

**ASSEMBLY BILL**

**No. 2445**

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**Introduced by Assembly Member Chau**

February 21, 2014

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An act to amend Section 76361 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 2445, as introduced, Chau. Community colleges: transportation fees.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law also authorizes the governing board of each district to impose various fees, including fees for parking and transportation services that are subject to specified limits. Existing law provides that a district is prohibited from entering into a contract for transportation services provided by a common carrier or a municipally owned transit system and funded by a fee for transportation services, unless a majority of the students of that district approve payment of the fee for that purpose within a specified time period.

This bill would specify that a community college district is authorized to enter into a contract for the transportation services described above if a majority of the students of that district, or campus of that district, as appropriate, approve the payment of the fee within the same time period.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 76361 of the Education Code is amended  
2 to read:

3 76361. (a) The governing board of a community college district  
4 may require students in attendance and employees at a campus of  
5 the district to pay a fee for purposes of partially or fully recovering  
6 transportation costs incurred by the district or of reducing fares  
7 for services provided by common carriers or municipally owned  
8 transit systems to these students and employees.

9 (b) Fees authorized by subdivision (a) for transportation services  
10 may be required to be paid only by students and employees using  
11 the services, or, in the alternative, by any of the following groups  
12 of people:

13 (1) Upon the favorable vote of a majority of the students and a  
14 majority of the employees of a campus of the district, who voted  
15 at an election on the question of whether or not the governing  
16 board should require all students and employees at the campus to  
17 pay a fee for transportation services for a period of time to be  
18 determined by the governing board of the district, the fees may be  
19 required to be paid by all students, other than those students who  
20 are exempt from the fees pursuant to subdivision (c), and all  
21 employees of the campus of the community college district.

22 (2) Upon the favorable vote of a majority of the students at a  
23 campus of the district, who voted at an election on the question of  
24 whether or not the governing board should require all students to  
25 pay a fee for transportation services for a period of time to be  
26 determined by the governing board of the district, the fees may be  
27 required to be paid by all students, other than those students who  
28 are exempt from the fees pursuant to subdivision (c), at the campus  
29 of the community college district. However, the employees shall  
30 not be entitled to use the services.

31 (3) Upon the favorable vote of a majority of the students at a  
32 campus of the district taking a specified number of course credits  
33 for a specified duration, to be determined by the governing board,  
34 who voted at an election on the question of whether or not the  
35 governing board should require all students taking that prescribed

1 number of course credits to pay a fee for transportation services  
2 for a period of time to be determined by the governing board of  
3 the district, the fees may be required to be paid by those students  
4 taking the prescribed number of course credits, except those  
5 students who are exempt from the fees pursuant to subdivision (c),  
6 at the campus of the community college district. However, the  
7 employees shall not be entitled to use the services.

8 (c) If a fee is required of students for transportation services  
9 pursuant to paragraph (1) or (2) of subdivision (b), the fee required  
10 of a part-time student shall be a pro rata lesser amount than the  
11 fee charged to full-time students, depending on the number of units  
12 for which the part-time student is enrolled. Notwithstanding any  
13 other law, the governing board of a community college district  
14 that provides for transportation services may adopt rules and  
15 regulations to exempt low-income students from this fee, or to  
16 require low-income students to pay all or part of this fee.

17 (d) Notwithstanding any other law:

18 (1) The governing board of a community college district to  
19 which this section applies shall not enter into, or extend, a contract  
20 for transportation services provided by a common carrier or a  
21 municipally owned transit system, funded by the proceeds of a fee  
22 authorized under this section, unless and until a majority of the  
23 students of that district, *or campus of that district, as appropriate,*  
24 who vote in an election, held no more than 10 years prior to the  
25 date of the expiration of the contract proposed to be entered into  
26 or no more than 10 years prior to the date to which it is proposed  
27 that an existing contract be extended, have approved the payment  
28 of the fee for this purpose.

29 (2) An election held pursuant to this section shall be held in  
30 accordance with regulations adopted by the board of governors to  
31 ensure that the election is publicly noticed and that all students *of*  
32 *that district or campus of that district, as appropriate,* including  
33 full-time, part-time, evening, and weekend students, have an  
34 opportunity to vote in the election.

35 (3) If the governing board of a community college district  
36 decides to seek to terminate or alter the arrangements under which  
37 the district receives transportation services from a common carrier  
38 or municipally owned transit system, the governing board shall  
39 provide at least 12 months' notice of that intention to the provider  
40 of transportation services.

1 (e) (1) The total fees to be established periodically by the  
2 governing board pursuant to this section shall not exceed the  
3 amount necessary to reimburse the district for transportation costs  
4 incurred by the district in providing the transportation service. The  
5 sum of the fee authorized pursuant to this section for transportation  
6 services and the fee authorized pursuant to Section 76360 for  
7 parking services shall not exceed seventy dollars (\$70) per semester  
8 or thirty-five dollars (\$35) per intersession, or the proportionate  
9 equivalent for part-time enrollment.

10 (2) The governing board of each community college district  
11 may increase the fee limits imposed by this subdivision by the  
12 same percentage increase as the Implicit Price Deflator for State  
13 and Local Government Purchases of Goods and Services published  
14 by the United States Department of Commerce. The fees may be  
15 increased annually up to the next whole dollar increment above  
16 the existing fee limit that calculation produces.

17 (f) The governing board of a community college district also  
18 may require the payment of a fee, to be fixed by the governing  
19 board, for the use of transportation services by persons other than  
20 students and employees.

21 (g) This section does not apply to, and a fee shall not be charged  
22 for, on-campus shuttles or other transportation services operated  
23 on a campus or between the campus and parking facilities owned  
24 by the district.