

AMENDED IN ASSEMBLY JANUARY 4, 2010

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 987**

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**Introduced by Assembly Member Ma**

February 27, 2009

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~~An act to amend Section 40518 of, and to add and repeal Section 22368 of, the Vehicle Code, relating to vehicles. An act to amend Sections 65460.1, 65460.2, and 65460.4 of, and to add Sections 53395.7.5 and 65460.2.5 to, the Government Code, relating to transit facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 987, as amended, Ma. ~~Vehicles: automated speed enforcement.~~  
*Transit village development districts: infrastructure financing.*

*Existing law, the Transit Village Development Planning Act of 1994, authorizes a city or county to create a transit village plan for a transit village development district. A transit village plan is required to include all land within not less than  $\frac{1}{4}$  mile of the exterior boundary of the parcel on which is located a transit station, as defined. Existing law separately authorizes a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval.*

*This bill would eliminate the requirement of voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and an issuance of bonds for the purpose of implementing a transit village plan adopted pursuant to the Transit*

*Village Development Planning Act of 1994. The bill would require a transit village plan financed by these bonds to include demonstrable public benefits regarding housing and provisions for the dedicated use of bond proceeds to finance certain types of housing. This bill would recast the area included in a transit village plan to include all land within not more than  $\frac{1}{2}$  mile of the main entrance of a transit station. The bill also would make technical, nonsubstantive changes.*

Existing law does not expressly authorize the use of photo radar from an automated enforcement system for speed enforcement purposes by any jurisdiction.

~~This bill would authorize a city or county, until January 1, 2015, to establish a program utilizing an automated speed enforcement system for speed enforcement if specified conditions are met. This bill would require a city or county that adopts an automated speed enforcement program to submit a specified report to the Legislature on or before January 1, 2015.~~

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

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

1     SECTION 1. Section 53395.7.5 is added to the Government  
2     Code, to read:  
3     53395.7.5. With respect to an infrastructure financing district  
4     proposed to implement a transit village plan adopted pursuant to  
5     Article 8.5 (commencing with Section 65460) of Chapter 3 of  
6     Division 1 of Title 7, an election is not required to form an  
7     infrastructure financing district, adopt an infrastructure financing  
8     plan, or issue bonds pursuant to this chapter. Any other provision  
9     of this chapter applies to the formation of an infrastructure  
10    financing district and the adoption of an infrastructure financing  
11    plan.  
12    SEC. 2. Section 65460.1 of the Government Code is amended  
13    to read:  
14    65460.1. (a) The Legislature hereby finds and declares all of  
15    the following:  
16    (1) Federal, state, and local governments in California are  
17    investing in new and expanded transit systems in areas throughout  
18    the state, including Los Angeles County, the San Francisco Bay

1 area, San Diego County, Santa Clara County, and Sacramento  
2 County.

3 (2) This public investment in transit is unrivaled in the state's  
4 history and represents well over ten billion dollars  
5 (\$10,000,000,000) in planned investment alone.

6 (3) Recent studies of transit ridership in California indicate that  
7 persons who live within a ~~quarter-mile~~ *one-half-mile* radius of  
8 transit stations utilize the transit system in far greater numbers  
9 than does the general public living elsewhere.

10 (4) The *greater* use of *public* transit ~~by persons living near~~  
11 ~~transit stations is particularly important given the decline of transit~~  
12 ~~ridership in California between 1980 and 1990. Transit's share of~~  
13 ~~commute trips dropped in all California metropolitan~~  
14 ~~areas—greater Los Angeles: 5.4 percent to 4.8 percent; San~~  
15 ~~Francisco Bay area: 11.9 percent to 10.0 percent; San Diego: 3.7~~  
16 ~~percent to 3.6 percent; Sacramento: 3.7 percent to 2.5 percent~~  
17 *facilitated by the development of transit villages improves local*  
18 *street, road, and highway congestion by providing viable*  
19 *alternatives to automobile use.*

20 (5) *The development of transit village development districts can*  
21 *improve environmental conditions by increasing the use of public*  
22 *transit, facilitating the creation of and improvement to walkable,*  
23 *mixed-use communities, and decreasing automobile use.*

24 (6) *The development of transit village development districts*  
25 *throughout the state should be environmentally conscious and*  
26 *sustainable, and related construction should meet or exceed the*  
27 *requirements of the California Green Building Standards Code,*  
28 *or its successor code.*

29 ~~(5)~~

30 (7) Only a few transit stations in California have any  
31 concentration of housing proximate to the station.

32 ~~(6)~~

33 (8) Interest in clustering housing and commercial development  
34 around transit stations, called transit villages, has gained  
35 momentum in recent years.

36 (b) For purposes of this article, the following definitions shall  
37 apply:

38 (1) "Bus hub" means an intersection of three or more bus routes,  
39 with a minimum route headway of 10 minutes during peak hours.

1 (2) “Bus transfer station” means an arrival, departure, or transfer  
2 point for the area’s intercity, intraregional, or interregional bus  
3 service having permanent investment in multiple bus docking  
4 facilities, ticketing services, and passenger shelters.

5 (3) “County” includes a city and county.

6 ~~(3)~~

7 (4) “District” means a transit village development district as  
8 defined in Section 65460.4.

9 ~~(4)~~

10 (5) “Peak hours” means the time between 7 a.m. to 10 a.m.,  
11 inclusive, and 3 p.m. to 7 p.m., inclusive, Monday through Friday.

12 ~~(5)~~

13 (6) “Transit station” means a rail or light-rail station, ferry  
14 terminal, bus hub, or bus transfer station.

15 *SEC. 3. Section 65460.2 of the Government Code is amended*  
16 *to read:*

17 65460.2. A city or county may prepare a transit village plan  
18 for a transit village development district that addresses the  
19 following characteristics:

20 (a) A neighborhood centered around a transit station that is  
21 planned and designed so that residents, workers, shoppers, and  
22 others find it convenient and attractive to patronize transit.

23 (b) A mix of housing types, including apartments, within not  
24 more than ~~a quarter~~ *one-half* mile of the ~~exterior boundary of the~~  
25 ~~parcel on which the transit station is located~~ *main entrance of the*  
26 *transit station.*

27 (c) Other land uses, including a retail district oriented to the  
28 transit station and civic uses, including day care centers and  
29 libraries.

30 (d) Pedestrian and bicycle access to the transit station, with  
31 attractively designed and landscaped pathways.

32 (e) A transit system that should encourage and facilitate  
33 intermodal service, and access by modes other than single occupant  
34 vehicles.

35 (f) Demonstrable public benefits beyond the increase in transit  
36 usage, including any five of the following:

- 37 (1) Relief of traffic congestion.
- 38 (2) Improved air quality.
- 39 (3) Increased transit revenue yields.
- 40 (4) Increased stock of affordable housing.

1 (5) Redevelopment of depressed and marginal inner-city  
2 neighborhoods.

3 (6) Live-travel options for transit-needy groups.

4 (7) Promotion of infill development and preservation of natural  
5 resources.

6 (8) Promotion of a safe, attractive, pedestrian-friendly  
7 environment around transit stations.

8 (9) Reduction of the need for additional travel by providing for  
9 the sale of goods and services at transit stations.

10 (10) Promotion of job opportunities.

11 (11) Improved cost-effectiveness through the use of the existing  
12 infrastructure.

13 (12) Increased sales and property tax revenue.

14 (13) Reduction in energy consumption.

15 (g) Sites where a density bonus of at least 25 percent may be  
16 granted pursuant to specified performance standards.

17 (h) Other provisions that may be necessary, based on the report  
18 prepared pursuant to subdivision (b) of former Section 14045, as  
19 enacted by Section 3 of Chapter 1304 of the Statutes of 1990.

20 *SEC. 4. Section 65460.2.5 is added to the Government Code,*  
21 *to read:*

22 *65460.2.5. If a city, county, or city and county finances any*  
23 *portion of a district, as defined in this article, under the provisions*  
24 *of Chapter 2.8 (commencing with Section 53395) of Part 1 of*  
25 *Division 2 of Title 5, the city, county, or city and county shall do*  
26 *all of the following:*

27 *(a) Use at least 20 percent of all revenues derived from the*  
28 *property tax increment under Chapter 2.8 (commencing with*  
29 *Section 53395) of Part 1 of Division 2 of Title 5 for the purposes*  
30 *of increasing, improving, and preserving the supply of lower and*  
31 *moderate-income housing available in the district at affordable*  
32 *housing cost, as defined in Section 50052.5 of the Health and*  
33 *Safety Code, and occupied by persons and families of low- or*  
34 *moderate-income, as defined in Section 50093 of the Health and*  
35 *Safety Code, lower income households, as defined in Section*  
36 *50079.5 of the Health and Safety Code, very low income*  
37 *households, as defined in Section 50105 of the Health and Safety*  
38 *Code, and extremely low income households, as defined in Section*  
39 *50106 of the Health and Safety Code. The amount of very low,*  
40 *low- and moderate-income housing shall be in compliance with*

1 *the Community Redevelopment Law (Part 1 (commencing with*  
 2 *Section 33000) of Division 24 of the Health and Safety Code) and*  
 3 *any adopted policies of the city, county, or city and county that*  
 4 *adopted the transit village plan.*

5 *(b) Require that housing units described in subdivision (a)*  
 6 *remain available at affordable housing cost to, and occupied by,*  
 7 *persons and families of low- or moderate-income and very low*  
 8 *income and extremely low income households for the longest*  
 9 *feasible time, but for not less than 55 years for rental units and*  
 10 *45 years for owner-occupied units. The covenants or restrictions*  
 11 *implementing this requirement shall be in compliance with*  
 12 *subdivision (f) of Section 33334.3 of the Health and Safety Code.*

13 *(c) Rehabilitate, develop, or construct, or cause to be*  
 14 *rehabilitated, developed, or constructed for rental or sale to*  
 15 *persons and families of low- or moderate-income an equal number*  
 16 *of replacement dwelling units that have an equal or greater number*  
 17 *of bedrooms as the destroyed or removed units, at affordable*  
 18 *housing costs within the district, and within four years after the*  
 19 *destruction or removal, whenever dwelling units housing persons*  
 20 *and families of low- or moderate-income are destroyed or removed*  
 21 *from the low- and moderate-income housing market as part of the*  
 22 *development of a district that is subject to a written agreement*  
 23 *with the city, county, or city and county, or when financial*  
 24 *assistance has been provided by the city, county, or city and county.*  
 25 *The replacement dwelling units shall be available at affordable*  
 26 *housing cost to, and occupied by, persons and families in the same*  
 27 *or a lower income category as the persons and families displaced*  
 28 *from those destroyed or removed units.*

29 *(d) Include in the transit village plan both of the following:*

30 *(1) As one of the five demonstrable public benefits required by*  
 31 *subdivision (f) of Section 65460.2, either an increased stock of*  
 32 *affordable housing or live-travel options for transit-needy groups.*

33 *(2) Provisions to implement subdivisions (a) and (b) and*  
 34 *paragraph (1).*

35 *SEC. 5. Section 65460.4 of the Government Code is amended*  
 36 *to read:*

37 *65460.4. A transit village development district shall include*  
 38 *all land within not more than a quarter one-half mile of the exterior*  
 39 *boundary of the parcel on which is located main entrance of a*

1 transit station designated by the legislative body of a city, county,  
2 or city and county that has jurisdiction over the station area.

3 ~~SECTION 1. The Legislature finds and declares all of the~~  
4 ~~following:~~

5 ~~(a) Traffic speed enforcement is critical to law enforcement~~  
6 ~~agencies' efforts to reduce factors that contribute to traffic~~  
7 ~~collisions.~~

8 ~~(b) Law enforcement and local agencies employ a variety of~~  
9 ~~methods to lessen speeding, including engineering, education, and~~  
10 ~~enforcement.~~

11 ~~(c) Additional tools, including automated enforcement, are~~  
12 ~~available to assist law enforcement in addressing excessive~~  
13 ~~speeding and speed-related crashes.~~

14 ~~(d) Automated speed enforcement offers a high rate of detection,~~  
15 ~~and, in conjunction with education, engineering, and law~~  
16 ~~enforcement measures, it can significantly improve traffic safety.~~

17 ~~(e) Several such programs implemented in other cities and states~~  
18 ~~have proven successful in reducing speeding and addressing traffic~~  
19 ~~safety concerns. These programs have also given policymakers~~  
20 ~~the opportunity to assess which programs have operated~~  
21 ~~appropriately and successfully.~~

22 ~~(f) The automated speed enforcement programs that this act~~  
23 ~~authorizes should be limited to locations that have been identified~~  
24 ~~with a history of excessive speeds or speed-related crashes or to~~  
25 ~~high traffic volume intersections with existing traffic signal~~  
26 ~~automated enforcement systems.~~

27 ~~SEC. 2. Section 22368 is added to the Vehicle Code, to read:~~

28 ~~22368. (a) As used in this section, "automated speed~~  
29 ~~enforcement system" or "ASE system" means a fixed mid-block~~  
30 ~~system, a traffic signal automated enforcement system located at~~  
31 ~~enforced intersections, or a mobile radar system operated by a law~~  
32 ~~enforcement agency that utilizes automated equipment to detect a~~  
33 ~~violation of speeding laws and is designed to obtain a clear~~  
34 ~~photograph of a vehicle's license plate and the driver of the vehicle.~~

35 ~~(b) A city or county may establish a program utilizing an ASE~~  
36 ~~system for speed enforcement, which shall do all of the following:~~

37 ~~(1) Identify clearly the presence of the fixed or mobile automated~~  
38 ~~speed enforcement system by signs that are visible to traffic~~  
39 ~~entering the roadway on which the ASE system is utilized.~~

- 1     ~~(2) For mobile systems, identify, with distinctive markings, the~~  
2 ~~vehicle containing the mobile automated speed enforcement~~  
3 ~~equipment.~~
- 4     ~~(3) Provide notice to drivers that a photographic record may be~~  
5 ~~taken when the driver passes the vehicle containing the mobile~~  
6 ~~automated speed enforcement system.~~
- 7     ~~(4) (A) For mobile systems, utilize a trained peace officer~~  
8 ~~present at the time of an alleged violation.~~
- 9     ~~(B) The peace officer shall be properly trained in all of the~~  
10 ~~following:~~
- 11         ~~(i) The use of automated speed enforcement equipment.~~  
12         ~~(ii) The use of photographic, radar, laser, and other electronic~~  
13 ~~devices.~~
- 14         ~~(iii) The enforcement of traffic and speeding laws.~~
- 15     ~~(C) For the purposes of subparagraph (B), a peace officer is~~  
16 ~~considered properly trained if he or she has successfully completed~~  
17 ~~both of the following:~~
- 18         ~~(i) Either a radar operator course approved and certified by the~~  
19 ~~Commission on Peace Officer Standards and Training of no less~~  
20 ~~than 24 hours on the use of a police traffic radar, laser, or other~~  
21 ~~electronic device, or an operator course meeting equivalent~~  
22 ~~standards.~~
- 23         ~~(ii) A minimum number of hours of speed enforcement training~~  
24 ~~conducted by the local law enforcement agency, including, but not~~  
25 ~~limited to, the operation of the actual mobile automated speed~~  
26 ~~enforcement technology that is used by the local agency, the criteria~~  
27 ~~that is used to determine safe and unsafe road and driving~~  
28 ~~conditions, and the appropriate speed setting for the technology~~  
29 ~~in accordance with the varying conditions referenced in Section~~  
30 ~~22350.~~
- 31     ~~(e) Prior to enforcing speed and traffic laws utilizing an ASE~~  
32 ~~system, a jurisdiction shall do both of the following:~~
- 33         ~~(1) Make a public announcement about the system, which~~  
34 ~~includes public information regarding the hazards of excessive~~  
35 ~~speed, at least 30 days following the installation of the signs placed~~  
36 ~~pursuant to paragraph (1) of subdivision (b).~~
- 37         ~~(2) Issue warning notices only for the first 30 days of~~  
38 ~~enforcement under the program.~~
- 39     ~~(d) A city or county with the oversight of a local law~~  
40 ~~enforcement agency may operate an automated speed enforcement~~

1 system pursuant to this section. As used in this subdivision,  
2 “operate” includes all of the following activities:  
3 (1) Develop uniform guidelines for all of the following:  
4 (A) The selection of locations where the system will be utilized.  
5 The guidelines for the selection shall include, but are not limited  
6 to, consideration of demonstrated community involvement and  
7 support, demonstrated need for traffic safety enforcement based  
8 on the incidence of traffic collisions or evidence of excessive  
9 speeding, and high traffic intersection locations with an existing  
10 traffic signal automated enforcement system.  
11 (B) The screening and issuing of citations.  
12 (C) The processing and storage of confidential information.  
13 (D) The establishment of procedures to ensure compliance with  
14 the guidelines.  
15 (2) Perform administrative and day-to-day functions, including,  
16 but not limited to, all of the following:  
17 (A) Certify that the equipment is properly installed and  
18 calibrated and is operating properly so that, at a minimum, the  
19 radar or other electronic device (piezoelectric strips) used to  
20 measure the speed of the accused meets or exceeds the minimum  
21 operational standards and has been calibrated within three years  
22 prior to the date of the alleged violation by an independent certified  
23 repair and testing or calibration facility.  
24 (B) Ensure that the equipment is regularly inspected.  
25 (C) Regularly inspect and maintain warning signs placed  
26 pursuant to paragraph (1) of subdivision (b).  
27 (D) Maintain controls necessary to ensure that only those  
28 citations that have been reviewed and approved by law enforcement  
29 are delivered to violators.  
30 (e) The peace officer who is present when the mobile automated  
31 speed enforcement is in operation shall record information  
32 concerning road and driving conditions at the time each photo is  
33 taken.  
34 (f) Citations issued pursuant to this section shall include a clear  
35 photo of the driver and license plate of the vehicle and a description  
36 of the alleged violation, including the time when the alleged  
37 violation occurred. A separate document that contains both a brief,  
38 basic explanation of California speed laws, including references,  
39 and an explanation that the driver has a right to appeal the citation  
40 shall accompany the citation.

1     ~~(g) (1) Notwithstanding Section 6253 of the Government Code,~~  
2     ~~or any other law, photographic records made by an ASE system~~  
3     ~~shall be confidential, and shall be made available only to~~  
4     ~~governmental agencies and law enforcement agencies and only~~  
5     ~~for the purposes of enforcing this article.~~

6     ~~(2) Confidential information obtained from the Department of~~  
7     ~~Motor Vehicles for the administration or enforcement of this article~~  
8     ~~shall be held confidential and shall not be used for any other~~  
9     ~~purpose.~~

10    ~~(3) Except for court records described in Section 68152 of the~~  
11    ~~Government Code, the confidential records and information~~  
12    ~~described in paragraphs (1) and (2) may be retained for up to six~~  
13    ~~months from the date the information was first obtained, or until~~  
14    ~~final disposition of the citation, whichever date is later. As soon~~  
15    ~~as feasible, after that time, the information shall be destroyed in a~~  
16    ~~manner that will preserve the confidentiality of a person included~~  
17    ~~in the record or information.~~

18    ~~(h) The registered owner or an individual identified by the~~  
19    ~~registered owner as the driver of the vehicle at the time of the~~  
20    ~~alleged violation shall be permitted to review the photographic~~  
21    ~~evidence establishing the alleged violation.~~

22    ~~(i) A contract between a local authority and a manufacturer or~~  
23    ~~supplier of photo radar enforcement equipment shall allow the~~  
24    ~~local authority to purchase materials, lease equipment, and contract~~  
25    ~~for processing services from a manufacturer or supplier based on~~  
26    ~~the services rendered or on a transactional or per transaction basis;~~  
27    ~~but only the local authority shall control enforcement activities~~  
28    ~~and only designated peace officers of the local authority may~~  
29    ~~authorize citations for issuance.~~

30    ~~(j) A city or county that elects to establish a program pursuant~~  
31    ~~to this section shall submit to the Legislature a report regarding~~  
32    ~~the efficacy of the program. This report shall be prepared by an~~  
33    ~~independent qualified contractor who shall provide an evaluation~~  
34    ~~of the automated speed enforcement program. The report should~~  
35    ~~provide data relative to the efficacy of the program in reducing~~  
36    ~~speeding and improving traffic safety at enforcement locations.~~

37    ~~(k) This section shall remain in effect only until January 1, 2015,~~  
38    ~~as of that date is repealed, unless a later enacted statute, that is~~  
39    ~~enacted before January 1, 2015, deletes or extends that date.~~

40    ~~SEC. 3. Section 40518 of the Vehicle Code is amended to read:~~

1 40518. (a) ~~Whenever a written notice to appear has been issued~~  
2 ~~by a peace officer or by a qualified employee of a law enforcement~~  
3 ~~agency on a form approved by the Judicial Council for an alleged~~  
4 ~~violation of Section 22451, or, based on an alleged violation of~~  
5 ~~Section 21453, 21455, or 22101 recorded by an automated~~  
6 ~~enforcement system pursuant to Section 21455.5 or 22451, or,~~  
7 ~~based on an alleged violation of Section 22350 recorded by an~~  
8 ~~automated speed enforcement system pursuant to Section 22368,~~  
9 ~~and delivered by mail within 15 days of the alleged violation to~~  
10 ~~the current address of the registered owner of the vehicle on file~~  
11 ~~with the department, with a certificate of mailing obtained as~~  
12 ~~evidence of service, an exact and legible duplicate copy of the~~  
13 ~~notice when filed with the magistrate shall constitute a complaint~~  
14 ~~to which the defendant may enter a plea. Preparation and delivery~~  
15 ~~of a notice to appear pursuant to this section is not an arrest.~~  
16 (b) ~~A notice to appear shall contain the name and address of the~~  
17 ~~person, the license plate number of the person's vehicle, the~~  
18 ~~violation charged, including a description of the offense, and the~~  
19 ~~time and place when, and where, the person may appear in court~~  
20 ~~or before a person authorized to receive a deposit of bail. The time~~  
21 ~~specified shall be at least 10 days after the notice to appear is~~  
22 ~~delivered.~~