 *funds provided.*

3 (9) *The adoption by a city or county applicant of a bicycle*
4 *transportation plan, pursuant to Section 891.2, a pedestrian plan,*
5 *a safe routes to school plan, or an overall active transportation*
6 *plan.*

7 (10) *Use of California Conservation Corps or qualified*
8 *community conservation corps, as defined in Section 14507.5 of*
9 *the Government Code, as partners to undertake or construct*
10 *applicable projects in accordance with Section 1524 of Public*
11 *Law 112-141.*

12 (11) *Other factors, such as potential for reducing congestion,*
13 *improving air quality, reducing greenhouse gas emissions, and*
14 *increasing and improving connectivity and mobility of*
15 *nonmotorized users.*

16 (g) *For the use of federal Transportation Alternative Program*
17 *funds, or other federal funds, commission guidelines shall meet*
18 *all applicable federal requirements.*

19 (h) *For the use of federal Highway Safety Improvement Program*
20 *funds for active transportation projects specific to reducing*
21 *fatalities and serious injuries, the criteria for the selection of*
22 *projects shall be based on a data-driven process that is aligned*
23 *with the state's Strategic Highway Safety Plan.*

24 (i) *The guidelines may include incentives intended to maximize*
25 *the potential for attracting funds other than program funds for*
26 *eligible projects.*

27 (j) *In reviewing and selecting projects funded by federal funds*
28 *in the Recreational Trails Program, the commission shall*
29 *collaborate with the Department of Parks and Recreation to*
30 *evaluate proposed projects, and to ensure federal requirements*
31 *are met.*

32 (k) *To ensure that regional agencies charged with allocating*
33 *funds to projects pursuant to paragraph (1) of subdivision (a) of*
34 *Section 2381 have sufficient discretion to develop regional*
35 *guidelines, the commission may adopt separate guidelines for the*
36 *state and for the regional agencies relative to subdivision (f).*

37 2383. *The commission may amend the adopted guidelines after*
38 *conducting at least one public hearing. The commission shall make*
39 *a reasonable effort to amend the guidelines prior to the call for*

1 *projects or may extend the deadline for project submission in order*
2 *to comply with the new guidelines.*

3 *2384. The commission shall adopt a program of projects to*
4 *receive allocations under this chapter. The guidelines for an initial*
5 *two-year program of projects shall be adopted within six months*
6 *of the enactment of the act enacting this section. The commission*
7 *shall adopt each subsequent program not later than April 1 of*
8 *each odd-numbered year, but may alternatively elect to adopt a*
9 *program annually. Each program shall cover a period of four*
10 *fiscal years, beginning July 1 of the year of adoption, and shall*
11 *be a statement of intent by the commission for the allocation or*
12 *expenditure of funds during those four fiscal years. The commission*
13 *shall form a multidisciplinary advisory group to assist it in*
14 *evaluating project applications.*

15 *2385. The department shall administer the program consistent*
16 *with the guidelines adopted pursuant to this chapter.*

17 *SEC. 16. (a) No later than 45 days prior to adopting the initial*
18 *set of final guidelines for the Active Transportation Program, the*
19 *California Transportation Commission shall submit the draft*
20 *guidelines to the Joint Legislative Budget Committee.*

21 *(b) The California Transportation Commission shall either*
22 *include in its 2014 annual report to the Legislature prepared*
23 *pursuant to Section 14536 of the Government Code, or post to the*
24 *commission's Web site, with notice to the Joint Legislative Budget*
25 *Committee, a summary of the first programming cycle of the Active*
26 *Transportation Program. The information provided shall include,*
27 *but need not be limited to, a list of all projects selected at both the*
28 *state and regional levels, a breakdown of the project types that*
29 *received grant awards, information on grants awarded to*
30 *disadvantaged communities, and a breakdown by region of grants*
31 *awarded.*

32 *(c) The California Transportation Commission shall include in*
33 *its 2015 annual report to the Legislature prepared pursuant to*
34 *Section 14536 of the Government Code an evaluation of the Active*
35 *Transportation Program. The evaluation shall include, but need*
36 *not be limited to, a summary of the projects awarded and a*
37 *summary of the projects completed to date by project type,*
38 *geographic distribution, and benefit to disadvantaged communities.*
39 *The commission shall also report on the effectiveness of the*

1 *program in terms of planned and achieved improvement in mobility*
2 *and safety and timely use of program funds.*

3 *SEC. 17. The sum of ten million dollars (\$10,000,000) is hereby*
4 *appropriated from the Environmental Enhancement and Mitigation*
5 *Program Fund to the Secretary of the Natural Resources Agency*
6 *for grants awarded by the secretary to support local environmental*
7 *enhancement and mitigation programs. Notwithstanding any other*
8 *provision of law, these funds shall be available for allocation until*
9 *June 30, 2015, and available for encumbrance and liquidation by*
10 *the recipient local agency until June 30, 2019.*

11 *SEC. 18. This act is a bill providing for appropriations related*
12 *to the Budget Bill within the meaning of subdivision (e) of Section*
13 *12 of Article IV of the California Constitution, has been identified*
14 *as related to the budget in the Budget Bill, and shall take effect*
15 *immediately.*

16 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
17 ~~changes relating to the Budget Act of 2013.~~