

AMENDED IN ASSEMBLY APRIL 25, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 256

Introduced by Assembly Member Huff

February 5, 2007

~~An act to amend Section 14526.5 of the Government Code, relating to transportation, and making an appropriation therefor. An act to amend Section 2101 of, and to amend the heading of Chapter 3 (commencing with Section 2100) of Division 3 of, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 256, as amended, Huff. ~~State highway operation and protection program.~~ *Highway Users Tax Account: appropriation of funds.*

Article XIX of the California Constitution requires revenues from state excise taxes on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the cost of collection and any refunds authorized by law, to be used for various street and highway purposes and for certain mass transit guideway purposes. Existing law requires state excise fuel tax revenues to be deposited in various accounts and to be allocated, in part, for various purposes, including the cost of collection and authorized refunds. Existing law requires the balance of these funds remaining after authorized deductions to be transferred to and deposited monthly in the Highway Users Tax Account in the Transportation Tax Fund. Existing law provides for formula apportionment of specified revenues in the Highway Users Tax Account to cities and counties for the transportation purposes authorized by Article XIX of the California Constitution, and generally requires the remaining revenues to be transferred to and deposited in the State

Highway Account in the State Transportation Fund. Existing law provides that the money in the Highway Users Tax Account is appropriated for the above-described transportation purposes, but also generally provides that the money in the State Highway Account may not be expended until appropriated by the Legislature.

This bill, in any year in which the Budget Act has not been enacted by July 1, would provide that all moneys in the Highway Users Tax Account in the Transportation Tax Fund from the prior fiscal year are continuously appropriated and may be encumbered for certain purposes until the Budget Act is enacted. The bill would thereby make an appropriation. The bill would authorize the Controller to make estimates in order to implement these provisions.

~~Existing law requires the Department of Transportation, subject to approval by the California Transportation Commission, to prepare on an every-other-year basis a 4-year state highway operation and protection program, which identifies the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system. Other major capital improvements on the state highway system are subject to the project nomination and programming procedures for the state transportation improvement program.~~

~~Existing law creates the State Highway Account. Except as specifically provided, moneys in the State Highway Account are subject to appropriation by the Legislature.~~

~~This bill, for any fiscal year in which the Budget Bill has not been chaptered on or before July 1 of that fiscal year, would appropriate to the department, from funds in the State Highway Account that are subject to Article XIX of the California Constitution, the amount identified in the state highway operation and protection program for traffic safety projects to be advertised in that fiscal year. The bill would also provide that this appropriation would be superseded by the appropriation for the program in the Budget Bill at the time the Budget Bill is chaptered.~~

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

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

1 SECTION 1. *The heading of Chapter 3 (commencing with*
2 *Section 2100) of Division 3 of the Streets and Highways Code is*
3 *amended to read:*

4
5 CHAPTER 3. HIGHWAY USERS TAX ~~FUND~~ ACCOUNT
6

7 SEC. 2. *Section 2101 of the Streets and Highways Code is*
8 *amended to read:*

9 2101. (a) All moneys in the Highway Users Tax Account in
10 the Transportation Tax Fund and hereafter received in the account
11 are appropriated for all of the following:

12 ~~(a)~~

13 (1) The research, planning, construction, improvement,
14 maintenance, and operation of public streets and highways (and
15 their related public facilities for nonmotorized traffic), including
16 the mitigation of their environmental effects, the payment for
17 property taken or damaged for ~~such~~ those purposes, and the
18 administrative costs necessarily incurred in the foregoing purposes.

19 ~~(b)~~

20 (2) The research and planning for exclusive public mass transit
21 guideways (and their related fixed facilities), the payment for
22 property taken or damaged for ~~such~~ those purposes, and the
23 administrative costs necessarily incurred in the foregoing purposes.

24 ~~(c)~~

25 (3) The construction and improvement of exclusive public mass
26 transit guideways (and their related fixed facilities), including the
27 mitigation of their environmental effects, the payment for property
28 taken or damaged for ~~such~~ those purposes, the administrative costs
29 necessarily incurred in the foregoing purposes, and the maintenance
30 of the structures and the immediate right-of-way for the public
31 mass transit guideways, but excluding the maintenance and
32 operating costs for mass transit power systems and mass transit
33 passenger facilities, vehicles, equipment, and services, in any area
34 where the voters thereof have approved a proposition pursuant to
35 Section 4 of Article XIX of the California Constitution.

36 ~~(d)~~

1 (4) The payment of principal and interest on voter-approved
2 bonds issued for the purposes specified in ~~subdivision (e)~~
3 *paragraph (3)*.

4 (b) *Notwithstanding Section 13340 of the Government Code or*
5 *any other provision of law, in any year in which a Budget Act has*
6 *not been enacted by July 1 for the fiscal year beginning on July*
7 *1, all moneys in the Highway Users Tax Account in the*
8 *Transportation Tax Fund from the prior fiscal year are hereby*
9 *continuously appropriated and may be encumbered for the prior*
10 *fiscal year appropriations and for the purposes specified in this*
11 *section until the Budget Act for the fiscal year beginning July 1 is*
12 *enacted. To the extent necessary to implement this subdivision,*
13 *the Controller may make estimates of appropriations and*
14 *apportionments, as the case may be, for the purpose of making*
15 *apportionments or transfers specified in this chapter. Upon*
16 *enactment of a Budget Act for the fiscal year beginning July 1, the*
17 *Controller shall make necessary adjustments to reflect actual*
18 *appropriations and apportionments.*

19 ~~SECTION 1. Section 14526.5 of the Government Code is~~
20 ~~amended to read:~~

21 ~~14526.5. (a) The department shall prepare a state highway~~
22 ~~operation and protection program for the expenditure of~~
23 ~~transportation funds for major capital improvements that are~~
24 ~~necessary to preserve and protect the state highway system. Projects~~
25 ~~included in the program shall be limited to capital improvements~~
26 ~~relative to maintenance, safety, and rehabilitation of state highways~~
27 ~~and bridges which do not add a new traffic lane to the system.~~

28 ~~(b) The program shall include projects which are expected to~~
29 ~~be advertised prior to July 1 of the year following submission of~~
30 ~~the program, but which have not yet been funded. The program~~
31 ~~shall include those projects for which construction is to begin~~
32 ~~within four fiscal years, starting July 1 of the year following the~~
33 ~~year the program is submitted.~~

34 ~~(c) The program shall be submitted to the commission not later~~
35 ~~than January 31 of each even-numbered year. Prior to submitting~~
36 ~~the plan, the department shall make a draft of its proposed program~~
37 ~~available to transportation planning agencies for review and~~
38 ~~comment and shall include the comments in its submittal to the~~
39 ~~commission.~~

1 ~~(d) The commission may review the program relative to its~~
2 ~~overall adequacy, level of annual funding needed to implement~~
3 ~~the program, and the impact of those expenditures on the state~~
4 ~~transportation improvement program. The commission shall~~
5 ~~approve and submit the program to the Legislature and the~~
6 ~~Governor not later than April 1 of each even-numbered year.~~

7 ~~(e) Expenditures for these projects shall not be subject to~~
8 ~~Sections 188 and 188.8 of the Streets and Highways Code.~~

9 ~~(f) Notwithstanding Section 182 of the Streets and Highways~~
10 ~~Code or any other provision of law, for any fiscal year in which~~
11 ~~the Budget Bill has not been chaptered on or before July 1 of that~~
12 ~~fiscal year, there is hereby appropriated to the department, from~~
13 ~~funds in the State Highway Account that are subject to Article~~
14 ~~XIX of the California Constitution, the amount identified in the~~
15 ~~program for traffic safety projects to be advertised in that fiscal~~
16 ~~year. At the time that the Budget Bill for that fiscal year is~~
17 ~~chaptered, the appropriation for the program in the Budget Bill~~
18 ~~shall supersede the appropriation made pursuant to this subdivision.~~