

AMENDED IN SENATE AUGUST 29, 2013  
AMENDED IN SENATE AUGUST 22, 2013  
AMENDED IN ASSEMBLY MARCH 14, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 466**

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**Introduced by Assembly Member Quirk-Silva**

February 19, 2013

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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:

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 Section 104(b)(4) of Title 23 of the United  
7 States Code. These funds shall be known as the congestion  
8 mitigation and air quality *improvement* program funds and shall  
9 be expended in accordance with Section 149 of Title 23 of the  
10 United States Code, including the requirements relating to  
11 ~~particular~~ *particulate* matter less than 2.5 micrometers in diameter  
12 in subsections (g) and (k) of the section. The department, the  
13 transportation planning agencies, and the metropolitan planning  
14 organizations may do all things necessary in their jurisdictions to  
15 secure and expend those federal funds in accordance with the intent  
16 of federal law and this chapter.

17 (b) The congestion mitigation and air quality *improvement*  
18 program funds shall be apportioned by the department to the  
19 metropolitan planning organizations designated pursuant to Section  
20 134 of Title 23 of the United States Code and, in areas where none  
21 has been designated, to the transportation planning agency  
22 established by Section 29532 or 29532.1 of the Government Code.  
23 All funds apportioned to the state pursuant to Section 104(b)(4)  
24 of Title 23 of the United States Code shall be apportioned to  
25 metropolitan planning organizations and transportation planning  
26 agencies responsible for air quality conformity determinations in  
27 federally designated air quality nonattainment and maintenance  
28 areas within the state as follows:

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

34 (2) Subject to paragraph (3), the weighted nonattainment and  
35 maintenance area population shall be calculated by multiplying  
36 the population of each area in the state that is a nonattainment area  
37 or maintenance area as described in Section 149(b) of Title 23 of

1 the United States Code for ozone or carbon monoxide by the  
2 following factors:

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

5 (B) A factor of 1.0, if, at the time of the apportionment, the area  
6 is classified as a marginal 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 (C) A factor of 1.1, if, at the time of the apportionment, the area  
10 is classified as a moderate 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 (D) A factor of 1.2, if, at the time of the apportionment, the area  
14 is classified as a serious 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 (E) A factor of 1.3, if, at the time of the apportionment, the area  
18 is classified as a severe 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 (F) A factor of 1.4, if, at the time of the apportionment, the area  
22 is classified as an extreme ozone nonattainment area under Subpart  
23 2 of Part D of Title I of the Clean Air Act (42 U.S.C. Sec. 7511 et  
24 seq.).

25 (G) A factor of 1.0, if, at the time of the apportionment, the area  
26 is not a nonattainment or maintenance area for ozone, but is  
27 classified under Subpart 3 of Part D of Title I of the Clean Air Act  
28 (42 U.S.C. Sec. 7512 et seq.) as a nonattainment area for carbon  
29 monoxide.

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

34 (3) If, in addition to being designated as a nonattainment or  
35 maintenance area for ozone as described in paragraph (2), any  
36 county within the area is also classified under Subpart 3 of Part D  
37 of Title I of the Clean Air Act (42 U.S.C. Sec. 7512 et seq.) as a  
38 nonattainment or maintenance area described in paragraph (2) for  
39 carbon monoxide, the weighted nonattainment or maintenance  
40 area population of the county, as determined under subparagraphs

1 (A) to (F), inclusive, or subparagraph (H) of paragraph (2), shall  
2 be further multiplied by a factor of 1.2.

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

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

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

22 (d) The department shall notify each metropolitan planning  
23 organization, transportation planning agency, and county  
24 transportation commission receiving an apportionment under this  
25 section, as soon as possible each year, of the amount of obligational  
26 authority estimated to be available for expenditure from the federal  
27 apportionment. The metropolitan planning organizations,  
28 transportation planning agencies, and county transportation  
29 commissions, in cooperation with the department, congestion  
30 management agencies, cities and counties, and affected transit  
31 operators, shall select and program projects in conformance with  
32 federal law. Each metropolitan planning organization and  
33 transportation planning agency shall, not later than August 1 of  
34 each even-numbered year beginning in 1994, submit its  
35 transportation improvement program prepared pursuant to Section  
36 134 of Title 23 of the United States Code to the department for  
37 incorporation into the state transportation improvement program.

38 (e) Not later than July 1 of each year, the metropolitan planning  
39 organizations and the regional transportation planning agencies  
40 receiving obligational authority under this section, shall notify the

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

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

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

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

36 (i) If the implementing agency has not met the milestones  
37 established in the implementation plan required under subdivision  
38 (h), prior to the end of the three-year apportionment period  
39 established under paragraph (4) of subdivision (b), the commission

1 shall redirect those funds for use on other transportation projects  
2 in the state.

3 (j) Congestion mitigation and air quality *improvement* program  
4 funds available under this section exchanged pursuant to Section  
5 182.8 may be loaned to and expended by the department. The  
6 department shall repay from the State Highway Account to the  
7 Traffic Congestion Relief Fund all funds received as federal  
8 reimbursements for funds exchanged under Section 182.8 as they  
9 are received from the Federal Highway Administration, except  
10 that those repayments are not required to be made more frequently  
11 than on a quarterly basis.

12 (k) Prior to determining the amount for local subvention required  
13 by this section, the department shall first deduct the amount  
14 authorized by the Legislature for increased department oversight  
15 of the federal subvented program.