

BILL: ASSEMBLY BILL 1402

**AUTHOR: ASSEMBLYMEMBER COTTIE PETRIE-NORRIS
(D-LAGUNA BEACH)**

SUBJECT: ACTIVE TRANSPORTATION PROGRAM

STATUS: ASSEMBLY TRANSPORTATION COMMITTEE

ACTION: OPPOSE UNLESS AMENDED

RECOMMENDATION

Staff recommends that the Board of Directors adopt an OPPOSE UNLESS AMENDED position on Assembly Bill 1402 (Petrie-Norris).

ISSUE

This bill was amended to include provisions that would modify the state's administration of the Active Transportation Program.

Specifically the bill would:

- Require the department, instead of the commission, to award funds to projects in the statewide and small urban and rural region distribution categories and to adopt a program of projects for those distribution categories;
- Require that 75% of available funds be awarded to MPO's in urban areas with populations greater than 200,000, in proportion to their relative share of the population, 15% to small urban and rural regions with populations of 200,000 or less, competitively awarded by the department to projects in those regions, and 10% to projects competitively awarded by the department, in consultation with the commission, on a statewide basis;
- With respect to the funds made available to MPOs, the bill would require the commission to allocate those funds to each MPO as a lump sum for award to projects selected by the applicable MPO;
- Authorize MPO's to adopt their own guidelines, or use part or all of the guidelines developed by the commission; and
- Authorize specified county transportation commissions to create their own set of guidelines that govern the funding distribution for their jurisdiction and would require those guidelines to be accepted and incorporated into the MPO guidelines.

DISCUSSION

Assemblymember Cottie Petrie-Norris (D-Laguna Beach) has amended Assembly Bill 1402 to include provisions which would substantially change the administration of the state's Active Transportation Program (ATP). The ATP was recently given an infusion of \$100 million in SB 1 funding. With this additional SB 1 funding, the CTC programs over

\$230 million in annual ATP awards and formula allocations. The ATP was established in 2013 with the goal of investing in alternative “active” transportation projects around the state to encourage biking and walking.

Los Angeles County is home to over 45 percent of the state’s disadvantaged communities. With the passage of SB 535 (de Leon, 2012), the state prioritized investment in these areas. These communities suffer severe health impacts due to high levels of air pollution and congestion. Los Angeles County also experiences high levels of bike and pedestrian accidents and fatalities.

AB 1402 would change how the state administers the ATP by reducing the competitive share of the funding the CTC or Caltrans awards and increasing the population-based distribution formula for Metropolitan Planning Organizations (MPOs) to administer the programs in their respective regions – using their own guidelines and potentially removing accountability and commitment to disadvantaged communities.

Staff finds the provisions of the bill to be problematic and there stands to be significant and disproportionate impacts to the disadvantaged communities in Los Angeles County and throughout the state. The provisions outlined in AB 1402 would shift the responsibility for administering, overseeing and allocating funding to the ATP from the CTC to Caltrans. Historically, the CTC has adhered to strict deadlines and project milestone performance metrics to streamline project funding allocation and delivery. Under the new model proposed under the provisions of AB 1402, Caltrans would be required to establish and implement a similar structure to maintain project schedules and allocate funds. MPOs would also be authorized to use ATP funds for their administration of the program. Staff finds that diverting critical ATP funding towards program administration would further diminish funding that could go to the design and construction of much-needed active transportation projects.

The bill also calls for geographic equity in the statewide competitive funding portion of the ATP. This would cause undue burden on Caltrans or the CTC to distribute such a small proportion of the funding evenly across the state. These provisions would lead to a significant reduction in funding that would go towards impactful and potentially transformative pedestrian, bike and Safe Routes to Schools infrastructure projects in the state’s regions that suffer the most from air pollution and congestion.

The provisions outlined in AB 1402 would substantially reduce the state’s ability to fund projects in the state’s most disadvantaged regions by shifting 75 percent of the funding to a population-based formula and guidelines that will be determined by the MPO or county transportation commission. The bill is also problematic in that it does not require consideration for disadvantaged communities in guideline development and adoption. Staff finds that currently 93% of all awards to date under the ATP program guidelines have been awarded to projects that benefitted disadvantaged communities, and under AB 1402, only 25% of the funding would be subject to provisions requiring direct benefits to disadvantaged communities.

Staff is currently reviewing the bill for potential impacts to the County's active transportation program. An **OPPOSE UNLESS AMENDED** position will allow staff the flexibility to ensure that Metro's priorities for funding active transportation and protecting and ensuring stable fund sources are incorporated in the final version of the bill.

Staff therefore recommends that the Board adopt an **OPPOSE UNLESS AMENDED** position on the measure AB 1402 (Petrie-Norris).

DETERMINATION OF SAFETY IMPACT

There is no determined safety impact due to the enactment of the proposed legislation.

FINANCIAL IMPACT

The estimated financial impact has yet to be determined.

ALTERNATIVES CONSIDERED

The Board could consider adopting a **SUPPORT** or **NEUTRAL** position on the measure; however that would be counter to the goals outlined in the Board approved 2019 State Legislative Program Goals.

NEXT STEPS

Should the Board decide to adopt an **OPPOSE UNLESS AMENDED** position on this legislation; staff will communicate the Board's position to the author and policy committees. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.