

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1706

**Introduced by Committee on Transportation (Dutra (Chair),
Firebaugh, Florez, Liu, Longville, Nakano, Oropeza, Simitian,
Strom-Martin, and Vargas)**

March 7, 2001

~~An act to amend Sections 5403 and 17206 of the Business and Professions Code, and to amend Section 730.5 of the Streets and Highways Code, relating to state highways. An act to amend Sections 14036 and 65089 of, to repeal Sections 14529.5 and 14529.14 of, and to repeal Chapter 5 (commencing with Section 14560) of Part 5.3 of Division 3 of Title 2 of, the Government Code, to amend Sections 99317.1, 99317.8, 99317.9, 99317.10, 99318.1, and 99319 of, and to repeal Sections 99317.2 and 99318.4 of, the Public Utilities Code, and to amend Sections 2108 and 2121 of, and to repeal Sections 172, 183.3, 188.6 and 2105.1 of, the Streets and Highways Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, as amended, Committee on Transportation. ~~State highways~~ Transportation.

Existing law provides for public transit and streets and highways and funding for those purposes.

This bill would make technical corrections and delete obsolete provisions in existing law relating to public transit and streets and highways.

~~(1) Existing law, the Outdoor Advertising Act, regulates the placement of advertising displays adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal aid highways. The act prohibits the placement or maintenance of advertising displays at specified locations or positions adjacent to or within certain distances of highways and a violation of this provision is a misdemeanor.~~

~~This bill would prohibit the placement or maintenance of advertising displays that are visible from any highway where any tree, shrub, plant, or flower growing on property owned by the Department of Transportation has been removed, cut, cut down, injured, or destroyed without a permit issued by the department, so that the visibility of the advertising display is enhanced.~~

~~To the extent that this change would expand the scope of an existing crime, the bill would impose a state-mandated local program.~~

~~(2) Existing law provides that any person who violates the unfair competition laws shall be liable for civil penalties that are to be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, any district attorney, or by a county counsel, city attorney, or city prosecutor in specified circumstances.~~

~~This bill would authorize the Department of Transportation to bring such a civil action for violations of the Outdoor Advertising Act. The bill would require the amount of any civil penalty so recovered be paid to the Treasurer to the State Highway Account in the State Transportation Fund.~~

~~(3) Existing law provides that any person who by any means willfully or maliciously digs up, cuts down, destroys, or otherwise injures any shade or ornamental tree on any state highway is liable for \$100 civil penalty for each tree so damaged. Existing law authorizes the department to recover the penalty by a civil action.~~

~~The bill would provide that any person who by any means without a permit issued by the Department of Transportation digs up, cuts down, destroys, prunes, trims, or otherwise injures any tree or shrub on any state highway right of way or property is liable for a civil penalty of \$10,000 for each tree so damaged and \$1,000 for each shrub so damaged. The bill would authorize the department to recover attorney fees and expert witness fees incurred in the civil action and the actual costs incurred because of the damage to any tree or shrub on state highway property.~~



~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

1 ~~SECTION 1.—Section 5403 of the Business and Professions~~
2 *SECTION 1. Section 14036 of the Government Code is*
3 *amended to read:*

4 14036. (a) The department shall prepare a 10-year State Rail
5 Plan biennially for submission to the Legislature, the Governor,
6 the Public Utilities Commission, and the California
7 Transportation Commission. The plan shall be submitted to the
8 California Transportation Commission on or before October 1,
9 1995, and on or before October 1 of each odd-numbered year
10 thereafter, for its advice and consent, and to the Legislature, the
11 Governor, and the Public Utilities Commission by the following
12 March 1. The plan shall consist of a passenger rail element and a
13 freight rail element.

14 (b) The passenger rail element shall contain all of the
15 following:

16 (1) For capital and operating subsidies and costs, all actual
17 encumbrances for the prior two fiscal years; and for state
18 operations, all actual expenditures for the prior two fiscal years.
19 All revenues shall be identified by source.

20 (2) For capital and operating subsidies, estimated
21 encumbrances and revenues for the current year; and for state
22 operations, estimated expenditures for the current year. The
23 department shall use the same format as is required for prior year
24 expenditures pursuant to ~~subdivision (a) paragraph (1)~~.

25 (3) For the budget year and the nine following fiscal years,
26 proposed encumbrances for capital and operating subsidies and
27 costs shall be reported in the same format as is required for the
28 prior year's expenditures. For state operations, proposed
29 expenditures for the budget year shall be reported.



1 (4) The identification and cost of capital facilities necessary to
2 enhance competitiveness of rail passenger services, including, for
3 each intercity route, a list of at least the three highest priority
4 capital improvement projects, with cost estimates and a funding
5 plan.

6 (5) A performance evaluation of all services in operation for
7 the two prior years, including performance trends, potential for
8 efficiency and effectiveness, possible improvements, and
9 strategies to achieve that potential. This shall include an evaluation
10 of all feeder bus services, using, among other things, criteria based
11 on ridership levels, break-even points, and levels of growth in
12 service utilization. The number of daily feeder bus runs, if any, that
13 failed to carry even one passenger shall be identified.

14 (6) A recommendation of a level of and program for services
15 over a 10-year period, including a list of service enhancements on
16 existing and additional routes, with funding and priority
17 recommendations. This shall include identification of feeder bus
18 service improvements and a management and operating plan for
19 achieving these improvements.

20 (7) An evaluation of reports by regional planning agencies and
21 county transportation commissions on commuter service
22 alternatives in their regions, including presentation of their
23 recommendations.

24 (8) A map showing all existing intercity and commuter
25 passenger rail routes and services, all proposed intercity and
26 commuter passenger rail routes and services, and all intercity and
27 commuter passenger rail routes and services that are the subject of
28 feasibility studies.

29 (9) A report on the expenditure of marketing activities funds
30 for purchases of media advertising of rail passenger services.

31 This report shall be prepared in consultation with the Public
32 Utilities Commission and the National Rail Passenger
33 Corporation. The department may consult with other agencies,
34 organizations, and persons with expertise. The department shall
35 employ realistic assumptions, using Public Utilities Commission
36 cost data whenever possible, with respect to the level of services
37 it can provide and the cost of these services when developing the
38 program.

39 (10) A discussion of the department's overall marketing
40 strategy as it relates to the intercity rail passenger service,



1 including feeder bus service, and a report on the expenditure of
2 marketing activities funds for purchases of media advertising of
3 rail passenger services.

4 (11) A discussion of fare policies and practices, including all of
5 the following:

6 (A) The relationship of fare policies to ridership and yield,
7 including the impact of (A) a variety of regular fares, including
8 fares such as midweek and other off-peak discounts, (B) discount
9 fare blackouts during certain holiday travel periods on yield and
10 ridership, and (C) discount fares for small groups traveling
11 together.

12 (B) Lightly travelled route segments where current fares are
13 too high for the demand, and where ridership or yield, or both,
14 would increase with lower fares.

15 (C) A potential fare policy that would maximize both ridership
16 and yield.

17 (D) A summary of discussions with Amtrak on the subject of
18 fares.

19 (c) The freight rail element shall contain all of the following:

20 (1) Environmental aspects, which shall include air quality, land
21 use, and community impacts.

22 (2) Financing issues, which shall include a means to obtain
23 federal and state funding.

24 (3) Rail issues, which shall include regional, intrastate, and
25 interstate issues.

26 (4) Intermodal connections, which shall include seaports and
27 intermodal terminals.

28 (5) Current system deficiencies.

29 (6) Service objectives, such as improving efficiency,
30 accessibility, and safety.

31 (7) New technology, which shall include logistics and process
32 improvement.

33 (8) Light density rail line analyses, which shall include traffic
34 density, track characteristics, project selection criteria, and
35 benefit-cost criteria.

36 *SEC. 2. Section 14529.5 of the Government Code is repealed.*

37 ~~14529.5.—(a) The Legislature finds and declares that highway~~
38 ~~construction costs have increased at a considerably higher rate~~
39 ~~than interest income from investment of transportation funds, that~~
40 ~~this trend is likely to continue in the future, and that timely~~



1 expenditure of transportation funds is highly beneficial to the
2 California taxpayers.

3 (b) The department shall expedite project development and the
4 expenditure of available revenues and shall keep the cash balance
5 in the State Highway Account in the State Transportation Fund to
6 the minimum necessary for meeting contractual obligations.

7 (c) The Legislature finds and declares that transportation
8 services are vital to the economic well-being of the state and are
9 essential for daily activities of all the people.

10 (d) The Legislature further finds and declares that financing
11 transportation services through user charges has served the state
12 well and should be continued.

13 (e) The Legislature further finds and declares that user charges
14 have not kept up with the inflationary cost increases and should be
15 adjusted to maintain the services at an adequate level.

16 (f) The Legislature further intends that appropriation of funds
17 from the State Highway Account shall recognize the priorities
18 established in Section 14529.6.

19 (g) It is, therefore, the intent and purpose of the Legislature,
20 through the enactment of the act enacting this section, to provide
21 adequate funding for necessary transportation services.

22 *SEC. 3. Section 14529.14 of the Government Code is*
23 *repealed.*

24 ~~14529.14. Notwithstanding the repeal of Sections 14529.11,~~
25 ~~14529.12, and 14529.13 on January 1, 1992, any project~~
26 ~~development work leading to environmental clearance that has~~
27 ~~been initiated by the department pursuant to Section 14529.11,~~
28 ~~14529.12, or 14529.13 prior to January 1, 1992, shall be fully~~
29 ~~completed by the department.~~

30 ~~The department and any local jurisdiction shall continue to~~
31 ~~honor any cooperative agreements executed prior to January 1,~~
32 ~~1992, that were in conformance with those sections at the time of~~
33 ~~execution.~~

34 *SEC. 4. Chapter 5 (commencing with Section 14560) of Part*
35 *5.3 of Division 3 of Title 2 of the Government Code is repealed.*

36 *SEC. 5. Section 65089 of the Government Code is amended to*
37 *read:*

38 65089. (a) A congestion management program shall be
39 developed, adopted, and updated biennially, consistent with the
40 schedule for adopting and updating the regional transportation



1 improvement program, for every county that includes an
2 urbanized area, and shall include every city and the county. The
3 program shall be adopted at a noticed public hearing of the agency.
4 The program shall be developed in consultation with, and with the
5 cooperation of, the transportation planning agency, regional
6 transportation providers, local governments, the department, and
7 the air pollution control district or the air quality management
8 district, either by the county transportation commission, or by
9 another public agency, as designated by resolutions adopted by the
10 county board of supervisors and the city councils of a majority of
11 the cities representing a majority of the population in the
12 incorporated area of the county.

13 (b) The program shall contain all of the following elements:

14 (1) (A) Traffic level of service standards established for a
15 system of highways and roadways designated by the agency. The
16 highway and roadway system shall include at a minimum all state
17 highways and principal arterials. No highway or roadway
18 designated as a part of the system shall be removed from the
19 system. All new state highways and principal arterials shall be
20 designated as part of the system. Level of service (LOS) shall be
21 measured by Circular 212, by the most recent version of the
22 Highway Capacity Manual, or by a uniform methodology adopted
23 by the agency that is consistent with the Highway Capacity
24 Manual. The determination as to whether an alternative method is
25 consistent with the Highway Capacity Manual shall be made by the
26 regional agency, except that the department instead shall make this
27 determination if either (i) the regional agency is also the agency,
28 as those terms are defined in Section 65088.1, or (ii) the
29 department is responsible for preparing the regional transportation
30 improvement plan for the county.

31 (B) In no case shall the LOS standards established be below the
32 level of service E or the current level, whichever is farthest from
33 level of service A. When the level of service on a segment or at an
34 intersection fails to attain the established level of service standard,
35 a deficiency plan shall be adopted pursuant to Section 65089.4.

36 (2) A performance element that includes performance
37 measures to evaluate current and future multimodal system
38 performance for the movement of people and goods. At a
39 minimum, these performance measures shall incorporate highway
40 and roadway system performance, and measures established for



1 the frequency and routing of public transit, and for the
2 coordination of transit service provided by separate operators.
3 These performance measures shall support mobility, air quality,
4 land use, and economic objectives, and shall be used in the
5 development of the capital improvement program required
6 pursuant to paragraph (5), deficiency plans required pursuant to
7 Section 65089.4, and the land use analysis program required
8 pursuant to paragraph (4).

9 (3) A travel demand element that promotes alternative
10 transportation methods, including, but not limited to, carpools,
11 vanpools, transit, bicycles, and park-and-ride lots; improvements
12 in the balance between jobs and housing; and other strategies,
13 including, but not limited to, flexible work hours, telecommuting,
14 and parking management programs. The agency shall consider
15 parking cash-out programs during the development and update of
16 the travel demand element.

17 (4) A program to analyze the impacts of land use decisions
18 made by local jurisdictions on regional transportation systems,
19 including an estimate of the costs associated with mitigating those
20 impacts. This program shall measure, to the extent possible, the
21 impact to the transportation system using the performance
22 measures described in paragraph (2). In no case shall the program
23 include an estimate of the costs of mitigating the impacts of
24 interregional travel. The program shall provide credit for local
25 public and private contributions to improvements to regional
26 transportation systems. However, in the case of toll road facilities,
27 credit shall only be allowed for local public and private
28 contributions which are unreimbursed from toll revenues or other
29 state or federal sources. The agency shall calculate the amount of
30 the credit to be provided. The program defined under this section
31 may require implementation through the requirements and
32 analysis of the California Environmental Quality Act, in order to
33 avoid duplication.

34 (5) A seven-year capital improvement program, developed
35 using the performance measures described in paragraph (2) to
36 determine effective projects that maintain or improve the
37 performance of the multimodal system for the movement of
38 people and goods, to mitigate regional transportation impacts
39 identified pursuant to paragraph (4). The program shall conform
40 to transportation-related vehicle emission air quality mitigation



1 measures, and include any project that will increase the capacity
2 of the multimodal system. It is the intent of the Legislature that,
3 when roadway projects are identified in the program,
4 consideration be given for maintaining bicycle access and safety
5 at a level comparable to that which existed prior to the
6 improvement or ~~alternation~~ *alteration*. The capital improvement
7 program may also include safety, maintenance, and rehabilitation
8 projects that do not enhance the capacity of the system but are
9 necessary to preserve the investment in existing facilities.

10 (c) The agency, in consultation with the regional agency, cities,
11 and the county, shall develop a uniform data base on traffic impacts
12 for use in a countywide transportation computer model and shall
13 approve transportation computer models of specific areas within
14 the county that will be used by local jurisdictions to determine the
15 quantitative impacts of development on the circulation system that
16 are based on the countywide model and standardized modeling
17 assumptions and conventions. The computer models shall be
18 consistent with the modeling methodology adopted by the regional
19 planning agency. The data bases used in the models shall be
20 consistent with the data bases used by the regional planning
21 agency. Where the regional agency has jurisdiction over two or
22 more counties, the data bases used by the agency shall be
23 consistent with the data bases used by the regional agency.

24 (d) (1) The city or county in which a commercial development
25 will implement a parking cash-out program that is included in a
26 congestion management program pursuant to subdivision (b), or
27 in a deficiency plan pursuant to Section 65089.4, shall grant to that
28 development an appropriate reduction in the parking requirements
29 otherwise in effect for new commercial development.

30 (2) At the request of an existing commercial development that
31 has implemented a parking cash-out program, the city or county
32 shall grant an appropriate reduction in the parking requirements
33 otherwise applicable based on the demonstrated reduced need for
34 parking, and the space no longer needed for parking purposes may
35 be used for other appropriate purposes.

36 (e) Pursuant to the federal Intermodal Surface Transportation
37 Efficiency Act of 1991 and regulations adopted pursuant to the act,
38 the department shall submit a request to the Federal Highway
39 Administration Division Administrator to accept the congestion



1 management program in lieu of development of a new congestion
2 management system otherwise required by the act.

3 *SEC. 6. Section 99317.1 of the Public Utilities Code is*
4 *amended to read:*

5 99317.1. (a) Funds appropriated pursuant to subdivision (a)
6 of Section 99317 shall, in addition to the purposes specified in that
7 section, be ~~allocated~~ *available* for short-line railroad rehabilitation
8 projects, through the ~~transit capital~~ *state transportation*
9 improvement program.

10 (1) Projects eligible for funding pursuant to this subdivision
11 shall be limited to railroad rehabilitation projects.

12 (2) To be eligible for funding pursuant to this subdivision, a
13 project proposal shall be submitted by a public entity. The public
14 entity shall submit a project proposal only if it has made a finding,
15 following a public hearing, that rail service on the affected railroad
16 would be in imminent danger of being discontinued without the
17 expenditure of public funds, and that continuation of the service
18 serves a public purpose.

19 ~~(b) The department and other public entities may submit~~
20 ~~applications to the department for allocations for transit capital~~
21 ~~improvements for short-line railroads from funds made available~~
22 ~~pursuant to subdivision (a) of Section 99312.~~

23 ~~(1) The department shall evaluate applications submitted~~
24 ~~pursuant to this subdivision in accordance with criteria and~~
25 ~~procedures adopted by the commission, and shall submit the~~
26 ~~applications and its recommendations thereon to the commission~~
27 ~~not later than February 1 of each year.~~

28 ~~(2) The commission shall adopt criteria and procedures to be~~
29 ~~followed by the department in evaluating the applications.~~

30 ~~(e) As used in this section, "short-line railroad" means any~~
31 ~~standard gauge railroad which is being, or is planned to be, used~~
32 ~~for passenger service, other than a class I railroad, as that term is~~
33 ~~used and applied in federal law.~~

34 *SEC. 7. Section 99317.2 of the Public Utilities Code is*
35 *repealed.*

36 ~~99317.2. Funds made available pursuant to paragraph (1) of~~
37 ~~subdivision (a) of Section 99317 shall be allocated for the~~
38 ~~acquisition of only those rights-of-way of railroad lines that can be~~
39 ~~developed for busway or exclusive public mass transit guideway~~
40 ~~projects.~~



1 SEC. 8. Section 99317.8 of the Public Utilities Code is
2 amended to read:

3 99317.8. (a) A public agency ~~which~~ that has received an
4 allocation for funding of an intermodal transfer station pursuant to
5 ~~paragraph (3) of subdivision (a) of Section 99317~~ shall provide for
6 maintaining the station and its appurtenances, including, but not
7 limited to, restroom facilities, in good condition and repair, and in
8 accordance with high standards of cleanliness. As part of its duties
9 in monitoring state-funded rail and bus services, the department
10 shall, at least annually, conduct an unannounced inspection of each
11 facility and make recommendations, if any, to the operating
12 agency. Results of the department's inspections shall be included
13 in the ~~rail passenger development plan~~ passenger rail element of
14 the State Rail Plan required pursuant to Section 14036 of the
15 Government Code. If appropriate remedial action is not taken, the
16 department may recommend to the commission that future
17 applications for transit capital funding be denied.

18 (b) The Legislature finds and declares that regular inspections
19 of intermodal stations are necessary to protect the state's capital
20 investment in these essential transportation facilities and to avoid
21 the problems resulting from deferred maintenance.

22 SEC. 9. Section 99317.9 of the Public Utilities Code is
23 amended to read:

24 99317.9. The department and the commission shall give
25 reasonable priority to allocations pursuant to ~~paragraph (5) of~~
26 subdivision (a) of Section 99317 to station projects ~~which~~ that
27 improve access for visitors to state prisons.

28 SEC. 10. Section 99317.10 of the Public Utilities Code is
29 amended to read:

30 99317.10. (a) A public entity which has received an
31 allocation for funding of an intermodal transfer station pursuant to
32 ~~paragraph (5) of subdivision (a) of Section 99317~~ shall, upon
33 request of the department, authorize state-funded bus service to
34 use the station without any charge to the department or its
35 contractors, and shall assist the department in the placement of
36 signs and informational material designed to alert the public to the
37 availability of the state-funded bus service.

38 (b) A public entity shall not be eligible to receive an allocation
39 for funding of an intermodal transfer station pursuant to ~~paragraph~~
40 ~~(5) of subdivision (a) of Section 99317~~ unless it first agrees that,



1 upon any future request of the department, it will authorize a
2 state-funded bus service to use the station without any charge to the
3 department or its contractors and it will assist the department in the
4 placement of signs and informational material designed to alert the
5 public to the availability of the state-funded bus service.

6 (c) For the purpose of this section, “state-funded bus service”
7 means any bus service funded pursuant to Section 99316.

8 *SEC. 11. Section 99318.1 of the Public Utilities Code is*
9 *amended to read:*

10 99318.1. An intercity rail project nominated by the
11 department shall be eligible to compete for funding pursuant to
12 ~~subdivisions (a), (b), and (c) of Section 99317~~ if it is recommended
13 in the ~~rail passenger development plan~~ *passenger rail element of*
14 *the State Rail Plan* prepared pursuant to Section 14036 of the
15 Government Code, or an update to that plan.

16 *SEC. 12. Section 99318.4 of the Public Utilities Code is*
17 *repealed.*

18 ~~99318.4. (a) Funds shall be allocated for a transit capital~~
19 ~~improvement project in an amount not exceeding that which can~~
20 ~~be encumbered within three years after allocation by the~~
21 ~~commission.~~

22 ~~(b) Funds not encumbered within the three-year period shall~~
23 ~~revert to the account.~~

24 *SEC. 13. Section 99319 of the Public Utilities Code is*
25 *amended to read:*

26 99319. (a) If a rail capital improvement project proposed for
27 funding by the department or a local agency includes as an element
28 the addition or improvement of rail passenger service boarding
29 platforms, those platforms shall be constructed in conformity with
30 applicable rules and orders of the Public Utilities Commission and
31 in such a manner that the top of each platform is not less than eight
32 inches above the adjacent rails, unless the department makes a
33 finding that the circumstances in a particular case warrant
34 otherwise and obtains approval from the Public Utilities
35 Commission for any deviation from its applicable rules and orders.

36 (b) The requirements of this section apply to all passenger
37 service boarding platforms constructed with funds made available
38 pursuant to Section 14031.6 of the Government Code, Sections
39 99234.5, 99234.9 and 99317 of this code, Section ~~199 164~~ of the
40 Streets and Highways Code, and funds made available from the



1 proceeds of state general obligation bonds issued for the purposes
2 of rail capital improvements.

3 *SEC. 14. Section 172 of the Streets and Highways Code is*
4 *repealed.*

5 ~~172. The director shall annually recommend an amount to be~~
6 ~~included in the proposed budget pursuant to Section 165 for~~
7 ~~purposes of Sections 199 and 199.1, consistent with Section~~
8 ~~199.11.~~

9 *SEC. 15. Section 183.3 of the Streets and Highways Code is*
10 *repealed.*

11 ~~183.3. Funds appropriated for exclusive public mass transit~~
12 ~~guideway projects and the other transit capital improvements~~
13 ~~authorized by Section 99317 of the Public Utilities Code from the~~
14 ~~State Highway Account and from the Transportation Planning and~~
15 ~~Development Account in the State Transportation Fund shall be~~
16 ~~available for encumbrance through allocation by the commission~~
17 ~~in the fiscal year appropriated and the next two fiscal years and~~
18 ~~shall be available for expenditure for two fiscal years after the last~~
19 ~~date available for encumbrance.~~

20 *SEC. 16. Section 188.6 of the Streets and Highways Code is*
21 *repealed.*

22 ~~188.6. If a loan is not repaid by a city or county under Section~~
23 ~~188.5 within the required time, the Controller shall withhold the~~
24 ~~apportionments to the city or county under Sections 2104, 2106,~~
25 ~~and 2107 and credit these apportionments to the loan until the loan~~
26 ~~is repaid in accordance with its terms and conditions.~~

27 *SEC. 17. Section 2105.1 of the Streets and Highways Code is*
28 *repealed.*

29 ~~2105.1. Notwithstanding Section 2105, the Solano County~~
30 ~~municipal court fines and forfeitures collected pursuant to Section~~
31 ~~40508 of the Vehicle Code during fiscal years 1986-87 to~~
32 ~~1988-89, inclusive, in the amount of four hundred twenty-six~~
33 ~~thousand three hundred eighty-one dollars (\$426,381) shall be~~
34 ~~deposited in the General Fund of Solano County.~~

35 *SEC. 18. Section 2108 of the Streets and Highways Code is*
36 *amended to read:*

37 2108. The balance of the money in the Highway Users Tax
38 Account in the Transportation Tax Fund, after making the
39 apportionments or appropriations, as the case may be, pursuant to
40 Sections 2104 to 2107.7, inclusive, shall be transferred to the State



1 Highway Account in the State Transportation Fund for
2 expenditure ~~on state highways and for exclusive public mass~~
3 ~~transit guideway purposes in accordance with Section 163.~~

4 *SEC. 19. Section 2121 of the Streets and Highways Code is*
5 *amended to read:*

6 2121. (a) In May of each year each county shall submit to the
7 department any additions or exclusions from its mileage of
8 maintained county highways, specifying the termini and mileage
9 of each route added or excluded from its county maintained roads.
10 The department shall either approve or disapprove each ~~such~~
11 inclusion or exclusion ~~and in the event of a disapproval the county~~
12 ~~shall have the right to appeal.~~ *A county may appeal any*
13 *disapproval as provided in Section 74. The department shall as*
14 ~~required by the Controller~~ *certify to him or her county mileage*
15 *figures to the Controller, as required.* No appeal shall affect any
16 apportionment made by the Controller pending the determination
17 of the appeal. If, on appeal, additional mileage is allowed the
18 county, the department shall immediately certify the corrected
19 figure to the Controller, and the same shall be used for subsequent
20 apportionments.

21 ~~On~~

22 (b) *Upon* relinquishing any state highway or portion thereof to
23 a county, the department shall immediately certify to the
24 Controller the mileage so relinquished and the same shall
25 immediately be added to the county's maintained mileage of
26 county roads for purposes of subsequent apportionments.

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**All matter omitted in this version of the
bill appears in the bill as introduced in the
Assembly, March 7, 2001 (JR 11)**

