

**ASSEMBLY BILL**

**No. 1770**

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**Introduced by Assembly Member Bonnie Lowenthal**

February 17, 2012

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An act to amend Section 64102 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1770, as introduced, Bonnie Lowenthal. California Transportation Financing Authority.

Existing law creates the California Transportation Financing Authority, with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed, in whole or in part, by various revenue streams of transportation funds, and toll revenues under certain conditions, in order to increase the construction of new capacity or improvements for the state transportation system consistent with specified goals. Existing law defines “project” for these purposes to include, among other things, a rail project.

This bill would provide that a rail project may consist of, or include, rolling stock.

Existing law requires a project undertaken under these provisions to be supplemental to or improve existing facilities currently owned and operated by an eligible project sponsor, as defined.

This bill would instead require a project to be supplemental to or improve existing facilities currently owned or operated by the project sponsor.

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. Section 64102 of the Government Code is  
2 amended to read:

3 64102. As used in this division, the following terms shall have  
4 the following meanings, unless the context clearly indicates or  
5 requires another or different meaning or intent:

6 (a) “Authority” shall mean the California Transportation  
7 Financing Authority.

8 (b) “Bonds” shall mean bonds, notes, debentures, commercial  
9 paper, or any other evidence of indebtedness, lease, installment,  
10 sale, or certificate of participation thereon, issued by the authority  
11 or a project sponsor pursuant to this division.

12 (c) “Commission” shall mean the California Transportation  
13 Commission.

14 (d) “Cost,” as applied to a project or portion of a project financed  
15 under this division, shall mean and include all or any part of the  
16 cost of construction and acquisition of all lands, structures, real or  
17 personal property rights, rights-of-way, franchises, easements, and  
18 interests acquired or used for a project, the cost of demolishing or  
19 removing any buildings or structures on land so acquired, including  
20 the cost of acquiring any lands to which those buildings or  
21 structures may be moved, the cost of all machinery and equipment,  
22 financing charges, interest prior to, during, and for a period not to  
23 exceed the later of one year or one year following completion of  
24 construction, as determined by the authority, the cost of insurance  
25 during construction, the cost of funding or financing noncapital  
26 expenses, reserves for principal and interest and for extensions,  
27 enlargements, additions, replacements, renovations, and  
28 improvements, the cost of engineering, architectural, financial,  
29 legal, and other necessary services, plans, specifications, studies,  
30 surveys, estimates, administrative expenses, and other expenses  
31 of funding or financing, that are necessary or incident to  
32 determining the feasibility of any project, or that are incident to  
33 the construction, rehabilitation, acquisition, or financing of any  
34 project.

35 (e) “Department” shall mean the Department of Transportation.

36 (f) “Project” shall mean and include all or a portion of the  
37 planning, design, development, finance, construction,  
38 reconstruction, rehabilitation, improvement, acquisition, lease,

1 operation, or maintenance of highway, public street, rail, bus, or  
2 related facilities supplemental to or improvements upon existing  
3 facilities currently owned ~~and~~ or operated by the department or  
4 other project sponsor. *A rail project may consist of, or include,*  
5 *rolling stock.*

6 (g) “Project sponsor” shall mean either the department, a  
7 regional transportation planning agency designated pursuant to  
8 Section 29532 or 29532.1, a county transportation commission as  
9 defined in Section 130050, 130050.1, or 130050.2 of the Public  
10 Utilities Code, any other local or regional transportation entity that  
11 is designated by statute as a regional transportation agency, or a  
12 joint exercise of powers authority as defined in Chapter 5  
13 (commencing with Section 6500) of Division 7 of Title 1 or an  
14 agency designated pursuant to Section 66531 to submit the county  
15 transportation plan, with the consent of a transportation planning  
16 agency or a county transportation commission for the jurisdiction  
17 in which the transportation project will be developed.

18 (h) “Working capital” means moneys to be used by, or on behalf  
19 of, a project sponsor to pay or prepay maintenance or operation  
20 expenses or any other costs that would be treated as an expense  
21 item, under generally accepted accounting principles, in connection  
22 with the ownership or operation of a project, including, but not  
23 limited to, reserves for maintenance or operation expenses, interest  
24 for not to exceed one year on any loan for working capital made  
25 pursuant to this division, and reserves for debt service with respect  
26 to, and any costs necessary or incidental to, that financing.

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