

AMENDED IN SENATE AUGUST 14, 2012

AMENDED IN ASSEMBLY MAY 10, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 845

Introduced by Assembly Member Ma

February 17, 2011

An act to *amend Section 40002 of, and to add Section 2704.76 to the Streets and Highways Code, relating to transportation 40059.3 to, the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

AB 845, as amended, Ma. ~~Transportation: bond funds.~~ *Solid waste: place of origin.*

The California Integrated Waste Management Act of 1989 allows each county, city, or district to determine aspects of solid waste handling that are of local concern and the means by which the services are to be provided.

This bill would prohibit an ordinance enacted by a city or county, including an ordinance enacted by initiative by the voters of a city or county, from otherwise restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin. The bill would provide that this prohibition does not require a privately owned or operated solid waste facility to accept certain waste, does not allow a privately owned solid waste facility to abrogate certain agreements, does not prohibit a city, county, or regional agency from requiring a privately owned solid waste facility to guarantee permitted capacity to a host jurisdiction, and does not otherwise supersede or affect the land use authority of a city or county.

~~Existing law, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes, including \$950 million to be allocated by the California Transportation Commission to eligible recipients for capital improvements to intercity and commuter rail lines and urban rail transit systems in connection with or otherwise related to the high-speed train system. Of this amount, 80% is to be allocated to eligible commuter and urban rail recipients based on track miles, vehicle miles, and passenger trips pursuant to guidelines to be adopted by the commission. A dollar-for-dollar match is to be provided by a commuter and urban rail recipient for bond funds received.~~

~~This bill would require the guidelines adopted by the commission to determine the funding share for each eligible commuter and urban rail recipient to use the distribution factors gathered from the 2007 Data Tables of the National Transit Database of the Federal Transit Administration. The bill would require the commission to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient and would require matching funds provided by the recipient to be from nonstate funds. The bill would define “nonstate matching funds” for purposes of these bond fund allocations to mean local, federal, and private funds, as well as state funds available to an eligible recipient that are not subject to allocation by the commission.~~

~~Vote: majority. 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 40002 of the Public Resources Code is
- 2 amended to read:
- 3 40002. (a) As an essential part of the state’s comprehensive
- 4 program for solid waste management, and for the preservation of
- 5 health and safety, and the well-being of the public, the Legislature
- 6 declares that it is in the public interest for the state, as sovereign,
- 7 to authorize and require local agencies, as subdivisions of the state,
- 8 to make adequate provision for solid waste handling, both within
- 9 their respective jurisdictions and in response to regional needs
- 10 consistent with the policies, standards, and requirements of this
- 11 division and all regulations adopted pursuant to this division. ~~The~~

1 ~~provisions of this~~ *This division, which authorize and require*
2 *authorizes and requires* local agencies to provide adequate solid
3 waste handling and services, and the actions of local agencies taken
4 pursuant ~~thereto to this division~~, are intended to implement this
5 state policy.

6 *(b) The Legislature further declares that restrictions on the*
7 *disposal of solid waste that discriminate on the basis of the place*
8 *of origin of the waste are an obstacle to, and conflict with,*
9 *statewide and regional policies to ensure adequate and appropriate*
10 *capacity for solid waste disposal.*

11 *SEC. 2. Section 40059.3 is added to the Public Resources Code,*
12 *to read:*

13 *40059.3. (a) An ordinance adopted by a city or county or an*
14 *ordinance enacted by initiative by the voters of a city or county*
15 *shall not restrict or limit the importation of solid waste into a*
16 *privately owned facility in that city or county based on the place*
17 *of origin.*

18 *(b) This section does not do any of the following:*

19 *(1) Require a privately owned solid waste facility or privately*
20 *operated solid waste facility to accept solid waste from outside*
21 *the city or county where the facility is located.*

22 *(2) Allow a privately owned solid waste facility to abrogate a*
23 *written agreement guaranteeing permitted capacity to a host*
24 *jurisdiction, including a regional agency.*

25 *(3) Prohibit a city, county, or regional agency from requiring*
26 *a privately owned solid waste facility to guarantee permitted*
27 *capacity to a host jurisdiction, including a regional agency.*

28 *(4) Supersede or otherwise affect the land use authority of a*
29 *city or county, including, but not limited to, planning, zoning, and*
30 *permitting, or an ordinance lawfully adopted pursuant to that land*
31 *use authority.*

32 ~~SECTION 1. Section 2704.76 is added to the Streets and~~
33 ~~Highways Code, to read:~~

34 ~~2704.76. (a) For the guidelines adopted by the commission~~
35 ~~pursuant to paragraph (3) of subdivision (a) of Section 2704.095,~~
36 ~~the funding share for each eligible recipient shall be determined~~
37 ~~using the distribution factors gathered from the 2007 Data Tables~~
38 ~~of the National Transit Database of the Federal Transit~~
39 ~~Administration.~~

1 ~~(b) The commission shall accept from each eligible recipient a~~
2 ~~priority list of projects up to the target amount expected to be~~
3 ~~available for the recipient. Each project shall meet the criteria set~~
4 ~~forth in subdivisions (e) to (j), inclusive, of Section 2704.095. The~~
5 ~~commission shall require that the matching funds to be provided~~
6 ~~by each eligible recipient pursuant to subdivision (f) shall be~~
7 ~~nonstate funds. The nonstate matching funds shall be matched to~~
8 ~~the phase programmed with bond funds made available pursuant~~
9 ~~to Section 2704.095. The match for commuter and urban rail~~
10 ~~projects shall begin with the expenditures that date from the~~
11 ~~adoption of the program for expenditure of these bond funds.~~

12 ~~(e) For the purposes of this section, “nonstate funds” means~~
13 ~~local, federal, and private funds, as well as state funds available~~
14 ~~to an eligible recipient that are not subject to allocation by the~~
15 ~~commission.~~