



September 12, 2022

TO: Board Members, Madera County Transportation Commission
FROM: Gus Khouri, President
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RE: STATE LEGISLATIVE UPDATE – SEPTEMBER

General Update

On August 31, the concluded the second year of the 2021-22 Legislative Session. Should a special session be called by the Governor for an extraordinary circumstance, such as a natural disaster, the current class can meet until November 30. The commencement of the 2023-24 Regular Session and swearing-in ceremony for members is scheduled for December 5. MCTC has been active advocating on several bills this year. Below is summary of items of interest, including information on the reconstitution of new Assembly and Senate districts lines that were approved by the California Citizens Redistricting Commission.

AB 285 Report

Pursuant to AB 285 (Friedman), Chapter 605, Statutes of 2019, Caltrans is required to detail how it plans to achieve maximizing emissions reductions in its California Transportation Plan to achieve the state's goal reduction of greenhouse gas emissions of 40% below 1990 levels by the end of 2030. The legislature required the Strategic Growth Council (SGC) to complete a report by January 31, 2022, with recommendations. SGC commissioned the UC Berkley Institute of Transportation Studies to conduct the report. On February 18, the report was posted with the following findings:

- Too much money is spent on highway widening and projects that increase vehicle travel, reliance on cars
- Projects, which take decades to plan, do not adjust and consider multimodal options
- Too many layers of decision makers (State, regional, and local)
- MPOs have no land use authority, and their priorities do not sync with the state, sales tax measures are to blame.
- State wants to restructure MPO and local government responsibilities, centralize things with state perspective.

There are several items to consider in the applicability of the findings. While Madera County resides in a non-attainment air district, certain factors such as the county's population density, geography and demographics are being discounted to the extent that there is an emphasis being placed on adherence

to vehicle miles traveled reduction, which is not always feasible, particularly when the threshold is intended to address urban areas. From a regional perspective, the Bay Area has a population of 6.8 million over 7,300 square miles, Los Angeles County has 10 million people living over 4,700 square miles, and the San Joaquin Valley has 4.3 million people spread out over 27,000 square miles. The Bay Area has nearly 60% more people living in an area a quarter the size of the Valley. Los Angeles County has more than 2.5 times the population over one-sixth of the area. MCTC has been working on multiple fronts for years to deliver more frequent transit and passenger rail service, complete bike trails and projects to enhance safety and throughput on Highway 99 and is working with Caltrans and regional partners on the deployment of charging stations to help facilitate electric vehicles. Assembly Member Laura Friedman, Chair of Assembly Transportation Committee, has also introduced legislation however, AB 2237 and AB 2438, to provide the state with a more assertive and prescriptive role in meeting state climate goals. There is an ongoing dialogue with statewide stakeholders, which MCTC is a part of, with hopes calibrating what is feasible in addressing climate change per region. MCTC has also submitted comments to the Strategic Growth Council.

In response to the AB 285 report, Assembly Member Laura Friedman, Chair of Assembly Transportation Committee, introduced legislation, AB 2237 and AB 2438, to provide the state with a more assertive and prescriptive role in meeting state climate goals, and making it difficult to complete certain highway projects. Below is a summary of those bills as well as other priority bills that MCTC acted on or tracked this year.

BILLS OF INTEREST

AB 1778 (Garcia) State Funding for Highway Capacity Projects, Healthy Communities

This bill would require Caltrans to consult the California Healthy Places Index, as defined, as a condition of using state funds or personnel time to fund or permit freeway projects, as provided. The bill would require Caltrans to analyze housing and environmental variables through the index, as provided, and would prohibit any state funds or personnel time from being used to fund or permit freeway projects in areas that fall within the zero to 50th percentile on the housing and environmental variables analyzed through the index, as provided. MCTC adopted an oppose position since this bill could have halted improvements on State Routes 41 and 99. **Status:** Failed passage in the Senate Transportation Committee.

AB 1944 (Lee) – Brown Act Virtual Meetings This bill provides a Brown Act exemption from the requirement for publicly posting the location of remote participation by a member of the local agency. It would also require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. Unlike AB 361, this bill would allow for virtual meetings to occur regardless of whether a state of emergency has been declared. **Status:** Failed passage in the Senate Governance and Finance Committee.

AB 2449 (Rubio) Brown Act Meetings 2.0 In lieu of AB 1944, the legislature decided to move an alternative vehicle regarding the Brown Act, AB 2449 (Rubio), to the Governor's desk. The bill requires that a least a quorum of the board meet in a singular physical location with the local agency's jurisdiction clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Virtual meetings would be limited to specified emergency circumstances. Virtual participation would be restricted to a period of no more than three consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative

body regularly meets fewer than 10 times per calendar year. **Status:** Signed by the Governor, Chapter 285, Statutes of 2022.

AB 2237 (Friedman) Accelerating Climate Goals in Sustainable Communities Strategies This bill allows the Strategic Growth Council (SGC), in consultation with the California Air Resources Board (CARB), the Department of Housing and Community Development, and the California State Transportation Agency, to review the duties and responsibilities of metropolitan planning organizations and to define what constitutes a “sustainable community.” The bill would also require for the SGC, in consultation with the Governor’s Office of Planning and Research, and CARB, redirection of funds from projects in a regional transportation improvement plan if they are not Climate Action Plan for Transportation Infrastructure (CAPTI) compliant. While the bill aims to promote accelerated delivery of multi-modal projects, which could lead to additional investments for active transportation, passenger rail, it may also influence delivery of projects, such as completion of projects on State Routes 41 and 99. The bill also undermines local control by giving the Governor absolute decision-making authority, through CARB and the California Transportation Commission (CTC), over what types of local sales tax measure projects are funded, which would impact Measure T projects. MCTC adopted an oppose position. **Status:** Failed Passage in the Senate Transportation Committee.

AB 2438 (Friedman) – CAPTI and California Transportation Plan Compliance- Project Eligibility for State Funding This bill requires that all state funding, including maintenance programs such as the State Highway Operation Protection Program, the SB 1 competitive grant programs (Local Partnership Program, Solutions for Congested Corridors Program, and Trade Corridor Enhancement Program), and State Transportation Improvement Program align with the California Transportation Plan and Climate Action Plan for Transportation Infrastructure (CAPTI).

The California State Transportation Agency, Caltrans, CTC, CARB, and SGC are required to jointly prepare and submit a report to the Legislature on or before January 1, 2025, that comprehensively reevaluates transportation program funding levels, projects, and eligibility criteria with the objective of aligning the largest funding programs with the goals set forth in the above-described plans and away from projects that increase vehicle capacity.

This bill could impact the ability to complete leverage state funds or dedicate local sales tax revenues towards completing projects on the state highway system if they are deemed to increase vehicle capacity. It also codifies as a static document without an opportunity to amend/calibrate to help compel strategies that would work for less dense areas such as Madera County. **Status:** Governor’s Desk

Redistricting

Last December, the California Citizens Redistricting Commission redrew the boundary lines for congressional, state, and local district representation. The impact of those decisions will take effect after this November’s election. In the state legislature, Madera County’s representation is expected to change. Assembly Member Frank Bigelow chose not to run for re-election to the Assembly. On the Senate side, Senator Anna Caballero will continue to represent the current district through 2024. The Senate district boundaries will be applicable thereafter. The County is expected to prospectively increase its representation to four members, two members each in the Assembly and Senate. Counties in Valley that share the same district are highlighted in bold.

AD 8 consists of the whole Counties of Inyo, Tuolumne, Mariposa, and Mono, and portions of **Fresno, Madera,** and Calaveras Counties. This district includes the whole Cities of Sonora, Angels, Bishop, the

town of Mammoth Lakes, and portions of the Cities of Clovis and Fresno. Calaveras County is divided to balance population while considering communities of interest; portions of Madera and Fresno foothill communities are added to respect mountainous communities and to balance population. This district keeps Sierra communities together, reflecting shared interests such as watersheds, fire protection, emergency response, and recreation. **This district will be represented by current Assembly Member Jim Patterson through 2024.**

AD 27 consists of **portions of Merced, Fresno, and Madera Counties**, including the whole Cities of Coalinga, Kerman, San Joaquin, Merced, Mendota, Dos Palos, Madera, Los Banos, Firebaugh, Huron, Atwater, Chowchilla, and Livingston, and portions of the City of Fresno. This district is in areas where there are obligations under Section 2 of the Voting Rights Act. The district splits Fresno and Madera Counties to meet those obligations and to keep communities of interest together. Major commuting and transportation corridors are Interstate 5 and Highway 99. Communities in this district share concerns related to affordable housing, transportation, healthcare, water, broadband accessibility, and access to well-paying jobs. **The top two candidates receiving the highest votes were Esmeralda Soria (D) and Mark Nicholas Pazin (R). Both will run off in November.**

SD 4 is based on nesting AD 8 and AD 22 and includes the whole Counties of Alpine, Amador, Calaveras, El Dorado, Inyo, Mariposa, Mono, **Stanislaus**, Tuolumne, and portions of **Madera, Merced**, Nevada, and Placer Counties. This district includes the whole Cities of Amador City, Angels, Bishop, Ceres, Hughson, Lone, Jackson, Modesto, Newman, Oakdale, Patterson, Placerville, Plymouth, Riverbank, Sonora, South Lake Tahoe, Sutter Creek, Turlock, Waterford, and the towns of Truckee and Mammoth Lakes. There is a zero-population split of the City of Livingston. The lines of this district are impacted by Voting Rights Act obligations to the west. This district follows communities-of-interest requests from Sierra counties to be placed with neighboring counties to the north. The inclusion of most Valley rural communities and some urban cities helps populate this Sierra district. The district brings together communities that have common interests in issues related to open space, water, broadband access, medical access, federal land management, national parks, tourism, emergency services, and transportation infrastructure challenges. **Democrats Tim Robertson and Marie Alvarado-Gil received the highest votes and will run off in November.**

SD 14 is based on nesting AD 27 and AD 31 and includes **portions of Fresno, Madera, Merced, and Tulare Counties**, including the whole Cities of Atwater, Chowchilla, Coalinga, Dos Palos, Firebaugh, Fowler, Gustine, Huron, Kerman, Los Banos, Madera, Mendota, Merced, Orange Cove, Parlier, Reedley, Sanger, San Joaquin, and Selma, and portions of the Cities of Fresno and Livingston. This district is in areas where there are obligations under Section 2 of the Voting Rights Act. Splits of counties and cities are made to meet those obligations and to balance population in neighboring districts, while considering communities of interest. Many of the cities in this district run along the main transportation routes of Interstate 5 and Highway 99, and share interests in the food processing economy, water, and agriculture. These are largely Latino and immigrant communities that confront infrastructure challenges and concerns related to healthcare. **Current Senator Anna Caballero is running for this district.**