

AMENDED IN ASSEMBLY JANUARY 23, 2012

AMENDED IN ASSEMBLY MARCH 24, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 441

Introduced by Assembly Member Monning
(Coauthors: Assembly Members Alejo, Bradford, Davis, and Hueso)

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.~~ *An act to add Sections 14522.3 and 14522.4 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 *the commission to, by no later than 2014, include health issues, as specified, voluntary health and health equity factors, strategies, goals, and objectives* 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 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. ~~(a)~~The commission shall, in consultation with the
4 appropriate state agencies and departments as needed, include
5 *voluntary* health and health equity factors, strategies, goals, and
6 objectives in the guidelines prescribed by the commission for the
7 preparation of the regional transportation plans pursuant to Section
8 14522. The commission shall include the *voluntary* health and
9 health equity factors, strategies, goals, and objectives in the next
10 revision of the guidelines.

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

17 ~~(1) Best practices adopted by cities, counties, or metropolitan~~
18 ~~planning organizations in regional transportation plans that include~~
19 ~~health and health equity factors, strategies, goals, and objectives.~~

20 ~~(2) Highlight new and innovative transportation planning and~~
21 ~~development goals and strategies that promote health.~~

22 SEC. 2. Section 14522.4 is added to the Government Code, to
23 read:

24 14522.4. *The Legislature finds and declares all of the*
25 *following:*

26 *(a) California faces critical problems that will shape the future*
27 *of our state and its population such as climate change, water*
28 *shortages, fiscal challenges, an aging population, and increasing*
29 *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
4 health 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 shape
8 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
11 has been used internationally to address just these kinds of issues.
12 A health in all policies approach recognizes that health and
13 prevention are impacted by policies and strategies that improve
14 health and can also meet the policy objectives of state agencies.

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

24 ~~SEC. 2.— Section 65040.2 of the Government Code is amended~~
25 ~~to read:~~

26 ~~65040.2.— (a) In connection with its responsibilities under~~
27 ~~subdivision (l) of Section 65040, the office shall develop and adopt~~
28 ~~guidelines for the preparation of and the content of the mandatory~~
29 ~~elements required in city and county general plans by Article 5~~
30 ~~(commencing with Section 65300) of Chapter 3. For purposes of~~
31 ~~this section, the guidelines prepared pursuant to Section 50459 of~~
32 ~~the Health and Safety Code shall be the guidelines for the housing~~
33 ~~element required by Section 65302. In the event that additional~~
34 ~~elements are hereafter required in city and county general plans~~
35 ~~by Article 5 (commencing with Section 65300) of Chapter 3, the~~
36 ~~office shall adopt guidelines for those elements within six months~~
37 ~~of the effective date of the legislation requiring those additional~~
38 ~~elements.~~

39 ~~(b) The office may request from each state department and~~
40 ~~agency, as it deems appropriate, and the department or agency~~

1 shall provide, technical assistance in readopting, amending, or
2 repealing the guidelines.

3 (e) The guidelines shall be advisory to each city and county in
4 order to provide assistance in preparing and maintaining their
5 respective general plans.

6 (d) The guidelines shall contain the guidelines for addressing
7 environmental justice matters developed pursuant to Section
8 65040.12.

9 (e) The guidelines shall contain voluntary guidelines for local
10 and regional agencies to incorporate health and health equity
11 factors, strategies, goals, and objectives pursuant to Section
12 65040.14 into local general plans for the purposes of ensuring that
13 health needs and opportunities are addressed in planning and
14 development at the state and local levels.

15 (f) The guidelines shall contain advice including
16 recommendations for best practices to allow for collaborative land
17 use planning of adjacent civilian and military lands and facilities.
18 The guidelines shall encourage enhanced land use compatibility
19 between civilian lands and any adjacent or nearby military facilities
20 through the examination of potential impacts upon one another.

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

24 (1) Military installations.

25 (2) Military operating areas.

26 (3) Military training areas.

27 (4) Military training routes.

28 (5) Military airspace.

29 (6) Other territory adjacent to those installations and areas.

30 (h) By March 1, 2005, the guidelines shall contain advice,
31 developed in consultation with the Native American Heritage
32 Commission, for consulting with California Native American tribes
33 for all of the following:

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

37 (2) Procedures for identifying through the Native American
38 Heritage Commission the appropriate California Native American
39 tribes.

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

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

7 ~~(i) Commencing January 1, 2009, but no later than January 1,~~
8 ~~2014, upon the next revision of the guidelines pursuant to~~
9 ~~subdivision (i), the office shall prepare or amend guidelines for a~~
10 ~~legislative body to accommodate the safe and convenient travel~~
11 ~~of users of streets, roads, and highways in a manner that is suitable~~
12 ~~to the rural, suburban, or urban context of the general plan, pursuant~~
13 ~~to subdivision (b) of Section 65302.~~

14 ~~(1) In developing guidelines, the office shall consider how~~
15 ~~appropriate accommodation varies depending on its transportation~~
16 ~~and land use context, including urban, suburban, or rural~~
17 ~~environments.~~

18 ~~(2) The office may consult with leading transportation experts,~~
19 ~~including, but not limited to, bicycle transportation planners,~~
20 ~~pedestrian planners, public transportation planners, local air quality~~
21 ~~management districts, and disability and senior mobility planners.~~

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

24 ~~SEC. 3. Section 65040.13 is added to the Government Code,~~
25 ~~to read:~~

26 ~~65040.13. The Legislature finds and declares all of the~~
27 ~~following:~~

28 ~~(a) California faces critical problems that will shape the future~~
29 ~~of our state and its population such as climate change, water~~
30 ~~shortages, fiscal challenges, an aging population, and increasing~~
31 ~~health inequities.~~

32 ~~(b) California, and the nation, are also facing unprecedented~~
33 ~~levels of chronic disease, which now accounts for over 75 percent~~
34 ~~of all deaths in California and 75 percent of all United States health~~
35 ~~care expenditures.~~

36 ~~(c) The health of California's population is largely determined~~
37 ~~by the social, physical, economic, and service environments in~~
38 ~~which people live, work, study, and play. These environments~~
39 ~~shape the choices that people make every day, as well as their~~
40 ~~opportunities and resources for health.~~

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

6 (e) ~~Currently, local communities throughout California have
7 begun to include health and health equity criteria in their local
8 planning and land use guidance policies. These plans may serve
9 as models and examples for other local governments and
10 demonstrate ways that health and health equity data, strategies,
11 goals, and objectives may be included within the existing elements
12 or as stand-alone elements in local general plans.~~

13 (f) ~~In 2008, Executive Order S-04-10 established a Health in
14 All Policies Task Force charged with identifying priority actions
15 and strategies for state agencies to improve community health.
16 Representatives from 19 California agencies, departments, and
17 offices came together in task force meetings, participated in public
18 workshops, and received written comments from a diverse array
19 of stakeholders to establish several recommendations on feasible
20 strategies and actions to promote health in all policies of state
21 agencies.~~

22 (g) ~~It is the intent of the Legislature to ensure that health equity
23 criteria are included in the state guidance to city, county, and
24 regional governments and agencies in the development of local
25 general plans.~~

26 ~~SEC. 4. Section 65040.14 is added to the Government Code,
27 to read:~~

28 ~~65040.14. (a) The office shall develop guidelines, with the
29 appropriate state agencies and departments as needed, for local
30 cities and counties to include health and health equity factors,
31 goals, strategies, and objectives in local general, specific, or
32 regional plans. The inclusion of health and health equity factors,
33 goals, strategies, and objectives may be included as a stand-alone,
34 optional element or may be addressed within the mandatory
35 elements of the general plan. The office shall include the following
36 health and health equity factors, goals, objectives, and strategies
37 in the guidelines:~~

38 ~~(1) Data, goals, strategies, objectives, and policies to improve
39 community health status, including, but not limited to, all of the
40 following:~~

- 1 ~~(A) Causes of death.~~
- 2 ~~(B) Vulnerable populations, including infants and children,~~
- 3 ~~adolescents, elderly, and low-income persons.~~
- 4 ~~(C) Chronic disease rates.~~
- 5 ~~(D) Other health status factors that may improve the health of~~
- 6 ~~the residents of the local city and county.~~
- 7 ~~(2) Data, goals, strategies, objectives, and policies to improve~~
- 8 ~~opportunities for recreational and physical activities, including,~~
- 9 ~~but not limited to, all of the following:~~
- 10 ~~(A) Access to parks, open space, or other similar facilities.~~
- 11 ~~(B) Mix of land uses.~~
- 12 ~~(C) Land use density.~~
- 13 ~~(D) Other factors necessary to promote the availability of open~~
- 14 ~~space, recreational activities, and physical fitness to improve the~~
- 15 ~~health of residents in the local city and county.~~
- 16 ~~(3) Data, goals, strategies, objectives, and policies to improve~~
- 17 ~~the availability of retail food establishments offering fresh produce,~~
- 18 ~~including, but not limited to, all of the following:~~
- 19 ~~(A) Access to healthy foods.~~
- 20 ~~(B) Prevalence of fast food and liquor retailers.~~
- 21 ~~(C) Local agricultural resources.~~
- 22 ~~(D) Food distribution.~~
- 23 ~~(4) Data, goals, strategies, objectives, and policies to improve~~
- 24 ~~health-promoting transportation systems, including, but not limited~~
- 25 ~~to, all of the following:~~
- 26 ~~(A) Traffic injuries and fatalities.~~
- 27 ~~(B) Transportation — modes, — including — nonmotorized~~
- 28 ~~transportation.~~
- 29 ~~(C) Commuting rates.~~
- 30 ~~(D) Transportation — networks, — including — nonmotorized~~
- 31 ~~transportation.~~
- 32 ~~(E) Other health factors deemed necessary and important in the~~
- 33 ~~planning of transportation systems.~~
- 34 ~~(5) Data, goals, strategies, objectives, and policies to improve~~
- 35 ~~social networks, capital, and civic participation, including, but not~~
- 36 ~~limited to, all of the following:~~
- 37 ~~(A) Voting and civic participation.~~
- 38 ~~(B) Mental health issues.~~
- 39 ~~(C) Community safety factors.~~

1 ~~(6) Data, goals, strategies, objectives, and policies to improve~~
2 ~~economic and community development, including, but not limited~~
3 ~~to, all of the following:~~

- 4 ~~(A) Jobs and housing ratios.~~
- 5 ~~(B) Affordable housing and mixed-income housing.~~
- 6 ~~(C) Participation in state and federal poverty assistance~~
7 ~~programs.~~
- 8 ~~(D) Other social environmental factors deemed necessary and~~
9 ~~important to the improvement of the city and county.~~

10 ~~(b) The office may coordinate with the State Department of~~
11 ~~Public Health and other appropriate state departments and agencies~~
12 ~~in developing the guidelines. The office shall provide technical~~
13 ~~assistance to local and state agencies and departments on~~
14 ~~incorporating health equity criteria into city and county general,~~
15 ~~specific, and regional plans upon the request of any state~~
16 ~~government, agency, or legislative body.~~

17 ~~(e) The office shall report to the Governor and his or her cabinet,~~
18 ~~the Legislature, and other appropriate state and local agencies or~~
19 ~~departments the number of general plans that include health equity~~
20 ~~criteria and provide best practices or models for incorporation into~~
21 ~~general, specific, or regional plans.~~

22 ~~SEC. 5.~~

23 ~~SEC. 3.~~ The Legislature finds and declares all of the following:

- 24 (a) Transportation planning has important implications for the
25 maintenance and promotion of the health of Californians.
- 26 (b) Local cities, counties, and some metropolitan planning
27 organizations and regional transportation planning agencies, have
28 adopted groundbreaking and innovative transportation plans,
29 strategies, and goals that can serve as models for other cities and
30 counties, as well as the state, in transportation planning and
31 development that promotes the health and well-being of all
32 residents.
- 33 (c) It is the intent of the Legislature that *voluntary* health and
34 health equity factors, strategies, goals, and objectives be
35 incorporated into the guidelines issued by the California
36 Transportation Commission for the development of regional
37 transportation plans.