

Date of Hearing: April 22, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 185 (Grayson) – As Introduced January 10, 2019

**SUBJECT:** California Transportation Commission: transportation policies: joint meetings

**SUMMARY:** Requires the California Department of Housing and Community Development (HCD) to participate in statutorily-required joint meetings between the California Transportation Commission (CTC) and the California Air Resources Board (ARB).

**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) Requires CTC to include in regional transportation plan guidelines a summary of policies, practices, or projects that have been employed by metropolitan planning organizations to promote health and health equity.
- 3) Requires CTC and ARB to hold at least two joint meetings per calendar year to coordinate their implementation of transportation policies.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The Legislature originally created 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 funds for the construction of highway, passenger rail, active transportation, and other transportation 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.

AB 179 (Cervantes), Chapter 737, Statutes of 2017, requires CTC and ARB to meet at least twice annually to coordinate their implementation of transportation policies. According to CTC, at the inaugural joint meeting it was evident from Commissioner, Board Member, and public comments that key state agencies and policy areas were missing from the discussion. Stakeholders commented that the joint meetings could address how transportation decisions are made at the local and regional level, and hoped that participants in the meetings would discuss issues related to land use, transportation, and access to housing. In particular, public comment expressed a desire that the meetings focus on how the lack of housing supply and rising housing costs not only compound growing inequality and limit advancement opportunities for many Californians, but also have a significant impact on growth patterns and the demands placed on the state's transportation system.

Given the connection between transportation and housing, CTC believes HCD's participation in these joint meetings is critical for transportation policy discussions on issues such as land use decisions, growth patterns, and facility siting and permitting. For

this reason, CTC recommended the Legislature consider a proposal to include HCD in the joint meetings in its 2018 Annual Report to the Legislature.

According to the author, “Smart transportation planning must take into account land use decisions, growth patterns, and the availability of jobs and housing. The December 2018 LAO report ‘Assessing California’s Climate Policies—Transportation’ found that state policies aimed at reducing transportation-related Greenhouse Gas (GHG) emissions have not been successful. One explanation for this outcome may be that, as households move further from job- and transit-rich areas to find more affordable homes, they are faced with longer commute times, resulting in greater pollution and GHG emissions. Greater coordination is needed between our transportation, housing, and air quality regulators. AB 185 will require HCD to participate in the joint ARB/CTC meetings established by AB 179 (Cervantes, 2018). This change will encourage a thoughtful and coordinated approach to the triple challenge of promoting housing affordability, limiting GHG emissions, and maintaining our transportation infrastructure.”

*Committee concerns.* The committee had several concerns about AB 179 when it was considered by this committee in 2017. Principally, it noted that the bill set forth unclear expectations regarding CTC’s role. The author and advocates suggested that CTC has failed to appropriately reflect prevailing state policies, as evidenced in its adoption of the state transportation funding programs. Although CTC is responsible for developing guidelines to guide development of various regional and state programs, its policies must, and do, reflect current law, including executive orders proclaimed by the Governor.

Unfortunately, the supporters of AB 179 have a misconception as to the role of CTC in adopting these programs. The Legislature gives CTC very specific parameters within which to develop guidelines and to adopt programs. CTC does not develop projects. It must approve (or reject entirely) regional and state programs submitted to it. The Legislature prescribes goals and requirements, and CTC follows the Legislature’s direction.

On the other hand, ARB is a regulatory body that was created with a specific charter and given broad authority to accomplish its goals. According to its website, ARB is charged with protecting the public from the harmful effects of air pollution and developing programs and actions to fight climate change. While ARB also administers grant incentive programs, it is very mission-driven and focused on accomplishing its goals through any means available. ARB deploys programs and regulations in order to drive industries and individuals to change their behavior in ways that further its goals. The nature of ARB and the make-up of its board are dissimilar to CTC and the rigid requirements it must follow in order to effectively and efficiently plan and fund mobility in California.

HCD is a more traditional state department that primarily reviews local government housing plans, administers grant and loan programs, and adopts statewide building standards. It does not have a board that directs its activities, instead answering directly to an Agency Secretary and the Governor as part of the state administration. While generally dissimilar from both CTC and ARB, in some ways HCD bridges the gap between the two by both administering funding programs and developing regulations.

To date, CTC and ARB have held three joint hearings pursuant to the requirement in AB 179. It is unclear what these meetings have accomplished. The committee is still unsure what public benefit these joint meetings might contribute, and adding an additional state agency to the meetings does not seem to provide any material improvement. Additionally, if CTC wants HCD to participate in these meetings, there is no reason HCD representatives could not do so now; mandating their participation in state law seems unnecessary.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Transportation Commission  
Southern California Association of Governments

**Opposition**

None on file.

**Analysis Prepared by:** Eric Thronson / TRANS. / (916) 319-2093