

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 165

Introduced by Senator Lowenthal

February 14, 2009

An act relating to transportation, and declaring the urgency thereof, to take effect immediately. An act to amend Section 14528.55 of the Government Code, to amend Section 44126 of the Health and Safety Code, and to amend Sections 12810.3 and 21800 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 165, as amended, Lowenthal. ~~Federal transportation funds.~~ *Transportation.*

Existing law authorizes a city or county, in which a planned state transportation facility was to be located on a specified portion of State Highway Route 84, to develop and file with the California Transportation Commission a local alternative transportation improvement program that addresses transportation problems and opportunities, and provides for the use of revenues from the sales of excess properties acquired for the planned state transportation facility in order to fund the program, but limits the use of revenues from excess property sales to state highway purposes and certain projects in the program.

This bill would specify that the excess properties are nonresidential properties.

Existing law creates the Enhanced Fleet Modernization Subaccount in the High Polluter Removal and Repair Account.

This bill would correct the name of the account.

This bill would also make technical, nonsubstantive changes to the Vehicle Code.

~~Existing law provides for apportionment of federal transportation funds to the state and provides for allocation of these funds to various purposes:~~

~~This bill would make legislative findings and declarations relative to additional federal funds to be made available to the state pursuant to federal economic stimulus legislation:~~

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

~~Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.~~

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

1 SECTION 1. Section 14528.55 of the Government Code is
2 amended to read:

3 14528.55. (a) To resolve local transportation problems
4 resulting from the infeasibility of planned state transportation
5 facilities on State Highway Route 84 in the Cities of Fremont and
6 Union City, the cities or the county in which the planned facilities
7 were to be located, acting jointly with the transportation planning
8 agency having jurisdiction over the cities or county, may develop
9 and file with the commission a local alternative transportation
10 improvement program that addresses transportation problems and
11 opportunities in the county that were to be served by the planned
12 facilities. Priorities for funding in the local alternative program
13 shall go to projects in the local voter-approved transportation sales
14 tax measure.

15 (b) The commission shall have the final authority regarding the
16 content and approval of the local alternative transportation
17 improvement program. The commission shall not approve any
18 local alternative transportation improvement program submitted
19 under this section after July 1, 2010.

20 (c) All proceeds from the sale of the excess *nonresidential*
21 properties, less any reimbursements due to the federal government
22 and all costs incurred in the sale of those excess *nonresidential*
23 properties, shall be allocated by the commission to fund the
24 approved local alternative transportation improvement program
25 and shall not be subject to Sections 188 and 188.8 of the Streets

1 and Highways Code. The proceeds shall be used only for state
2 highway purposes or for projects in the local alternative
3 transportation improvement program that are also in the local
4 voter-approved transportation sales tax measure, subject to approval
5 by the department.

6 (d) This section does not apply to those highways that are in
7 the National System of Interstate and Defense Highways.

8 (e) This section only applies to State Highway Route 84.

9 (f) Section 14528.8 does not apply to projects undertaken
10 pursuant to this section.

11 *SEC. 2. Section 44126 of the Health and Safety Code is*
12 *amended to read:*

13 44126. The Enhanced Fleet Modernization Subaccount is
14 hereby created in the High Polluter-Removal and Repair *Repair*
15 *or Removal* Account. All moneys deposited in the subaccount shall
16 be available to the department and the BAR, upon appropriation
17 by the Legislature, to establish and implement the program created
18 pursuant to this article.

19 *SEC. 3. Section 12810.3 of the Vehicle Code is amended to*
20 *read:*

21 12810.3. ~~(a)~~ Notwithstanding subdivision (f) of Section 12810,
22 a violation point shall not be given for a conviction of a violation
23 of subdivision (a) of Section 23123, subdivision (a) of Section
24 23123.5, or subdivision (b) of Section 23124.

25 ~~(b) This section shall become operative on July 1, 2008.~~

26 *SEC. 4. Section 21800 of the Vehicle Code is amended to read:*

27 21800. (a) The driver of a vehicle approaching an intersection
28 shall yield the right-of-way to any vehicle which has entered the
29 intersection from a different highway.

30 (b) (1) When two vehicles enter an intersection from different
31 highways at the same time, the driver of the vehicle on the left
32 shall yield the right-of-way to the vehicle on his or her immediate
33 right, except that the driver of any vehicle on a terminating highway
34 shall yield the right-of-way to any vehicle on the intersecting
35 continuing highway.

36 (2) For the purposes of this section, “terminating highway”
37 means a highway which intersects, but does not continue beyond
38 the intersection, with another highway which does continue beyond
39 the intersection.

1 (c) When two vehicles enter an intersection from different
2 highways at the same time and the intersection is controlled from
3 all directions by stop signs, the driver of the vehicle on the left
4 shall yield the right-of-way to the vehicle on his or her immediate
5 right.

6 (d) (1) The driver of any vehicle approaching an intersection
7 which has official traffic control signals that are inoperative shall
8 stop at the intersection, and may proceed with caution when it is
9 safe to do so. ~~This subparagraph shall apply to traffic control
10 signals that become inoperative because of battery failure.~~

11 (2) When two vehicles enter an intersection from different
12 highways at the same time, and the official traffic control signals
13 for the intersection are inoperative, the driver of the vehicle on the
14 left shall yield the right-of-way to the vehicle on his or her
15 immediate right, except that the driver of any vehicle on a
16 terminating highway shall yield the right-of-way to any vehicle
17 on the intersecting continuing highway.

18 (e) This section does not apply to any of the following:

19 (1) Any intersection controlled by an official traffic control
20 signal or yield right-of-way sign.

21 (2) Any intersection controlled by stop signs from less than all
22 directions.

23 (3) When vehicles are approaching each other from opposite
24 directions and the driver of one of the vehicles intends to make,
25 or is making, a left turn.

26 ~~SECTION 1. The Legislature finds and declares all of the
27 following:~~

28 ~~(a) Legislation has been introduced in the United States
29 Congress that, when enacted, will make appropriations of federal
30 funds for various purposes, including job preservation and creation,
31 infrastructure investment, energy efficiency and science, assistance
32 to the unemployed, and state and local government fiscal
33 stabilization. This act, known as the American Recovery and
34 Reinvestment Act of 2009, is expected to provide between \$40
35 billion and \$85 billion nationally in transportation funding for a
36 variety of mass transit and highway projects.~~

37 ~~(b) It is the intent of the Legislature to implement the
38 expenditure of federal transportation funds apportioned to the state
39 under the act as expeditiously as possible and in accordance with
40 federal law.~~

1 ~~(e) It is in the interest of the state to ensure that the funds~~
2 ~~apportioned to the state under the act are fully obligated within~~
3 ~~the constraints of the act.~~

4 ~~(d) The investment of these federal transportation funds should~~
5 ~~be guided by both of the following principles:~~

6 ~~(1) Investment in transportation projects should stimulate job~~
7 ~~creation in the near term and support economic activity in the long~~
8 ~~term.~~

9 ~~(2) Transportation projects funded by the act should contribute~~
10 ~~to a transportation system that is environmentally sustainable,~~
11 ~~allowing for mobility of goods and people in the cleanest and most~~
12 ~~efficient manner possible. Funding should support the development~~
13 ~~and deployment of new technology that has the potential to address~~
14 ~~the interrelated problems of transportation, air quality, and climate~~
15 ~~change.~~

16 ~~SEC. 2. This act is an urgency statute necessary for the~~
17 ~~immediate preservation of the public peace, health, or safety within~~
18 ~~the meaning of Article IV of the Constitution and shall go into~~
19 ~~immediate effect. The facts constituting the necessity are:~~

20 ~~In order to implement expenditure of federal transportation funds~~
21 ~~made available by Congress as part of the economic stimulus~~
22 ~~legislation as quickly as possible, it is necessary that this act take~~
23 ~~effect immediately.~~