

Date of Hearing: March 20, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 832 (Cervantes) – As Amended February 23, 2023

SUBJECT: California Transportation Commission: membership

SUMMARY: Requires that at least one of the Governor-appointed members to the California Transportation Commission (CTC) have expertise in transportation issues and professional experience that includes experience working in, or representing, disadvantaged communities.

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. (Government Code (GC) Section 14520)
- 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. (GC 14502)
- 3) Requires that no voting CTC member simultaneously hold an elected public office or serve on any local or regional public board or commission with business before the commission. (GC 14502)
- 4) Provides that, other than ex-officio members, CTC members hold office for terms of four years. (GC 14503)
- 5) Requires, in appointing members of CTC, that the Governor make every effort to:
 - a) Ensure 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;
 - b) That the commission has a diverse membership with expertise in transportation issues, taking into consideration factors including, but not limited to, socioeconomic background and professional experience, which may include experience working in, or representing, disadvantaged communities. (GC 14504)

FISCAL EFFECT: Unknown

COMMENTS: The Legislature created the CTC in 1978 to create a unified statewide vision for transportation policy. The 13-member commission programs and allocates 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.

Since the CTC's creation issues of pollution, climate change, congestion, economic inequality, land use and the creation of new innovative technologies have greatly complicated the CTC's job. It is no longer just about building roads; it is about providing mobility to all residents of California including those in disadvantaged communities. According to the Office of Environmental Health Hazard Assessment, as of 2021, 9.6 million Californians—or 24.3% of the state's population—lives in communities that are designated as disadvantaged communities using CalEnviroScreen. Some, but not all, state boards and commissions require members with specific experience working with disadvantaged communities.

Enactment of AB 179 (Cervantes) Chapter 737, Statutes of 2017, attempted to recognize some of these changes and requires the Governor in appointing members to the CTC to make every effort to ensure that the commission has a diverse membership with expertise in transportation issues, taking into consideration factors including, but not limited to, socioeconomic background and professional experience, which may include experience working in, or representing, disadvantaged communities. Since AB 179 was enacted the diversity of the commission membership has notably increased.

This bill seeks to go beyond requiring the Governor to “make every effort” to ensure there is some diversity on the commission, and instead requires that at least one member has experience working with disadvantaged communities.

According to the author, “In recent years, the Legislature has enacted bills to provide environmental justice representation on the California Air Resources Board and the California Coastal Commission to ensure that the 9.6 million Californians residing in disadvantaged communities that are most burdened by pollution are given a voice on these important governmental bodies. The 2017 enactment of my Assembly Bill 179 enshrined language strongly urging, but not requiring, the Governor to appoint individuals with professional experience in environmental justice to the California Transportation Commission (CTC). While Governor Newsom has heeded this call with his appointments to CTC, there is no guarantee his successors will do so since existing law contains no such requirement. In order to ensure that future governors follow suit, Assembly Bill 832 would require at least one gubernatorial appointee to CTC possesses professional experience in environmental justice. This would align the CTC with the Air Resources Board and Coastal Commission in guaranteeing environmental justice representation among its voting members.”

Committee comments:

Some progress has been made. The state has much more work to do to ensure that underrepresented voices are adequately heard. However, it has made some progress and a greater number of the funding guidelines for transportation programs attempt to ensure that disadvantaged communities concerns are considered when funding is awarded. Some state transportation funds specifically target disadvantaged communities and new federal Infrastructure Investment and Jobs Act (IIJA) funds will increase these investments. In addition, to this bill there are other mechanisms for ensuring that underrepresented voices are heard, such as establishing an advisory committee for environmental justice issues or establishing a policy requiring the CTC to consider environmental justice perspectives when making decisions.

Related legislation: AB 179 (Cervantes) Chapter 179, Statutes of 2017, requires the Governor, in appointing CTC members, to use every effort to ensure that the commission has a diverse membership with expertise in transportation issues, taking into consideration factors including, but not limited to, socioeconomic background and professional experience, which may include experience working in, or representing, disadvantaged communities.

AB 174 (Bigelow of 2017) would have required at least one voting member of CTC to reside in a rural county with a population of less than 100,000 individuals. AB 174 was passed out of this committee and later significantly amended into a non-related bill about a tribal-state gaming compact that was ultimately chaptered.

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 California Air Resources Board 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.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

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