

**CALIFORNIA TRANSPORTATION COMMISSION  
ADOPTION OF THE 2023 CALIFORNIA TRANSPORTATION PLAN GUIDELINES**

**RESOLUTION G-23-55**

- 1.1 **WHEREAS**, federal regulations and California statute require the California Department of Transportation (Caltrans) to prepare a statewide, long-range transportation plan, known as the California Transportation Plan, every five years; and
- 1.2 **WHEREAS**, California Government Code Section 14524.3 authorizes the California Transportation Commission (Commission) to prescribe study areas for analysis and evaluation by Caltrans, and to establish guidelines for the preparation and content of the California Transportation Plan; and
- 1.3 **WHEREAS**, the 2023 California Transportation Plan Guidelines are intended to provide high-level direction to Caltrans on the development and structure of the California Transportation Plan and identify the federal and state requirements necessary for the plan's preparation; and
- 1.4 **WHEREAS**, Commission staff worked collaboratively with Caltrans and stakeholders to update the 2023 California Transportation Plan Guidelines; and
- 1.5 **WHEREAS**, Commission staff presented a discussion draft of the 2023 California Transportation Plan Guidelines to stakeholders at a public workshop on February 15, 2023; and
- 1.6 **WHEREAS**, Commission staff presented a draft of the 2023 California Transportation Plan Guidelines to the Commission at its March 23, 2023, meeting.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED**, that the Commission adopts the 2023 California Transportation Plan Guidelines; and
- 2.2 **BE IT FURTHER RESOLVED**, that Commission staff is authorized to make minor technical changes as needed to the guidelines and post the final 2023 California Transportation Plan Guidelines on the Commission's website.

# CALIFORNIA TRANSPORTATION PLAN GUIDELINES 2023

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 14524.3:

ADOPTED BY THE CALIFORNIA TRANSPORTATION COMMISSION  
ON JUNE 29, 2023

**EXECUTIVE DIRECTOR**

TANISHA TAYLOR

**COMMISSIONERS**

LEE ANN EAGER, CHAIR  
CARL GUARDINO, VICE CHAIR  
JAY BRADSHAW  
JOSEPH CRUZ  
DARNELL GRISBY  
CLARISSA REYES FALCON  
ADONIA LUGO, PH.D.  
JOSEPH K. LYOU, PH.D.  
MICHELE MARTINEZ  
HILARY NORTON  
JOSEPH TAVAGLIONE

**EX OFFICIO MEMBERS**

ASSEMBLY MEMBER – LAURA FRIEDMAN  
SENATOR – JOSH NEWMAN





























































































related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

(2) Reservation of rights - The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

(d) Scope of Planning Process

(1) Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety of the transportation system for motorized and nonmotorized users;

(C) increase the security of the transportation system for motorized and nonmotorized users;

(D) increase the accessibility and mobility of people and freight;

(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

(F) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

(G) promote efficient system management and operation; and

(H) emphasize the preservation of the existing transportation system.

(2) Failure to consider factors —The failure to consider any factor specified in paragraph (1) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, the transportation improvement program, a project or strategy, or the certification of a planning process.

(e) Additional Requirements. In carrying out planning under this section, each State shall, at a minimum—

(1) with respect to nonmetropolitan areas, cooperate with affected local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m);

(2) consider the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

(3) consider coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

(f) Long-range Statewide Transportation Plan.

(1) Development.

Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

(2) Consultation with governments.

(A) Metropolitan areas.

The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134.

(B) Nonmetropolitan areas.

(i) With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in cooperation with affected nonmetropolitan officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m).

(ii) Role of secretary.

The Secretary shall not review or approve the consultation process in each State.

(C) Indian tribal areas.

With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

(D) Consultation, comparison, and consideration.

(i) The long-range transportation plan shall be developed, as appropriate, in consultation with State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

(ii) Comparison and consideration.











- (6) Enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;
- (7) Promote efficient system management and operation;
- (8) Emphasize the preservation of the existing transportation system;
- (9) Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation; and
- (10) Enhance travel and tourism.

(b) Consideration of the planning factors in paragraph (a) of this section shall be reflected, as appropriate, in the statewide transportation planning process. The degree of consideration and analysis of the factors should be based on the scale and complexity of many issues, including transportation systems development, land use, employment, economic development, human and natural environment (including Section 4(f) properties as defined in 23 CFR 774.17), and housing and community development.

(c) Performance-based approach.

(1) The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support the national goals described in 23 U.S.C. 150(b) and the general purposes described in 49 U.S.C. 5301.

(2) Each State shall select and establish performance targets in coordination with the relevant MPOs to ensure consistency to the maximum extent practicable. The targets shall address the performance areas described in 23 U.S.C. 150(c), and the measures established under 23 CFR part 490, where applicable, to use in tracking progress toward attainment of critical outcomes for the State. States shall establish performance targets that reflect the measures identified in 23 U.S.C. 150(c) not later than 1 year after the effective date of the DOT final rule on performance measures. Each State shall select and establish targets under this paragraph in accordance with the appropriate target setting framework established at 23 CFR part 490.

(3) In areas not represented by an MPO, the selection of public transportation performance targets by a State shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with the performance targets that public transportation providers establish under 49 U.S.C. 5326(c) and 49 U.S.C. 5329(d).

(4) A State shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in this section, in other State transportation plans and transportation processes, as well as any plans developed pursuant to chapter 53 of title 49 by providers of public transportation in areas not represented by an MPO required as part of a performance-based program. Examples of such plans and processes include the HSIP, SHSP, the State Asset Management Plan for the National Highway System (NHS), the State Freight Plan (if the State has one), the Transit Asset Management Plan, and the Public Transportation Agency Safety Plan.

(5) A State shall consider the performance measures and targets established under this paragraph when developing policies, programs, and investment priorities reflected in the long-range statewide transportation plan and statewide transportation improvement program.

(d) The failure to consider any factor specified in paragraph (a) or (c) of this section shall not be subject to review by any court under title 23 U.S.C., 49 U.S.C. Chapter 53, subchapter II of title 5 U.S.C. Chapter 5, or title 5 U.S.C. Chapter 7 in any matter affecting a long-range statewide transportation plan, STIP, project or strategy, or the statewide transportation planning process findings.

(e) Funds provided under 23 U.S.C. 505 and 49 U.S.C. 5305(e) are available to the State to accomplish activities described in this subpart. At the State's option, funds provided under 23 U.S.C. 104(b)(2) and 49 U.S.C. 5307, 5310, and 5311 may also be used for statewide transportation planning. A State shall document statewide transportation planning activities performed with funds provided under title 23 U.S.C. and title 49 U.S.C. Chapter 53 in a statewide planning work program in accordance with the provisions of 23 CFR part 420. The work program should include a discussion of the transportation planning priorities facing the State.

**d) TITLE 23 CFR PART 450 - SUBPART B - § 450.208 COORDINATION OF PLANNING PROCESS ACTIVITIES**

(a) In carrying out the statewide transportation planning process, each State shall, at a minimum:

(1) Coordinate planning carried out under this subpart with the metropolitan transportation planning activities carried out under subpart C of this part for metropolitan areas of the State. The State is encouraged to rely on information, studies, or analyses provided by MPOs for portions of the transportation system located in metropolitan planning areas;

(2) Coordinate planning carried out under this subpart with statewide trade and economic development planning activities and related multistate planning efforts;

(3) Consider the concerns of federal land management agencies that have jurisdiction over land within the boundaries of the State;

(4) Cooperate with affected local elected and appointed officials with responsibilities for transportation, or, if applicable, through RTPOs described in section 450.210(d) in nonmetropolitan areas;

(5) Consider the concerns of Indian Tribal governments that have jurisdiction over land within the boundaries of the State;

(6) Consider related planning activities being conducted outside of metropolitan planning areas and between States; and

(7) Coordinate data collection and analyses with MPOs and public transportation operators to support statewide transportation planning and programming priorities and decisions.

(b) The State air quality agency shall coordinate with the State Department of Transportation (State DOT) to develop the transportation portion of the State Implementation Plan (SIP) consistent with the Clean Air Act (42 U.S.C. 7401 et seq.).

(c) Two or more States may enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities under this subpart related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective. The right to alter, amend, or repeal interstate compacts entered into under this part is expressly reserved.

(d) States may use any one or more of the management systems (in whole or in part) described in 23 CFR part 500.

(e) In carrying out the statewide transportation planning process, States should apply asset management principles and techniques consistent with the State Asset Management Plan for the NHS and the Transit Asset Management Plan, and Public Transportation Agency Safety Plan in establishing planning goals, defining STIP priorities, and assessing transportation investment decisions, including transportation system safety, operations, preservation, and maintenance.

(f) For non-NHS highways, States may apply principles and techniques consistent with other asset management plans to the transportation planning and programming processes, as appropriate.

(g) The statewide transportation planning process shall (to the maximum extent practicable) be consistent with the development of applicable regional intelligent transportation systems (ITS) architectures, as defined in 23 CFR part 940.

(h) Preparation of the coordinated public transit-human services transportation plan, as required by 49 U.S.C. 5310, should be coordinated and consistent with the statewide transportation planning process.

**e) TITLE 23 CFR PART 450 - SUBPART B - §450.210 INTERESTED PARTIES, PUBLIC INVOLVEMENT, AND CONSULTATION**

(a) In carrying out the statewide transportation planning process, including development of the long-range statewide transportation plan and the Statewide Transportation Improvement Program (STIP), the State shall develop and use a documented public involvement process that provides opportunities for public review and comment at key decision points.

(1) The State's public involvement process at a minimum shall:

(i) Establish early and continuous public involvement opportunities that provide timely information about transportation issues and decision making processes to citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties;

(ii) Provide reasonable public access to technical and policy information used in the development of the long-range statewide transportation plan and the STIP;

(iii) Provide adequate public notice of public involvement activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed long-range statewide transportation plan and STIP;

(iv) To the maximum extent practicable, ensure that public meetings are held at convenient and accessible locations and times;

(v) To the maximum extent practicable, use visualization techniques to describe the proposed long-range statewide transportation plan and supporting studies;

(vi) To the maximum extent practicable, make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information;

- (vii) Demonstrate explicit consideration and response to public input during the development of the long-range statewide transportation plan and STIP;
- (viii) Include a process for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services; and
- (ix) Provide for the periodic review of the effectiveness of the public involvement process to ensure that the process provides full and open access to all interested parties and revise the process, as appropriate.

(2) The State shall provide for public comment on existing and proposed processes for public involvement in the development of the long-range statewide transportation plan and the STIP. At a minimum, the State shall allow 45 calendar days for public review and written comment before the procedures and any major revisions to existing procedures are adopted. The State shall provide copies of the approved public involvement process document(s) to the FHWA and the FTA for informational purposes.

(b) The State shall provide for non-metropolitan local official participation in the development of the long-range statewide transportation plan and the STIP. The State shall have a documented process(es) for consulting with non-metropolitan local officials representing units of general purpose local government and/or local officials with responsibility for transportation that is separate and discrete from the public involvement process and provides an opportunity for their participation in the development of the long-range statewide transportation plan and the STIP. Although the FHWA and the FTA shall not review or approve this consultation process, copies of the process document(s) shall be provided to the FHWA and the FTA for informational purposes.

(1) At least once every five years (as of February 24, 2006), the State shall review and solicit comments from non-metropolitan local officials and other interested parties for a period of not less than 60 calendar days regarding the effectiveness of the consultation process and any proposed changes. A specific request for comments shall be directed to the State association of counties, State municipal league, regional planning agencies, or directly to non-metropolitan local officials.

(2) The State, at its discretion, shall be responsible for determining whether to adopt any proposed changes. If a proposed change is not adopted, the State shall make publicly available its reasons for not accepting the proposed change, including notification to non-metropolitan local officials or their associations.

(c) For each area of the State under the jurisdiction of an Indian Tribal government, the State shall develop the long-range statewide

transportation plan and STIP in consultation with the Tribal government and the Secretary of Interior. States shall, to the extent practicable, develop a documented process that outlines roles, responsibilities, and key decision points for consulting with Indian Tribal governments and federal land management agencies in the development of the long-range statewide transportation plan and the STIP.

**f) TITLE 23 CFR PART 450 - SUBPART B - § 450.216 DEVELOPMENT AND CONTENT OF THE LONG-RANGE STATEWIDE TRANSPORTATION PLAN**

(a) The State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period at the time of adoption that provides for the development and implementation of the multimodal transportation system for the State. The long-range statewide transportation plan shall consider and include, as applicable, elements and connections between public transportation, non-motorized modes, rail, commercial motor vehicle, waterway, and aviation facilities, particularly with respect to intercity travel.

(b) The long-range statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system. The long-range statewide transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the State's transportation system.

(c) The long-range statewide transportation plan shall reference, summarize, or contain any applicable short-range planning studies; strategic planning and/or policy studies; transportation needs studies; management systems reports; emergency relief and disaster preparedness plans; and any statements of policies, goals, and objectives on issues (e.g., transportation, safety, economic development, social and environmental effects, or energy) that were relevant to the development of the long-range statewide transportation plan.

(d) The long-range statewide transportation plan should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects contained in the Strategic Highway Safety Plan required by 23 U.S.C. 148.

(e) The long-range statewide transportation plan should include a security element that incorporates or summarizes the priorities, goals, or projects set forth in other transit safety and security planning and review processes, plans, and programs, as appropriate.



- (f) The statewide transportation plan shall include:
- (1) A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with § 450.206(c); and
  - (2) A system performance report and subsequent updates evaluation the condition and performance of the transportation system with respect to the performance targets described in § 450.206(c), including progress achieved by the MPO(s) in meeting the performance targets in comparison with system performance recorded in previous reports.
- (g) Within each metropolitan area of the State, the long-range statewide transportation plan shall be developed in cooperation with the affected Metropolitan Planning Organizations (MPOs).
- (h) For non-metropolitan areas, the long-range statewide transportation plan shall be developed in consultation with affected non-metropolitan officials with responsibility for transportation using the State's consultation process established under § 450.210(b).
- (i) For each area of the State under the jurisdiction of an Indian Tribal government, the long-range statewide transportation plan shall be developed in consultation with the Tribal government and the Secretary of the Interior consistent with § 450.210(c).
- (j) The long-range statewide transportation plan shall be developed, as appropriate, in consultation with State, Tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. This consultation shall involve comparison of transportation plans to State and Tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.
- (k) A long-range statewide transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the long-range statewide transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with federal, state, and Tribal land management, wildlife, and regulatory agencies. The State may establish reasonable timeframes for performing this consultation.

(l) In developing and updating the long-range statewide transportation plan, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties with a reasonable opportunity to comment on the proposed long-range statewide transportation plan. In carrying out these requirements, the State shall, to the maximum extent practicable, utilize the public involvement process described under § 450.210(a).

(m) The long-range statewide transportation plan may include a financial plan that demonstrates how the adopted long-range statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may include additional projects that would be included in the adopted long-range statewide transportation plan if additional resources beyond those identified in the financial plan were to become available.

(n) The State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (l) of this section.

(o) The long-range statewide transportation plan shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in § 450.210(a).

(p) The State shall continually evaluate, revise, and periodically update the long-range statewide transportation plan, as appropriate, using the procedures in this section for development and establishment of the long-range statewide transportation plan.

(q) Copies of any new or amended long-range statewide transportation plan documents shall be provided to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for informational purposes.

**g) TITLE VI OF THE CIVIL RIGHTS ACTS OF 1964 – NONDISCRIMINATION IN  
FEDERALLY ASSISTED PROGRAMS – 42 USC §2000D – 2000 D7**

**§2000d Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color or national origin**

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**§2000d-1. Federal authority and financial assistance to programs or activities by way of grant, loan, or contract other than contract of insurance or guaranty; rules and regulations; approval by President; compliance with requirements; reports to Congressional committees; effective date of administrative action**

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and had determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

**§2000d-2. Judicial review; administrative procedure provisions**

Any department or agency action taken pursuant to section 602, shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue

financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedures Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

**§2000d-3. Construction of provisions not to authorize administrative action with respect to employment practices except where primary objective of Federal financial assistance is to provide employment**

Nothing contained in this subchapter shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

**§2000d-4. Federal authority and financial assistance to programs or activities by way of contract of insurance or guarantee**

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

**§2000d-4a. "Program or activity" and "program" defined**

For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of --

(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship --

(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or  
(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);  
any part of which is extended Federal financial assistance.

**§2000d-5. Prohibited deferral of action on applications by local educational agencies seeking Federal funds for alleged noncompliance with Civil Rights Act**

The Secretary of Education shall not defer action or order action deferred on any application by a local educational agency for funds authorized to be appropriated by this Act, by the Elementary and Secondary Education Act of 1965 [20 U.S.C. 2701 et. seq.], by the Act of September 20, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 236 et seq.], by the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) [20 U.S.C. 631 et seq.], or by the Cooperative Research Act [20 U.S.C. 331 et seq.], on the basis of alleged noncompliance with the provisions of this subchapter for more than sixty days after notice is given to such local agency of such deferral unless such local agency is given the opportunity for a hearing as provided in section 2000d-1 of this title, such hearing to be held within sixty days of such notice, unless the time for such hearing is extended by mutual consent of such local agency and the Secretary, and such deferral shall not continue for more than thirty days after the close of any such hearing unless there has been an express finding on the record of such hearing that such local educational agency has failed to comply with the provisions of this subchapter: Provided, That, for the purpose of determining whether a local educational agency is in compliance with this subchapter, compliance by such agency with a final order or judgment of a Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with this subchapter, insofar as the matters covered in the order or judgment are concerned.

**§ 2000d-6. Policy of United States as to application of nondiscrimination provisions in schools of local educational agencies**

**(a) Declaration of uniform policy**

It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.] and section 182 of the Elementary and Secondary Education Amendments of 1966 [42 U.S.C. 2000d-5] dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

**(b) Nature of uniformity**

Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

**(c) Prohibition of construction for diminution of obligation for enforcement or compliance with nondiscrimination requirements**

Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]

**(d) Additional funds**

It is the sense of the Congress that the Department of Justice and the Secretary of Education should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

**§2000d-7. Civil rights remedies equalization**

**(a) General provision**

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

**(b) Effective date**

The provisions of subsection (a) of this section shall take effect with respect to violations that occur in whole or in part after October 21, 1986.

**h) SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA provides civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

As part of the Federal Highway Administration (FHWA) regulatory requirements under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 (504), Caltrans ensures that subrecipients of Federal aid and State and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public; and to ensure that people with disabilities have equitable opportunities to use the public rights-of-way system. Section 504 of the Rehabilitation Act of 1973 requires that any entity receiving federal financial assistance must ensure that persons with disabilities are not discriminated against in any and all aspects of employment, or denied access to the goods or services that these federal fund recipients provide. The intent of the Americans with Disabilities Act of 1990 is to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for persons with disabilities. This law extends the protections offered for persons with disabilities.

28 CFR 35 requires that facilities constructed on behalf of, or for the use of, a public entity shall be designed and constructed so that the facility is accessible to and usable by persons with disabilities.

49 CFR 27 requires nondiscrimination on the basis of disability in programs and activities receiving or benefiting from federal financial assistance. The State of California has also adopted regulations in Section 54 of the California Civil Code that specifies all buildings, structures, sidewalks, curbs, and related facilities constructed in California by the use of state, county or municipal funds, or the funds of any political subdivision of the state, shall be accessible to and usable by persons with disabilities.

**i) Government Code Section 11135**

**ARTICLE 9.5. Discrimination [11135 - 11139.8]**

**11135.**

(a) No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and

prohibitions contained in Section 202 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

- (c) The protected bases referenced in this section have the same meanings as those terms are defined in Section 12926.
- (d) The protected bases used in this section include a perception that a person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

### **11136.**

Whenever a state agency that administers a program or activity that is funded directly by the state or receives any financial assistance from the state has reasonable cause to believe that a contractor, grantee, or local agency has violated the provisions of Section 11135, Part 2.8 (commencing with Section 12900) of this code, Section 51, 51.5, 51.7, 54, 54.1, or 54.2 of the Civil Code, or any regulation adopted to implement these sections or Article 1 (commencing with Section 12960) of Chapter 7 of this code, the head of the state agency, or that person's designee, shall notify the contractor, grantee, or local agency of such violation and shall submit a complaint detailing the alleged violations to the Civil Rights Department for investigation and determination pursuant to Article 1 (commencing with Section 12960) of Chapter 7 of this code.

*(Amended by Stats. 2022, Ch. 48, Sec. 21. (SB 189) Effective June 30, 2022.)*

### **11137.**

If it is determined that a contractor, grantee, or local agency has violated the provisions of this article, pursuant to the process described in Section 11136, the state agency that administers the program or activity involved shall take action to curtail state funding in whole or in part to such contractor, grantee, or local agency.

*(Amended by Stats. 2016, Ch. 870, Sec. 6. (SB 1442) Effective January 1, 2017.)*

### **11139.**

The prohibitions and sanctions imposed by this article are in addition to any other prohibitions and sanctions imposed by law.

This article shall not be interpreted in a manner that would frustrate its purpose. This article shall not be interpreted in a manner that would undermine lawful



programs which benefit members of the protected bases described in Section 11135.

This article and regulations adopted pursuant to this article may be enforced by a civil action for equitable relief, which shall be independent of any other rights and remedies.

*(Amended by Stats. 2016, Ch. 870, Sec. 8. (SB 1442) Effective January 1, 2017.)*

**11139.8.**

(a) The Legislature finds and declares all of the following:

- (1) California is a leader in protecting civil rights and preventing discrimination.
- (2) California's robust nondiscrimination laws include protections on the basis of sexual orientation, gender identity, and gender expression, among other characteristics.
- (3) Religious freedom is a cornerstone of law and public policy in the United States, and the Legislature strongly supports and affirms this important freedom.
- (4) The exercise of religious freedom should not be a justification for discrimination.
- (5) California must take action to avoid supporting or financing discrimination against lesbian, gay, bisexual, and transgender people.
- (6) It is the policy of the State of California to promote fairness and equality and to combat discrimination.

(b) A state agency, department, board, authority, or commission, including an agency, department, board, authority, or commission of the University of California, the Board of Regents of the University of California, or the California State University, and the Legislature shall not do either of the following:

- (1) Require any of its employees, officers, or members to travel to a state that, after June 26, 2015, has enacted a law that voids or repeals, or has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.
- (2) Approve a request for state-funded or state-sponsored travel to a state that, after June 26, 2015, has enacted a law that voids or repeals, or has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression, or has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

(c) Subdivision (b) shall not apply to travel that is required for any of the following

purposes:

- (1) Enforcement of California law, including auditing and revenue collection.
- (2) Litigation.
- (3) To meet contractual obligations incurred before January 1, 2017.
- (4) To comply with requests by the federal government to appear before committees.
- (5) To participate in meetings or training required by a grant or required to maintain grant funding.
- (6) To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not affected by subdivision (b).
- (7) For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office, as described in subdivision (b).
- (d) The prohibition on state-funded travel described in this section shall continue while any law specified in subdivision (b) remains in effect.
- (e) (1) The Attorney General shall develop, maintain, and post on his or her Internet Web site a current list of states that, after June 26, 2015, have enacted a law that voids or repeals, or has the effect of voiding or repealing, an existing state or local protection against discrimination on the basis of sexual orientation, gender identity, or gender expression, or have enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.
- (2) It shall be the responsibility of an agency, department, board, authority, or commission described in subdivision (b) to consult the list on the Internet Web site of the Attorney General in order to comply with the travel and funding restrictions imposed by this section.

## **j) THE AMERICANS WITH DISABILITIES ACT**

### **Subpart II - Public Transportation by Intercity and Commuter Rail**

#### **Sec. 12162. Intercity and commuter rail actions considered discriminatory**

##### **(a) Intercity rail transportation**

##### **(1) One car per train rule**

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person who provides intercity rail transportation to fail to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in accordance with regulations issued under section

12164 of this title, as soon as practicable, but in no event later than 5 years after July 26, 1990.

(2) New intercity cars

(A) General rule

Except as otherwise provided in this subsection with respect to individuals who use wheelchairs, it shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person to purchase or lease any new rail passenger cars for use in intercity rail transportation, and for which a solicitation is made later than 30 days after July 26, 1990, unless all such rail cars are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 12164 of this title.

(B) Special rule for single-level passenger coaches for individuals who use wheelchairs

Single-level passenger coaches shall be required to

- (i) be able to be entered by an individual who uses a wheelchair;
- (ii) have space to park and secure a wheelchair;
- (iii) have a seat to which a passenger in a wheelchair can transfer, and a space to fold and store such passenger's wheelchair; and
- (iv) have a restroom usable by an individual who uses a wheelchair, only to the extent provided in paragraph (3).

(C) Special rule for single-level dining cars for individuals who use wheelchairs

Single-level dining cars shall not be required to

- (i) be able to be entered from the station platform by an individual who uses a wheelchair; or
- (ii) have a restroom usable by an individual who uses a wheelchair if no restroom is provided in such car for any passenger.

(D) Special rule for bi-level dining cars for individuals who use wheelchairs

Bi-level dining cars shall not be required to

- (i) be able to be entered by an individual who uses a wheelchair;
- (ii) have space to park and secure a wheelchair;
- (iii) have a seat to which a passenger in a wheelchair can transfer, or a space to fold and store such passenger's wheelchair; or
- (iv) have a restroom usable by an individual who uses a wheelchair.

### (3) Accessibility of single-level coaches

#### (A) General rule

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person who provides intercity rail transportation to fail to have on each train which includes one or more single-level rail passenger coaches—

##### (i) a number of spaces—

(I) to park and secure wheelchairs (to accommodate individuals who wish to remain in their wheelchairs) equal to not less than one-half of the number of single-level rail passenger coaches in such train; and

(II) to fold and store wheelchairs (to accommodate individuals who wish to transfer to coach seats) equal to not less than one-half of the number of single-level rail passenger coaches in such train, as soon as practicable, but in no event later than 5 years after July 26, 1990; and

#### (B) Location

Spaces required by subparagraph (A) shall be located in single-level rail passenger coaches or food service cars.

#### (C) Limitation

Of the number of spaces required on a train by subparagraph (A), not more than two spaces to park and secure wheelchairs nor more than two spaces to fold and store wheelchairs shall be located in any one coach or food service car.

#### (D) Other accessibility features

Single-level rail passenger coaches and food service cars on which the spaces required by subparagraph (a) are located shall have a restroom usable by an

individual who uses a wheelchair and shall be able to be entered from the station platform by an individual who uses a wheelchair.

(4) Food service

(A) Single-level dining cars

On any train in which a single-level dining car is used to provide food service

(i) if such single-level dining car was purchased after July 26, 1990, table service in such car shall be provided to a passenger who uses a wheelchair if

(I) the car adjacent to the end of the dining car through which a wheelchair may enter is itself accessible to a wheelchair;

(II) such passenger can exit to the platform from the car such passenger occupies, move down the platform, and enter the adjacent accessible car described in subclause (I) without the necessity of the train being moved within the station; and

(III) space to park and secure a wheelchair is available in the dining car at the time such passenger wishes to eat (if such passenger wishes to remain in a wheelchair), or space to store and fold a wheelchair is available in the dining car at the time such passenger wishes to eat (if such passenger wishes to transfer to a dining car seat); and

(ii) appropriate auxiliary aids and services, including a hard surface on which to eat, shall be provided to ensure that other equivalent food service is available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals.

Unless not practicable, a person providing intercity rail transportation shall place an accessible car adjacent to the end of a dining car described in clause (I) through which an individual who uses a wheelchair may enter.

(B) Bi-level dining cars

On any train in which a bi-level dining car is used to provide food service—

(i) if such train includes a bi-level lounge car purchased after July 26, 1990, table service in such lounge car shall be provided to individuals who use wheelchairs and to other passengers; and

(ii) appropriate auxiliary aids and services, including a hard surface on which to eat, shall be provided to ensure that other equivalent food service is

available to individuals with disabilities, including individuals who use wheelchairs, and to passengers traveling with such individuals.

(b) Commuter rail transportation

(1) One car per train rule

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person who provides commuter rail transportation to fail to have at least one passenger car per train that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, in accordance with regulations issued under section 12164 of this title, as soon as practicable, but in no event later than 5 years after July 26, 1990.

(2) New commuter rail cars

(A) General rule

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person to purchase or lease any new rail passenger cars for use in commuter rail transportation, and for which a solicitation is made later than 30 days after July 26, 1990, unless all such rail cars are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 12164 of this title.

(B) Accessibility

For purposes of section 12132 of this title and section 794 of title 29, a requirement that a rail passenger car used in commuter rail transportation be accessible to or readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, shall not be construed to require—

(i) a restroom usable by an individual who uses a wheelchair if no restroom is provided in such car for any passenger;

(ii) space to fold and store a wheelchair; or

(iii) a seat to which a passenger who uses a wheelchair can transfer.

(c) Used rail cars

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person to purchase or lease a used rail

passenger car for use in intercity or commuter rail transportation, unless such person makes demonstrated good faith efforts to purchase or lease a used rail car that is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 12164 of this title.

(d) Remanufactured rail cars

(1) Remanufacturing

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person to remanufacture a rail passenger car for use in intercity or commuter rail transportation so as to extend its usable life for 10 years or more, unless the rail car, to the maximum extent feasible, is made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 12164 of this title.

(2) Purchase or lease

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person to purchase or lease a remanufactured rail passenger car for use in intercity or commuter rail transportation unless such car was remanufactured in accordance with paragraph (1).

(e) Stations

(1) New stations

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a person to build a new station for use in intercity or commuter rail transportation that is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 12164 of this title.

(2) Existing stations

(A) Failure to make readily accessible

(i) General rule

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for a responsible person to fail to make existing stations in the intercity rail transportation system, and existing key stations in commuter rail transportation systems, readily accessible to and usable by

individuals with disabilities, including individuals who use wheelchairs, as prescribed by the Secretary of Transportation in regulations issued under section 12164 of this title.

(ii) Period for compliance

(I) Intercity rail

All stations in the intercity rail transportation system shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable, but in no event later than 20 years after July 26, 1990.

(II) Commuter rail

Key stations in commuter rail transportation systems shall be made readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, as soon as practicable but in no event later than 3 years after July 26, 1990, except that the time limit may be extended by the Secretary of Transportation up to 20 years after July 26, 1990, in a case where the raising of the entire passenger platform is the only means available of attaining accessibility or where other extraordinarily expensive structural changes are necessary to attain accessibility.

(iii) Designation of key stations

Each commuter authority shall designate the key stations in its commuter rail transportation system, in consultation with individuals with disabilities and organizations representing such individuals, taking into consideration such factors as high ridership and whether such station serves as a transfer or feeder station. Before the final designation of key stations under this clause, a commuter authority shall hold a public hearing.

(iv) Plans and milestones

The Secretary of Transportation shall require the appropriate person to develop a plan for carrying out this subparagraph that reflects consultation with individuals with disabilities affected by such plan and that establishes milestones for achievement of the requirements of this subparagraph.

(B) Requirement when making alterations

(i) General rule

It shall be considered discrimination, for purposes of section 12132 of this title and section 794 of title 29, with respect to alterations of an existing station or



part thereof in the intercity or commuter rail transportation systems that affect or could affect the usability of the station or part thereof, for the responsible person, owner, or person in control of the station to fail to make the alterations in such a manner that, to the maximum extent feasible, the altered portions of the station are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations.

(ii) Alterations to a primary function area

It shall be considered discrimination, for purposes of section 12132 of this title and section 794 of title 29, with respect to alterations that affect or could affect the usability of or access to an area of the station containing a primary function, for the responsible person, owner, or person in control of the station to fail to make the alterations in such a manner that, to the maximum extent feasible, the path of travel to the altered area, and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, upon completion of such alterations, where such alterations to the path of travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope (as determined under criteria established by the Attorney General).

(C) Required cooperation

It shall be considered discrimination for purposes of section 12132 of this title and section 794 of title 29 for an owner, or person in control, of a station governed by subparagraph (a) or (b) to fail to provide reasonable cooperation to a responsible person with respect to such station in that responsible person's efforts to comply with such subparagraph. An owner, or person in control, of a station shall be liable to a responsible person for any failure to provide reasonable cooperation as required by this subparagraph. Failure to receive reasonable cooperation required by this subparagraph shall not be a defense to a claim of discrimination under this chapter.

**Sec. 12163. Conformance of accessibility standards**

Accessibility standards included in regulations issued under this subpart shall be consistent with the minimum guidelines issued by the Architectural and Transportation Barriers Compliance Board under section 12204 of this title.

## **Sec. 12164. Regulations**

Not later than 1 year after July 26, 1990, the Secretary of Transportation shall issue regulations, in an accessible format, necessary for carrying out this subpart.

## **Sec. 12165. Interim accessibility requirements**

### **(a) Stations**

If final regulations have not been issued pursuant to section 12164 of this title, for new construction or alterations for which a valid and appropriate State or local building permit is obtained prior to the issuance of final regulations under such section, and for which the construction or alteration authorized by such permit begins within one year of the receipt of such permit and is completed under the terms of such permit, compliance with the Uniform Federal Accessibility Standards in effect at the time the building permit is issued shall suffice to satisfy the requirement that stations be readily accessible to and usable by persons with disabilities as required under section 12162(e) of this title, except that, if such final regulations have not been issued one year after the Architectural and Transportation Barriers Compliance Board has issued the supplemental minimum guidelines required under section 12204(a) of this title, compliance with such supplemental minimum guidelines shall be necessary to satisfy the requirement that stations be readily accessible to and usable by persons with disabilities prior to issuance of the final regulations.

### **(b) Rail passenger cars**

If final regulations have not been issued pursuant to section 12164 of this title, a person shall be considered to have complied with the requirements of section 12162(a) through (d) of this title that a rail passenger car be readily accessible to and usable by individuals with disabilities, if the design for such car complies with the laws and regulations (including the Minimum Guidelines and Requirements for Accessible Design and such supplemental minimum guidelines as are issued under section 12204(a) of this title) governing accessibility of such cars, to the extent that such laws and regulations are not inconsistent with this subpart and are in effect at the time such design is substantially completed.

## **STATE REQUIREMENTS**

### **k) GOV'T CODE SEC. 65070-65073**

65070. (a) The Legislature finds and declares, consistent with Section 65088, that it is in the interest of the State of California to have an integrated state and regional transportation planning process. It further finds that federal law mandates the development of a state and regional long-range transportation plan

as a prerequisite for receipt of federal transportation funds. It is the intent of the Legislature that the preparation of these plans shall be a cooperative process involving local and regional government, transit operators, congestion management agencies, and the goods movement industry and that the process be a continuation of activities performed by each entity and be performed without any additional cost.

(b) The Legislature further finds and declares that the last attempt to prepare a California Transportation Plan occurred between 1973 and 1977 and resulted in the expenditure of over eighty million dollars (\$80,000,000) in public funds and did not produce a usable document. As a consequence of that, the Legislature delegated responsibility for long-range transportation planning to the regional planning agencies and adopted a seven-year programming cycle instead of a longer range planning process for the state.

(c) The Legislature further finds and declares that the Transportation Blueprint for the Twenty-First Century (Chapters 105 and 106 of the Statutes of 1989) is a long-range state transportation plan that includes a financial plan and a continuing planning process through the preparation of congestion management plans and regional transportation plans, and identifies major interregional road networks and passenger rail corridors for the state.

65071. The department shall update the California Transportation Plan consistent with this chapter. The first update shall be completed by December 31, 2015. The plan shall be updated every five years thereafter.

65072. The California Transportation Plan shall include all of the following:

(a) A policy element that describes the state's transportation policies and system performance objectives. These policies and objectives shall be consistent with legislative intent described in Sections 14000, 14000.5, 14000.6, and 65088.

(b) A strategies element that shall incorporate the broad system concepts and strategies synthesized from the adopted regional transportation plans prepared pursuant to Section 65080. The California Transportation Plan shall not be project specific.

(c) A recommendations element that includes economic forecasts and recommendations to the Legislature and the Governor to achieve the plan's broad system concepts, strategies, and performance objectives.

65072.1. The California Transportation Plan shall consider all of the following subject areas for the movement of people and freight:

- a) Mobility and accessibility.
- b) Integration and connectivity.
- c) Efficient system management and operation.
- d) Existing system preservation.
- e) Safety and security.
- f) Economic development, including productivity and efficiency.
- g) Environmental protection and quality of life.

h) Environmental justice.

65072.2. (a) The department shall address in the California Transportation Plan how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 40 percent below 1990 levels by December 31, 2030, as required by the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), and how the plan is consistent with, and supports attaining, all state ambient air quality standards, as set forth in Section 70200 of Title 17 of the California Code of Regulations, and national ambient air quality standards, as established pursuant to Section 7409 of Title 42 of the United States Code, in all areas of the state, as described in California's state implementation plans required by the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), taking into consideration the use of alternative fuels, new vehicle technology, tailpipe emissions reductions, ride sharing, vehicle pooling, and expansion of public transit, commuter rail, intercity rail, bicycling, and walking. The plan shall identify the statewide integrated multimodal transportation system needed to achieve these results.

(b) Commencing with the third update to the California Transportation Plan, the department shall include the following information in the plan:

(1) A forecast of the impacts of advanced and emerging technologies over a 20-year horizon on infrastructure, access, and transportation systems. For purposes of this paragraph, "advanced and emerging technologies" includes, but is not limited to, shared, autonomous, connected, and electric transportation options.

(2) A review of the progress made implementing past California Transportation Plans including, but not limited to, a review of actions taken in each region of the state to achieve the goals and policies outlined in the plan.

(c) (1) The Strategic Growth Council shall complete a report by January 31, 2022, and shall submit this report to the relevant policy and fiscal committees of the Legislature. The report shall contain all of the following:

(A) An overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies prepared pursuant to paragraph (2) of subdivision (b) of Section 65080, and an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will influence the configuration of the statewide integrated multimodal transportation system.

(B) A review of the potential impacts and opportunities for coordination of the following funding programs: the Affordable Housing and Sustainable Communities Program, the Transit and Intercity Rail Capital Program, the Low Carbon Transit Operations Program, the Transformative Climate Communities Program, and the Sustainable Transportation Planning Grant Program. The review shall be conducted in consultation with the agencies that administer these programs. The review shall include

recommendations for the improvement of these programs or other relevant transportation funding programs to better align the programs to meet long-term common goals, including the goals outlined in the California Transportation Plan.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 31, 2026, pursuant to Section 10231.5 of the Government Code.

(3) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

6072.5. Development of the California Transportation Plan shall incorporate the Clean Freight Corridor Efficiency Assessment's findings and recommendations made pursuant to Section 14517.

65073. The department shall consult with, coordinate its activities with, and make a draft of its proposed plan, and each update, available to the California Transportation Commission, the Strategic Growth Council, the State Air Resources Board, the State Energy Resources Conservation and Development Commission, the air quality management districts, public transit operators, and the regional transportation planning agencies for review and comment. The department shall also provide an opportunity for input by the general public. Prior to adopting the plan or update, the department shall make a final draft available to the Legislature and Governor for review and comment. The commission may present the results of its review and comment to the Legislature and the Governor. The Governor shall adopt the plan and submit the plan to the Legislature and the Secretary of the United States Department of Transportation.

65073.1. The California Transportation Commission shall review recommendations in the update to the California Transportation Plan prepared by the department in 2015, and every five years thereafter, and prepare specific, action-oriented, and pragmatic recommendations for transportation system improvements. A report containing the specific recommendations shall be submitted to the Legislature and the Governor by December 31, 2016, and every five years thereafter, and in compliance with Section 9795.

**I) GOV'T CODE SEC. 65088**

65088. The Legislature finds and declares all of the following:

(a) Although California's economy is critically dependent upon transportation, its current transportation system relies primarily upon a street and highway system designed to accommodate far fewer vehicles than are currently using the system.

(b) California's transportation system is characterized by fragmented planning, both among jurisdictions involved and among the means of available transport.

(c) The lack of an integrated system and the increase in the number of vehicles are causing traffic congestion that each day results in 400,000 hours lost in traffic, 200 tons of pollutants released into the air we breathe, and three million one hundred thousand dollars (\$3,100,000) added costs to the motoring public.

(d) To keep California moving, all methods and means of transport between major destinations must be coordinated to connect our vital economic and population centers.

(e) In order to develop the California economy to its full potential, it is intended that federal, state, and local agencies join with transit districts, business, private and environmental interests to develop and implement comprehensive strategies needed to develop appropriate responses to transportation needs.

(f) In addition to solving California's traffic congestion crisis, rebuilding California's cities and suburbs, particularly with affordable housing and more walkable neighborhoods, is an important part of accommodating future increases in the state's population because homeownership is only now available to most Californians who are on the fringes of metropolitan areas and far from employment centers.

(g) The Legislature intends to do everything within its power to remove regulatory barriers around the development of infill housing, transit-oriented development, and mixed-use commercial development in order to reduce regional traffic congestion and provide more housing choices for all Californians.

(h) The removal of regulatory barriers to promote infill housing, transit-oriented development, or mixed-use commercial development does not preclude a city or county from holding a public hearing nor finding that an individual infill project would be adversely impacted by the surrounding environment or transportation patterns.

**m) GOV'T CODE SEC. 14000-1400.6**

14000. The Legislature hereby finds and declares as follows:

(a) Continued growth in transport demand resulting from population growth, concentration of population in urban areas, and increasing mobility requirements indicate a need for innovative, as well as improved, systems to accommodate increased demand.

(b) The diversity of conditions in California is such as to require a variety of solutions to transportation problems within various areas of the state. Differences in population levels and densities, living patterns, social conditions, topography, climate, environmental circumstances, and other factors should be recognized in determining appropriate solutions to transportation problems in the various areas. Particular attention must be given to differences among the metropolitan, the less urbanized, and the

more rural areas of the state. In some cases, future demands, particularly in urban corridors, may prove to be beyond the practical capabilities of a highway solution; while in other cases, environmental conditions may rule out a highway solution. In still other cases, heavy reliance upon highway transportation may prove to be satisfactory for the foreseeable future. Clearly, the appropriate mix of transportation modes throughout California to provide economical and efficient transportation service consistent with desires for mobility, will vary markedly from time to time and from area to area within the state.

In all cases, regional and local expressions of transportation goals, objectives, and policies which reflect the unique characteristics and aspirations of various areas of the state shall be recognized in transportation planning tempered, however, by consideration of statewide interests.

(c) A goal of the state is to provide adequate, safe, and efficient transportation facilities and services for the movement of people and goods at reasonable cost. The provision of adequate transportation services for persons not now adequately served by any transportation mode, particularly the disadvantaged, the elderly, the handicapped, and the young, should be an integral element of the planning process. Stimulation of the provision of transportation not only for speed and efficiency of travel, but also for convenience and enjoyment in shopping, school, cultural, and business pursuits, leisure time travel, and pedestrian travel, is also a state aim. It is the desire of the state to provide a transportation system that significantly reduces hazards to human life, pollution of the atmosphere, generation of noise, disruption of community organization, and adverse impacts on the natural environment. The desirability of utilizing corridors for multimodal transportation, where possible to improve efficiency and economy in land use, is recognized. The coastal zone should be provided with optimal transportation services consistent with local and regional goals and plans, with the objective of conserving the coastal resource.

(d) The responsibilities for decision making for California's transportation systems are highly fragmented. This has hampered effective integration of transportation planning and intermodal coordination. A comprehensive multimodal transportation planning process should be established which involves all levels of government and the private sector in a cooperative process to develop coordinated transportation plans.

(e) Accelerating change and increasing transportation problems require that California take timely action to maintain viable transportation systems. As long lead times are necessary to develop transportation systems, the planning and development of transportation in California should be coordinated by a Department of Transportation. A multimodal Transportation

department in State government is in keeping with the necessities of contemporary problems and the thrust of federal involvement. However, there is no intent to diminish or preempt the existing authorities and responsibilities of regional, local, and district transportation agencies in their handling of transportation matters which are local or regional in nature.

(f) The stimulation, continuance, and improvement of statewide, regional, and local transportation planning and development are a matter of state concern, and the state should, for this reason, provide a portion of the financial resources and assistance necessary to aid in preparing transportation plans, developing effective transportation decision making processes, and carrying out implementation programs.

14000.5. The Legislature further finds and declares that the role of the state in transportation shall be to:

(a) Encourage and stimulate the development of urban mass transportation and interregional high-speed transportation where found appropriate as a means of carrying out the policy of providing balanced transportation in the state.

(b) Implement and maintain a state highway system which supports the goals and priorities determined through the transportation planning process, which is in conformity with comprehensive statewide and regional transportation plans, and which is compatible with statewide and regional socioeconomic and environmental goals, priorities and available resources.

(c) Assist in the development of an air transportation system that is consistent with the needs and desires of the public, and in which airports are compatible in location with, and provide services meeting, statewide and regional goals and objectives.

(d) Develop a rail passenger network consistent with the needs and desires of the public, and in which the location of rail corridors and their service characteristics are compatible with statewide and regional goals and objectives, except that nothing in this section shall be construed to discourage the development of passenger rail service by privately owned carriers.

(e) Encourage research and development of technological innovation in all modes of transportation in cooperation with public agencies and the private sector.

14000.6. The Legislature further finds and declares all of the following:

(a) California has established statewide greenhouse gas (GHG) emissions targets and requirements to be achieved by 2020 pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), which are equivalent to 1990 GHG emissions in the state. These targets and requirements entail approximately a 25-percent reduction in GHG emissions from current levels.



- (b) Executive Order S-3-05 further identifies a GHG emissions limit of 80 percent below 1990 levels to be achieved by 2050.
- (c) Emissions from the transportation sector account for 38 percent of California's GHG emissions.
- (d) The state lacks a comprehensive, statewide, multimodal planning process that details the transportation system needed in the state to meet objectives of mobility and congestion management consistent with the state's greenhouse gas emission limits and air pollution standards.
- (e) Recent increases in gasoline prices resulted in historic increases in ridership on public transportation, including transit, commuter rail, and intercity rail, and in historic reductions in vehicle miles traveled by private vehicles. Increased demand for public transportation included a 16-percent increase in light rail ridership in Sacramento, a 15.3-percent increase in rail transit ridership in Los Angeles, a 23-percent increase in bus ridership in Orange County, a 14.4-percent increase in transit ridership in San Diego, a 6.3-percent increase in rail transit ridership in Oakland, and a 22.5-percent increase in transit ridership in Stockton. Current public transportation services and facilities are inadequate to meet current and expected future increases in demand.

**n) THE UNRUH CIVIL RIGHTS ACT (California Civil Code Section 51)**

This Act provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex and sexual orientation.

**o) CALIFORNIA DISABLED PERSONS ACT**

54.1. (a) (1) Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities, medical facilities, including hospitals, clinics, and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided), telephone facilities, adoption agencies, private schools, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

(2) As used in this section, "telephone facilities" means tariff items and other equipment and services that have been approved by the Public Utilities Commission to be used by individuals with disabilities in a

manner feasible and compatible with the existing telephone network provided by the telephone companies.

(3) "Full and equal access," for purposes of this section in its application to transportation, means access that meets the standards of Titles II and III of the Americans with Disabilities Act of 1990 (Public Law 101-336) and federal regulations adopted pursuant thereto, except that, if the laws of this state prescribe higher standards, it shall mean access that meets those higher standards.

54.25. (a) (1) A peace officer or firefighter assigned to a canine unit or the handler of a search and rescue dog assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, or an official mutual aid request or training, and in the course and scope of his or her duties shall not be denied service based on the presence of the dog or discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the dog. However, the peace officer's law enforcement agency, the firefighter's fire agency, or the handler of a search and rescue dog shall be liable for any damages to the premises or facilities caused by the dog.

## ADDITIONAL CONSIDERATIONS

### FISH AND GAME CODE SECTION 1856 AND 1930.5

#### **h) SECTION 1852**

(h) (1) Mitigation credit agreements may be used to establish the terms and conditions under which mitigation credits can be created by projects that improve wildlife habitat, or that address stressors to wildlife, to an extent that quantifiably exceeds compensatory mitigation requirements established by the department for those projects pursuant to Chapter 6 (commencing with Section 1600) or Chapter 1.5 (commencing with Section 2050) of Division 3. Those projects may include, but are not limited to, the construction of setback levees that result in the creation of more floodplain or riparian habitat than is required to compensate for construction impacts or the construction of transportation facility improvements that remove barriers to fish or wildlife movement and thereby improve the quality of habitat or address stressors to wildlife to a greater extent than is required to compensate for construction impacts. For those projects, the project proponent may submit a draft mitigation credit agreement that proposes the terms and conditions under which mitigation credits may be created and used by or in conjunction with those projects to the department for its review, revision, and

approval. The submission may occur concurrently with, or after, an application submitted pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3 or a notice submitted pursuant to Chapter 6 (commencing with Section 1600) or may occur after the application or notice is submitted. Where a draft mitigation agreement is submitted concurrently with the application or notice, the department shall review the draft mitigation credit agreement concurrently with its review of the application or notice and shall, to the maximum extent practicable, complete its review of both the notice or application and the draft agreement concurrently.

**i) SECTION 1930.5**

(a) Contingent upon funding being provided by the Wildlife Conservation Board from moneys available pursuant to Section 75055 of the Public Resources Code, or from other appropriate bond funds, upon appropriation by the Legislature, the department shall investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, as well as the impacts to those wildlife corridors from climate change, and shall prioritize vegetative data development in these areas.

(b) It is the intent of the Legislature that the Wildlife Conservation Board use various funds to work with the department to complete a statewide analysis of wildlife corridors and connectivity to support conservation planning and climate change adaptation activities.

(c) (1) It is the policy of the state to promote the voluntary protection of wildlife corridors and habitat strongholds in order to enhance the resiliency of wildlife and their habitats to climate change, protect biodiversity, and allow for the migration and movement of species by providing connectivity between habitat lands. In order to further these goals, it is the policy of the state to encourage, wherever feasible and practicable, voluntary steps to protect the functioning of wildlife corridors through various means, as applicable and to the extent feasible and practicable, those means may include, but are not limited to:

(2) "Wildlife corridor" means a habitat linkage that joins two or more areas of wildlife habitat, allowing for fish passage or the movement of wildlife from one area to another.

PUBLIC RESOURCES CODE 71155

**j) SECTION 71155**

(a) Consistent with this part, state agencies shall take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining and investing in state infrastructure.

# APPENDIX C | CALIFORNIA TRANSPORTATION PLAN LEGISLATIVE CHECKLIST

The California Transportation Plan (CTP) is prepared pursuant to California Government Code §65070-65074 and §450.214 of Title 23 of the Code of Federal Regulations (CFR), which implements §135 of Title 23 of the United State Code (USC). A comprehensive list of these federal and state requirements are contained in Appendix B. The questions following each code below should act as a checklist or guide to help ensure that all federal and state requirements regarding the development of the CTP are met.

## FEDERAL: TITLE 23 U.S. CODE § 135 - STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING

### **(d) Scope of Planning Process.**

- (1) Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—
- (A) Support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
  - (B) Increase the safety of the transportation system for motorized and nonmotorized users;
  - (C) Increase the security of the transportation system for motorized and nonmotorized users;
  - (D) Increase the accessibility and mobility of people and freight;
  - (E) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
  - (F) Enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;
  - (G) Promote efficient system management and operation; and
  - (H) Emphasize the preservation of the existing transportation system.

✓ **Does the CTP consider the eight planning factors when developing the plan?**

## FEDERAL: TITLE 23 U.S. CODE § 150 (B) – NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES

### **(a) Declaration of Policy.**

Performance management will transform the federal-aid highway program and provide a means to the most efficient investment of federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the

federal-aid highway program, and improving project decision making through performance-based planning and programming.

**(b) National Goals.** It is in the interest of the United States to focus the federal-aid highway program on the following national goals:

(1) **Safety** - To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.

(2) **Infrastructure condition** - To maintain the highway infrastructure asset system in a state of good repair.

(3) **Congestion reduction** - To achieve a significant reduction in congestion on the National Highway System.

(4) **System reliability** - To improve the efficiency of the surface transportation system.

(5) **Freight movement and economic vitality** - To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.

(6) **Environmental sustainability** - To enhance the performance of the transportation system while protecting and enhancing the natural environment.

(7) **Reduced project delivery delays** - To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies' work practices.

✓ **Does the CTP consider the performance-based approach when developing the plan?**

#### FEDERAL: 23 CFR PART 450, SUBPART B – STATEWIDE TRANSPORTATION PLANNING AND PROGRAMMING

##### §450.216 DEVELOPMENT AND CONTENT OF THE LONG-RANGE STATEWIDE TRANSPORTATION PLAN.

(a) The State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period at the time of adoption that provides for the development and implementation of the multimodal transportation system for the State. The long-range statewide transportation plan shall consider and include, as applicable, elements and connections between public transportation, non-motorized modes, rail, commercial motor vehicle, waterway, and aviation facilities, particularly with respect to intercity travel.

✓ **Does the CTP cover a minimum 20-year forecast period?**

- ✓ **Does the CTP consider connectivity between public transportation, non-motorized modes, rail, commercial motor vehicle, waterway, and aviation facilities, particularly with respect to intercity travel?**

(b) The long-range statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system. The long-range statewide transportation plan may consider projects and strategies that address areas or corridors where current or projected congestion threatens the efficient functioning of key elements of the State's transportation system.

- ✓ **Does the CTP include strategies that address the preservation, maintenance, and rehabilitation of the existing transportation system?**

(c) The long-range statewide transportation plan shall reference, summarize, or contain any applicable short-range planning studies; strategic planning and/or policy studies; transportation needs studies; management systems reports; emergency relief and disaster preparedness plans; and any statements of policies, goals, and objectives on issues (e.g., transportation, safety, economic development, social and environmental effects, or energy) that were relevant to the development of the long-range statewide transportation plan.

- ✓ **Does the CTP integrate other agency plans, studies, and reports, including policy, goals, and objectives on issues related to transportation, safety, economic development, social and environmental effects, or energy that were relevant to the development of the CTP?**

(d) The long-range statewide transportation plan should include a safety element that incorporates or summarizes the priorities, goals, countermeasures, or projects contained in the Strategic Highway Safety Plan required by 23 U.S.C. 148.

- ✓ **Does the CTP include a safety element associated with the “California Strategic Highway Safety Plan” as required by 23 U.S.C. §148: Highway Safety Improvement Program?**

(e) The long-range statewide transportation plan should include a security element that incorporates or summarizes the priorities, goals, or projects set forth in other transit

safety and security planning and review processes, plans, and programs, as appropriate.

- ✓ **Does the CTP include a security element associated with transit safety and security planning and review processes, plans and programs?**

(f) The statewide transportation shall include a description of performance measures and performance targets and a system performance report.

- ✓ **Does the CTP include a description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with §450.206(c)?**
- ✓ **Does the CTP include a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in §450.206(c), including progress achieved by the MPO(s) in meeting the performance targets in comparison with system performance recorded in previous reports?**

(g) Within each metropolitan area of the State, the long-range statewide transportation plan shall be developed in cooperation with the affected Metropolitan Transportation Organizations (MPOs).

- ✓ **Does the development of the CTP include consultation and coordination with MPOs?**

(h) For non-metropolitan areas, the long-range statewide transportation plan shall be developed in consultation with affected non-metropolitan officials with responsibility for transportation using the State's consultation process(es) established under §450.210(b).

- ✓ **Does the development of the CTP include consultation and coordination with non-metropolitan local officials as required by 23 C.F.R. §450.210(b)? (See Appendix A, 23 CFR 450.210)?**

(i) For each area of the State under the jurisdiction of an Indian Tribal government, the long-range statewide transportation plan shall be developed in consultation with the Tribal government and the Secretary of the Interior consistent with §450.210(c).



- ✓ **Does the development of the CTP include consultation and coordination with tribal governments and the secretary of the interior consistent with 23 C.F.R. §450.210(c)? (See Appendix A, 23 CFR 450.210)?**

(j) The long-range statewide transportation plan shall be developed, as appropriate, in consultation with State, Tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. This consultation shall involve comparison of transportation plans to State and Tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.

- ✓ **Does the development of the CTP include consultation and coordination with State, Tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation?**
- ✓ **Does the CTP include a comparison to State and Tribal conservation plans and map, and inventories of natural and historic resources?**

(k) A long-range statewide transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the long-range statewide transportation plan. The discussion may focus on policies, programs, or strategies, rather than at the project level. The discussion shall be developed in consultation with federal, state, and tribal land management, wildlife, and regulatory agencies. The State may establish reasonable timeframes for performing this consultation.

- ✓ **Does the CTP include a discussion of potential environmental mitigation activities?**
- ✓ **Does the CTP environmental mitigation activities discussion include consultation with federal, state, and tribal land management, wildlife, and regulatory agencies?**

(l) In developing and updating the long-range statewide transportation plan, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight

transportation services, and other interested parties with a reasonable opportunity to comment on the proposed long-range statewide transportation plan. In carrying out these requirements, the State shall, to the maximum extent practicable, utilize the public involvement process described under §450.210(a).

- ✓ **Does the CTP provide stakeholder and public input as described in the public involvement process described under 23 C.F.R. §450.210(a)? (See Appendix A, 23 CFR 450.210)**

(m) The long-range statewide transportation plan may (but is not required to) include a financial plan that demonstrates how the adopted long-range statewide transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. In addition, for illustrative purposes, the financial plan may (but is not required to) include additional projects that would be included in the adopted long-range statewide transportation plan if additional resources beyond those identified in the financial plan were to become available.

**Not applicable per Cal. Gov't Code §65072 (b)**

(n) The State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (l) of this section.

**Not applicable per Cal. Gov't Code §65072 (b)**

(o) The long-range statewide transportation plan shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, as described in §450.210(a).

- ✓ **Is the CTP available in electronically accessible formats and means, such as the World Wide Web as described in 23 C.F.R. §450.210 (a)? (See Appendix A, 23 CFR 450.210)**

(p) The State shall continually evaluate, revise, and periodically update the long-range statewide transportation plan, as appropriate, using the procedures in this section for development and establishment of the long-range statewide transportation plan.

- ✓ **Cal. Gov't. Code §65071 requires the completion of the CTP by December 31, 2015, and updated every five years thereafter.**

(q) Copies of any new or amended long-range statewide transportation plan documents shall be provided to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) for informational purposes.

- ✓ **Has a copy of the new, updated, or amended CTP been provided to FHWA and FTA?**

### STATE: GOVERNMENT CODE SECTION 65070-65073

65070. (a) The Legislature finds and declares, consistent with Section 65088, that it is in the interest of the State of California to have an integrated State and regional transportation planning process. It further finds that federal law mandates the development of a State and regional long-range transportation plan as a prerequisite for receipt of federal transportation funds. It is the intent of the Legislature that the preparation of these plans shall be a cooperative process involving local and regional government, transit operators, congestion management agencies, and the goods movement industry and that the process be a continuation of activities performed by each entity and be performed without any additional cost.

- ✓ **Does the preparation of the CTP include a cooperative process involving local and regional government, transit operators, congestion management agencies, and the goods movement industry and that the process be a continuation of activities performed by each entity and be performed without any additional cost?**

(b) The Legislature further finds and declares that the last attempt to prepare a CTP occurred between 1973 and 1977 and resulted in the expenditure of over eighty million dollars (\$80,000,000) in public funds and did not produce a usable document. As a consequence of that, the legislature delegated responsibility for long-range transportation planning to the regional planning agencies and adopted a seven-year programming cycle instead of a longer range planning process for the state.

- ✓ **Not Applicable**

(c) The Legislature further finds and declares that the Transportation Blueprint for the Twenty-First Century (Chapters 105 and 106 of the Statutes of 1989) is a long-range state transportation plan that includes a financial plan and a continuing planning process through the preparation of congestion management plans and regional transportation plans, and identifies major interregional road networks and passenger rail corridors for the state.

✓ **Not Applicable**

65071. The department shall update the CTP consistent with this chapter. The first update shall be completed by December 31, 2015. The plan shall be updated every five years thereafter.

✓ **Is the CTP on schedule for meeting the required five year update cycle beginning December 31, 2015?**

65072. The CTP shall include all of the following:

(a) A policy element that describes the state's transportation policies and system performance objectives. These policies and objectives shall be consistent with legislative intent described in Sections 14000, 14000.5, 14000.6, and 65088.

✓ **Does the CTP include a policy element?**

(b) A strategies element that shall incorporate the broad system concepts and strategies synthesized from the adopted regional transportation plans prepared pursuant to Section 65080. The CTP shall not be project specific.

✓ **Does the CTP include a strategies element?**

(c) A recommendations element that includes economic forecasts and recommendations to the Legislature and the Governor to achieve the plan's broad system concepts, strategies, and performance objectives.

✓ **Does the CTP include a recommendation element?**

65072.1. The CTP shall consider all of the following subject areas for the movement of people and freight:

- a) Mobility and accessibility.
- b) Integration and connectivity.
- c) Efficient system management and operation.
- d) Existing system preservation.
- e) Safety and security.
- f) Economic development, including productivity and efficiency.
- g) Environmental protection and quality of life.
- h) Environmental Justice.

✓ **Does the CTP consider a-h above?**

65072.2. The CTP shall address:

(a) How the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 40

percent below 1990 levels by December 31, 2030.

(b) How the plan is consistent with, and supports attaining, all state ambient air quality standards, taking into consideration the use of alternative fuels, new vehicle technology, tailpipe emissions reductions, ride sharing, vehicle pooling, and expansion of public transit, commuter rail, intercity rail, bicycling, and walking. The plan shall identify the statewide integrated multimodal transportation system needed to achieve these results.

- ✓ **Does the CTP address how the state will achieve statewide GHG emissions reductions to 40 percent below 1990 levels by 2030, and demonstrate consistency with, and support in the attainment of, all state ambient air quality standards, taking into consideration the use of alternative fuels, new vehicle technology, tailpipe emissions reductions, ride sharing, vehicle pooling, and expansion of public transit, commuter rail, intercity rail, bicycling, and walking?**
- ✓ **Does the CTP identify the statewide, integrated multimodal transportation system needed to achieve the maximum feasible GHG emission reductions?**

The CTP shall include:

(a) A forecast of the impacts of advanced and emerging technologies over a 20-year horizon on infrastructure, access, and transportation systems. For purposes of this paragraph, “advanced and emerging technologies” includes, but is not limited to, shared, autonomous, connected, and electric transportation options.

(b) A review of the progress made implementing past California Transportation Plans including, but not limited to, a review of actions taken in each region of the state to achieve the goals and policies outlined in the plan.

- ✓ **Does the CTP include a forecast of the impacts of advanced and emerging technologies?**
- ✓ **Does the CTP include a review of the progress made implementing past CTPs?**

65072.5 Development of the California Transportation Plan shall incorporate the Clean Freight Corridor Efficiency Assessment’s findings and recommendations made pursuant to Government Code Section 14517.

- ✓ **Does the CTP incorporate findings and recommendations made pursuant to Government Code Section 14517?**

65073. The department shall consult with, coordinate its activities with, and make a draft of its proposed plan, and each update, available to the CTC, the Strategic Growth Council (SGC), the State Air Resources Board (ARB), the State Energy Resources Conservation and Development Commission, the air quality management districts

(AQMD), public transit operators, and the regional transportation planning agencies (RTPAs) for review and comment. The department shall also provide an opportunity for input by the general public. Prior to adopting the plan or update, the department shall make a final draft available to the Legislature and Governor for review and comment. The CTC may present the results of its review and comment to the Legislature and the Governor. The Governor shall adopt the plan and submit the plan to the Legislature and the Secretary of the United States Department of Transportation (USDOT).

- ✓ **Did the development of the CTP include consultation and opportunities for review and comment with the CTC, SGC, State ARB, California Energy Commission (CEC), AQMD, public transit operators, and RTPAs?**
- ✓ **Did the development of the CTP include input by the general public?**
- ✓ **Did the Legislature and Governor have an opportunity to review and comment on the final draft CTP?**
- ✓ **Did the Governor adopt the final CTP and submit copies to the Legislature and USDOT Secretary?**

65073.1. The CTC shall review recommendations in the update to the CTP prepared by the department in 2015, and every five years thereafter, and prepare specific, action-oriented, and pragmatic recommendations for transportation system improvements. A report containing the specific recommendations shall be submitted to the Legislature and the Governor by December 31, 2016, and every five years thereafter, and in compliance with Section 9795.

- ✓ **Did the CTC have an opportunity to review and comment on the draft CTP and submit a report of recommendations to the Legislature and Governor?**

## APPENDIX D | CTP PREPARATION MILESTONE TIMELINE

Below is a general timeline indicating potential high-level tasks maybe be completed for the development of the next CTP, which is statutorily required to be completed by the mandated timeline.

**TABLE 4 TIMELINE**

TASK	ESTIMATED DELIVERY
<b>2022</b>	
Caltrans staff develop scope of work and timeline for CTP	Fall 2022
Hold Caltrans District and Caltrans Modal Programs group coordination meetings	Fall 2022 (and ongoing)
Complete consultant services contract	Fall 2022
Communicate with Caltrans Forecasting group regarding preliminary updates to the California Statewide Travel Demand Model	November 2022 (and ongoing)
Identify trends and study areas for analysis and evaluation	December 2017 (and ongoing)
<b>2023</b>	
Define preliminary scenarios, policies, performance measures, and advisory committees	January 2023 (and ongoing)
Form advisory committees and hold meetings	June 2023
Develop surveys for the CTP vision and policy framework	June 2023
Gather feedback on potential modeling scenarios	August 2023
Prepare CTP outreach materials	Fall 2023 (and ongoing)
<b>2024</b>	
Develop CTP outline	February 2024
Advisory committee comment on direction of outline and goal areas	April 2024
Initial CTP draft development	Spring-Summer 2024
Hold focus-groups and conduct tribal outreach	Spring-Summer 2024

Draft modeling analysis	Summer 2024
Prepare and release CTP review draft	Summer 2024
Review and incorporate CTP internal and stakeholder draft comments	Fall 2024
<b>2025</b>	
Final modeling analysis	Early 2025
Prepare and release CTP public review draft	Spring 2025
Hold advisory committee meetings and public workshops	Spring 2025
Incorporate public comments and prepare final draft	Summer 2025
Submit final draft for review and approval to Caltrans management and CalSTA	September 2025
CalSTA submits final CTP to Governor, Legislature, and USDOT	December 2025
CTP adopted and released	December 2025
CTP implementation plan development and update of next CTP Guidelines	Early 2026



## APPENDIX E | PREVIOUS ADVISORY PARTICIPANTS

The following table highlights previous agencies, organizations, tribal, local, and regional governments that have served during previous policy advisory committee meetings:

**TABLE 5 PREVIOUS POLICY ADVISORY COMMITTEE**

<b>ORGANIZATION</b>
Manchester Point Arena
Agua Caliente Band of Cahuilla Indians
Metropolitan Transportation Commission
Sacramento Area Council of Governments
Strategic Growth Council
The Nature Conservancy of California
Federal Highway Administration
California State Transportation Agency
Tulare County Association of Governments
California High-Speed Rail Authority
California State Assembly Committee on Transportation
Housing and Community Development
Senate Transportation Committee
Governor's Office of Planning and Research
Climate Plan
Department of Water Resources
Department of Rehabilitation
Local Government Commission
San Francisco Municipal Transportation Agency
Public Health Institute
Transform California
California Department of Public Health
CalBike
Association of Monterey Bay Area Governments
California Air Resources Board
California Walks
Metropolitan Transportation Commission
U.S. Environmental Protection Agency
California Air Resources Board
Public Health Alliance of Southern California
UCLA Institute of Transportation Studies
Housing California
San Diego Association of Governments
California Association of Councils of Governments

Southern California Associations of Governments
California Transportation Commission
Nevada County Transportation Commission
Glenn County Planning and Public Works Agency
Senate Office of Research
Manchester Point Arena
Agua Caliente Band of Cahuilla Indians
Metropolitan Transportation Commission
Sacramento Area Council of Governments
Strategic Growth Council

# APPENDIX F | SB 486 STUDY AREAS

## SB 486

SB 486 (DeSaulnier, 2014) requires that commencing with the 2020 update to the CTP, the CTC is authorized, in cooperation with Caltrans, to prescribe study areas for analysis and evaluation. During the CTP scoping and development process, as well as during plan implementation, Caltrans should identify gaps in subject areas or information critical to CTP objectives for further study.

An example of an effort that Caltrans is currently undertaking (beginning Spring 2017) to identify gaps in subject areas or information critical to CTP objectives, is the Future of Mobility Study. This study will explore the impact of technological, social, economic, and environmental change on Caltrans' long term planning process for transportation in California. The University of California Berkeley's Transportation Sustainability Research Center will be working with Caltrans to form an advisory committee, create a survey of questions to interview professionals in the field, conduct a literature review, create presentations and a webinar, and write a final white paper. The goal of this research is to provide Caltrans with a picture of what the future of transportation might look like and provide a base for improved decision-making and planning.

Some additional examples of activities that should be considered to accomplish this include:

- Identification of the transportation system effects and policy implications resulting from emerging trends and technological advances, including sources of information and any technical resources that may be available in this area. This information should then be used to identify and plan for transportation system needs. This process should also identify appropriate modifications to existing CTP policies and strategies, as well as new strategies and recommendations for future iterations.
- Identification of gaps in data availability during the performance measure selection process and plan implementation. Results of this effort should then be used to formulate specific recommendations in future CTPs for the development of tools and information needed to establish clear, quantifiable performance objectives for all CTP policies.
- Conducting an ongoing performance monitoring process to evaluate each performance objective using the associated target and data source. Feedback on the progress made toward the target could then be reported both internally and externally to partner agencies. This would allow for reexamination, refinement, and calibration of planning tools to improve desirable performance to meet the specified performance target and the associated goal and policy.
- Development of an interim report that identifies the goals, policies, strategies, and performance measures in existing Sustainable Communities Strategies,

Alternative Planning Strategies, RTPs, and Caltrans modal plans. The interim report could provide an assessment of how each plan influences the transportation system. This interim report could then serve to inform the policy, strategies, and recommendations elements included in the subsequent CTP.