

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 441

Introduced by Assembly Member Monning

February 14, 2011

An act to amend Section 65040.2 of, and to add Sections 14522.3, 65040.13, and 65040.14 to, the Government Code, relating to state planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 441, as amended, Monning. State planning.

Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional transportation planning agencies, including development of a regional transportation plan. Existing law authorizes the California Transportation Commission, in cooperation with regional agencies, to prescribe study areas for analysis and evaluation and guidelines for the preparation of a regional transportation plan.

This bill would require that commission to include health issues, as specified, in the guidelines promulgated by the commission for the preparation of regional transportation plans.

Existing law establishes in the office of the Governor the Office of Planning and Research with duties that include developing and adopting guidelines for the preparation of, and content of, mandatory elements required in city and county general plans.

This bill would require that the office develop guidelines that contain advice on how local and regional agencies can incorporate health issues, as defined, into local or regional general plans.

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

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

1 SECTION 1. Section 14522.3 is added to the Government
2 Code, to read:

3 ~~14522.3. The commission shall include health and health equity~~
4 ~~factors, strategies, objectives, and goals in the guidelines~~
5 ~~promulgated by the commission for the preparation of regional~~
6 ~~transportation plans.~~

7 *14522.3. (a) The commission shall, in consultation with the*
8 *appropriate state agencies and departments as needed, include*
9 *health and health equity factors, strategies, goals, and objectives*
10 *in the guidelines prescribed by the commission for the preparation*
11 *of the regional transportation plans pursuant to Section 14522.*
12 *The commission shall include the health and health equity factors,*
13 *strategies, goals, and objectives in the next revision of the*
14 *guidelines.*

15 *(b) Until the commission revises the guidelines for publication,*
16 *the commission shall include an appendix to the current guidelines*
17 *to highlight best practices, share resources, and support the*
18 *adoption of health and health equity factors, strategies, goals, and*
19 *objectives in the regional transportation plans. The appendix shall*
20 *include both of the following:*

21 *(1) Best practices adopted by cities, counties, or metropolitan*
22 *planning organizations in regional transportation plans that*
23 *include health and health equity factors, strategies, goals, and*
24 *objectives.*

25 *(2) Highlight new and innovative transportation planning and*
26 *development goals and strategies that promote health.*

27 SEC. 2. Section 65040.2 of the Government Code is amended
28 to read:

29 65040.2. (a) In connection with its responsibilities under
30 subdivision (l) of Section 65040, the office shall develop and adopt
31 guidelines for the preparation of and the content of the mandatory
32 elements required in city and county general plans by Article 5
33 (commencing with Section 65300) of Chapter 3. For purposes of
34 this section, the guidelines prepared pursuant to Section 50459 of
35 the Health and Safety Code shall be the guidelines for the housing

1 element required by Section 65302. In the event that additional
2 elements are hereafter required in city and county general plans
3 by Article 5 (commencing with Section 65300) of Chapter 3, the
4 office shall adopt guidelines for those elements within six months
5 of the effective date of the legislation requiring those additional
6 elements.

7 (b) The office may request from each state department and
8 agency, as it deems appropriate, and the department or agency
9 shall provide, technical assistance in readopting, amending, or
10 repealing the guidelines.

11 (c) The guidelines shall be advisory to each city and county in
12 order to provide assistance in preparing and maintaining their
13 respective general plans.

14 (d) The guidelines shall contain the guidelines for addressing
15 environmental justice matters developed pursuant to Section
16 65040.12.

17 (e) The guidelines shall contain voluntary guidelines for local
18 and regional agencies to incorporate health and health equity
19 factors, strategies, goals, and objectives pursuant to Section
20 65040.14 into local general plans for the purposes of ensuring that
21 health needs and opportunities are addressed in planning and
22 development at the state and local levels.

23 (f) The guidelines shall contain advice including
24 recommendations for best practices to allow for collaborative land
25 use planning of adjacent civilian and military lands and facilities.
26 The guidelines shall encourage enhanced land use compatibility
27 between civilian lands and any adjacent or nearby military facilities
28 through the examination of potential impacts upon one another.

29 (g) The guidelines shall contain advice for addressing the effects
30 of civilian development on military readiness activities carried out
31 on all of the following:

- 32 (1) Military installations.
- 33 (2) Military operating areas.
- 34 (3) Military training areas.
- 35 (4) Military training routes.
- 36 (5) Military airspace.
- 37 (6) Other territory adjacent to those installations and areas.

38 (h) By March 1, 2005, the guidelines shall contain advice,
39 developed in consultation with the Native American Heritage

1 Commission, for consulting with California Native American tribes
2 for all of the following:

3 (1) The preservation of, or the mitigation of impacts to, places,
4 features, and objects described in Sections 5097.9 and 5097.993
5 of the Public Resources Code.

6 (2) Procedures for identifying through the Native American
7 Heritage Commission the appropriate California Native American
8 tribes.

9 (3) Procedures for continuing to protect the confidentiality of
10 information concerning the specific identity, location, character,
11 and use of those places, features, and objects.

12 (4) Procedures to facilitate voluntary landowner participation
13 to preserve and protect the specific identity, location, character,
14 and use of those places, features, and objects.

15 (i) Commencing January 1, 2009, but no later than January 1,
16 2014, upon the next revision of the guidelines pursuant to
17 subdivision (i), the office shall prepare or amend guidelines for a
18 legislative body to accommodate the safe and convenient travel
19 of users of streets, roads, and highways in a manner that is suitable
20 to the rural, suburban, or urban context of the general plan, pursuant
21 to subdivision (b) of Section 65302.

22 (1) In developing guidelines, the office shall consider how
23 appropriate accommodation varies depending on its transportation
24 and land use context, including urban, suburban, or rural
25 environments.

26 (2) The office may consult with leading transportation experts,
27 including, but not limited to, bicycle transportation planners,
28 pedestrian planners, public transportation planners, local air quality
29 management districts, and disability and senior mobility planners.

30 (j) The office shall provide for regular review and revision of
31 the guidelines established pursuant to this section.

32 SEC. 3. Section 65040.13 is added to the Government Code,
33 to read:

34 65040.13. The Legislature finds and declares all of the
35 following:

36 (a) California faces critical problems that will shape the future
37 of our state and its population such as climate change, water
38 shortages, fiscal challenges, an aging population, and increasing
39 health inequities.

1 (b) California, and the nation, are also facing unprecedented
2 levels of chronic disease, which now accounts for over 75 percent
3 of all deaths in California and 75 percent of all United States health
4 care expenditures.

5 (c) The health of California’s population is largely determined
6 by the social, physical, economic, and service environments in
7 which people live, work, study, and play. These environments
8 shape the choices that people make every day, as well as their
9 opportunities and resources for health.

10 (d) “Health in all policies” is a collaborative approach that has
11 been used internationally to address just these kinds of issues. A
12 health in all policies approach recognizes that health and prevention
13 are impacted by policies and strategies that improve health and
14 can also meet the policy objectives of state agencies.

15 (e) Currently, local communities throughout California have
16 begun to include health and health equity criteria in their local
17 planning and land use guidance policies. These plans may serve
18 as models and examples for other local governments and
19 demonstrate ways that health and health equity data, strategies,
20 goals, and objectives may be included within the existing elements
21 or as stand-alone elements in local general plans.

22 (f) In 2008, Executive Order S-04-10 established a Health in
23 All Policies Task Force charged with identifying priority actions
24 and strategies for state agencies to improve community health.
25 Representatives from 19 California agencies, departments, and
26 offices came together in task force meetings, participated in public
27 workshops, and received written comments from a diverse array
28 of stakeholders to establish several recommendations on feasible
29 strategies and actions to promote health in all policies of state
30 agencies.

31 (g) It is the intent of the Legislature to ensure that health equity
32 criteria are included in the state guidance to city, county, and
33 regional governments and agencies in the development of local
34 general plans.

35 SEC. 4. Section 65040.14 is added to the Government Code,
36 to read:

37 65040.14. (a) The office shall develop guidelines, with the
38 appropriate state agencies and departments as needed, for local
39 cities and counties to include health and health equity factors,
40 goals, strategies, and objectives in local general, specific, or

1 regional plans. The inclusion of health and health equity factors,
2 goals, strategies, and objectives may be included as a stand-alone,
3 optional element or may be addressed within the mandatory
4 elements of the general plan. The office shall include the following
5 health and health equity factors, goals, objectives, and strategies
6 in the guidelines:

7 (1) Data, goals, strategies, objectives, and policies to improve
8 community health status, including, but not limited to, all of the
9 following:

10 (A) Causes of death.

11 (B) Vulnerable populations, including infants and children,
12 adolescents, elderly, and ~~low-income~~ *low-income persons*.

13 (C) Chronic disease rates.

14 (D) Other health status factors that may improve the health of
15 the residents of the local city and county.

16 (2) Data, goals, strategies, objectives, and policies to improve
17 opportunities for recreational and ~~physical-activity~~ *activities*,
18 including, but not limited to, all of the following:

19 (A) Access to parks, open space, or other similar facilities.

20 (B) Mix of land uses.

21 (C) Land use density.

22 (D) Other factors necessary to promote the availability of open
23 space, recreational activities, and physical fitness to improve the
24 health of residents in the local city and county.

25 (3) Data, goals, strategies, objectives, and policies to improve
26 the availability of retail food establishments offering fresh produce,
27 including, but not limited to, all of the following:

28 (A) Access to healthy foods.

29 (B) Prevalence of fast food and liquor retailers.

30 (C) Local agricultural resources.

31 (D) Food distribution.

32 (4) Data, goals, strategies, objectives, and policies to improve
33 health-promoting transportation systems, including, but not limited
34 to, all of the following:

35 (A) Traffic injuries and fatalities.

36 (B) Transportation modes, including nonmotorized
37 transportation.

38 (C) Commuting rates.

39 (D) Transportation networks, including nonmotorized
40 transportation.

1 (E) Other health factors deemed necessary and important in the
2 planning of transportation systems.

3 (5) Data, goals, strategies, objectives, and policies to improve
4 social networks, capital, and civic participation, including, but not
5 limited to, all of the following:

6 (A) Voting and civic participation.

7 (B) Mental health issues.

8 (C) Community safety factors.

9 (6) Data, goals, strategies, objectives, and policies to improve
10 economic and community development, including, but not limited
11 to, all of the following:

12 (A) Jobs and housing ratios.

13 (B) Affordable housing and mixed-income housing.

14 (C) Participation in state and federal poverty assistance
15 programs.

16 (D) Other social environmental factors deemed necessary and
17 important to the improvement of the city and county.

18 (b) The office may coordinate with the State Department of
19 Public Health and other appropriate state departments and agencies
20 in developing the guidelines. The office shall provide technical
21 assistance to local and state agencies and departments on
22 incorporating health equity criteria into city and county general,
23 specific, and regional plans upon the request of any state
24 government, agency, or legislative body.

25 (c) The office shall report to the Governor and his or her cabinet,
26 the Legislature, and other appropriate state and local agencies or
27 departments the number of general plans that include health equity
28 criteria and provide best practices or models for incorporation into
29 general, specific, or regional plans.

30 *SEC. 5. The Legislature finds and declares all of the following:*

31 *(a) Transportation planning has important implications for the*
32 *maintenance and promotion of the health of Californians.*

33 *(b) Local cities, counties, and some metropolitan planning*
34 *organizations and regional transportation planning agencies, have*
35 *adopted groundbreaking and innovative transportation plans,*
36 *strategies, and goals that can serve as models for other cities and*
37 *counties, as well as the state, in transportation planning and*
38 *development that promotes the health and well-being of all*
39 *residents.*

- 1 (c) *It is the intent of the Legislature that health and health equity*
- 2 *factors, strategies, goals, and objectives be incorporated into the*
- 3 *guidelines issued by the California Transportation Commission*
- 4 *for the development of regional transportation plans.*

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