

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 343

Introduced by Assembly Member Huff

February 10, 2005

~~An act to amend Section 7102 of the Revenue and Taxation Code, relating to transportation; 830.14 of the Penal Code, relating to transportation officers, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 343, as amended, Huff. ~~Transportation: Public Transportation Account: funds.~~ *Transportation: public officers.*

Existing law generally regulates public transportation systems.

This bill would authorize the governing board of Foothill Transit, a joint powers agency, to resolve to contract with designated persons to act as its agents in the enforcement of specified provisions of law relating to the operation of a public transportation system.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires sales tax revenues on all taxable sales that are paid to the state to be deposited in the Retail Sales Tax Fund. Existing law requires a portion of the sales tax on gasoline to be estimated by application of a specified formula and to be transferred to the Public Transportation Account for expenditure for various transportation purposes. However, for the 2005—06 fiscal year, existing law provides~~

~~for no transfer to be made under this provision to the Public Transportation Account, and instead provides for those funds to be transferred to the General Fund. For the 2006-07 fiscal year, existing law provides for the first \$200 million of these funds to be transferred to the General Fund, and for the next \$125 million of these funds to be transferred to the Bay Area Toll Account for Bay Bridge seismic-related work. Existing law also requires the sales tax on diesel fuel to be estimated and transferred to the Public Transportation Account for expenditure for various transportation purposes, and also requires various other transfers. After these portions of the sales tax have been transferred, all remaining sales tax revenues are transferred to the General Fund. Under Proposition 116 of 1990, the Public Transportation Account was created as a trust fund, with revenues available for appropriation for certain transportation purposes, and amendments of Proposition 116 generally require a 2/3 vote of each house of the Legislature for passage and must be consistent with the purposes of the initiative.~~

~~This bill, beginning with the 2007-08 fiscal year, would require an amount of revenue equivalent to that which would have been transferred to the Public Transportation Account under these provisions but that is instead transferred to the General Fund or any other fund or account pursuant to legislation enacted on or after January 1, 2007, to be transferred by the Controller from the recipient fund or account to the Public Transportation Account no later than the end of the 3rd fiscal year after the date of transfer to the recipient fund or account. Because this provision would amend Proposition 116, it would require a 2/3 vote of each house of the Legislature for passage.~~

~~Vote: 2/3. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.~~

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

- 1 *SECTION 1. Section 830.14 of the Penal Code is amended to*
- 2 *read:*
- 3 830.14. (a) A local or regional transit agency or a joint
- 4 powers agency operating rail service identified in an
- 5 implementation program adopted pursuant to Article 10
- 6 (commencing with Section 130450) of Chapter 4 of Division 12
- 7 of the Public Utilities Code may authorize by contract designated
- 8 persons as conductors performing fare inspection duties who are

1 employed by a railroad corporation that operates public rail
2 commuter transit services for that agency to act as its agent in the
3 enforcement of subdivisions (a) and (b) of Section 640 relating to
4 the operation of the rail service if they complete the training
5 requirement specified in ~~subdivision (d)~~ *this section*.

6 (b) The governing board of the Altamont Commuter Express
7 Authority, a joint powers agency duly formed pursuant to Article
8 1 (commencing with Section 6500) of Chapter 5 of Division 7 of
9 Title 1 of the Government Code, by and between the Alameda
10 Congestion Management Agency, the Santa Clara County Transit
11 District, and the San Joaquin Regional Rail Commission, may
12 contract with designated persons to act as its agents in the
13 enforcement of subdivisions (a) and (b) of Section 640 relating to
14 the operation of a public transportation system if these persons
15 complete the training requirement specified in ~~subdivision (d)~~
16 *this section*.

17 (c) The governing board of the Peninsula Corridor Joint
18 Powers Board, a joint powers agency duly formed pursuant to
19 Article 1 (commencing with Section 6500) of Chapter 5 of
20 Division 7 of Title 1 of the Government Code, by and between
21 the San Mateo County Transit District, the Santa Clara County
22 Transit District, and the City and County of San Francisco, may
23 appoint designated persons to act as its agents in the enforcement
24 of subdivisions (a) and (b) of Section 640 relating to the
25 operation of a public transportation system if these persons
26 complete the training requirement specified in ~~subdivision (d)~~
27 *this section*.

28 (d) *The governing board of Foothill Transit, a joint powers*
29 *agency duly formed pursuant to Article 1 (commencing with*
30 *Section 6500) of Chapter 5 of Division 7 of Title 1 of the*
31 *Government Code, by and between the Cities of Arcadia, Azusa,*
32 *Baldwin Park, Bradbury, Claremont, Covina, Diamond Bar,*
33 *Duarte, El Monte, Glendora, Industry, Irwindale, La Habra*
34 *Heights, La Puente, La Verne, Monrovia, Pomona, San Dimas,*
35 *South El Monte, Temple City, Walnut, West Covina, and the*
36 *County of Los Angeles, may resolve to contract with designated*
37 *persons to act as its agents in the enforcement of subdivisions (a)*
38 *and (b) of Section 640 relating to the operation of a public*
39 *transportation system if these persons complete the training*
40 *requirement specified in this section.*

1 ~~(d)~~

2 (e) Persons authorized pursuant to this section to enforce
 3 subdivisions (a) and (b) of Section 640 shall complete a
 4 specialized fare compliance course which shall be provided by
 5 the authorizing agency. This training course shall include, but not
 6 be limited to, the following topics:

- 7 (1) An overview of barrier-free fare inspection concepts.
- 8 (2) The scope and limitations of inspector authority.
- 9 (3) Familiarization with the elements of the infractions
 10 enumerated in subdivisions (a) and (b) of *Section 640*.
- 11 (4) Techniques for conducting fare checks, including
 12 inspection procedures, demeanor, and contacting violators.
- 13 (5) Citation issuance and court appearances.
- 14 (6) Fare media recognition.
- 15 (7) Handling argumentative violators and diffusing conflict.
- 16 (8) The mechanics of law enforcement support and interacting
 17 with law enforcement for effective incident resolution.

18 ~~(e)~~

19 (f) Persons described in ~~subdivisions (a), (b), and (e) this~~
 20 *section* are public officers, not peace officers, have no authority
 21 to carry firearms or any other weapon while performing the
 22 duties authorized in this section, and may not exercise the powers
 23 of arrest of a peace officer while performing the duties
 24 authorized in this section. These persons may be authorized by
 25 the agencies specified in ~~subdivision (a), (b), or (e) this section~~ to
 26 issue citations involving infractions relating to the operation of
 27 the rail service specified in ~~subdivision (a), (b), or (e) this~~
 28 *section*.

29 ~~(f)~~

30 (g) Nothing in this section shall affect the retirement or
 31 disability benefits provided to employees described in
 32 ~~subdivision (a), (b), or (e) this section~~ or be in violation of any
 33 collective bargaining agreement between a labor organization
 34 and a railroad corporation.

35 ~~(g)~~

36 (h) Notwithstanding any other provision of this section, the
 37 primary responsibility of a conductor of a commuter passenger
 38 train shall be functions related to safe train operation.

39 *SEC. 2. This act is an urgency statute necessary for the*
 40 *immediate preservation of the public peace, health, or safety*

1 *within the meaning of Article IV of the Constitution and shall go*
2 *into immediate effect. The facts constituting the necessity are:*

3 *In order for the public to be properly protected and for the*
4 *appropriate administration and operation of the Foothill Transit*
5 *system, it is necessary for this act to take effect immediately.*

6 ~~SECTION 1. Section 7102 of the Revenue and Taxation~~
7 ~~Code is amended to read:~~

8 ~~7102. The money in the fund shall, upon order of the~~
9 ~~Controller, be drawn therefrom for refunds under this part,~~
10 ~~credits or refunds pursuant to Section 60202, and refunds~~
11 ~~pursuant to Section 1793.25 of the Civil Code, or be transferred~~
12 ~~in the following manner:~~

13 ~~(a) (1) All revenues, less refunds, derived under this part at~~
14 ~~the 4 $\frac{3}{4}$ -percent rate, including the imposition of sales and use~~
15 ~~taxes with respect to the sale, storage, use, or other consumption~~
16 ~~of motor vehicle fuel which would not have been received if the~~
17 ~~sales and use tax rate had been 5 percent and if motor vehicle~~
18 ~~fuel, as defined for purposes of the Motor Vehicle Fuel License~~
19 ~~Tax Law (Part 2 (commencing with Section 7301)), had been~~
20 ~~exempt from sales and use taxes, shall be estimated by the State~~
21 ~~Board of Equalization, with the concurrence of the Department~~
22 ~~of Finance, and shall be transferred quarterly to the Public~~
23 ~~Transportation Account, a trust fund in the State Transportation~~
24 ~~Fund.~~

25 ~~(A) For the 2001-02 fiscal year, those transfers may not be~~
26 ~~more than eighty-one million dollars (\$81,000,000) plus one-half~~
27 ~~of the amount computed pursuant to this paragraph that exceeds~~
28 ~~eighty-one million dollars (\$81,000,000).~~

29 ~~(B) For the 2002-03 fiscal year, those transfers may not be~~
30 ~~more than thirty-seven million dollars (\$37,000,000) plus~~
31 ~~one-half of the amount computed pursuant to this paragraph that~~
32 ~~exceeds thirty-seven million dollars (\$37,000,000).~~

33 ~~(C) For the 2003-04 fiscal year, no transfers shall be made~~
34 ~~pursuant to this paragraph, except that if the amount to be~~
35 ~~otherwise transferred pursuant to this paragraph is in excess of~~
36 ~~eighty-seven million four hundred fifty thousand dollars~~
37 ~~(\$87,450,000), then the amount of that excess shall be~~
38 ~~transferred.~~

39 ~~(D) For the 2004-05 fiscal year, no transfers shall be made~~
40 ~~pursuant to this paragraph, and of the amount that would~~

1 otherwise have been transferred, one hundred forty million
2 dollars (\$140,000,000) shall instead be transferred to the Traffic
3 Congestion Relief Fund as partial repayment of amounts owed by
4 the General Fund pursuant to Item 2600-011-3007 of the Budget
5 Act of 2002 (Chapter 379 of the Statutes of 2002).

6 ~~(E) For the 2005-06 fiscal year, no transfers shall be made~~
7 ~~pursuant to this paragraph.~~

8 ~~(F) For the 2006-07 fiscal year, no transfers shall be made~~
9 ~~pursuant to this paragraph, except that if the amount to be~~
10 ~~otherwise transferred pursuant to this paragraph is in excess of~~
11 ~~two hundred million dollars (\$200,000,000), then the amount of~~
12 ~~that excess shall be transferred.~~

13 ~~(2) All revenues, less refunds, derived under this part at the~~
14 ~~4¾-percent rate, resulting from increasing, after December 31,~~
15 ~~1989, the rate of tax imposed pursuant to the Motor Vehicle Fuel~~
16 ~~License Tax Law on motor vehicle fuel, as defined for purposes~~
17 ~~of that law, shall be transferred quarterly to the Public~~
18 ~~Transportation Account, a trust fund in the State Transportation~~
19 ~~Fund.~~

20 ~~(3) All revenues, less refunds, derived under this part at the~~
21 ~~4¾-percent rate from the imposition of sales and use taxes on~~
22 ~~fuel, as defined for purposes of the Use Fuel Tax Law (Part 3~~
23 ~~(commencing with Section 8601)) and the Diesel Fuel Tax Law~~
24 ~~(Part 31 (commencing with Section 60001)), shall be estimated~~
25 ~~by the State Board of Equalization, with the concurrence of the~~
26 ~~Department of Finance, and shall be transferred quarterly to the~~
27 ~~Public Transportation Account, a trust fund in the State~~
28 ~~Transportation Fund.~~

29 ~~(4) All revenues, less refunds, derived under this part from the~~
30 ~~taxes imposed pursuant to Sections 6051.2 and 6201.2 shall be~~
31 ~~transferred to the Sales Tax Account of the Local Revenue Fund~~
32 ~~for allocation to cities and counties as prescribed by statute.~~

33 ~~(5) All revenues, less refunds, derived from the taxes imposed~~
34 ~~pursuant to Section 35 of Article XIII of the California~~
35 ~~Constitution shall be transferred to the Public Safety Account in~~
36 ~~the Local Public Safety Fund created in Section 30051 of the~~
37 ~~Government Code for allocation to counties as prescribed by~~
38 ~~statute.~~

39 ~~(b) The balance shall be transferred to the General Fund.~~

1 ~~(e) The estimates required by subdivision (a) shall be based on~~
2 ~~taxable transactions occurring during a calendar year, and the~~
3 ~~transfers required by subdivision (a) shall be made during the~~
4 ~~fiscal year that commences during that same calendar year.~~
5 ~~Transfers required by paragraphs (1), (2), and (3) of subdivision~~
6 ~~(a) shall be estimated by the State Board of Equalization, with~~
7 ~~the concurrence of the Department of Finance, and shall be made~~
8 ~~quarterly.~~

9 ~~(d) Notwithstanding the designation of the Public~~
10 ~~Transportation Account as a trust fund pursuant to subdivision~~
11 ~~(a), the Controller may use the Public Transportation Account for~~
12 ~~loans to the General Fund as provided in Sections 16310 and~~
13 ~~16381 of the Government Code. The loans shall be repaid with~~
14 ~~interest from the General Fund at the Pooled Money Investment~~
15 ~~Account rate.~~

16 ~~(e) Beginning with the 2007-08 fiscal year, an amount of~~
17 ~~revenue equivalent to that which would have been transferred to~~
18 ~~the Public Transportation Account pursuant to subdivision (a) but~~
19 ~~that is instead transferred to the General Fund or any other fund~~
20 ~~or account (recipient fund or account) pursuant to legislation~~
21 ~~enacted on or after January 1, 2007, shall be transferred by the~~
22 ~~Controller from the recipient fund or account to the Public~~
23 ~~Transportation Account no later than the end of the third fiscal~~
24 ~~year after the date of transfer to the recipient fund or account.~~

25 ~~(f) The Legislature may amend this section, by statute passed~~
26 ~~in each house of the Legislature by rollcall vote entered in the~~
27 ~~journal, two-thirds of the membership concurring, if the statute is~~
28 ~~consistent with, and furthers the purposes of this section.~~