

AMENDED IN SENATE JUNE 21, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 153

Introduced by Assembly Member Ma

January 23, 2009

~~An act to amend Section 1245.210 of the Code of Civil Procedure, to amend Sections 15853 and 15855 of the Government Code, and to amend Sections 185032 and 185036 of, and to add Section 185026 to, the Public Utilities Code, relating to high-speed rail. An act to add Section 65083 to, and to repeal and add Section 65040.6 of, the Government Code, and to amend Section 9250.17 of the Vehicle Code, relating to land use and planning.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 153, as amended, Ma. ~~High-Speed Rail Authority~~. *Land use and planning: environmental quality.*

(1) *The Planning and Zoning Law establishes the Planning Advisory and Assistance Council in the Office of Planning and Research, and prescribes the membership and duties of the council.*

This bill would modify the membership of the council, establish new processes for selecting specified members of the council, and prescribe new duties on the council relating to the reduction of greenhouse gas emissions.

(2) *The Planning and Zoning Law also requires certain transportation planning activities by regional transportation planning agencies designated by the Director of Transportation, including the development of a regional transportation plan. That law requires the regional transportation plan to include, among other items, a sustainable communities strategy, to be prepared as specified.*

This bill would authorize a metropolitan planning organization, a council of governments, or a county transportation commission and a subregional council of governments jointly preparing a subregional sustainable communities strategy, singularly titled an “authority” and collectively titled the “authorities,” to levy a mitigation fee of up to \$4 upon the registration or renewal of registration of any motor vehicle registered in a county or city and county within the jurisdiction of the authority, upon receiving voter approval to implement and impose the fee from a majority of the aggregate voters in all counties and cities and counties within the jurisdiction of the authority.

The bill would require an authority seeking to implement and impose the fee to adopt a measure containing specified findings of fact, and, upon the authority’s adoption of the measure and its written request to the counties and cities and counties within its jurisdiction, the board of supervisors of each of those counties and cities and counties to submit to the voters, at a local election consolidated with a statewide primary or general election specified by the authority, the measure adopted by the authority.

The bill would authorize the authority, upon the approval of the measure by an aggregate majority of the voters of all counties and cities and counties within its jurisdiction, to implement and impose the fee. The bill would also authorize the authority, if the measure is not approved, to reuse this procedure to seek voter approval of the fee. The bill would require the authority to reimburse each county and city and county within its jurisdiction for the cost of submitting the measure to the voters, from the fee revenues it receives if the measure is approved, and from funds available through the Mills-Alquist-Deddeh Act if the measure is not approved.

The bill would require, if the authority’s measure is adopted by a majority of the aggregate voters in all counties and cities and counties within the authority’s jurisdiction, the Department of Motor Vehicles to collect and administer the fee, as specified, and the authority to deposit all fee revenues it receives from the department in the Regional Blueprint Plan Implementation Fund, to be created and administered by the authority. The bill would require the net revenues of the fee received by the authority to be used to identify land use strategies, reduce the use of motor vehicles within its jurisdiction, and to carry out specified transportation-related activities, for the purpose of achieving a specified greenhouse gas emission reduction target.

The bill would require, if the fee exceeds \$2, all revenue derived from the amount of the fee in excess of \$2 to be made available by the authority in the form of grants to specified entities within its jurisdiction, as specified. The bill would require the grants to be used exclusively for planning and projects relating to the implementation of a sustainable communities strategy or a regional blueprint plan.

The bill would authorize the authority to divide the fee revenues it receives with the local air quality management district that has responsibility over all or part of the same geographic area, pursuant to an agreement with that district, and would require the district to use all fee revenues it receives to assist local and regional governments in reducing greenhouse gas emissions.

(3) Existing law requires the Department of Motor Vehicles, if requested by a county air pollution control district, air quality management district, or unified or regional air pollution control district, to collect specified fees upon the registration or renewal of registration of any motor vehicle in the district, except those vehicles which are expressly exempt from the payment of registration fees. Existing law requires the department, after deducting its costs, to distribute the revenues of the fees to the appropriate district.

This bill would additionally require the department, if requested by an authority, to collect the authority's mitigation fee upon the registration or renewal of registration of any motor vehicle registered within the jurisdiction of the authority, and, after deducting its costs as specified, to distribute the revenues of the mitigation fee to the appropriate authority.

~~(1) Existing law creates the High-Speed Rail Authority with specified powers and duties relating to the development and implementation of an intercity high-speed rail system. Existing law authorizes the authority to prepare a plan for the construction and operation of that system and to enter into contracts, acquire rights-of-way through purchase or eminent domain, and take other actions, subject to specified contingencies. Under existing law, a public entity may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets certain requirements. Existing law generally prohibits a state agency from employing legal counsel other than the Attorney General unless there is a specific statute authorizing that employment.~~

~~This bill would eliminate those contingencies to the exercise of the authority's authority and would specify that the authority constitutes a~~

“governing body” for the purpose of adopting a resolution of necessity. The bill would authorize the authority to employ its own legal staff or contract with other state agencies for legal services, or both.

~~(2) Existing law requires that all real property and interests in real property to be acquired by or for any state agency, with specified exceptions, be acquired by the State Public Works Board.~~

~~This bill would exclude the High-Speed Rail Authority with respect to property acquired for the construction of a high-speed rail system from the above requirement.~~

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. (a) *The Legislature finds and declares the*
 2 *following:*
 3 (1) *Uncoordinated and unplanned growth together with a lack*
 4 *of common goals to effect the public’s interest in the conservation*
 5 *and wise use of our lands pose a threat to the environment,*
 6 *sustainable economic development, and the health, safety, and*
 7 *high quality of life enjoyed by residents of this state.*
 8 (2) *The enactment of Senate Bill 375 of the 2007–08 Regular*
 9 *Session (Chapter 728 of the Statutes of 2008) and the establishment*
 10 *of requirements for regional transportation plans to address*
 11 *greenhouse gases can only be successfully implemented if regional*
 12 *and local governments have the tools they need to collaboratively*
 13 *plan for the type of growth that can achieve these goals, and if*
 14 *that collaborative planning is coordinated with the efforts of the*
 15 *Governor’s Strategic Growth Council and other state agencies as*
 16 *required by the enactment of Senate Bill 732 of the 2007–08*
 17 *Regular Session (Chapter 729 of the Statutes of 2008).*
 18 (3) *The successful development of sustainable communities*
 19 *strategies as part of regional transportation plans and*
 20 *implementation of those strategies by the amendment of city and*
 21 *county general and specific plans will result in significantly*
 22 *reduced vehicle travel. The reduced vehicle travel will reduce*
 23 *greenhouse gas emissions and air pollution and provide*
 24 *environmental benefits that mitigate the adverse impacts associated*
 25 *with vehicle use. The resulting reduction in traffic congestion*

1 *provides a user benefit to all vehicle owners which is at least equal*
2 *in value to a fee of up to \$4 per vehicle annually.*

3 *(4) Cooperation between regional and local governments and*
4 *air districts is essential to the achievement of the greenhouse gas*
5 *emission reductions envisioned in regional transportation plans.*

6 *(5) Therefore, it is in the public interest that state residents,*
7 *communities, local governments, air districts, and the private*
8 *sector cooperate and coordinate with one another in*
9 *comprehensive, sustainable land use planning.*

10 *(b) It is the intent of the Legislature to update the duties and*
11 *composition of the Planning Advisory and Assistance Council to*
12 *assist in the state's land use planning processes by providing*
13 *funding to support the development and implementation of regional*
14 *blueprints and related planning and to work with state agencies*
15 *providing funding for resource protection and local infrastructure*
16 *to facilitate coordination between state planning, funding decisions,*
17 *and regional blueprint plans.*

18 *SEC. 2. Section 65040.6 of the Government Code is repealed.*

19 ~~65040.6. (a) The Planning Advisory and Assistance Council~~
20 ~~is hereby created within the office, the membership of which shall~~
21 ~~be as follows: three city representatives; three county~~
22 ~~representatives; one representative of each district, provided that~~
23 ~~at least two of the district representatives are representatives of~~
24 ~~metropolitan areawide planning organizations and that at least one~~
25 ~~of the district representatives is a representative of a~~
26 ~~nonmetropolitan planning organization; and one representative of~~
27 ~~Indian tribes and bands which have reservations or rancherias~~
28 ~~within California. The city and county representatives appointed~~
29 ~~pursuant to this subdivision shall be selected by the director from~~
30 ~~nominees submitted by the League of California Cities and by the~~
31 ~~California State Association of Counties. Representatives of~~
32 ~~areawide planning organizations appointed pursuant to this~~
33 ~~subdivision shall be selected by the director from nominees~~
34 ~~submitted by the several areawide planning organizations within~~
35 ~~the state. Other district representatives shall be appointed by the~~
36 ~~director. The representative of Indian tribes and bands shall be a~~
37 ~~member of one tribe or band, and shall be selected by the director.~~

38 ~~Appointment to the advisory council shall be for a term of two~~
39 ~~years, provided that the members of the first council shall classify~~
40 ~~themselves by lot so that one-half shall serve an initial term of one~~

1 year and one-half shall serve an initial term of two years. Vacancies
2 shall be filled in the same manner provided for the original
3 appointment.

4 (b) ~~The council shall provide such advice as may be necessary~~
5 ~~to assist the office in discharging the requirements of Sections~~
6 ~~65040 to 65040.4, inclusive. In particular, the council shall:~~

7 (1) ~~Assist the office in the preparation of the state long-range~~
8 ~~goals and policies, in the manner specified in subdivision (a) of~~
9 ~~Section 65040.~~

10 (2) ~~Evaluate the planning functions of the various state agencies~~
11 ~~involved in planning, in the manner specified in subdivision (c)~~
12 ~~of Section 65040.~~

13 (3) ~~Make appropriate decisions and provide such advice and~~
14 ~~assistance as may be required by federal statute or regulation in~~
15 ~~connection with any federal program administered by the office.~~

16 (e) ~~The council shall meet on call of the director of the office,~~
17 ~~who shall convene at least two council meetings during each year.~~

18 (d) ~~Council members shall serve without compensation, but~~
19 ~~they may be reimbursed for actual expenses incurred in connection~~
20 ~~with their duties.~~

21 *SEC. 3. Section 65040.6 is added to the Government Code, to*
22 *read:*

23 *65040.6. (a) (1) The Planning Advisory and Assistance*
24 *Council is hereby created within the office. The membership of*
25 *the council shall include all of the following:*

26 (A) *Three city representatives.*

27 (B) *Three county representatives.*

28 (C) *Seven representatives of regional planning organizations.*

29 (D) *One member of the State Air Resources Board.*

30 (E) *One member of the California Transportation Commission.*

31 (F) *One member of the State Energy Resources Conservation*
32 *and Development Commission.*

33 (G) *One member appointed by the Speaker of the Assembly.*

34 (H) *One member appointed by the Senate Committee on Rules.*

35 (I) *One representative of Indian tribes and bands which have*
36 *reservations or rancherias within the state.*

37 (2) (A) *The city and county representatives appointed pursuant*
38 *to paragraph (1) shall be selected by the Director of State Planning*
39 *and Research from nominees submitted by the League of California*
40 *Cities and by the California State Association of Counties.*

1 (B) Representatives of regional planning organizations
2 appointed pursuant to paragraph (1) shall be selected by the
3 director from nominees submitted by the regional planning
4 organizations specified in clauses (i) to (v), inclusive, and from
5 nominees submitted by the California Association of Councils of
6 Governments for those specified in clauses (vi) and (vii).

7 (i) The Southern California Association of Governments.

8 (ii) The Metropolitan Transportation Commission or the
9 Association of Bay Area Governments.

10 (iii) The San Diego Association of Governments.

11 (iv) The Sacramento Area Council of Governments.

12 (v) The San Joaquin Valley Regional Policy Council.

13 (vi) A metropolitan planning organization or council of
14 governments that is not identified in clauses (i) to (v), inclusive.

15 (vii) A regional transportation planning agency, as defined in
16 Section 65080, that is neither a metropolitan planning organization
17 nor a council of governments.

18 (C) The representative of Indian tribes and bands shall be a
19 member of one tribe or band, and shall be selected by the director.

20 (3) Appointment to the council shall be for a term of two years,
21 provided that the members of the first council shall classify
22 themselves by lot so that one-half shall serve an initial term of one
23 year and one-half shall serve an initial term of two years.
24 Vacancies shall be filled in the same manner provided for the
25 original appointment.

26 (b) The council shall provide advice as may be necessary to
27 assist the office in discharging the requirements of Sections 65040
28 to 65040.4, inclusive. In particular, the council shall do all of the
29 following:

30 (1) Assist the office in the preparation of the state long-range
31 goals and policies, in the manner specified in subdivision (a) of
32 Section 65040.

33 (2) Evaluate the planning functions of the various state agencies
34 involved in planning, in the manner specified in subdivision (c) of
35 Section 65040.

36 (3) Make appropriate decisions and provide advice and
37 assistance as required by federal statute or regulation in
38 connection with any federal program administered by the office.

39 (4) Work with the Strategic Growth Council, established
40 pursuant to Section 75121 of the Public Resources Code, regional

1 agencies, including, but not limited to, metropolitan planning
 2 organizations or councils of governments, and with cities and
 3 counties to facilitate the implementation of regional blueprint
 4 plans.

5 (5) Develop and propose recommendations to the Strategic
 6 Growth Council, the Department of General Services, the State
 7 Allocation Board, the Department of Housing and Community
 8 Development, the Department of Transportation, the California
 9 Transportation Commission, and any other state agencies that
 10 affect land use, housing, or transportation in order to facilitate
 11 coordination among regional blueprint plans, state growth and
 12 infrastructure funding plans, and programs that facilitate the
 13 implementation of regional blueprint plans.

14 (6) Receive reports, including, but not limited to, a copy of the
 15 five-year infrastructure plan described in Section 13102.

16 (7) Report to the Legislature, in consultation and coordination
 17 with the Strategic Growth Council, on the manner in which state
 18 agencies are implementing the requirements of Chapter 1016 of
 19 the Statutes of 2002.

20 (8) Report to the Legislature on regional performance measures,
 21 evaluating the progress of each region of the state in improving
 22 results for its residents in employment, environmental protection,
 23 education, housing, mobility, and other criteria as determined by
 24 the council. The council shall provide the Legislature with updates
 25 to the report periodically, as the council deems necessary.

26 (c) The council shall meet on call of the director, who shall
 27 convene at least two council meetings during each year.

28 (d) Council members shall serve without compensation, but they
 29 may be reimbursed for actual expenses incurred in connection
 30 with their duties.

31 SEC. 4. Section 65083 is added to the Government Code, to
 32 read:

33 65083. (a) In addition to any other fees provided for by law,
 34 and subject to approval of the voters pursuant to subdivision (b),
 35 a metropolitan planning organization, as defined in Section 134
 36 of Title 23 of the United States Code, a council of governments,
 37 as defined in Section 65582, or a county transportation commission
 38 and a subregional council of governments jointly preparing a
 39 subregional sustainable communities strategy pursuant to
 40 subparagraph (D) of paragraph (2) of subdivision (b) of Section

1 65080, singularly titled an “authority” and collectively titled the
2 “authorities,” may levy a mitigation fee of up to four dollars (\$4)
3 upon the registration or renewal of registration of any motor
4 vehicle registered in a county or city and county within the
5 jurisdiction of the authority, to be collected and administrated as
6 specified in Section 9250.17 of the Vehicle Code.

7 (b) (1) In order to implement and impose the fee provided for
8 by subdivision (a), the authority shall adopt a measure authorizing
9 it to implement and impose the fee in every county or city and
10 county within its jurisdiction.

11 (2) A measure adopted pursuant to paragraph (1) by the
12 Metropolitan Transportation Commission or the Association of
13 Bay Area Governments, or a county transportation commission
14 or a subregional council of governments within the jurisdiction of
15 the Southern California Association of Governments, shall be
16 jointly adopted by both entities, and revenue derived from the fee
17 shall be divided in accordance with an agreement between both
18 entities.

19 (3) The authority’s measure shall contain all of the following
20 findings of fact:

21 (A) That the programs and projects to be funded by the fee are
22 consistent with the sustainable communities strategies and regional
23 blueprint plans applicable in the jurisdiction of the authority
24 levying the fee.

25 (B) That the amount of the fee assessed and paid does not exceed
26 the reasonable cost of providing those programs and projects.

27 (C) That the fee is not for unrelated revenue purposes.

28 (D) That a clear nexus exists between the payer’s activities and
29 the alleged adverse effects addressed by the fee.

30 (E) That the amount of the fee bears a reasonable relationship
31 to the social or economic burdens created by the feepayer’s
32 activities.

33 (4) Following the adoption of the measure by the authority and
34 its submission of a written request to each county and city and
35 county within its jurisdiction to do so, the board of supervisors of
36 each of those counties and cities and counties shall submit the
37 measure adopted by the authority to the voters at a local election
38 consolidated with a statewide primary or general election specified
39 by the authority.

1 (5) *The authority shall reimburse each county or city and county*
2 *within its jurisdiction for the cost of submitting the measure to the*
3 *voters. These costs shall be reimbursed from revenues derived*
4 *from the fee if the measure is approved by the voters, or if the*
5 *measure is not approved, from funds available through the*
6 *Mills-Alquist-Deddeh Act (Chapter 4 (commencing with Section*
7 *99200) of Part 11 of Division 10 of the Public Utilities Code).*

8 (c) (1) *Upon the approval of the measure by an aggregate*
9 *majority of all voters in all counties and cities and counties within*
10 *the authority's jurisdiction, the authority may implement and*
11 *impose the fee in those counties and cities and counties. Upon the*
12 *request of the authority, the Department of Motor Vehicles shall*
13 *collect and administer the fee as specified in Section 9250.17 of*
14 *the Vehicle Code. All fee revenues received by the authority from*
15 *the Department of Motor Vehicles pursuant to Section 9250.17 of*
16 *the Vehicle Code shall be deposited in the Regional Blueprint Plan*
17 *Implementation Fund, to be created and administered by the*
18 *authority, and shall be expended only as authorized by this section.*

19 (2) *If an aggregate majority of all voters of all counties and*
20 *cities and counties within the authority's jurisdiction does not*
21 *approve of the measure, the authority may reuse the procedure*
22 *set forth in subdivision (b) to seek the requisite voter approval of*
23 *the fee.*

24 (d) *The net revenues of the fee received by an authority shall*
25 *be used to identify land use strategies, reduce the use of motor*
26 *vehicles within its jurisdiction, and carry out applicable*
27 *transportation-related activities necessary to implement a regional*
28 *blueprint plan, a sustainable communities strategy, or an*
29 *alternative planning strategy, and to thereby work towards*
30 *achievement of the greenhouse gas emission reduction target*
31 *specified in Section 65080.*

32 (e) *If the fee exceeds two dollars (\$2), all revenue derived from*
33 *the amount of the fee exceeding two dollars (\$2) shall be made*
34 *available by the authority in the form of grants to entities within*
35 *its jurisdiction as follows:*

36 (1) *Revenues generated in a county or city and county with a*
37 *population of greater than 300,000 shall be reserved for grants*
38 *which may only be made to a county or city and county of that*
39 *type, pursuant to an eligible county's or city and county's*
40 *application to the authority.*

1 (2) Revenues generated in areas outside a county or city and
2 county with a population of greater than 300,000 shall be
3 apportioned among the counties and cities and counties within the
4 jurisdiction of the authority in the proportion that the number of
5 fee-paid and exempt vehicles in each county or city and county
6 area bears to the number of fee-paid and exempt vehicles registered
7 in the authority, excluding those vehicles registered in a city with
8 a population greater than 300,000. These revenues shall be
9 reserved for grants which may be made to cities, counties, cities
10 and counties, or congestion management agencies, pursuant to an
11 application of one of those entities to the authority.

12 (3) Grants made pursuant to this subdivision shall be used
13 exclusively for planning and projects related to the implementation
14 of a sustainable communities strategy or a regional blueprint plan.

15 (f) The authority may divide revenues received pursuant to this
16 his section jointly with the local air quality management district
17 that has responsibility over all or part of the same geographic
18 area, pursuant to an agreement with that district.

19 (g) All revenues received by the local air quality management
20 district pursuant to subdivision (f) shall be used to assist local and
21 regional governments in reducing greenhouse gas emissions.
22 Appropriate manners of assistance include, but are not limited to,
23 all of the following:

24 (1) Assistance in the development of a subregional sustainable
25 communities strategy.

26 (2) Assistance in the development of local greenhouse gas
27 emission inventories.

28 (3) Assistance in the development of greenhouse gas emission
29 reduction strategies in general plans.

30 (4) Development and assistance of California Environmental
31 Quality Act (CEQA) guidelines and review of greenhouse gas
32 emissions in CEQA analyses.

33 (5) Consultation and development of local climate action plans.

34 (6) Project-specific consultation work to reduce greenhouse
35 gas emissions from local transportation and land use decisions.

36 (h) For purposes of this section, a sustainable communities
37 strategy and an alternative planning strategy shall both be
38 considered to be a regional blueprint plan.

39 SEC. 5. Section 9250.17 of the Vehicle Code is amended to
40 read:

1 9250.17. (a) The department shall, if requested by a county
2 air pollution control district, air quality management district, or
3 unified or regional air pollution control district, collect fees
4 established pursuant to Sections 44223 and 44225 of the Health
5 and Safety Code upon the registration or renewal of registration
6 of any motor vehicle registered in the district, except those vehicles
7 which are expressly exempted under this code from the payment
8 of registration fees.

9 *(b) The department shall, if requested by an authority, as*
10 *described in subdivision (a) of Section 65083 of the Government*
11 *Code, collect the fee established pursuant to Section 65083 of the*
12 *Government Code upon the registration or renewal of registration*
13 *of any motor vehicle registered within the jurisdiction of the*
14 *authority, except those vehicles which are expressly exempted*
15 *under this code from the payment of registration fees.*

16 ~~(b)~~

17 (c) After deducting all costs incurred pursuant to this section,
18 the department shall distribute the revenues to the ~~districts~~
19 *appropriate district or authority* based upon the amount of fees
20 collected from motor vehicles registered within ~~each district~~ *that*
21 *district or authority.*

22 ~~(c)~~

23 (d) The department may annually expend for its costs not more
24 than the following percentages of the fees collected pursuant to
25 subdivision (a) *or (b)*:

26 (1) Five percent during the first year after the operative date the
27 fee is imposed or increased.

28 (2) Three percent during the second year after the operative date
29 the fee is imposed or increased.

30 (3) One percent during any subsequent year.

31 (e) *The first authority that imposes the fee established pursuant*
32 *to Section 65083 of the Government Code shall contract with the*
33 *department to pay for the initial setup and programming costs to*
34 *be deducted from the fee revenue by the department pursuant to*
35 *subdivision (c). The department shall require from each subsequent*
36 *authority that imposes the fee an additional amount reflecting each*
37 *authority's per capita share of the initial setup and programming*
38 *costs if the costs for the first-in-time authorities are substantially*
39 *higher than those for the subsequent authorities. These additional*
40 *amounts shall be paid pro rata to the authorities that have already*

1 *imposed and established the fee and contracted with the*
2 *department.*

3 ~~SECTION 1.~~ Section 1245.210 of the Code of Civil Procedure
4 is amended to read:

5 1245.210. As used in this article, “governing body” means:

6 ~~(a) In the case of a taking by a local public entity, the legislative~~
7 ~~body of the local public entity.~~

8 ~~(b) In the case of a taking by the Sacramento and San Joaquin~~
9 ~~Drainage District, the State Reclamation Board.~~

10 ~~(c) In the case of a taking by the State Public Works Board~~
11 ~~pursuant to the Property Acquisition Law (Part 11 (commencing~~
12 ~~with Section 15850) of Division 3 of Title 2 of the Government~~
13 ~~Code), the State Public Works Board.~~

14 ~~(d) In the case of a taking by the Department of Fish and Game~~
15 ~~pursuant to Section 1348 of the Fish and Game Code, the Wildlife~~
16 ~~Conservation Board.~~

17 ~~(e) In the case of a taking by the Department of Transportation~~
18 ~~(other than a taking pursuant to Section 21633 of the Public~~
19 ~~Utilities Code or Section 30100 of the Streets and Highways Code),~~
20 ~~the California Transportation Commission.~~

21 ~~(f) In the case of a taking by the Department of Transportation~~
22 ~~pursuant to Section 21633 of the Public Utilities Code, the~~
23 ~~California Transportation Commission.~~

24 ~~(g) In the case of a taking by the Department of Transportation~~
25 ~~pursuant to Section 30100 of the Streets and Highways Code, the~~
26 ~~California Transportation Commission.~~

27 ~~(h) In the case of a taking by the Department of Water~~
28 ~~Resources, the California Water Commission.~~

29 ~~(i) In the case of a taking by the University of California, the~~
30 ~~Regents of the University of California.~~

31 ~~(j) In the case of a taking by the State Lands Commission, the~~
32 ~~State Lands Commission.~~

33 ~~(k) In the case of a taking by Hastings College of Law, the board~~
34 ~~of directors of that college.~~

35 ~~(l) In the case of a taking by the High-Speed Rail Authority~~
36 ~~pursuant to Section 185036 of the Public Utilities Code, the~~
37 ~~High-Speed Rail Authority as established in Section 185020 of~~
38 ~~the Public Utilities Code.~~

39 ~~SEC. 2.~~ Section 15853 of the Government Code is amended
40 to read:

1 15853. ~~(a) The board may select and acquire, in the name of~~
2 ~~and on behalf of the state, with the consent of the state agency~~
3 ~~concerned, the fee or any lesser right or interest in any real property~~
4 ~~necessary for any state purpose or function.~~

5 ~~(b) If moneys are appropriated by the Budget Act for any fiscal~~
6 ~~year or by any other act for the acquisition of land or other real~~
7 ~~property, either (1) subject to this part or (2) for any state agency~~
8 ~~for whom property is acquired by the board, the moneys and~~
9 ~~acquisitions are subject to this part and the moneys shall be~~
10 ~~expended in accordance with this part, notwithstanding any other~~
11 ~~provisions of law.~~

12 ~~(c) Notwithstanding any other provisions of law, all land and~~
13 ~~other real property to be acquired by or for any state agency, other~~
14 ~~than the Department of Transportation, the Department of Water~~
15 ~~Resources, the State Reclamation Board, the Department of Fish~~
16 ~~and Game, the Wildlife Conservation Board, the Public Employees'~~
17 ~~Retirement System, the State Teachers' Retirement System, the~~
18 ~~Department of Housing and Community Development, the~~
19 ~~High-Speed Rail Authority, the State Lands Commission, except~~
20 ~~for property to be acquired for the State Lands Commission~~
21 ~~pursuant to an appropriation from the General Fund, and the State~~
22 ~~Coastal Conservancy with respect to acceptance of offers to~~
23 ~~dedicate public accessways made pursuant to Division 20~~
24 ~~(commencing with Section 30000) of the Public Resources Code,~~
25 ~~shall be acquired by the State Public Works Board in accordance~~
26 ~~with this part.~~

27 ~~(d) (1) Notwithstanding subdivision (a), the board shall acquire,~~
28 ~~on behalf of and for the Department of Parks and Recreation, in~~
29 ~~accordance with this part, any interests in real property, including~~
30 ~~options to purchase, which have been appraised, selected, and~~
31 ~~settled through purchase negotiations by the Department of Parks~~
32 ~~and Recreation pursuant to subdivision (b) of Section 5006 of the~~
33 ~~Public Resources Code. Out of moneys appropriated for the~~
34 ~~acquisition of options to purchase, no more than ten thousand~~
35 ~~dollars (\$10,000) may be expended for the acquisition of any single~~
36 ~~option unless otherwise provided by the Legislature.~~

37 ~~(2) Notwithstanding Section 15854, purchase negotiations for~~
38 ~~interests in real property for the state park system pursuant to~~
39 ~~subdivision (d) of Section 5006 of the Public Resources Code shall~~
40 ~~be initiated within six months of the effective date of the act that~~

1 appropriates funds for the acquisition. Purchase negotiations on
2 all projects not proposed pursuant to subdivision (d) of Section
3 5006 of the Public Resources Code shall be initiated within 12
4 months of the effective date of the act appropriating funds for the
5 acquisition. Either title shall be conveyed or a written agreement
6 to transfer title shall be executed within the appropriate
7 authorization period unless the Department of Parks and Recreation
8 formally abandons the acquisition prior to the conclusion of the
9 appropriate authorization period. For the purposes of this section,
10 in order for the Department of Parks and Recreation to “formally
11 abandon” an acquisition, it shall transmit written notification to
12 the board of its intent not to proceed with the acquisition.

13 (3) The board, at any time during the periods specified in
14 paragraph (2), may commence condemnation proceedings if it
15 finds it to be appropriate. However, if, during the appropriate
16 authorization period, title is not conveyed or a written agreement
17 to transfer title is not signed, the acquisition has not been formally
18 abandoned, or condemnation proceedings have not been
19 commenced, the Department of Parks and Recreation shall notify,
20 by letter, the chair of the committee in each house of the
21 Legislature that considers appropriations, the Chair of the Joint
22 Legislative Budget Committee, and the Members of the Legislature
23 within whose district any part of the land or other real property is
24 located of the status of the acquisition. For the purpose of this
25 paragraph, condemnation proceedings shall be deemed to be
26 commenced as of the date the board authorizes acquisition by
27 condemnation.

28 (4) The board may schedule special meetings as are necessary
29 to expedite the acquisition of options to purchase real property for
30 the state park system.

31 (e) The board may acquire furnishings that the owner thereof
32 agrees to sell and that are contained within improvements acquired
33 by the board. Cost of acquisition of furnishings shall be charged
34 to the appropriation available for acquisition of the real property.

35 SEC. 3. Section 15855 of the Government Code is amended
36 to read:

37 15855. (a) Notwithstanding any other provision of law, except
38 as provided in subdivision (b), the State Public Works Board is
39 the only state agency that may exercise the power of eminent

1 domain to acquire property needed by any state agency for any
2 state purpose or function.

3 (b) ~~Subdivision (a) does not affect or limit the right of the~~
4 ~~Department of Transportation, Department of Water Resources,~~
5 ~~State Lands Commission, State Reclamation Board, Hastings~~
6 ~~College of the Law, the Regents of the University of California,~~
7 ~~or the High-Speed Rail Authority to exercise the power of eminent~~
8 ~~domain. Subdivision (a) does not affect or limit the exercise of the~~
9 ~~power of eminent domain by the Department of Fish and Game~~
10 ~~pursuant to Section 1348 of the Fish and Game Code.~~

11 SEC. 4. ~~Section 185026 is added to the Public Utilities Code,~~
12 ~~to read:~~

13 ~~185026. The authority may employ its own legal staff or~~
14 ~~contract with other state agencies for legal services, or both.~~

15 SEC. 5. ~~Section 185032 of the Public Utilities Code is amended~~
16 ~~to read:~~

17 ~~185032. (a) The authority shall prepare a plan for the~~
18 ~~construction and operation of a high-speed train network for the~~
19 ~~state, consistent with and continuing the work of the Intercity~~
20 ~~High-Speed Rail Commission conducted prior to January 1, 1997.~~
21 ~~The plan shall include an appropriate network of conventional~~
22 ~~intercity passenger rail service and shall be coordinated with~~
23 ~~existing and planned commuter and urban rail systems.~~

24 ~~(b) The authorization and responsibility for planning,~~
25 ~~construction, and operation of high-speed passenger train service~~
26 ~~at speeds exceeding 125 miles per hour in this state is exclusively~~
27 ~~granted to the authority.~~

28 ~~(c) Except as provided in subdivision (b), nothing in this section~~
29 ~~precludes other local, regional, or state agencies from exercising~~
30 ~~powers provided by law with regard to planning or operating, or~~
31 ~~both, passenger rail service.~~

32 SEC. 6. ~~Section 185036 of the Public Utilities Code is amended~~
33 ~~to read:~~

34 ~~185036. The authority may do any of the following:~~

35 ~~(a) Enter into contracts with private or public entities for the~~
36 ~~design, financing, construction, operation, and maintenance of~~
37 ~~high-speed trains. The contracts may be separated into individual~~
38 ~~tasks or segments or may include all tasks and segments, including,~~
39 ~~for example, a design-build or~~
40 ~~design-finance-build-operate-maintenance contract.~~

- 1 ~~(b) Acquire rights-of-way through purchase or eminent domain.~~
- 2 ~~(c) Issue debt, secured by pledges of state funds, federal grants,~~
- 3 ~~or project revenues. The pledge of state funds shall be limited to~~
- 4 ~~those funds expressly authorized by statute or voter-approved~~
- 5 ~~initiatives.~~
- 6 ~~(d) Enter into cooperative or joint development agreements with~~
- 7 ~~local governments or private entities.~~
- 8 ~~(e) Provide for the setting of fares and schedules.~~
- 9 ~~(f) Relocate highways and utilities.~~