



**TRANSPORTATION, COMMUNICATIONS AND PUBLIC WORKS COMMITTEE**  
**Thursday, April 28<sup>th</sup>, 2022**  
**1:30 p.m. – 4:30 p.m.**

**Register for this meeting:**

<https://us06web.zoom.us/meeting/register/tZlqcOihqDwjH9MJ9EJnvXFpqxbyVyl4lyn5>

Immediately after registering, you will receive a link and confirmation email to join the meeting.

Previous [Meeting Highlights](#) from February 10, 2022

---

**AGENDA**

- I. Welcome and Introductions**  
*Speakers: Chair Veronica Vargas, Mayor Pro Tempore, City of Tracy  
Vice Chair Priya Bhat-Patel, Council Member, City of Carlsbad  
Cal Cities President Cindy Silva, Mayor Pro Tem, Walnut Creek*
- II. Public Comment**
- III. General Briefing (Handout)** *Informational*
- IV. State of Hydrogen and [SB 1291 \(Archuleta\)](#)** *Informational*  
*Speakers: Teresa Cooke, Executive Director, California Hydrogen Coalition  
Jennifer Hamilton, California Fuel Cell Partnership*
- V. Reactivating Tracks** *Informational*  
*Speaker: Francisco Castillo, Union Pacific Railroad*
- VI. Microtrenching** *Informational*  
*Speakers: Jim O’Kane, Southern California Contractors Association  
Rochelle Swanson, Government Affairs Manager, Crown Castle*
- VII. Legislative Agenda (Attachment A)** *Informational*
  - [AB 2419 \(Bryan\)](#) Environmental Justice
- VIII. Legislative and Budget Update** *Informational*  
*Speaker: Damon Conklin, Cal Cities TCPW Lobbyist  
A complete list of all the Cal Cities TCPW bills can be found [here](#).*
- IX. Open Committee Discussion** *Informational*
- X. Adjourn**

**Next Virtual Meeting:** Thursday, June 9, 2022, 1:30 pm – 4:30 pm

Please visit our Cal Cities Transportation, Communications, and Public Works Policy Committee [webpage](#) for more information about the committee and available resources.

*Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:*

- 1) Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
- 2) A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

*A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.*

AMENDED IN ASSEMBLY APRIL 19, 2022

AMENDED IN ASSEMBLY APRIL 7, 2022

AMENDED IN ASSEMBLY MARCH 28, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2419**

---

---

**Introduced by Assembly Member Bryan**  
**(Coauthors: Assembly Members Cristina Garcia and Stone)**  
(Coauthor: Senator Stern)

February 17, 2022

---

---

An act to add and repeal Part 3.2 (commencing with Section 71119) of Division 34 of the Public Resources Code, relating to environmental justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 2419, as amended, Bryan. Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Oversight Committee.

Existing law establishes the Strategic Growth Council consisting of specified state agency members and members of the public. Existing law requires the council, among other things, to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate state agencies to encourage the development of sustainable communities, such as those communities that promote equity, strengthen the economy, protect the environment, and promote public health and safety.

The federal Infrastructure Investment and Jobs Act (IIJA) provides additional federal funds to rebuild the nation's infrastructures. Executive orders issued by President Biden established the federal Justice40 Initiative with the goal that 40% of the overall federal benefits flow to

disadvantaged communities and stating that the implementation of the IJA should prioritize investing public dollars equitably, including through the Justice40 Initiative.

This bill would require a minimum of 40% of funds received by the state under the IJA *and certain other federal funds* to be allocated to projects that provide direct benefits to disadvantaged communities and a minimum of an additional 10% be allocated for projects that provide direct benefits to low-income households and low-income communities, as provided. The bill would require—~~specified~~ *state* agencies administering *those* federal funds to perform specified tasks related to the expenditure of those federal funds.

This bill would establish the Justice40 Oversight Committee in the council, as provided, to perform various actions related to the expenditure of those federal funds. The bill would require the committee, by December 31, 2024, to provide an interim report, and by December 31, 2027, to provide a final report, to the Legislature, and to the council at a public meeting of the council, on various subjects related to the expenditure of those federal funds. The bill would provide that those provisions would be repealed by their own terms on a specified date.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) On January 27, 2021, President Biden signed Executive
- 4 Order 14008, which established the federal Justice40 Initiative
- 5 “with the goal of delivering 40 percent of the overall benefits of
- 6 relevant federal investments to disadvantaged communities.”
- 7 (b) On May 28, 2021, the White House Environmental Justice
- 8 Advisory Committee submitted its final recommendations on the
- 9 federal Justice40 Initiative to President Biden. This included the
- 10 request “that there must be a transformative and accountable
- 11 process developed for the fair and just distribution of 40% or more
- 12 of the benefits to be invested in frontline communities. Otherwise,
- 13 the investment will not reach frontline communities, given the bias
- 14 and ambivalence of many state and local governments, and the
- 15 systemic racial bias, inertia, and resistance to change that we must
- 16 never underestimate.”

1 (c) On November 15, 2021, President Biden signed into law the  
2 federal Infrastructure Investment and Jobs Act (Public Law  
3 117-58), hereinafter “IIJA.”

4 (d) On the same day, President Biden also signed Executive  
5 Order 14052, which was published on November 18, 2021, stating  
6 that implementation of the IIJA should prioritize “investing public  
7 dollars equitably, including through the [federal] Justice40  
8 Initiative, which is a Government-wide effort toward a goal that  
9 40 percent of overall benefits from Federal investments in climate  
10 change and clean energy flow to disadvantaged communities.”

11 (e) Throughout the history of the United States, racist  
12 infrastructure policies and investments have cemented inequities  
13 in housing, education, economic opportunity, health, and  
14 environmental pollution. These inequities lock millions of  
15 Americans out of prosperity and opportunity, nowhere more so  
16 than in low-income communities of color.

17 (f) California has its own legacy of creating, upholding, or  
18 exacerbating inequities through infrastructure investments.  
19 California’s highway system was often built in ways that broke  
20 up Black, Indigenous, and people of color communities, forcing  
21 the destruction of homes and displacing residents.

22 (g) Equity should be a primary consideration in determining  
23 how to spend billions of dollars in infrastructure investments to  
24 deliver jobs and other benefits where they are needed most.

25 (h) This is a historic moment to seize the opportunities provided  
26 by the IIJA and the federal Justice40 Initiative to reverse inequities  
27 and build a new vision of infrastructure as the foundation for an  
28 inclusive society.

29 (i) States must play a crucial role in achieving the goals of the  
30 federal Justice40 Initiative by ensuring that these investments  
31 target and benefit disadvantaged communities, especially those  
32 harmed by the long history of inequitable and racist policies.

33 (j) On September 1, 2021, Governor Newsom joined a group  
34 of 10 governors to submit a letter to Congressional leaders  
35 requesting that “any infrastructure package ensure 40 percent of  
36 the benefits of climate and clean infrastructure investments are  
37 directed to disadvantaged communities and invests in rural  
38 communities and communities impacted by the market-based  
39 transition to clean energy.”

1 (k) California’s disadvantaged communities need significant  
2 improvements in the areas of public transit, broadband access,  
3 water systems, and climate resilience throughout the state.

4 (l) Committing to the federal Justice40 Initiative could help  
5 provide, among other things, better and less polluting public transit,  
6 reliable and affordable high-speed internet access, and clean  
7 drinking water to those communities.

8 (m) California is committed to being a leader in the push for a  
9 cleaner and more just future.

10 SEC. 2. Part 3.2 (commencing with Section 71119) is added  
11 to Division 34 of the Public Resources Code, to read:

12  
13 PART 3.2. CALIFORNIA JUSTICE40 ACT

14  
15 71119. This part shall be known, and may be cited, as the  
16 California Justice40 Act.

17 71119.1. (a) For purposes of this section, the following  
18 definitions apply:

19 (1) “Committee” means the Justice40 Oversight Committee  
20 established pursuant to subdivision (i).

21 (2) “Council” means the Strategic Growth Council established  
22 pursuant to subdivision (a) of Section 75121.

23 (3) “Covered program” means a federal government program,  
24 as outlined in the Interim Implementation Guidance for the  
25 Justice40 Initiative (*Justice40 Initiative*) released by the Office of  
26 Management and Budget (M-21-28), that makes covered  
27 investment benefits in one or more of the following areas:

- 28 (A) Climate change.
- 29 (B) Clean energy and energy efficiency.
- 30 (C) Clean transportation.
- 31 (D) Affordable and sustainable housing.
- 32 (E) Training and workforce development related to climate,  
33 natural disasters, environment, clean energy, clean transportation,  
34 housing, water and wastewater infrastructure, and legacy pollution  
35 reduction, including in energy communities.
- 36 (F) Remediation and reduction of legacy pollution.
- 37 (G) Critical clean water and waste infrastructure.

38 (4) “Disadvantaged community” means a community identified  
39 as disadvantaged pursuant to Section 39711 of the Health and  
40 Safety Code.

1 (5) “Federal act” means the federal Infrastructure Investment  
2 and Jobs Act (Public Law 117-58).

3 (6) “Federal funds” means moneys received by the state under  
4 the federal ~~act~~. *act and other federal moneys for covered programs*  
5 *that fall under the Justice40 Initiative.*

6 (7) “Infrastructure” means all sectors included in the federal  
7 act, including, but not limited to, transportation, water, energy,  
8 broadband, and resilience and rehabilitation of the nation’s natural  
9 resources.

10 (8) “Low-income communities” are census tracts with median  
11 household incomes at or below 80 percent of the statewide median  
12 income or with median household incomes at or below the  
13 threshold designated as low income by the Department of Housing  
14 and Community Development’s list of state income limits adopted  
15 pursuant to Section 50093 of the Health and Safety Code.

16 (9) “Low-income households” are those with household incomes  
17 at or below 80 percent of the statewide median income or with  
18 household incomes at or below the threshold designated as low  
19 income by the Department of Housing and Community  
20 Development’s list of state income limits adopted pursuant to  
21 Section 50093 of the Health and Safety Code.

22 (b) (1) ~~In allocating administering federal funds, funds~~ *funds*  
23 *appropriated by the Legislature, a state agency shall allocate a*  
24 *minimum of 40 percent of the federal those funds shall be allocated*  
25 *to projects that provide direct benefits to disadvantaged*  
26 *communities in the state.*

27 (2) ~~In allocating administering federal funds, funds~~ *funds*  
28 *appropriated by the Legislature, a state agency shall allocate a*  
29 *minimum of an additional 10 percent of the federal those funds*  
30 *shall be allocated* to projects that provide direct benefits to  
31 low-income households in the state or to projects that provide  
32 direct benefits to low-income communities in the state.

33 (c) *When a state agency makes a request to the Legislature to*  
34 *expend federal funds for a covered program, the state agency shall*  
35 *submit to the appropriate subcommittees of the Budget Committees*  
36 *of each house of the Legislature a plan on how the state agency*  
37 *will meet the requirements of subdivision (b).*

38 (d) *Each state agency receiving federal funds appropriated in*  
39 *the annual Budget Act shall annually provide an update to the*  
40 *appropriate subcommittees of the Budget Committee of each house*

1 of the Legislature on how the state agency is meeting the  
2 requirements of subdivision (b) until the appropriated moneys are  
3 fully expended.

4 ~~(e)~~

5 (e) All investments of federal funds shall avoid substantial  
6 burdens to disadvantaged communities, low-income communities,  
7 and low-income households, including physical or economic  
8 displacement of low-income households and small businesses in  
9 disadvantaged communities and low-income communities,  
10 increased local exposure to toxics or other health risks, or other  
11 substantial economic, environmental, or public health burdens.

12 ~~(f)~~

13 (f) All investments of federal funds shall maximize economic  
14 cobenefits by including labor and workforce standards, and give  
15 preference to projects that include wage standards, targeted hire  
16 provisions for disadvantaged and underrepresented workers, project  
17 labor agreements, community workforce agreements, and  
18 community benefits agreements.

19 (g) A state agency administering federal funds appropriated by  
20 the Legislature shall do all of the following:

21 ~~(e) A public agency administering federal funds shall maximize~~

22 (1) Maximize benefits for disadvantaged communities,  
23 low-income households, and low-income communities in alignment  
24 with the framework established by the investment plan developed  
25 by the State Air Resources Board pursuant to Chapter 4.1  
26 (commencing with Section 39710) of Part 2 of Division 26 of the  
27 Health and Safety Code.

28 ~~(f) Administering agencies shall conduct,~~

29 (2) Conduct, or participate in, outreach and engagement and  
30 require qualifying projects to demonstrate community support to  
31 improve funding accessibility and to maximize participation by,  
32 and benefits to, disadvantaged communities, low-income  
33 communities, and low-income households.

34 ~~(g) A public agency administering federal funds shall consider~~

35 (3) Consider a project’s potential impacts on goals that include,  
36 but are not limited to, advancing environmental justice, reducing  
37 emissions of greenhouse gases, promoting climate adaptation and  
38 resilience, meaningfully consulting with and incorporating input  
39 from communities, promoting registered apprenticeship and  
40 preapprenticeship programs, and creating high-road jobs.

1 ~~(h) A state agency administering federal funds shall annually~~  
2 (4) *Annually* report on, and make available to the public, the  
3 state agency's activities and progress toward *meeting the*  
4 *requirements of subdivision (b), including* implementing the  
5 committee's recommendations ~~and once released~~, the use of federal  
6 funds for projects, ~~including~~ the total amount of federal funds  
7 disbursed, the entities that received federal funds, and the projects  
8 ~~funded.~~ *funded by the federal funds.*

9 (i)  
10 (h) The Justice40 Oversight Committee is hereby established  
11 in the Strategic Growth Council to do all of the following:

12 (1) Identify infrastructure deficiencies in disadvantaged  
13 communities and low-income communities throughout the state.

14 (2) Recommend ~~climate, clean energy, and infrastructure~~  
15 projects *under any covered program* for federal funding.

16 (3) Recommend climate and labor standards for projects that  
17 receive federal funds.

18 (j)  
19 (i) (1) The committee shall consist of the following members:

20 (A) Not less than eight members appointed by the Governor as  
21 follows:

22 (i) At least one representative of a Native American tribal  
23 community.

24 (ii) At least one representative of a local or regional group that  
25 works on environmental issues affecting frontline communities.

26 (iii) A representative of a local or regional group that works on  
27 transportation equity.

28 (iv) A representative of an environmental justice organization.

29 (v) At least one representative of an equity- or racial  
30 justice-focused organization that works with a disadvantaged  
31 community.

32 (vi) At least one representative of a local or regional group that  
33 works with a low-income community.

34 (vii) A representative of a public sector labor union.

35 (viii) A representative from a labor union that represents  
36 building and construction trades.

37 (B) Two members appointed as follows:

38 (i) One public member appointed by the Speaker of the  
39 Assembly.

1 (ii) One public member appointed by the Senate Committee on  
2 Rules.

3 (2) Committee members shall serve on the committee without  
4 compensation, but may be reimbursed for their actual expenses  
5 incurred in connection with their duties as members of the  
6 committee.

7 ~~(k) The committee shall work with the California Environmental  
8 Protection Agency, the Transportation Agency, and other  
9 appropriate entities to implement this section.~~

10 ~~(l) The~~  
11 *(j) Each state agency receiving federal funds appropriated by*  
12 *the Legislature shall provide to the council information in the*  
13 *report specified in paragraph (4) of subdivision (g). The council*  
14 *shall track the use of federal funds and make that information*  
15 *available to the committee and to the public on the council’s*  
16 *internet website the tracking information. website.*

17 ~~(m)~~  
18 *(k) A public state agency administering federal funds shall*  
19 *coordinate with the council’s Community Assistance for Climate*  
20 *Equity Program to assist communities in applying for, and*  
21 *accessing, federal funds for infrastructure projects.*

22 ~~(n)~~  
23 *(l) (1) On or before December 31, 2024, the committee shall*  
24 *submit an interim report to the Legislature, and to the council at*  
25 *a public meeting of the council, that identifies infrastructure*  
26 *deficiencies in disadvantaged communities, recommends*  
27 *infrastructure projects, provides agency guidelines on the climate*  
28 *and labor standards developed pursuant to paragraph (3) of*  
29 *subdivision (i), and reports on the expenditure of federal funds.*

30 *(2) On or before December 31, 2027, the committee shall submit*  
31 *a final report to the Legislature, and to the council at a public*  
32 *meeting of the council, on the expenditure of federal funds and*  
33 *that includes an evaluation of state agencies’ success in meeting*  
34 *the climate and labor standards developed pursuant to paragraph*  
35 *(3) of subdivision (i).*

36 *(3) The reports submitted to the Legislature pursuant to*  
37 *paragraphs (1) and (2) shall be submitted in accordance with*  
38 *Section 9795 of the Government Code.*

39 *(4) The council shall make available to the public on its internet*  
40 *website the reports required pursuant to paragraphs (1) and (2).*

1     (⊖)  
2     (m) This ~~section~~ *part* shall remain in effect only until January  
3     1, 2031, or January 1 of the year following the date of the  
4     submission of the *final* report, whichever is earlier, and as of that  
5     date is repealed.

O