

Senate Bill No. 204

Passed the Senate August 31, 2012

Secretary of the Senate

Passed the Assembly August 29, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 14528.56 of, and to add Sections 14528.57 and 14528.67 to, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, Liu. Local alternative transportation improvement program.

Under existing law, if the Department of Transportation determines that real property or an interest therein, previously or hereafter acquired by the state for highway purposes, is no longer necessary for those purposes, the Department of Transportation is authorized to sell, contract to sell, sell by trust deed, or exchange the real property or interest therein in the manner and upon terms, standards, and conditions established by the California Transportation Commission.

Existing law authorizes the commission, in cooperation with the regional transportation planning agencies, to prescribe study areas for analysis and evaluation by those agencies and guidelines for the preparation of the regional transportation plans.

Existing law, in order to resolve local transportation problems resulting from the infeasibility of planned state transportation facilities on certain state highway routes, authorizes specified cities and counties to develop and file with the commission a local alternative transportation improvement program that addresses transportation problems and opportunities in the county that was to be served by the planned facilities. Existing law creates the Los Angeles County Metropolitan Transportation Authority (LACMTA) and makes it responsible for, among other things, the establishment of overall goals and objectives to achieve optimal transport service for the movement of goods and people on a countywide basis.

This bill would, for purposes of preserving the funding capacity for LACMTA to make transportation investment choices within the State Highway Route 710 Study Area, as defined, authorize LACMTA in consultation with the department and jointly with specified cities, to develop and file with the commission a local

alternative transportation improvement program that addresses transportation problems and opportunities in specified cities. The bill would require the commission to have the final authority regarding the content and approval of the local alternative transportation improvement program. The bill would require all proceeds from the sale of the specified excess properties, except as specified, to be allocated by the commission to fund the approved local alternative transportation improvement program, with not less than 25% of the proceeds to be allocated to certain soundwall projects, as specified. The bill would require the commission and the department to declare as excess state properties, the surface estates of certain properties, acquired for the Route 710 surface freeway extension and require the department to expeditiously release those properties for sale, as specified. The bill would require that tenants in good standing of nonresidential properties be offered a right of first refusal to purchase at fair market value the property. The bill would provide that the sale proceeds may not be used on any activity to advance any subsurface alternative for the Route 710 North Gap Closure Project.

Existing law imposes various requirements on these local alternative transportation improvement programs including that the department is required to maintain a specified account for each local alternative transportation improvement program into which it will deposit the funds derived from the sale of the respective excess properties. Existing law also requires a specified local alternative transportation improvement program to include various housing programs, including, but not limited to, relocation assistance, relocation advice and moving expenses, and replacement housing units.

This bill would make the local alternative transportation improvement program in the State Highway Route 710 Study Area subject to those account and deposit requirements and would authorize LACMTA, with the concurrence of the commission and the department, to advance a project included in the local alternative transportation improvement program in the study area prior to the availability of sufficient funds, as specified. The bill would make certain of those housing program provisions applicable to the local alternative transportation improvement program in the State Highway Route 710 Study Area.

The bill would enact other related provisions.

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

SECTION 1. Section 14528.56 of the Government Code is amended to read:

14528.56. The following shall pertain to local alternative transportation improvement programs developed and approved pursuant to Sections 14528.5, 14528.55, and 14528.57:

(a) The department shall maintain a separate account in the state's Special Deposit Fund for each approved local alternative transportation improvement program into which it will deposit the funds derived from the sale of the respective excess properties pursuant to subdivision (c) of Section 14528.5, subdivision (c) of Section 14528.55, and subdivision (c) of Section 14528.57. All proceeds received by the department from the sale of those excess properties that are available pursuant to those subdivisions for the respective local alternative transportation improvement programs, less reimbursement for costs incurred by the department for administration of each account, shall be deposited in each respective account, along with all interest earnings generated by the funds in the respective account.

(b) Funds in each account shall be available for expenditure by the local agencies for projects designated in the respective local alternative transportation improvement program approved by the commission pursuant to Section 14528.5, 14528.55, or 14528.57.

(c) This section applies only to State Highway Routes 84, 238, and 710, and to the local alternative transportation programs approved pursuant to Section 14528.5, 14528.55, or 14528.57.

(d) Section 14528.8 does not apply to projects undertaken pursuant to Section 14528.5, 14528.55, or 14528.57.

(e) (1) A local jurisdiction may, with the concurrence of the appropriate transportation planning agency, the commission, and the department, advance a project included in the local alternative transportation improvement programs approved under Section 14528.5 or 14528.55 prior to the availability of sufficient funds from the sale of respective excess properties, through the use of its own funds. A project advanced in this manner shall be deliverable by the state, or by the local jurisdiction pursuant to agreement, when proposed by the local jurisdiction. Advancement of a project or projects shall not change the priority for funding

and delivery of all projects within each respective approved local alternative transportation improvement program.

(2) The Los Angeles County Metropolitan Transportation Authority (LACMTA) may, with the concurrence of the commission and the department, advance a project included in the local alternative transportation improvement program approved under Section 14528.57 prior to availability of sufficient funds from the sale of the respective excess properties, through the use of its own funds or funds otherwise available to LACMTA, subject to such terms and conditions as are mutually agreeable to the commission, the department, the cities with which the local alternative improvement plan was developed, and LACMTA.

(f) A local agency may enter into an agreement with the appropriate transportation planning agency, the department, and the commission to use its own funds to develop, purchase right-of-way for, and construct a transportation project within its jurisdiction if the project is one that is included in the respective local alternative transportation improvement program and is funded by the individual account established in the Special Deposit Fund pursuant to subdivision (a), and meets all of the following requirements:

(1) Pursuant to the agreement, and from funds allocated by the commission for the project when scheduled in the local alternative transportation improvement program, the department shall reimburse the local agency for the actual cost of constructing the project, including the acquisition of right-of-way. Interest or other debt service costs incurred by local agencies to finance right-of-way acquisition or construction for the project are not reimbursable. Reimbursement made to a local agency pursuant to this subdivision shall be made from the respective account established in the Special Deposit Fund.

(2) The amount actually reimbursed to the local agency under paragraph (1) shall be the amount expended by the local agency for right-of-way and construction. If the expenditure of local funds does not result in the completion of an operable segment of a transportation project, reimbursement shall be limited to the actual amount expended by the local agency for right-of-way or partial construction, with no escalation factor.

(3) Pursuant to the agreement, and from funds allocated by the commission for the project when it was scheduled in the local

respective alternative transportation improvement program, the department shall reimburse the local agency for the actual cost of developing the project with local funds pursuant to this subdivision. Reimbursement of project development costs shall not exceed 20 percent of estimated construction costs. In no case shall this reimbursement exceed any lesser amount mutually agreed to by the department, commission, and local agency.

(4) Reimbursements made to local agencies pursuant to this section for expenditures of local voter-approved sales and use tax revenues shall be used for the same purposes for which the imposition of the sales and use tax is authorized.

(5) The commission, in consultation with the department and local transportation officials, shall develop and adopt guidelines to implement this subdivision.

(g) At the time of its approval of the respective local alternative transportation improvement program, the commission, in consultation with the department and representatives from regional and local agencies, shall also incorporate, into the state transportation improvement program guidelines, additional guidelines specific to the local alternative transportation improvement program. The additional guidelines shall include, but need not be limited to, criteria for project applications, estimation of costs, assessment of capability to complete the project, allocation of funds to project phases, timely expenditure of funds, management of changes to cost, scope, and schedules, assessment of progress in implementing projects, and audit requirements.

SEC. 2. Section 14528.57 is added to the Government Code, to read:

14528.57. (a) For purposes of preserving the funding capacity for the Los Angeles County Metropolitan Transportation Authority (LACMTA) to make transportation investment choices within the State Highway Route 710 Study Area, LACMTA, in consultation with the department, acting as the transportation planning agency having transportation planning and programming jurisdiction over the cities and portions of the County of Los Angeles in the State Highway Route 710 Study Area, and only if acting jointly with the cities in which any excess properties are located, may develop and file with the commission a local alternative transportation

improvement program that addresses transportation problems and opportunities in those cities and as provided in subdivision (d).

(b) The commission shall have the final authority regarding the content and approval of the local alternative transportation improvement program, which approval shall include a finding by the commission that the plan includes feasible funding, plans, and capacity to meet the requirements of this section and Section 14528.67. However, the program content and approval process shall be consistent with that process as previously developed by the commission in implementing a local alternative transportation program pursuant to Sections 14528.5 and 14528.55.

(c) The commission and the department shall declare as excess state properties the surface estates of any properties acquired for construction of the State Highway Route 710 extension in Pasadena, South Pasadena, Alhambra, and the City of Los Angeles, upon the elimination of a surface freeway construction alternative from further consideration in the environmental review of the State Highway Route 710 North Gap Closure Project, or completion of the draft environmental impact report (EIR) and selection by the department of the locally preferred alternative for that project, whichever occurs first. The department shall then proceed expeditiously to release those excess properties for sale in accordance with other provisions of law. Tenants in good standing of nonresidential properties shall be offered a right of first refusal to purchase at fair market value the property they rent, lease, or otherwise legally occupy.

(d) All proceeds from the sale of the excess properties, less any reimbursements due to the federal government and all costs incurred in the sale of those excess properties, shall be allocated by the commission to fund the approved local alternative transportation improvement program, provided that not less than 25 percent of those proceeds are allocated to construction of soundwalls on State Highway Route 210 between State Highway Route 2 West and State Highway Route 19 South, and the proceeds allocated by this subdivision shall not be subject to Sections 188 and 188.8 of the Streets and Highways Code. Except as provided in Section 14528.67, the proceeds shall be used only for projects included in the local alternative transportation improvement program.

(e) No proceeds from the sale of excess properties shall be spent on any activity to advance any subsurface alternative as the State Highway Route 710 North Gap Closure Project, including, but not limited to, all planning, studying, staffing, or construction.

(f) For purposes of this section, “excess properties” means those properties previously acquired but no longer required to construct a surface freeway project in the State Highway Route 710 Study Area.

(g) For purposes of this section, the “State Highway Route 710 Study Area” means the portion of the County of Los Angeles identified through the scoping process for the State Highway Route 710 North Gap Closure Project environmental assessment.

SEC. 3. Section 14528.67 is added to the Government Code, to read:

14528.67. A local alternative transportation improvement program, approved pursuant to Section 14528.57, shall include all of the following:

(a) A program to provide relocation assistance for residents eligible for relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1, and guidelines adopted pursuant to Section 50460 of the Health and Safety Code.

(b) A program to provide relocation assistance for all lower income households, regardless of their eligibility for assistance pursuant to subdivision (a), who will be displaced from their residences because of actions taken to implement the local alternative improvement transportation program, including sale or removal of their residences. To be eligible for assistance pursuant to this subdivision, lower income households shall have occupied their residence within one year of the date that the local alternative transportation improvement program was approved by the commission. The program shall comply with the requirements, except eligibility requirements, of Chapter 16 (commencing with Section 7260) of Division 7 of Title 1, and with guidelines adopted pursuant to Section 50460 of the Health and Safety Code.

(c) A program to provide all persons or families who are not otherwise eligible for assistance pursuant to subdivisions (a) and (b) with relocation advice and moving expenses, as defined in Section 7261 and subdivisions (a) and (b) of Section 7262.

(d) A program to provide replacement housing units for persons and families of low or moderate income at an affordable housing cost. At a minimum, the program shall provide that the total number of new units for persons or families of low or moderate income to be provided shall be equal to or greater than the number of units occupied by persons or families of low or moderate income displaced by the local alternative transportation improvement program, and that the total number of new housing units to be provided for lower income households shall be equal to or greater than the number of units occupied by lower income households displaced by the local alternative transportation improvement program. The number of units so provided shall be determined at least one year prior to the date the commission approves the local alternative transportation improvement program. If it is not feasible to replace the total number of units required on surplus public property, other types of property shall be used in order to provide the replacement units. Replacement of the units shall be completed within four years of the date the persons or families are displaced or, if unoccupied, from the date of demolition or removal. Unoccupied units shall be replaced in the same ratio as units occupied by persons and families of low and moderate income in the right-of-way. It shall be an objective of the program that, where financially feasible, the number of new housing units for persons and families of low or moderate income shall be not less than 20 percent of all new housing units developed on the aggregate surplus public property.

(e) For purposes of this section, the terms “affordable housing cost,” “lower income households,” and “persons and families of low or moderate income” shall be defined as provided in Division 31 (commencing with Section 50000) of the Health and Safety Code.

(f) Unless specifically stated, this section shall in no way reduce or limit any requirements for the provision of housing for persons or families of low or moderate income as contained in any other provision of law, including, but not limited to, Article 8.5 (commencing with Section 54235) of Chapter 5 of Part 1 of Division 2 of Title 5.

Approved _____, 2012

Governor