

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

ASSEMBLY BILL

No. 466

Introduced by Assembly Member Quirk-Silva

February 19, 2013

An act to amend Section ~~99214~~ 182.7 of the ~~Public Utilities~~ *Streets and Highways Code*, relating to ~~public transit transportation~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 466, as amended, Quirk-Silva. ~~Public transportation: local transportation fund.~~ *Federal transportation funds.*

Existing law provides for the allocation of certain federal transportation funds apportioned to the state between state purposes administered by the Department of Transportation and local and regional purposes administered by various regional agencies, including funds made available under the federal Congestion Mitigation and Air Quality Improvement Program, as specified.

This bill would require the department to allocate federal funds to regional agencies under the federal Congestion Mitigation and Air Quality Improvement Program based on a weighted formula that considers population and pollution in a given area, as specified.

~~Existing law provides for the allocation by the designated transportation planning agency of funds in a county's local transportation fund derived from $\frac{1}{4}$ % of the sales tax to transit operators for public transportation purposes and, in certain cases, to cities and counties for street and road purposes. Existing law defines "transportation planning agency" for these purposes.~~

~~This bill would make a nonsubstantive change to this definitional provision.~~

Vote: 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 182.7 of the Streets and Highways Code
2 is amended to read:
3 182.7. (a) Notwithstanding Sections 182 and 182.5, Sections
4 188, 188.8, and 825 do not apply to the expenditure of an amount
5 of federal funds equal to the amount of federal funds apportioned
6 to the state pursuant to ~~subsection (b)(2) of Section 104~~ 104(b)(4)
7 of Title 23 of the United States Code. These funds shall be known
8 as the congestion mitigation and air quality program funds and
9 shall be expended in accordance with Section 149 of Title 23 of
10 the United States Code. The department, the transportation planning
11 agencies, and the metropolitan planning organizations may do all
12 things necessary in their jurisdictions to secure and expend those
13 federal funds in accordance with the intent of federal law and this
14 chapter.
15 (b) The congestion mitigation and air quality program funds;
16 ~~including any funds to which subsection (c) of Section 110 of Title~~
17 ~~23 of the United States Code, as added by subdivision (a) of~~
18 ~~Section 1310 of Public Law 105-178, applies,~~ shall be apportioned
19 by the department to the metropolitan planning organizations
20 designated pursuant to Section 134 of Title 23 of the United States
21 Code and, in areas where none has been designated, to the
22 transportation planning agency established by Section 29532 *or*
23 29532.1 of the Government Code. ~~The All funds apportioned to~~
24 ~~the state pursuant to Section 104(b)(4) of Title 23 of the United~~
25 ~~States Code shall be apportioned to metropolitan planning~~
26 ~~organizations and transportation planning agencies responsible for~~
27 ~~air quality conformity determinations in federally designated air~~
28 ~~quality nonattainment and maintenance areas within the state in~~
29 ~~the manner and in accordance with the formula set forth in~~
30 ~~subsection (b)(2) of Section 104 of Title 23 of the United States~~
31 ~~Code. Funds apportioned as follows:~~
32 (1) *The department shall apportion these funds in the ratio that*
33 ~~the weighted nonattainment and maintenance population in each~~
34 ~~federally designated area within the state bears to the total of all~~

1 *weighted nonattainment and maintenance area populations in the*
2 *state.*

3 (2) *Subject to paragraph (3), the weighted nonattainment and*
4 *maintenance area population shall be calculated by multiplying*
5 *the population of each area in the state that is a nonattainment*
6 *area or maintenance area as described in Section 149(b) of Title*
7 *23 of the United States Code for ozone or carbon monoxide by the*
8 *following factors:*

9 (A) *A factor of 1.0, if, at the time of apportionment, the area is*
10 *a maintenance area.*

11 (B) *A factor of 1.0, if, at the time of the apportionment, the area*
12 *is classified as a marginal ozone nonattainment area under Subpart*
13 *2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et*
14 *seq.).*

15 (C) *A factor of 1.1, if, at the time of the apportionment, the area*
16 *is classified as a moderate ozone nonattainment area under*
17 *Subpart 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec.*
18 *7511 et seq.).*

19 (D) *A factor of 1.2, if, at the time of the apportionment, the area*
20 *is classified as a serious ozone nonattainment area under Subpart*
21 *2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et*
22 *seq.).*

23 (E) *A factor of 1.3, if, at the time of the apportionment, the area*
24 *is classified as a severe ozone nonattainment area under Subpart*
25 *2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et*
26 *seq.).*

27 (F) *A factor of 1.4, if, at the time of the apportionment, the area*
28 *is classified as an extreme ozone nonattainment area under Subpart*
29 *2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et*
30 *seq.).*

31 (G) *A factor of 1.0, if, at the time of the apportionment, the area*
32 *is not a nonattainment or maintenance area for ozone, but is*
33 *classified under Subpart 3 of Part D of Title I of the Clean Air Act*
34 *(42 U.S.C. Sec. 7512 et seq.) as a nonattainment area for carbon*
35 *monoxide.*

36 (H) *A factor of 1.0, if, at the time of apportionment, an area is*
37 *designated as a nonattainment area for ozone under Subpart 1 of*
38 *Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et seq.).*

39 (3) *If, in addition to being designated as a nonattainment or*
40 *maintenance area for ozone as described in paragraph (2), any*

1 county within the area is also classified under Subpart 3 of Part
2 D of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et seq.) as
3 a nonattainment or maintenance area described in paragraph (2)
4 for carbon monoxide, the weighted nonattainment or maintenance
5 area population of the county, as determined under subparagraphs
6 (A) to (F), inclusive, or subparagraph (H) of paragraph (2), shall
7 be further multiplied by a factor of 1.2.

8 (4) Funds allocated under this subdivision shall remain available
9 for three federal fiscal years, including the federal fiscal year
10 apportioned. ~~Notwithstanding the foregoing, the formula for~~
11 ~~distributing apportionments made to metropolitan planning~~
12 ~~organizations and transportation planning agencies eligible for~~
13 ~~funding according to subsection (b)(2) of Section 104 of Title 23~~
14 ~~of the United States Code shall, for the 2007 and 2008 federal~~
15 ~~fiscal years, provide apportionments for the Monterey Bay and~~
16 ~~Santa Barbara regions such that each shall receive 50 percent of~~
17 ~~its 2005 apportionment in federal fiscal year 2007 and 25 percent~~
18 ~~of its 2005 apportionment in federal fiscal year 2008.~~

19 (c) Notwithstanding subdivision (b), where county transportation
20 commissions have been created by Division 12 (commencing with
21 Section 130000) of the Public Utilities Code, all congestion
22 mitigation and air quality program funds shall be further
23 apportioned by the metropolitan planning organization to the
24 county transportation commission on the basis of relative
25 population within the federally designated air quality nonattainment
26 and maintenance areas after first apportioning to the nonattainment
27 and maintenance areas in the manner and in accordance with the
28 formula set forth in ~~subsection (b)(2) of Section 104 of Title 23~~
29 ~~of the United States Code~~ *subdivision (b)*.

30 In the Monterey Bay region, all congestion mitigation and air
31 quality improvement program funds shall be further apportioned,
32 on the basis of relative population, by the metropolitan planning
33 organization to the regional transportation planning agencies
34 designated under subdivision (b) of Section 29532 of the
35 Government Code.

36 (d) The department shall notify each metropolitan planning
37 organization, transportation planning agency, and county
38 transportation commission receiving an apportionment under this
39 section, as soon as possible each year, of the amount of obligational
40 authority estimated to be available for expenditure from the federal

1 apportionment. The metropolitan planning organizations,
2 transportation planning agencies, and county transportation
3 commissions, in cooperation with the department, congestion
4 management agencies, cities and counties, and affected transit
5 operators, shall select and program projects in conformance with
6 federal law. Each metropolitan planning organization and
7 transportation planning agency shall, not later than August 1 of
8 each even-numbered year beginning in 1994, submit its
9 transportation improvement program prepared pursuant to Section
10 134 of Title 23 of the United States Code to the department for
11 incorporation into the state transportation improvement program.

12 (e) Not later than July 1 of each year, the metropolitan planning
13 organizations and the regional transportation planning agencies
14 receiving obligational authority under this section, shall notify the
15 department of the projected amount of obligational authority that
16 each entity intends to use during the remainder of the current
17 federal fiscal year, including, but not limited to, a list of projects
18 that will use the obligational authority. Any federal obligational
19 authority that will not be used shall be redistributed by the
20 department to other projects in a manner that ensures that the state
21 will continue to compete for and receive increased obligational
22 authority during the federal redistribution of obligational authority.
23 If the department does not have sufficient federal apportionments
24 to fully use excess obligational authority, the metropolitan planning
25 organization or transportation planning agency relinquishing
26 obligational authority shall make sufficient ~~apportionments~~ *funding*
27 available to the department to fund alternate projects, when
28 practical, within the geographical areas relinquishing the
29 obligational authority. Notwithstanding this subdivision, the
30 department shall comply with subsection (f) of Section 133 of Title
31 23 of the United States Code.

32 (f) The department shall be responsible for closely monitoring
33 the use of federal transportation funds, including congestion
34 management and air quality funds to assure full and timely use.
35 The department shall prepare a quarterly report for submission to
36 the commission regarding the progress in use of all federal
37 transportation funds. The department shall notify the commission
38 and the appropriate implementation agency whenever there is a
39 failure to use federal funds within the three-year apportionment
40 period established under *paragraph (4) of subdivision (b)*.

1 (g) The department shall provide written notice to implementing
2 agencies when there is one year remaining within the three-year
3 apportionment period established under *paragraph (4) of*
4 subdivision (b).

5 (h) Within six months of the date of notification required under
6 subdivision (g), the implementing agency shall provide to the
7 department a plan to obligate funds that includes, but need not be
8 limited to, a list of projects and milestones.

9 (i) If the implementing agency has not met the milestones
10 established in the implementation plan required under subdivision
11 (h), prior to the end of the three-year apportionment period
12 established under *paragraph (4) of* subdivision (b), the commission
13 shall redirect those funds for use on other transportation projects
14 in the state.

15 (j) Congestion mitigation and air quality program funds available
16 under this section exchanged pursuant to Section 182.8 may be
17 loaned to and expended by the department. The department shall
18 repay from the State Highway Account to the Traffic Congestion
19 Relief Fund all funds received as federal reimbursements for funds
20 exchanged under Section 182.8 as they are received from the
21 Federal Highway Administration, except that those repayments
22 are not required to be made more frequently than on a quarterly
23 basis.

24 (k) Prior to determining the amount for local subvention required
25 by this section, the department shall first deduct the amount
26 authorized by the Legislature for increased department oversight
27 of the federal subvented program.

28 ~~SECTION 1. Section 99214 of the Public Utilities Code is~~
29 ~~amended to read:~~

30 ~~99214. (a) "Transportation planning agency" means the entity~~
31 ~~designated in Section 29532 or 29532.1 of the Government Code.~~

32 ~~(b) "Transportation planning agency" also includes, for purposes~~
33 ~~of this chapter, the county transportation commissions created in~~
34 ~~the Counties of Los Angeles, Orange, Riverside, San Bernardino,~~
35 ~~and Ventura pursuant to Division 12 (commencing with Section~~
36 ~~130000).~~

37 ~~(c) "Transportation planning agency" also includes, for purposes~~
38 ~~of this chapter, the Imperial County Transportation Commission~~
39 ~~in Imperial County.~~

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