

AMENDED IN ASSEMBLY MARCH 5, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 431**

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**Introduced by Assembly Member Mullin**

February 15, 2013

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An act to ~~amend Section 66631 of~~ *add Chapter 2.55 (commencing with Section 65087) to Division 1 of Title 7 of the Government Code, relating to regional planning.*

LEGISLATIVE COUNSEL'S DIGEST

AB 431, as amended, Mullin. ~~San Francisco Bay Conservation and Development Commission: San Francisco Bay Plan: review. Regional transportation plan: sustainable communities strategy: funding.~~

*Existing law requires certain transportation planning activities by designated transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated by federal law as metropolitan planning organizations to adopt. Existing law requires metropolitan planning organizations, as part of the regional transportation plan in urban areas, a sustainable communities strategy, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region.*

*This bill would authorize a transportation planning agency that is designated as a metropolitan planning organization to impose a transactions and use tax within all or a specified portion of its jurisdiction upon approval of an ordinance and subject to voter approval. The bill would require the ordinance to contain an expenditure plan, with not less than 25% of available net revenues to be spent on*

*each of the 3 categories of transportation, affordable housing, and parks and open space, in conformity with the sustainable communities strategy, with the remaining net available revenues to be spent for purposes determined by the transportation planning agency to help attain the goals of the sustainable communities strategy.*

~~Existing law creates the San Francisco Bay Conservation and Development Commission and requires the commission to make a continuing review of the San Francisco Bay Plan, which is a comprehensive and enforceable plan for the conservation of the water in the San Francisco Bay and the development of its shoreline. Existing law requires the commission, in making the review, to coordinate its planning with planning by local agencies and, to avoid duplication of work, to make maximum use of data and information available from various planning programs such as the State Office of Planning and Research and the San Francisco Bay Regional Water Quality Control Board.~~

~~The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county San Francisco Bay Area with comprehensive regional transportation planning and other related responsibilities.~~

~~This bill would require the commission to also make maximum use of data and information available from the planning programs of the Metropolitan Transportation Commission.~~

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. Chapter 2.55 (commencing with Section 65087)  
2     is added to Division 1 of Title 7 of the Government Code, to read:

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4             CHAPTER 2.55. SUSTAINABLE COMMUNITIES STRATEGY  
5                     TRANSACTIONS AND USE TAX

6  
7     65087. (a) A transportation planning agency that is designated  
8     as a metropolitan planning organization pursuant to Section 134  
9     of Title 23 of the United States Code may, subject to approval of  
10    an ordinance pursuant to Section 65087.1 and voter approval  
11    pursuant to Section 65087.2, impose a transactions and use tax  
12    within all or a portion of its jurisdiction for the purpose of

1 *achieving the goals of the sustainable communities strategy*  
2 *required pursuant to paragraph (2) of subdivision (b) of Section*  
3 *65080.*

4 *(b) A transportation planning agency that includes territory of*  
5 *more than one county, or portions of a county, may elect to exclude*  
6 *one or more counties from the transactions and use tax ordinance.*

7 *(c) As part of the ordinance under Section 65087.1, the*  
8 *transportation planning agency shall adopt an expenditure plan*  
9 *for the net revenues to be generated by the transactions and use*  
10 *tax. The expenditure plan shall include funding for transportation,*  
11 *affordable housing, and parks and open space in conformity with*  
12 *the sustainable communities strategy for the region and its*  
13 *priorities. Not less than 25 percent of available net revenues shall*  
14 *be allocated under the expenditure plan to each of these three*  
15 *categories. Available net revenues not used for these purposes*  
16 *shall be available for purposes determined by the transportation*  
17 *planning agency to assist in attaining the goals of the sustainable*  
18 *communities strategy adopted for the region.*

19 *65087.1. To impose the transactions and use tax authorized*  
20 *under this chapter, both of the following shall be required:*

21 *(a) An ordinance proposing the tax and the expenditure plan*  
22 *and submitting the tax and expenditure plan to the voters for*  
23 *approval shall be approved by a majority of the governing board*  
24 *of the transportation planning agency.*

25 *(b) The voters within the jurisdiction of the transportation*  
26 *planning agency, or a portion of that jurisdiction pursuant to*  
27 *subdivision (b) of Section 65087, approve the ballot measure*  
28 *pursuant to Section 65087.2. For purposes of voter approval, the*  
29 *ordinance will be approved if the requisite number of voters from*  
30 *all areas cumulatively voting on the measure approve the*  
31 *ordinance.*

32 *65087.2. The transportation planning agency may call a special*  
33 *election for the purposes of submitting the ordinance containing*  
34 *the tax and the expenditure plan to the voters within the jurisdiction*  
35 *of the transportation planning agency, or a portion of that*  
36 *jurisdiction pursuant to subdivision (b) of Section 65087. The*  
37 *election shall be consolidated with a statewide primary or general*  
38 *election specified by the transportation planning agency.*

39 ~~SECTION 1. Section 66631 of the Government Code is~~  
40 ~~amended to read:~~

1     ~~66631. In making the review, the commission shall cooperate~~  
2 ~~to the fullest extent possible with the Association of Bay Area~~  
3 ~~Governments; and shall, to the fullest extent possible, coordinate~~  
4 ~~its planning with planning by local agencies, which shall retain~~  
5 ~~the responsibility for local land use planning. To avoid duplication~~  
6 ~~of work, the commission shall make maximum use of data and~~  
7 ~~information available from the planning programs of the State~~  
8 ~~Office of Planning and Research, the Association of Bay Area~~  
9 ~~Governments, the San Francisco Bay Regional Water Quality~~  
10 ~~Control Board, the Metropolitan Transportation Commission, the~~  
11 ~~cities and counties in the San Francisco Bay area, and other public~~  
12 ~~and private planning agencies.~~