



October 3, 2022

TO: Board Members, Transportation Agency for Monterey County

FROM: Gus Khouri, President, Khouri Consulting LLC

RE: **STATE LEGISLATIVE UPDATE – OCTOBER**

GENERAL UPDATE

On August 31, the legislature 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. TAMC has been actively advocating on several bills this year. Below is summary of items of interest, including information on the new Assembly and Senate districts lines approved by the California Citizens Redistricting Commission.

AB 285 REPORT

Pursuant to Assembly Bill (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 of reducing greenhouse gas emissions to 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 Berkeley Institute of Transportation Studies to conduct the report. On February 18, the report was posted with the following findings:

- Too much state and local money is spent on highway widening and projects that increase vehicle travel and reflect a sustained 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; and
- State wants to restructure MPO and local government responsibilities, centralize things with state perspective.

There are several items to consider in the applicability of these findings. While Monterey County resides in a clean air attainment district, the State is placing a heavy emphasis on encouraging mode shift. Certain factors such as the county's population density, geography and demographics are discounted, prioritizing reduction of vehicle miles traveled (VMT). VMT reduction is not always feasible, particularly when the VMT threshold is set at a level intended to address urban areas, and the metric provides no proportionality in its application. From a regional perspective, the Central Coast has 1.5 million people living a region that is 18,000 square miles. By comparison, the Bay Area has 4.5 times the amount of people living in an area nearly 1/3 the size, while Los Angeles has 6.5 times the people in 1/4 of the area.

TAMC has been working on multiple fronts for years to deliver more frequent transit and passenger rail service (for example, via improvements to King City and Salinas rail stations, to enable Caltrain and Capitol Corridor service extensions), complete bike trails, and build highway projects to enhance safety and mobility for commuters, particularly those in disadvantaged communities, tourists, farmer workers, and goods movement throughput on US 101 and State Route (SR) 156. TAMC is working with Caltrans and regional partners on the deployment of charging stations to facilitate electric vehicle usage.

In response to the AB 285 report, Assembly Member Laura Friedman, Chair of the 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. Below is a summary of those bills as well as other priority bills that TAMC acted on or tracked this year.

BILLS OF INTEREST

AB 1778 (Garcia): State transportation funding: freeway projects: poverty and pollution: Department of Transportation

Status: Failed passage in the Senate Transportation Committee.

This bill would have required Caltrans to consult the California Healthy Places Index as a condition of using state funds or personnel time to fund or permit freeway projects. The bill would have required Caltrans to analyze housing and environmental variables through the index and would have prohibited 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. TAMC adopted an “oppose” position, since this bill could have halted improvements on US 101, SR 68, and SR 156.

AB 2237 (Friedman): Transportation planning: regional transportation improvement plan: sustainable communities strategies: alternative planning strategy: state transportation funding

Status: Failed passage in the Senate Transportation Committee.

This bill would have allowed the Strategic Growth Council (SGC), in consultation with the California Air Resources Board (CARB), the Department of Housing and Community Development (HCD), and the California State Transportation Agency (CalSTA), to review the duties and responsibilities of metropolitan planning organizations (MPOs) and to define what constitutes a “sustainable community.” The bill would have required the SGC to redirect funds from projects in a regional transportation improvement plan (RTIP) if they were not compliant with the State’s Climate Action Plan for Transportation Infrastructure (CAPTI). While the bill aimed to promote accelerated delivery of multi-modal projects, which could have led to increased investments for active transportation and passenger rail, it could have stopped delivery of highway projects, such as the US 101 South of Salinas project. The bill would have undermined 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. TAMC adopted an “oppose” position.

AB 2438 (Friedman): Transportation funding: guidelines and plans

Status: Vetoed

This bill would have required that all state funding, including maintenance programs such as the State Highway Operation Protection Program (SHOPP), the Senate Bill (SB) 1 competitive grant programs (Local Partnership Program, Solutions for Congested Corridors Program, and Trade Corridor Enhancement Program), and State Transportation Improvement Program (STIP) align with the California Transportation Plan and Climate Action Plan for Transportation Infrastructure (CAPTI).

The bill would have required CalSTA, Caltrans, CTC, CARB, and SGC to jointly prepare and submit a report to the Legislature on or before January 1, 2025, that comprehensively reevaluated transportation program funding levels, projects, and eligibility criteria with the objective of aligning the largest funding programs with the goals set forth in CAPTI and away from projects that increase roadway vehicle capacity.

This bill could have impacted the ability to leverage state funds or dedicate Measure X revenues towards completing projects on the state highway system if they are deemed to increase

roadway capacity. The Governor vetoed this bill, noting that certain components of CAPTI are already being considered in guideline development for various programs.

Brown Act Bills

AB 1944 (Lee): Local government: open and public meetings

Status: Failed passage in the Senate Governance and Finance Committee.

This bill would have provided a Brown Act exemption from the requirement for publicly posting the location of remote participation by a member of the local agency. It would have required all open and public meetings of a legislative body that elected 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. Unlike current law under AB 361, this bill would have allowed virtual meetings to occur regardless of whether a state of emergency had been declared.

AB 2449 (Rubio): Open meetings: local agencies: teleconferences

Status: Signed by the Governor, Chapter 285, Statutes of 2022.

AB 2449 requires that a least a quorum of the board meet in a physical location within the local agency's jurisdiction clearly identified on the agenda that is open to the public. Virtual participation in meetings is limited to specified emergency circumstances. Virtual participation is 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 no more than two meetings if the legislative body regularly meets 10 times per calendar year. Board or Committee Members participating remotely must identify anyone in the room over the age of 18 and must always keep their videos on.

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 some cases, it may not take effect until the following election in 2024.

In the state legislature, Monterey County's representation is expected to change. Currently, the County is represented by four members – Senators Anna Caballero and John Laird and Assembly Members Robert Rivas and Mark Stone – but will have three moving forward, two Assembly Members and one Senator. Assembly Member Stone moves further north as he attempts to serve his last term, but the County gains a representative in the newly created Assembly District 30. Monterey County will lose Senator Caballero who is drawn into a new district in the San Joaquin Valley. Senator Laird will continue to represent the County in his

current district through 2024. The new Senate district boundaries will be applicable thereafter, which will encompass the totality of Monterey County. Below is a summary of impacts to the County and Central Coast districts.

Monterey County Delegation

Assembly District 29 consists of the whole County of San Benito and portions of Santa Clara, Santa Cruz, and Monterey Counties. This district includes the Cities of Hollister, San Juan Bautista, Greenfield, King City, Salinas, Gonzales, Gilroy, and Soledad, and portions of Watsonville. This district includes smaller, rural, and agricultural-based communities that are connected to the larger communities of Watsonville and Gilroy. Communities in the Salinas Valley, which are kept together, share housing and transportation concerns. **Assembly Member Robert Rivas currently represents a vast portion of this district and is running for re-election.**

Assembly District 30 consists of portions of Monterey, Santa Cruz, and San Luis Obispo Counties, including the Cities of Sand City, Del Rey Oaks, Morro Bay, Carmel-by-the-Sea, Capitola, Pacific Grove, Atascadero, Seaside, Arroyo Grande, Pismo Beach, Marina, El Paso de Robles (Paso Robles), Monterey, Grover Beach, and San Luis Obispo, and a zero-population split of Watsonville. This coastal district shares a tourism-based economy and strong ties to higher education institutions, including the Middlebury Institute of International Studies at Monterey (MIIS) and California State University, Monterey Bay (CSUMB). **This district was formerly represented by Assembly Member Jordan Cunningham but has been redrawn much further north, removing Santa Barbara County. Morro Bay Council Member Dawn Addis is running against non-profit director and businesswoman Vicki Nohrden for this seat.**

Senate District 17 includes the Counties of Monterey, San Benito, Santa Cruz, and portions of San Luis Obispo County, which was split to balance population, but keeps together small coastal communities and cities. This district includes the Cities of Arroyo Grande, Atascadero, Capitola, Carmel-by-the-Sea, Del Rey Oaks, El Paso de Robles (Paso Robles), Gonzales, Greenfield, Hollister, King City, Marina, Monterey, Morro Bay, Pacific Grove, Pismo Beach, Salinas, Sand City, San Juan Bautista, San Luis Obispo, Santa Cruz, Scotts Valley, Seaside, Soledad, and Watsonville. This coastal district includes a mix of urban and suburban cities and rural communities. Shared interests include agriculture, tourism, and marine conservation. The district includes the largest protected marine sanctuary in the United States and universities renowned in the biological sciences, including University of California, Santa Cruz (UCSC) and CSUMB. **Senator Laird currently represents vast portions of the existing district.**

Other Central Coast Delegation Seats

Assembly District 28 consists of portions of Santa Clara and Santa Cruz Counties, including the Cities of Monte Sereno, Morgan Hill, Scotts Valley, and Santa Cruz, the town of Los Gatos, and portions of the City of San Jose. The district configuration factors in Santa Cruz's growing ties with Silicon Valley. The district features UCSC and its surrounding community. **This district is currently represented by Assembly Member Mark Stone but pushes him further north and out of Monterey County.**

Assembly District 37 includes all of Santa Barbara County and portions of San Luis Obispo County. This district includes the Cities of Guadalupe, Buellton, Lompoc, Santa Maria, Goleta, Carpinteria, Solvang, and Santa Barbara. This is a coastal district with strong communities of farmworkers to the north, and includes University of California, Santa Barbara. This is a newly created district that will yield an additional representative for San Luis Obispo County after the November 2022 election cycle. Santa Barbara County Supervisor Gregg Hart is expected to win this seat.

Senate District 21 includes Santa Barbara County and portions of San Luis Obispo and Ventura Counties. This district includes the Cities of Buellton, Camarillo, Carpinteria, Fillmore, Goleta, Grover Beach, Guadalupe, Lompoc, Ojai, Oxnard, Port Hueneme, San Buenaventura (Ventura), Santa Barbara, Santa Maria, Santa Paula, and Solvang. This district consists of coastal communities and smaller, rural, agricultural communities. Senator Monique Limón's current district includes Santa Barbara but not San Luis Obispo.