

AMENDED IN SENATE AUGUST 22, 2013
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 182.7 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 466, as amended, Quirk-Silva. 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.

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 182.7 of the Streets and Highways Code
- 2 is amended to read:

1 182.7. (a) Notwithstanding Sections 182 and 182.5, Sections
2 188, 188.8, and 825 do not apply to the expenditure of an amount
3 of federal funds equal to the amount of federal funds apportioned
4 to the state pursuant to Section 104(b)(4) of Title 23 of the United
5 States Code. These funds shall be known as the congestion
6 mitigation and air quality program funds and shall be expended in
7 accordance with Section 149 of Title 23 of the United States ~~Code.~~
8 *Code, including the requirements relating to particular matter*
9 *less than 2.5 micrometers in diameter in subsections (g) and (k)*
10 *of the section.* 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 shall be apportioned by the department to the metropolitan planning
17 organizations designated pursuant to Section 134 of Title 23 of
18 the United States Code and, in areas where none has been
19 designated, to the transportation planning agency established by
20 Section 29532 or 29532.1 of the Government Code. All funds
21 apportioned to the state pursuant to Section 104(b)(4) of Title 23
22 of the United States Code shall be apportioned to metropolitan
23 planning organizations and transportation planning agencies
24 responsible for air quality conformity determinations in federally
25 designated air quality nonattainment and maintenance areas within
26 the state as follows:

27 (1) The department shall apportion these funds in the ratio that
28 the weighted nonattainment and maintenance population in each
29 federally designated area within the state bears to the total of all
30 weighted nonattainment and maintenance area populations in the
31 state.

32 (2) Subject to paragraph (3), the weighted nonattainment and
33 maintenance area population shall be calculated by multiplying
34 the population of each area in the state that is a nonattainment area
35 or maintenance area as described in Section 149(b) of Title 23 of
36 the United States Code for ozone or carbon monoxide by the
37 following factors:

38 (A) A factor of 1.0, if, at the time of apportionment, the area is
39 a maintenance area.

1 (B) A factor of 1.0, if, at the time of the apportionment, the area
2 is classified as a marginal ozone nonattainment area under Subpart
3 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
4 seq.).

5 (C) A factor of 1.1, if, at the time of the apportionment, the area
6 is classified as a moderate ozone nonattainment area under Subpart
7 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
8 seq.).

9 (D) A factor of 1.2, if, at the time of the apportionment, the area
10 is classified as a serious ozone nonattainment area under Subpart
11 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
12 seq.).

13 (E) A factor of 1.3, if, at the time of the apportionment, the area
14 is classified as a severe ozone nonattainment area under Subpart
15 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
16 seq.).

17 (F) A factor of 1.4, if, at the time of the apportionment, the area
18 is classified as an extreme ozone nonattainment area under Subpart
19 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et
20 seq.).

21 (G) A factor of 1.0, if, at the time of the apportionment, the area
22 is not a nonattainment or maintenance area for ozone, but is
23 classified under Subpart 3 of Part D of Title I of the Clean Air Act
24 (42 U.S.C. Sec. 7512 et seq.) as a nonattainment area for carbon
25 monoxide.

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

30 (3) If, in addition to being designated as a nonattainment or
31 maintenance area for ozone as described in paragraph (2), any
32 county within the area is also classified under Subpart 3 of Part D
33 of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et seq.) as a
34 nonattainment or maintenance area described in paragraph (2) for
35 carbon monoxide, the weighted nonattainment or maintenance
36 area population of the county, as determined under subparagraphs
37 (A) to (F), inclusive, or subparagraph (H) of paragraph (2), shall
38 be further multiplied by a factor of 1.2.

1 (4) Funds allocated under this subdivision shall remain available
2 for three federal fiscal years, including the federal fiscal year
3 apportioned.

4 (c) Notwithstanding subdivision (b), where county transportation
5 commissions have been created by Division 12 (commencing with
6 Section 130000) of the Public Utilities Code, all congestion
7 mitigation and air quality program funds shall be further
8 apportioned by the metropolitan planning organization to the
9 county transportation commission on the basis of relative
10 population within the federally designated air quality nonattainment
11 and maintenance areas after first apportioning to the nonattainment
12 and maintenance areas in the manner and in accordance with the
13 formula set forth in subdivision (b).

14 In the Monterey Bay region, all congestion mitigation and air
15 quality ~~improvement~~ program funds shall be further apportioned,
16 on the basis of relative population, by the metropolitan planning
17 organization to the regional transportation planning agencies
18 designated under subdivision (b) of Section 29532 of the
19 Government Code.

20 (d) The department shall notify each metropolitan planning
21 organization, transportation planning agency, and county
22 transportation commission receiving an apportionment under this
23 section, as soon as possible each year, of the amount of obligational
24 authority estimated to be available for expenditure from the federal
25 apportionment. The metropolitan planning organizations,
26 transportation planning agencies, and county transportation
27 commissions, in cooperation with the department, congestion
28 management agencies, cities and counties, and affected transit
29 operators, shall select and program projects in conformance with
30 federal law. Each metropolitan planning organization and
31 transportation planning agency shall, not later than August 1 of
32 each even-numbered year beginning in 1994, submit its
33 transportation improvement program prepared pursuant to Section
34 134 of Title 23 of the United States Code to the department for
35 incorporation into the state transportation improvement program.

36 (e) Not later than July 1 of each year, the metropolitan planning
37 organizations and the regional transportation planning agencies
38 receiving obligational authority under this section, shall notify the
39 department of the projected amount of obligational authority that
40 each entity intends to use during the remainder of the current

1 federal fiscal year, including, but not limited to, a list of projects
2 that will use the obligational authority. Any federal obligational
3 authority that will not be used shall be redistributed by the
4 department to other projects in a manner that ensures that the state
5 will continue to compete for and receive increased obligational
6 authority during the federal redistribution of obligational authority.
7 If the department does not have sufficient federal apportionments
8 to fully use excess obligational authority, the metropolitan planning
9 organization or transportation planning agency relinquishing
10 obligational authority shall make sufficient funding available to
11 the department to fund alternate projects, when practical, within
12 the geographical areas relinquishing the obligational authority.
13 Notwithstanding this subdivision, the department shall comply
14 with subsection (f) of Section 133 of Title 23 of the United States
15 Code.

16 (f) The department shall be responsible for closely monitoring
17 the use of federal transportation funds, including congestion
18 management and air quality *program* funds to assure full and timely
19 use. The department shall prepare a quarterly report for submission
20 to the commission regarding the progress in use of all federal
21 transportation funds. The department shall notify the commission
22 and the appropriate implementation agency whenever there is a
23 failure to use federal funds within the three-year apportionment
24 period established under paragraph (4) of subdivision (b).

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

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

33 (i) If the implementing agency has not met the milestones
34 established in the implementation plan required under subdivision
35 (h), prior to the end of the three-year apportionment period
36 established under paragraph (4) of subdivision (b), the commission
37 shall redirect those funds for use on other transportation projects
38 in the state.

39 (j) Congestion mitigation and air quality program funds available
40 under this section exchanged pursuant to Section 182.8 may be

1 loaned to and expended by the department. The department shall
2 repay from the State Highway Account to the Traffic Congestion
3 Relief Fund all funds received as federal reimbursements for funds
4 exchanged under Section 182.8 as they are received from the
5 Federal Highway Administration, except that those repayments
6 are not required to be made more frequently than on a quarterly
7 basis.
8 (k) Prior to determining the amount for local subvention required
9 by this section, the department shall first deduct the amount
10 authorized by the Legislature for increased department oversight
11 of the federal subvented program.