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OAKLAND

2004 MAY 26 PM 12: 52

OAKLAND CITY COUNCIL

DRAFT

RESOLUTION NO. _____ C.M.S

INTRODUCED BY COUNCILMEMBER _____

A RESOLUTION DECLARING THE CITY OF OAKLAND'S POSITION ON THE FOLLOWING 2004 STATE LEGISLATION:

SUPPORT FOR: AB 392 (California Environmental Justice and Community-based transportation planning grants) by Assembly Member Cindy Montanez.

WHEREAS, the City of Oakland or its residents would be affected by the pending State Legislation; and

WHEREAS, AB 392 (California Environmental Justice and Community-based transportation planning grants) by Assembly Member Cindy Montanez would amend Section 164.60 to the California Streets and Highway Code to authorize, for the purpose of financing programs for Environmental Justice and Community-Based Transportation Planning, up to \$10 million in grants annually for non-profits and governmental agencies; and

WHEREAS, AB 392 (Montanez) would authorize the State Department of Transportation award grants not to exceed three hundred thousand dollars for any single grant, from the Environmental Justice Subaccount and Community-Based Transportation Planning Subaccount for the purpose of assisting a wide range of projects that include, but are not limited to: identifying, planning, and addressing transportation needs for the community, improving transportation for community revitalization and economic development; promoting advanced transportation technology and energy efficiency in communities; fostering sustainable community or economic development, and developing safe pedestrian, bicycle, and transit linkage; now therefore, be it

RESOLVED: that the City of Oakland declares its **support** for AB 392 (California Environmental Justice and Community-based transportation planning grants) by Assembly Member Montanez; and be it

FURTHER RESOLVED: that the City Council directs the City Manager and the City's legislative lobbyist to advocate for the above positions in the State Legislature.

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JUN 1 2004

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20 _____

PASSED BY THE FOLLOWING VOTE:

AYES -
NOES -
ABSENT -
ABSTENTION -

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

**CITY OF OAKLAND
BILL ANALYSIS FORMAT**

DEPARTMENT INFORMATION

Contact: Gopakumar Nair

Date May 21, 2004

Department: Public Works Agency/ Environmental Services Division

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Bill Number: AB 392

Bill Author: Cindy Montanez

Topic: Assembly Bill 392

Summary of the Bill

Assembly Bill 392 (AB 392), introduced by Assembly Member Cindy Montanez, is an amendment to Section 164.60 of the Streets and Highways Code of California, and involves Environmental Justice and Community-Based Transportation Planning grants. The intent of this legislature is to award grants to non-profits, and local, state, and federal agencies for environmental enhancement and mitigation projects related to the environmental impact of modifying existing transportation facilities or for the design, construction, or expansion of new transportation facilities. The maximum eligible amount for a single grant is \$300,000, and a total of \$10 million is expected to be allocated annually to projects throughout the state.

Typical projects eligible for funding under this bill include transportation needs for underrepresented communities, planning and safety improvements for pedestrians and bicycles, feasibility studies and economic development with a transportation component, promotion of energy efficiency, transit-oriented developments, and transit linkages.

Positive Factors for Oakland

The City of Oakland (City) can benefit from this bill by obtaining grants for a wide range of projects involving transportation improvement and environmental justice. The projects covered under this bill can potentially create job opportunities in Oakland. In addition to seeking grants for existing projects, such as improving transportation and environmental quality in Oakland, the bill can also aid new initiatives in community development.

Based on the information provided in the "Legislative Counsel's Digest" of the bill text, the proposed bill covers a wide range of projects that include, but are not limited to, identifying, planning, and addressing transportation needs for the community, improving transportation for community revitalization and economic development, promoting advanced transportation technology and energy efficiency in communities, fostering sustainable community or economic development, and developing safe pedestrian, bicycle, and transit linkages. In addition to the City, non-profit organizations in Oakland can seek funding for projects in these areas.

Negative Factors for Oakland

No negative factors affecting Oakland appear to be associated with this bill.

Other Information:

None

RECOMMENDED POSITION:

Support

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

1 Urgent (top priority for city lobbyist, city position required ASAP)

2 Very Important (priority for city lobbyist, city position necessary)

3 Somewhat Important (position desired if time and resources are available)

4 None (do not review with City Council, position not required)

Other known support:

- Surface Transportation Policy Project (co-sponsor)
- California Alliance for Transportation Choices (co-sponsor)
- Anaheim Transportation Network
- Bike-to-work
- California Bicycle Coalition
- California Futures Network
- China Town Transportation Research & Improvement Project
- City and County of San Francisco Public Works Department
- Cycle Santa Monica
- Earth Island Institute
- Endangered Habitats League

Other known opposition: Not available

Is state/federal legislative committee analysis available? (If yes, please attach)

Yes, please see the attachment.

ASSEMBLY THIRD READING
 AB 392 (Montanez)
 As Amended January 22, 2004
 Majority vote

TRANSPORTATION 12-6 APPROPRIATIONS 17-6

Ayes:	Dutra, Berg, Chan, Chu, Kehoe, Longville, Nakano, Oropeza, Parra, Pavley, Salinas, Simitian	Ayes:	Steinberg, Berg, Calderon, Chu, Correa, Diaz, Goldberg, Leno, Maldonado, Nation, Mullin, Laird, Pavley, Ridley-Thomas, Simitian, Wiggins, Yee
Nays:	Bogh, Bates, Benoit, Leslie, Mountjoy, Spitzer	Nays:	Runner, Bates, Daucher, Haynes, Pacheco, Samuelian

SUMMARY : Codifies a policy within the Department of Transportation (Caltrans) to provide funding divided in equal amounts to the Community Based Transportation Planning (CBTP) and Environmental Justice (EJ) Grant Programs. Specifically, this bill :

- 1) Establishes the Environmental Justice Sub-account and the Community Based Transportation Planning (CBT) Sub-account in state law and specifies that the Legislature may appropriate funds to support community-based transportation planning transportation purposes, respectively.
- 2) Specifies that the grant funding may only be funded from funds transferred to the sub-accounts from the local assistance program of the State Highway Account (SHA).
- 3) Authorizes local agencies, nonprofit entities, metropolitan planning organizations (MPOs), regional transportation organizations, Native American tribal governments, community-based organizations, public universities, local transportation commissions, port authorities, airport commissions, and similar entities to apply for and receive grants, which may not exceed \$300,000 for any single grant.

The grants must undertake environmental justice and community based transportation projects that are directly or indirectly related to the transportation planning process.

- 4) Establishes eligibility criteria for the EJ Grant Program. This bill specifies that eligible projects shall include, but not be limited to one or more of the following characteristics, along with an emphasis on transit and non-motorized transportation:
- a) Identifying and addressing transportation needs for the community;
 - b) Identifying and involving underrepresented groups in planning and project development;
 - c) Improving demographic and socioeconomic analysis to identify emerging communities;
 - d) Planning and safety improvements for pedestrians and bicycles;
 - e) Feasibility studies for transportation improvements;
 - f) Community revitalization and economic development with a transportation component;
 - g) Improving cooperation in community development between public agencies and community development;
 - h) Developing guidelines and supporting information for environmental justice elements of the general plan;
 - i) Amassing the impacts of transportation plans and projects on the community;
 - j) Bilingual services for hearings, workshops, and promotion of transportation services;
 - aa) Private sector partnerships and foundation investment to enhance mobility and economic vitality;
 - bb) Promoting advanced transportation technology and energy efficiency in communities;

- cc) Community -based design and public art associated with

- transportation facilities and right-of-way;
- dd) Transportation projects with community health benefits;
 - ee) Improving access to telecommunication and the Internet where transportation benefit is demonstrated;
 - ff) Transportation and land use projects in central and inner cities and older suburbs;
 - gg) Transportation outreach projects in underdeveloped rural and agricultural areas to environmental justice communities;
 - hh) Infill development and brown field redevelopment with a transportation benefit for low-income and minority communities;
 - ii) Context-sensitive planning for port or airport expansions; and,
 - jj) Planning for improved transportation in low-income communities, that also enhances the business climate.
- 5) Establishes eligibility for the CBTP Grant Program. This bill specifies that eligible projects for funding under this grant category shall involve conceptual-level planning and design activities that promote one or more of the following commonly understood livable community concepts, with an emphasis on transit and non-motorized transportation:
- a) Long-term sustainable community or economic development.
 - b) Improved mobility and transportation choices for a wider range of users;
 - c) Increased transit oriented development or "transit villages;"
 - d) Mixed-used development;
 - e) Context sensitive streetscapes;

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- f) Safe and complete pedestrian, bicycle, and transit linkages;
- g) Jobs and affordable housing balance; and,

- h) Reuse or infill/compact development.
- 6) Requires that grant proposals be submitted to Caltrans for evaluation based on procedures and criteria established by Caltrans, who shall also evaluate submitted proposals and prepare a list of applications for funding.
- 7) Requires Caltrans to include community stakeholders in the evaluation process of the grant applications. Caltrans must make a finding of eligibility prior to including a proposal in the approved list.
- 8) Directs Caltrans to award annual grants based on the resources and minimum grant amounts established by this bill.
- 9) Requires that projects receiving funding under this bill contribute to integrating environmental justice into the transportation planning process and for transportation planning activities that encourage livable communities.

EXISTING LAW states that it is the intent of the Legislature to allocate \$10 million annually to the Environmental Enhancement and Mitigation Program (EEMP) Fund. Under these provisions, local, state, and federal agencies and nonprofit entities may apply for and receive grants for environmental enhancement and mitigation projects related to the environmental impact of modifying existing transportation facilities or for the design, construction, or expansion of new transportation facilities.

FISCAL EFFECT : According to the Assembly Appropriations Committee analysis, this bill could result in significant cost pressures to Caltrans to administer EJ and CBTP grants and to award grants as statutorily-mandated programs rather than administratively-created discretionary programs.

COMMENTS : According to the author's office, this measure is intended to permanently mandate funding for EJ and CBTP Grant Programs. These programs are currently authorized by internal policy from Director of Caltrans. The stated goal of the grant

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programs is to make funds available to stakeholder groups in communities that will be impacted by state transportation projects. The grants are designed to fund projects that encourage participation by stakeholder groups in the planning process and thereby build greater consensus at an early phase of the project development timeline.

According to Caltrans, the CBTP Grant Program is primarily used to provide "seed funding" for planning activities that encourage

livable communities. Caltrans indicates that CBTP grants help leverage projects that include non-traditional participation in transportation decision making, while meeting other standard design and engineering goals for transportation projects.

In support of these programs, Caltrans asserts that transportation agencies at the national, state and local level are finding that a collaborative approach can streamline the design and implementation process and improve the quality, overall value, and sustainability of projects in respective communities and for the implementing agency. Early collaboration has the potential to produce partnerships that bring new ideas to the table, share responsibility for decisions, and creatively allow other funding sources to be incorporated.

The EJ Grant Program was also established pursuant to an internal policy from the Director of Caltrans. The Director's Policy requires Caltrans to incorporate environmental justice into its programs, policies, and activities to prevent disproportionate adverse impacts, particularly in minority and low-income populations. The goals include fair treatment and meaningful involvement of people of all races, and income levels from the early stages of transportation planning and investment decision-making through construction, operations and maintenance.

The CBTP Grant Program was originated in 1999. Caltrans utilized \$1.5 million from a specific category of federal funds known as State Planning and Research (SPR) to support the CBTP grants. The EJ Grant Program was established in 2001, the same year that both programs began to receive annual allocations of \$3 million from the SHA through the Local Assistance program.

In January of 2003, the Governor's Budget proposed to reduce total resources for both grant programs by \$3 million. This

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proposal was rejected and the program was funded at the full level of \$6 million. Subsequently, the Governor's Budget for fiscal year 2003-04 proposed to eliminate funding for the two grant programs. As a compromise, the Legislature provided \$3 million for the two programs.

The sponsors of this bill seek to protect the funding for these grant programs by sponsoring legislation to provide permanent, statutory authorization.

Analysis Prepared by : Andrew Antwih / TRANS. / (916) 319-2093

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ORACOUNCIL
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