

Date of Hearing: April 24, 2017

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 174 (Bigelow) – As Introduced January 17, 2017

SUBJECT: California Transportation Commission: membership

SUMMARY: Requires at least one voting member of the California Transportation Commission (CTC) to reside in a rural county with a population of less than 100,000 individuals.

EXISTING LAW:

- 1) Directs CTC to advise and assist the Secretary of Transportation and the Legislature in formulating and evaluating state policies and plans for transportation programs in the state.
- 2) Establishes CTC with 13 members, appointed as follows:
 - a) Nine members appointed by the Governor with the advice and consent of the Senate;
 - b) One member appointed by the Speaker of the Assembly;
 - c) One member appointed by the Senate Rules Committee; and,
 - d) Two ex-officio, non-voting members appointed from the State Senate and Assembly, usually the respective chairs of the transportation policy committee in each house.
- 3) Provides that, other than ex-officio members, CTC members hold office for terms of four years.
- 4) Requires, in appointing members of CTC, that the Governor make every effort to assure that there is a geographic balance of representation, with members from northern and southern areas and from the urban and rural areas of the state, and provides that each member is to serve the state at large.

FISCAL EFFECT: Unknown

COMMENTS: The Legislature originally created the CTC in 1978 as a result of concerns that the state lacked a single, unified transportation policy. The 13-member commission is responsible for programming and allocating of funds for the construction of highway, passenger rail, active transportation, aeronautics, and transit improvements throughout California. CTC also advises and assists the Secretary of the California State Transportation Agency and the Legislature in formulating and evaluating state policies and plans for California's transportation programs. CTC's responsibilities include developing and adopting guidelines for the following programs and plans:

- 1) State Highway and Operations Program;
- 2) Active Transportation Program;

- 3) State Transportation Improvement Program;
- 4) Regional Transportation Plan; and,
- 5) California Transportation Plan.

In introducing this bill, the author intends to "ensure the voices of small, rural California counties are heard on the commission."

Committee concerns:

- 1) This bill is a nearly identical restatement of existing law, which provides, "In appointing members, the Governor shall make every effort to assure that there is a geographic balance of representation on the commission as a whole, with members from the northern and southern areas and from the urban and rural areas of the state. Each member of the commission shall represent the state at large." This bill is somewhat more prescriptive than existing law in that it specifically requires representation of small rural counties with populations under 100,000.
- 2) Any frustration with current transportation planning, programming and investments is misplaced. Existing law weighs in heavily to direct expected outcomes in transportation planning and programming, leaving CTC with minimal ability to substantially affect an alternative outcome even if so chose. Furthermore, *all* of the current CTC commissioners appointed by the Governor have been appointed Governor Brown. If advocates are unhappy with CTC outcomes, their efforts would be more appropriately directed either to the Legislature, to adopt laws more in line with the advocates' desired outcomes, or to the Governor, who has unrestricted authority to appoint CTC commissioners, other than the commissioners must represent the state geographically, including both rural and urban areas.
- 3) It is unclear what specific problem this bill seeks to address. The author suggests that, because none of sitting CTC commissioners reportedly lives in a rural county, "it is impossible for the commission to meet their mission as a unified voice for transportation issues in California without a representative from a small rural county of under 100,000 people." The author's office, however, was unable to provide specific evidence to support the assertion. Consequently, it is difficult to evaluate whether this bill addresses a compelling problem or not.

Related legislation: AB 179 (Cervantes) would require 1 of the 11 voting members of CTC to have prescribed experience, such as experience in public health effects of transportation, air pollution, and disadvantaged communities. AB 179 is scheduled to be heard by this committee on April 24, 2017.

Previous legislation: AB 1982 (Bloom) of 2016 would have added two members representing disadvantaged communities to CTC. AB 1982 failed passage in this committee.

AB 2382 (Lopez) of 2016 would have required that at least one member of the California High-Speed Rail Authority Board appointed by the Governor be a person who is from a disadvantaged community. AB 2382 failed passage in this committee.

AB 1288 (Atkins), Chapter 586, Statutes of 2015, added two additional legislative appointees to the ARB with expertise in environmental justice.

AB 1290 (John A. Pérez) of 2013 would have modified the composition of the CTC and imposed new duties relative to assessing progress in implementing sustainable communities strategies. AB 1290 was vetoed by the Governor on the grounds that the Governor's Reorganization Plan, which had recently gone into effect, would satisfy the author's objectives.

AB 441 (Monning), Chapter 365, Statutes of 2012, requires CTC to attach to its guidelines for preparing regional transportation plans a summary of policies, practices, or projects that promote health that metropolitan planning organizations can use in regional transportation plans.

REGISTERED SUPPORT / OPPOSITION:**Support**

Alpine County Board of Supervisors
Calaveras Council of Governments
El Dorado County Board of Supervisors
El Dorado County Transportation Commission
Fresno Chamber of Commerce
Glenn County Board of Supervisors
Joint Chambers Commission of El Dorado County
Modoc County Board of Supervisors
Rural County Representatives of California
Tehama County Board of Supervisors
Tuolumne Board of Supervisors
Tuolumne County Transportation Council
Yuba County Board of Supervisors

Opposition

Self-Help Counties

Analysis Prepared by: Janet Dawson / TRANS. /