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

Register for this meeting:
https://us06web.zoom.us/meeting/register/tZIqcOihqDwjH9MJ9EJnvXFpgxbyVyl4lyn5

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.
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


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 IIJA 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 IIJA 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.


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

1. SECTION 1. The Legislature finds and declares all of the following:
   (a) On January 27, 2021, President Biden signed Executive Order 14008, which established the federal Justice40 Initiative “with the goal of delivering 40 percent of the overall benefits of relevant federal investments to disadvantaged communities.”
   (b) On May 28, 2021, the White House Environmental Justice Advisory Committee submitted its final recommendations on the federal Justice40 Initiative to President Biden. This included the request “that there must be a transformative and accountable process developed for the fair and just distribution of 40% or more of the benefits to be invested in frontline communities. Otherwise, the investment will not reach frontline communities, given the bias and ambivalence of many state and local governments, and the systemic racial bias, inertia, and resistance to change that we must never underestimate.”
On November 15, 2021, President Biden signed into law the federal Infrastructure Investment and Jobs Act (Public Law 117-58), hereinafter “IIJA.”

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

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

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

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

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

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

On September 1, 2021, Governor Newsom joined a group of 10 governors to submit a letter to Congressional leaders requesting that “any infrastructure package ensure 40 percent of the benefits of climate and clean infrastructure investments are directed to disadvantaged communities and invests in rural communities and communities impacted by the market-based transition to clean energy.”
(k) California’s disadvantaged communities need significant improvements in the areas of public transit, broadband access, water systems, and climate resilience throughout the state.

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

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

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

PART 3.2. CALIFORNIA JUSTICE40 ACT

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

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

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

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

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

(A) Climate change.

(B) Clean energy and energy efficiency.

(C) Clean transportation.

(D) Affordable and sustainable housing.

(E) Training and workforce development related to climate, natural disasters, environment, clean energy, clean transportation, housing, water and wastewater infrastructure, and legacy pollution reduction, including in energy communities.

(F) Remediation and reduction of legacy pollution.

(G) Critical clean water and waste infrastructure.

(4) “Disadvantaged community” means a community identified as disadvantaged pursuant to Section 39711 of the Health and Safety Code.
“Federal act” means the federal Infrastructure Investment and Jobs Act (Public Law 117-58).

“Federal funds” means moneys received by the state under the federal act and other federal moneys for covered programs that fall under the Justice40 Initiative.

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

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

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

(b) (1) In allocating federal funds appropriated by the Legislature, a state agency shall allocate a minimum of 40 percent of those federal funds to projects that provide direct benefits to disadvantaged communities in the state.

(2) In allocating federal funds appropriated by the Legislature, a state agency shall allocate a minimum of an additional 10 percent of those federal funds to projects that provide direct benefits to low-income households in the state or to projects that provide direct benefits to low-income communities in the state.

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

(d) Each state agency receiving federal funds appropriated in the annual Budget Act shall annually provide an update to the appropriate subcommittees of the Budget Committee of each house
of the Legislature on how the state agency is meeting the
requirements of subdivision (b) until the appropriated moneys are
fully expended.
(e) All investments of federal funds shall avoid substantial
burdens to disadvantaged communities, low-income communities,
and low-income households, including physical or economic
displacement of low-income households and small businesses in
disadvantaged communities and low-income communities,
increased local exposure to toxics or other health risks, or other
substantial economic, environmental, or public health burdens.
(f) All investments of federal funds shall maximize economic
cobenefits by including labor and workforce standards, and give
preference to projects that include wage standards, targeted hire
provisions for disadvantaged and underrepresented workers, project
labor agreements, community workforce agreements, and
community benefits agreements.
(g) A state agency administering federal funds appropriated by
the Legislature shall do all of the following:
(i) Maximize benefits for disadvantaged communities,
low-income households, and low-income communities in alignment
with the framework established by the investment plan developed
by the State Air Resources Board pursuant to Chapter 4.1
(commencing with Section 39710) of Part 2 of Division 26 of the
Health and Safety Code.
(ii) Administering agencies shall conduct,
(2) Conduct, or participate in, outreach and engagement and
require qualifying projects to demonstrate community support to
improve funding accessibility and to maximize participation by,
and benefits to, disadvantaged communities, low-income
communities, and low-income households.
(g) A public agency administering federal funds shall consider
(3) Consider a project’s potential impacts on goals that include,
but are not limited to, advancing environmental justice, reducing
emissions of greenhouse gases, promoting climate adaptation and
resilience, meaningfully consulting with and incorporating input
from communities, promoting registered apprenticeship and
preapprenticeship programs, and creating high-road jobs.
(h) A state agency administering federal funds shall annually
(4) Annually report on, and make available to the public, the
state agency’s activities and progress toward meeting the
requirements of subdivision (b), including implementing the
committee’s recommendations and once released, the use of federal
funds for projects, including the total amount of federal funds
dischursed, the entities that received federal funds, and the projects
funded by the federal funds.

(h) The Justice40 Oversight Committee is hereby established
in the Strategic Growth Council to do all of the following:
(1) Identify infrastructure deficiencies in disadvantaged
communities and low-income communities throughout the state.
(2) Recommend climate, clean energy, and infrastructure
projects under any covered program for federal funding.
(3) Recommend climate and labor standards for projects that
receive federal funds.

(i) (1) The committee shall consist of the following members:
(A) Not less than eight members appointed by the Governor as
follows:
(i) At least one representative of a Native American tribal
community.
(ii) At least one representative of a local or regional group that
works on environmental issues affecting frontline communities.
(iii) A representative of a local or regional group that works on
transportation equity.
(iv) A representative of an environmental justice organization.
(v) At least one representative of an equity- or racial
justice-focused organization that works with a disadvantaged
community.
(vi) At least one representative of a local or regional group that
works with a low-income community.
(vii) A representative of a public sector labor union.
(viii) A representative from a labor union that represents
building and construction trades.
(B) Two members appointed as follows:
(i) One public member appointed by the Speaker of the
Assembly.
(ii) One public member appointed by the Senate Committee on Rules.

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

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

(j) Each state agency receiving federal funds appropriated by the Legislature shall provide to the council information in the report specified in paragraph (4) of subdivision (g). The council shall track the use of federal funds and make that information available to the committee and to the public on the council’s internet website.

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

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

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

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

(4) The council shall make available to the public on its internet website the reports required pursuant to paragraphs (1) and (2).
(m) This section shall remain in effect only until January 1, 2031, or January 1 of the year following the date of the submission of the final report, whichever is earlier, and as of that date is repealed.