

AMENDED IN SENATE JUNE 13, 2022

AMENDED IN ASSEMBLY MAY 19, 2022

AMENDED IN ASSEMBLY APRIL 18, 2022

AMENDED IN ASSEMBLY MARCH 22, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2237**

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**Introduced by Assembly Member Friedman**  
*(Coauthor: Senator Allen)*

February 16, 2022

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An act to amend Section 65082 of, and to add Section 65082.5 to, the Government Code, *and to add Section 168 to the Streets and Highways Code*, relating to ~~transportation planning~~: *transportation*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2237, as amended, Friedman. Transportation planning: regional transportation improvement plan: sustainable communities strategies: ~~climate goals~~: *alternative planning strategy: state transportation funding*.

Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires each regional transportation plan to also include a sustainable communities strategy prepared by each metropolitan planning ~~organization~~: *organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively. Existing law, to*

*the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organization to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.*

Existing law requires each regional transportation planning agency or county transportation commission to biennially adopt and submit to the California Transportation Commission and the Department of Transportation a 5-year regional transportation improvement program that includes, among other things, regional transportation improvement projects and programs proposed to be funded, in whole or in part, in the state transportation improvement program.

~~This bill would require that those projects and programs included in each regional transportation improvement program also be consistent with the most recently prepared sustainable communities strategy of the regional transportation planning agency or county transportation commission and the state's climate goals, as defined. The bill would require each regional transportation planning agency or county transportation commission to rank all transportation projects and prioritize projects based on adherence to its most recently adopted sustainable communities strategy and the state's climate goals, prioritize funding and implementing projects in the order of prioritization, and submit the prioritized list to the state board and the California Transportation Commission. The bill would require the state board, in consultation with the commission, to determine whether those projects and programs are consistent with the sustainable communities strategy and the state's climate goals, and would prohibit a regional transportation planning agency or county transportation commission from funding inconsistent projects or programs, as specified.~~ *commission, or, if applicable, the alternative planning strategy, and state and federal air quality standards. The bill would prohibit funds collected from any local transportation tax measure passed on or after January 1, 2023, from being spent until the transportation projects or programs to be funded by the tax measure are included in the most recently adopted sustainable communities strategy of the applicable regional transportation planning agency or county transportation commission or, if applicable, the alternative planning strategy. The bill would also prohibit the expenditure of funds from local tax measures that passed before January 1, 2023, but that exclusively provide for the*

*collection and expenditure of funds on or after January 1, 2023, until the transportation projects or programs to be funded by the tax measure are included in the most recently adopted sustainable communities strategy, or, if applicable, the alternative planning strategy.*

~~The bill would also require each regional transportation planning agency or county transportation commission to submit a report on local transportation tax measures to the California Transportation Commission on or before March 30, 2023, as provided. The bill would require the commission, in consultation with the state board, to propose recommendations on alignment of local tax measures with the state's climate goals. The bill would require, to the extent permitted by the local tax measures, projects funded by local tax measures to be included in regional transportation plans and to adhere to the most recently adopted sustainable communities strategy of the applicable regional transportation agency or county transportation commission and the state's climate goals.~~

By imposing additional requirements on local government, including regional transportation planning agencies and county transportation commissions, this bill would impose a state-mandated local program.

*Existing law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. Existing law requires the department to prepare and submit to the Governor a proposed budget, as provided.*

*This bill would prohibit state funds from being used for a project that increases single-occupancy vehicle capacity, unless the project is included in an adopted sustainable communities strategy, or, if applicable, alternative planning strategy, provides sufficient enforceable mitigation to ensure that including the project in the sustainable communities strategy or alternative planning strategy will not increase the emissions of greenhouse gases, and the metropolitan planning organization finds that the project helps advance other regional goals, as provided.*

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 65082 of the Government Code is  
 2 amended to read:  
 3 65082. (a) For purposes of this section, ~~the following~~  
 4 ~~definitions apply:~~ “*regional transportation planning agency or*  
 5 *county transportation commission*” means a regional  
 6 *transportation planning agency or county transportation*  
 7 *commission required to adopt and submit a regional transportation*  
 8 *improvement program to the California Transportation*  
 9 *Commission and the Department of Transportation pursuant to*  
 10 *Section 14527.*  
 11 ~~(1) “Regional transportation planning agency or county~~  
 12 ~~transportation commission” means a regional transportation~~  
 13 ~~planning agency or county transportation commission required to~~  
 14 ~~adopt and submit a regional transportation improvement program~~  
 15 ~~to the California Transportation Commission and the Department~~  
 16 ~~of Transportation pursuant to Section 14527.~~  
 17 ~~(2) “State’s climate goals” means the goals expressed in any of~~  
 18 ~~the following:~~  
 19 ~~(A) Climate Action Plan for Transportation Infrastructure~~  
 20 ~~prepared by the Transportation Agency, including the guiding~~  
 21 ~~principles in the final draft as adopted by the Transportation~~  
 22 ~~Agency and endorsed by the California Transportation Commission~~  
 23 ~~in July 2021.~~  
 24 ~~(B) State and federal air quality standards set by the federal~~  
 25 ~~Clean Air Act (42 U.S.C. Sec. 7401 et seq.), including all state~~  
 26 ~~ambient air quality standards, as set forth in Section 70200 of Title~~  
 27 ~~17 of the California Code of Regulations, and national ambient air~~  
 28 ~~quality standards, as established pursuant to Section 7409 of Title~~  
 29 ~~42 of the United States Code, in all areas of the state, as described~~  
 30 ~~in California’s state implementation plans required by the federal~~  
 31 ~~Clean Air Act (42 U.S.C. Sec. 7401 et seq.).~~  
 32 ~~(C) Senate Bill 375 (Chapter 728 of the Statutes of 2008).~~  
 33 ~~(D) Senate Bill 32 (Chapter 249 of the Statutes of 2016).~~  
 34 (b) (1) Each regional transportation planning agency or county  
 35 transportation commission shall prepare, adopt, and submit a

1 five-year regional transportation improvement program to the  
2 California Transportation Commission on or before December 15  
3 of each odd-numbered year thereafter, updated every two years,  
4 pursuant to Sections 65080 and 65080.5 and the guidelines adopted  
5 pursuant to Section 14530.1, to include regional transportation  
6 improvement projects and programs it proposes to be funded, in  
7 whole or in part, in the state transportation improvement program  
8 and that are consistent with its most recently prepared sustainable  
9 communities ~~strategy and the state's climate goals.~~ *strategy, or, if*  
10 *required by subparagraph (I) of paragraph (2) of subdivision (b)*  
11 *of Section 65080, alternative planning strategy, and the state and*  
12 *federal air quality standards set by the federal Clean Air Act (42*  
13 *U.S.C. Sec. 7401 et seq.).*

14 (2) Major projects shall include current costs updated as of  
15 November 1 of the year of submittal and escalated to the  
16 appropriate year, and be listed by relative priority, taking into  
17 account need, delivery milestone dates, and the availability of  
18 funding.

19 (c) Except for those counties that do not prepare a congestion  
20 management program pursuant to Section 65088.3, congestion  
21 management programs adopted pursuant to Section 65089 shall  
22 be incorporated into the regional transportation improvement  
23 program submitted to the commission by December 15 of each  
24 odd-numbered year.

25 (d) Local projects not included in a congestion management  
26 program shall not be included in the regional transportation  
27 improvement program. Projects and programs adopted pursuant  
28 to subdivision (b) shall be consistent with the capital improvement  
29 program adopted pursuant to paragraph (5) of subdivision (b) of  
30 Section 65089, and the guidelines adopted pursuant to Section  
31 14530.1.

32 (e) Other projects may be included in the regional transportation  
33 improvement program if listed separately.

34 (f) Unless a county not containing urbanized areas of over  
35 50,000 population notifies the Department of Transportation by  
36 July 1 that it intends to prepare a regional transportation  
37 improvement program for that county, the department shall, in  
38 consultation with the affected local agencies, prepare the program  
39 for all counties for which it prepares a regional transportation plan.

1 (g) The requirements for incorporating a congestion management  
2 program into a regional transportation improvement program  
3 specified in this section do not apply in those counties that do not  
4 prepare a congestion management program in accordance with  
5 Section 65088.3.

6 (h) The regional transportation improvement program may  
7 include a reserve of county shares for providing funds in order to  
8 match federal funds.

9 SEC. 2. Section 65082.5 is added to the Government Code, to  
10 read:

11 65082.5. (a) For purposes of this section, ~~the following~~  
12 ~~definitions apply:~~ “*regional transportation planning agency or*  
13 *county transportation commission*” has the same meaning as  
14 *defined in Section 65082.*

15 (1) ~~“Regional transportation planning agency or county~~  
16 ~~transportation commission”~~ has the same meaning as defined in  
17 ~~Section 65082.~~

18 (2) ~~“State’s climate goals”~~ has the same meaning as defined in  
19 ~~Section 65082.~~

20 (b) (1) ~~Each regional transportation planning agency or county~~  
21 ~~transportation commission shall rank all transportation projects~~  
22 ~~and prioritize projects based on their adherence to its most recently~~  
23 ~~adopted sustainable communities strategy and the state’s climate~~  
24 ~~goals. Ranked projects shall accelerate sustainable communities~~  
25 ~~strategies implementation and shall not induce vehicle miles~~  
26 ~~traveled. Each regional transportation planning agency or county~~  
27 ~~transportation commission shall fund and implement projects in~~  
28 ~~the order of prioritization.~~

29 (2) ~~Each regional transportation planning agency or county~~  
30 ~~transportation commission shall submit the prioritized list~~  
31 ~~developed pursuant to paragraph (1) to the State Air Resources~~  
32 ~~Board and the California Transportation Commission. This~~  
33 ~~prioritized list shall be due according to the same timeline as the~~  
34 ~~applicable sustainable communities strategy described in paragraph~~  
35 ~~(2) of subdivision (b) of Section 65080.~~

36 (c) ~~Upon receiving a list submitted pursuant to subdivision (b),~~  
37 ~~the State Air Resources Board, in consultation with the California~~  
38 ~~Transportation Commission, shall determine whether each project~~  
39 ~~is consistent with the most recently adopted sustainable~~  
40 ~~communities strategy of the regional transportation planning~~

1 agency or county transportation commission and the state's climate  
2 goals:

3 ~~(d) (1) Each regional transportation planning agency or county~~  
4 ~~transportation commission shall submit a report on local~~  
5 ~~transportation tax measures to the California Transportation~~  
6 ~~Commission on or before March 30, 2023. This report shall include~~  
7 ~~all of the following information:~~

8 ~~(A) The text of the local transportation tax measure.~~

9 ~~(B) A description of whether the local transportation tax measure~~  
10 ~~aligns with the most recently adopted sustainable communities~~  
11 ~~strategy and the state's climate goals.~~

12 ~~(C) A description of the transportation projects funded by the~~  
13 ~~local transportation tax measure.~~

14 ~~(D) A timeline of the transportation projects, including when~~  
15 ~~they were passed and when they will expire.~~

16 ~~(2) The California Transportation Commission, in consultation~~  
17 ~~with the State Air Resources Board, shall conduct an analysis and~~  
18 ~~propose recommendations on alignment of local tax measures with~~  
19 ~~the state's climate goals.~~

20 ~~(e) Projects funded by local tax measures shall, to the extent~~  
21 ~~permitted by the terms of the local tax measures, be included in~~  
22 ~~the regional transportation plans prepared pursuant to Section~~  
23 ~~65080 and adhere to the most recently adopted sustainable~~  
24 ~~communities strategy of the applicable regional transportation~~  
25 ~~agency or county transportation commission and the state's climate~~  
26 ~~goals.~~

27 ~~(f) Regional transportation planning agencies or county~~  
28 ~~transportation commissions that approve projects that adhere to~~  
29 ~~their most recently adopted sustainable communities strategies~~  
30 ~~and the state's climate goals shall, upon appropriation by the~~  
31 ~~Legislature, receive additional funds from surplus state~~  
32 ~~transportation funds and federal funds.~~

33 ~~(g) A regional transportation planning agency or county~~  
34 ~~transportation commission shall not fund a project or program~~  
35 ~~determined to be inconsistent with its most recently adopted~~  
36 ~~sustainable communities strategy or the state's climate goals~~  
37 ~~pursuant to subdivision (e).~~

38 *(b) (1) Funds collected from any local transportation tax*  
39 *measure passed on or after January 1, 2023, shall not be spent*  
40 *until the transportation projects or programs to be funded by the*

1 tax measure are included in the most recently adopted sustainable  
2 communities strategy, or, if required by subparagraph (K) of  
3 paragraph (2) of subdivision (b) of Section 65080, the alternative  
4 planning strategy, of the applicable regional transportation  
5 planning agency or county transportation commission.

6 (2) If a local tax measure is passed before January 1, 2023, but  
7 the entirety of the collection and expenditure of funds for the  
8 projects related to that tax measure is scheduled to occur on or  
9 after January 1, 2023, then those funds collected from that tax  
10 measure shall not be spent until the transportation projects or  
11 programs to be funded by the tax measure are included in the most  
12 recently adopted sustainable communities strategy, or, if required  
13 by subparagraph (K) of paragraph (2) of subdivision (b) of Section  
14 65080, the alternative planning strategy, of the applicable regional  
15 transportation planning agency or county transportation  
16 commission.

17 SEC. 3. Section 168 is added to the Streets and Highways Code,  
18 to read:

19 168. (a) The state shall not use state funds from any source  
20 for any project that increases single-occupancy vehicle capacity,  
21 unless all of the following occur:

22 (1) The project is included in an adopted sustainable  
23 communities strategy described in Section 65080 of the  
24 Government Code, or, if required by subparagraph (I) of  
25 paragraph (2) of subdivision (b) of Section 65080 of the  
26 Government Code, alternative planning strategy.

27 (2) The project provides sufficient enforceable mitigation to  
28 ensure that including the project in the sustainable communities  
29 strategy or, if applicable, alternative planning strategy will not  
30 increase emissions of greenhouse gases.

31 (3) The metropolitan planning organization that developed the  
32 sustainable communities strategy or, if applicable, the alternative  
33 planning strategy, makes findings that the project helps advance  
34 other regional goals, including, but not limited to, safety, freight  
35 travel, maintenance, or equity.

36 (b) Nothing in this section shall alter or change the requirements  
37 of Senate Bill 1 of the 2017–18 Regular Session.

38 ~~SEC. 3.~~

39 SEC. 4. If the Commission on State Mandates determines that  
40 this act contains costs mandated by the state, reimbursement to



1 local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

O