

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 558

Introduced by Assembly Member Arambula

February 8, 2023

An act to amend ~~Section 142108~~ of *Sections 142051 and 142052* of, and to add *Sections 142156 and 142157* to, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 558, as amended, Arambula. Fresno County Transportation Authority.

The Fresno County Transportation Improvement Act provides for the establishment ~~creation~~ of the Fresno County Transportation Authority with a specified membership. Existing law requires the authority to provide notice of the time and place of a public hearing on the adoption on an annual budget and to make the proposed annual budget available for public inspection for at least 15 days before the hearing. *9 members, as specified. Existing law authorizes the authority to raise revenue, as specified, and to fund regional and local transportation improvements.*

Existing law imposes various requirements on public works projects, including a requirement that, at minimum, all workers employed on a public works project be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which a public work is performed, as specified.

~~This bill would make a nonsubstantive change to the latter provision. increase the membership of the authority to 13 members by adding to the authority a member of the public at large who represents a labor organization, a youth member, a local community member who is from~~

a disadvantaged, unincorporated area of the county, and an educational member representing the county, as specified. The bill would require the authority, for a project that it funds, to ensure that certain prevailing wage requirements are satisfied if the project is not in its entirety a public work project and, for a construction or development project it funds, to enforce and promote environmental protections and regulations adopted pursuant to the California Environmental Quality Act, as specified. By imposing new requirements on the authority, the bill would create 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: ~~no~~-yes.
 State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *The lived experiences of underserved communities in the*
- 4 *County of Fresno are often times overlooked and it is imperative*
- 5 *that community input, diverse backgrounds, and diverse ideas are*
- 6 *reflected on the board of the Fresno County Transportation*
- 7 *Authority.*
- 8 (b) *Diesel trucks, factories, and weakening sustainable farming*
- 9 *practices spew fatal toxins, and warehouses and distribution*
- 10 *centers release harmful emissions, that migrate throughout the*
- 11 *central valley and cause chronic health conditions, including*
- 12 *respiratory diseases, infections, heart disease, cancer,*
- 13 *developmental disorders, and reproductive ailments.*
- 14 (c) *The surrounding region is severely impacted by climate*
- 15 *change and the state must take action to protect human health.*
- 16 (d) *Diversifying leadership on the board of the Fresno County*
- 17 *Transportation Authority will result in more inclusive agendas*
- 18 *and transform restorative environmental justice and climate policy.*

1 (e) *In the San Joaquin Valley, neighborhoods that are*
2 *predominately Black or Hispanic are more likely to be burdened*
3 *by air pollution and environmental hazards and to lack the*
4 *resources to reduce chronic health conditions.*

5 (f) *Local projects will fuel local public employment that should*
6 *include skilled workforce training, higher wages, and labor*
7 *protections.*

8 (g) *The Fresno County Transportation Authority must prioritize*
9 *publically funded projects that uphold environmental protection*
10 *standards under the California Environmental Quality Act*
11 *(Division 13 (commencing with Section 21000) of the Public*
12 *Resources Code) and that do not harm protected indigenous lands*
13 *or underserved populations.*

14 *SEC. 2. Section 142051 of the Public Utilities Code is amended*
15 *to read:*

16 142051. The authority shall consist of ~~nine~~ 13 members selected
17 as follows:

18 (a) Two members of the board of supervisors appointed by the
19 ~~board~~, *board of supervisors*, consisting of one member from rural
20 district 1, 4, or 5 and one member from urban district 2 or 3.

21 (b) Two members representing the City of Fresno, consisting
22 of the mayor thereof and a member of the city council of that city
23 appointed by the city council.

24 (c) One member representing the City of Clovis appointed by
25 the city council of that city.

26 (d) Two members representing the other cities within the county,
27 consisting of one westside member appointed by a committee
28 ~~comprised of~~ *comprising* the mayors of each of those cities west
29 of State Highway Route 99, and one eastside member appointed
30 by a committee ~~comprised of~~ *comprising* the mayors of each of
31 those cities east of State Highway Route 99.

32 (e) Two members of the public at large, consisting of one
33 member appointed by the board of supervisors with the appointee
34 residing outside of the incorporated areas of *the Cities of* Fresno
35 and Clovis, and one member appointed jointly by the city councils
36 of *the Cities of* Fresno and Clovis with the appointee residing
37 within the incorporated area of *the City of* Fresno or Clovis.

38 (f) *One member of the public at large who represents a labor*
39 *organization and demonstrates an understanding of diversity,*
40 *equity, labor advocacy, wage benefit protections, project labor*

1 *agreements, and skilled workforce training, appointed by the city*
 2 *council of the City of Fresno.*

3 *(g) (1) One youth member, who lives in the County of Fresno,*
 4 *appointed by the Governor, who may appoint an individual from*
 5 *a nominee list submitted pursuant to paragraph (2).*

6 *(2) (A) Youth-serving nonprofit organizations in the county*
 7 *may collaboratively develop a nominee list of two or more*
 8 *individuals who advocate for higher education needs, mental health*
 9 *wellness, or social justice within the county, are residents of the*
 10 *county, are between 18 and 26 years of age, inclusive, and are not*
 11 *elected officials. The nominee list shall be submitted to the board*
 12 *of supervisors.*

13 *(B) Not more than one year before the expiration of the youth*
 14 *member’s term or a vacancy of that position, the board of*
 15 *supervisors shall consider any nominee list submitted pursuant to*
 16 *subparagraph (A) and may submit a nominee list to the Governor*
 17 *to assist in the appointment of the youth member.*

18 *(h) (1) One local community member who is from a*
 19 *disadvantaged, unincorporated area of the county and is involved*
 20 *in community and civic advocacy, appointed by the board of*
 21 *supervisors and selected from a nominee list submitted pursuant*
 22 *to paragraph (2).*

23 *(2) Not more than one year before the expiration of the local*
 24 *community member’s term or a vacancy of that position, nonprofit*
 25 *organizations that have a presence in the county and support civic*
 26 *involvement may collaboratively develop a nominee list of two or*
 27 *more individuals and submit the nominee list to the board of*
 28 *supervisors.*

29 *(i) One educational member representing the county and who*
 30 *is a parent, teacher, principal, superintendent, or school employee,*
 31 *appointed by the Fresno County Board of Education.*

32 *SEC. 3. Section 142052 of the Public Utilities Code is amended*
 33 *to read:*

34 *142052. (a) Except for the Mayor of the City of Fresno, the*
 35 *members of the authority shall serve for a term terms of two years.*

36 *(b) If any member other than the ~~public member~~ members of*
 37 *the public at large, youth member, local community member, or*
 38 *educational member ceases to be an elected official, that member*
 39 *shall cease to be a member of the authority, and another member*

1 shall be appointed for the remainder of the term pursuant to Section
2 142051.

3 *SEC. 4. Section 142156 is added to the Public Utilities Code,*
4 *to read:*

5 *142156. For any project funded by the authority that is not in*
6 *its entirety a public work for purposes of Chapter 1 (commencing*
7 *with Section 1720) of Part 7 of Division 2 of the Labor Code, the*
8 *authority shall ensure that all of the following requirements are*
9 *satisfied:*

10 (a) *All construction workers employed in the execution of the*
11 *project shall be paid at least the general prevailing rate of per*
12 *diem wages for the type of work and geographic area, as*
13 *determined by the Director of Industrial Relations pursuant to*
14 *Sections 1773 and 1773.9 of the Labor Code, including apprentices*
15 *registered in programs approved by the Chief of the Division of*
16 *Apprenticeship Standards may be paid at least the applicable*
17 *apprentice prevailing rate.*

18 (b) *The project proponent shall ensure that the prevailing wage*
19 *requirement is included in all contracts for the performance of the*
20 *work for those portions of the project that are not a public work*
21 *for purposes of Chapter 1 (commencing with Section 1720) of Part*
22 *7 of Division 2 of the Labor Code.*

23 (c) *All contractors and subcontractors for those portions of the*
24 *project that are not a public work for purposes of Chapter 1*
25 *(commencing with Section 1720) of Part 7 of Division 2 of the*
26 *Labor Code shall comply with both of the following:*

27 (1) *Pay to all construction workers employed in the execution*
28 *of the project at least the general prevailing rate of per diem*
29 *wages, in addition apprentices registered in programs approved*
30 *by the Chief of the Division of Apprenticeship Standards may be*
31 *paid at least the applicable apprentice prevailing rate.*

32 (2) *Maintain and verify payroll records pursuant to Section*
33 *1776 of the Labor Code and make those records available for*
34 *inspection and copying as provided in that section. This paragraph*
35 *does not apply if all contractors and subcontractors performing*
36 *work on the project are subject to a project labor agreement that*
37 *requires the payment of prevailing wages to all construction*
38 *workers employed in the execution of the project and provides for*
39 *enforcement of that obligation through an arbitration procedure.*
40 *For purposes of this paragraph, “project labor agreement” has*

1 *the same meaning as set forth in paragraph (1) of subdivision (b)*
2 *of Section 2500 of the Public Contract Code.*

3 *SEC. 5. Section 142157 is added to the Public Utilities Code,*
4 *to read:*

5 *142157. For any construction or development project funded*
6 *by the authority, the authority shall enforce and promote*
7 *environmental protections and regulations adopted pursuant to*
8 *the California Environmental Quality Act (Division 13*
9 *(commencing with Section 21000) of the Public Resources Code).*

10 *SEC. 6. If the Commission on State Mandates determines that*
11 *this act contains costs mandated by the state, reimbursement to*
12 *local agencies and school districts for those costs shall be made*
13 *pursuant to Part 7 (commencing with Section 17500) of Division*
14 *4 of Title 2 of the Government Code.*

15 ~~SECTION 1. Section 142108 of the Public Utilities Code is~~
16 ~~amended to read:~~

17 ~~142108. (a) Notice of the time and place of a public hearing~~
18 ~~on the adoption of the annual budget shall be published pursuant~~
19 ~~to Section 6061 of the Government Code not later than the 15th~~
20 ~~day prior to the day of the hearing.~~

21 ~~(b) The proposed annual budget shall be available for public~~
22 ~~inspection at least 15 days before the hearing.~~