

**BILL:** SENATE BILL 152

**AUTHOR:** SENATOR JIM BEALL (D-SAN JOSE)

**SUBJECT:** ACTIVE TRANSPORTATION PROGRAM

**STATUS:** SENATE TRANSPORTATION COMMITTEE  
APPROVED 10-1

SENATE APPROPRIATIONS COMMITTEE

**ACTION:** OPPOSE UNLESS AMENDED ~~WORK WITH AUTHOR~~

**RECOMMENDATION**

Staff recommends that the Board of Directors adopt a OPPOSE UNLESS AMENDED ~~WORK WITH AUTHOR~~ position on Senate Bill 152 (Beall).

**ISSUE**

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

Specifically the bill would:

- Modify Active Transportation Program funding allocations by distributing 75% to Metropolitan Planning Organizations (SCAG, in Southern California), 15% to small urban and rural regions and 10% to projects of a transformative nature. Funds for small/urban regions and transformative projects are to be distributed by CTC;
- Require the CTC to adopt separate guidelines for MPOs, as specified;
- Authorize an MPO to perform its own competitive project selection process using regional guidelines adopted by CTC, or allow MPOs to request CTC to perform the competitive project selection process on the MPO's behalf, as specified; and
- For the funds made available to MPOs, require CTC to allocate these funds to each MPO as a lump sum, unless the MPO requests CTC to conduct the competitive selection process on behalf of the MPO, as specified.

**DISCUSSION**

Senator Jim Beall (D-San Jose) has amended Senate Bill 152 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.

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 SB 152 would lead to a significant reduction in funding that would go towards impactful pedestrian, bike and Safe Routes to Schools infrastructure projects in the state's regions that suffer the most from air pollution and congestion.

SB 152 would change how the state administers the ATP by reducing the competitive share of the funding the CTC 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.

The provisions outlined in SB 152 would substantially reduce the CTC'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. The bill is also problematic in that it allows an MPO to determine if it receives a lump sum amount of funding to allocate at their discretion or if the region would be subject to a competitive process, administered by the CTC. This process would prove to be confusing to project sponsors and applicants.

The CTC has long committed to funding projects that reduce GHGs in the state's most polluted areas in Southern California, the Central Valley and other impacted areas of the state. The CTC staff has also involved active transportation stakeholders in a robust public engagement process to establish guidelines and fund the projects that the active transportation community cares about most. Stakeholders in opposition to the measure have expressed that this bill, if approved, would be counter to the sponsor's goals of streamlining and improving the ATP.

Staff is currently reviewing the bill for potential impacts to the County's active transportation program. A OPPOSE UNLESS AMENDED ~~WORK WITH AUTHOR~~ 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 a OPPOSE UNLESS AMENDED ~~WORK WITH AUTHOR~~ position on the measure SB 152 (Beall).

#### **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**

Staff previously transmitted a letter of opposition to the author and the Senate Transportation Committee pursuant to our Board-adopted 2019 State Legislative Program. Due to the commitments to amend the legislation made by the author and bill sponsor during the Senate Transportation Hearing held on April 9, 2019 – staff has determined that the agency would be best positioned to adopt a OPPOSE UNLESS AMENDED ~~WORK WITH AUTHOR~~ position on the measure moving forward.

### **NEXT STEPS**

Should the Board decide to adopt a OPPOSE UNLESS AMENDED ~~WORK WITH AUTHOR~~ position on this legislation; staff will communicate the Board's position to the author and work to ensure inclusion of the Board's priorities in the final version of the bill. Staff will continue to keep the Board informed as this issue is addressed throughout the legislative session.