

ASSEMBLY BILL

No. 26

Introduced by Assembly Member Frazier
(Principal coauthor: Senator Beall)

August 24, 2016

An act to amend Sections 13975, 14500, 14526.5, and 16965 of, to add Sections 14033, 14526.7, and 16321 to, to add Part 5.1 (commencing with Section 14460) to Division 3 of Title 2 of, and to repeal Section 14534.1 of, the Government Code, to amend Section 39719 of the Health and Safety Code, to amend Section 21080.37 of, and to add Division 13.6 (commencing with Section 21200) to, the Public Resources Code, to amend Section 99312.1 of the Public Utilities Code, to amend Sections 6051.8, 6201.8, 7360, 8352.4, 8352.5, 8352.6, and 60050 of the Revenue and Taxation Code, to amend Sections 183.1, 820.1, 2192, 2192.1, and 2192.2 of, to add Sections 2103.1 and 2192.4 to, and to add Chapter 2 (commencing with Section 2030) to Division 3 of, the Streets and Highways Code, and to add Sections 9250.3, 9250.6, and 9400.5 to the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 26, as introduced, Frazier. Transportation funding.

(1) Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain registration fees on vehicles, with revenues from these fees deposited

in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account.

This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund, including revenues attributable to a \$0.17 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment, as provided, an increase of \$38 in the annual vehicle registration fee with an inflation adjustment, as provided, a new \$165 annual vehicle registration fee with an inflation adjustment, as provided, applicable to zero-emission motor vehicles, as defined, and certain miscellaneous revenues described in (7) below that are not restricted as to expenditure by Article XIX of the California Constitution.

This bill would annually set aside \$200,000,000 of the funds available for the program to fund road maintenance and rehabilitation purposes in counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees, as defined, which taxes or fees are dedicated solely to transportation improvements. These funds would be continuously appropriated for allocation pursuant to guidelines to be developed by the California Transportation Commission in consultation with local agencies. The bill would require \$80,000,000 of the funds available for the program to be annually transferred to the State Highway Account for expenditure on the Active Transportation Program. The bill would require \$30,000,000 of the funds available for the program in each of 4 fiscal years beginning in 2017–18 to be transferred to the Advance Mitigation Fund created by the bill pursuant to (12) below. The bill would continuously appropriate \$2,000,000 annually of the funds available for the program to the California State University for the purpose of conducting transportation research and transportation-related workforce education, training, and development. The bill would require the remaining funds available for the program to be allocated 50% for maintenance of the state highway

system or to the state highway operation and protection program and 50% to cities and counties pursuant to a specified formula. The bill would impose various requirements on the department and agencies receiving these funds. The bill would authorize a city or county to spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to the program if the city's or county's average Pavement Condition Index meets or exceeds 80.

The bill would also require the department to annually identify savings achieved through efficiencies implemented at the department and to propose, from the identified savings, an appropriation to be included in the annual Budget Act of up to \$70,000,000 from the State Highway Account for expenditure on the Active Transportation Program.

(2) Existing law establishes in state government the Transportation Agency, which includes various departments and state entities, including the California Transportation Commission. Existing law vests the California Transportation Commission with specified powers, duties, and functions relative to transportation matters. Existing law requires the commission to retain independent authority to perform the duties and functions prescribed to it under any provision of law.

This bill would exclude the California Transportation Commission from the Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role. The bill would also make conforming changes.

(3) Existing law creates various state agencies, including the Department of Transportation, the High-Speed Rail Authority, the Department of the California Highway Patrol, the Department of Motor Vehicles, and the State Air Resources Board, with specified powers and duties. Existing law provides for the allocation of state transportation funds to various transportation purposes.

This bill would create the Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that all of the above-referenced state agencies and all other state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would provide for the Governor to appoint the Transportation Inspector General for a 6-year term, subject to confirmation by the Senate, and would provide that the Transportation Inspector General may not be removed from office during the term except for good cause. The bill would specify the duties and responsibilities of the Transportation

Inspector General and would require an annual report to the Legislature and Governor.

This bill would require the department to update the Highway Design Manual to incorporate the “complete streets” design concept by January 1, 2017.

(4) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified.

This bill would require the Department of Finance, on or before September 1, 2016, to compute the amount of outstanding loans made from specified transportation funds. The bill would require the Department of Transportation to prepare a loan repayment schedule and would require the outstanding loans to be repaid pursuant to that schedule, as prescribed. The bill would appropriate funds for that purpose from the Budget Stabilization Account. The bill would require the repaid funds to be transferred, pursuant to a specified formula, to cities and counties and to the department for maintenance of the state highway system and for purposes of the state highway operation and protection program.

(5) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement and for specified categories of projects eligible to receive these funds. Existing law continues the Trade Corridors Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes.

This bill would deposit the revenues attributable to a \$0.30 per gallon increase in the diesel fuel excise tax imposed by the bill into the Trade Corridors Improvement Fund. The bill would require revenues apportioned to the state from the national highway freight program established by the federal Fixing America’s Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions.

Existing law requires the commission, in determining projects eligible for funding, to consult various state freight and regional infrastructure and goods movement plans and the statewide port master plan.

This bill would delete consideration of the State Air Resources Board’s Sustainable Freight Strategy and the statewide port master plan

and would instead include consideration of the applicable port master plan when determining eligible projects for funding. The bill would also expand eligible projects to include rail landside access improvements, landside freight access improvements to airports, and certain capital and operational improvements.

(6) Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 10% of the annual proceeds of the fund to the Transit and Intercity Rail Capital Program and 5% of the annual proceeds of the fund to the Low Carbon Transit Operations Program.

This bill would, beginning in the 2016–17 fiscal year, instead continuously appropriate 20% of those annual proceeds to the Transit and Intercity Rail Capital Program and 10% of those annual proceeds to the Low Carbon Transit Operations Program, thereby making an appropriation.

(7) Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. Existing law requires certain miscellaneous revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and requires the Controller to transfer from the fund to the General Fund an amount of those revenues necessary to offset the current year debt service made from the General Fund on general obligation transportation bonds issued pursuant to Proposition 116 of 1990.

This bill would delete the transfer of these miscellaneous revenues to the Transportation Debt Service Fund, thereby eliminating the offsetting transfer to the General Fund for debt service on general obligation transportation bonds issued pursuant to Proposition 116 of 1990. The bill, subject to a specified exception, would instead require the miscellaneous revenues to be retained in the State Highway Account and to be deposited in the Road Maintenance and Rehabilitation Account.

(8) Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and

highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes associated with those other modes, except that a specified portion of these gasoline excise tax revenues is deposited in the General Fund. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution.

This bill, commencing July 1, 2016, would instead transfer to the Highway Users Tax Account for allocation to state and local transportation purposes under a specified formula the portion of gasoline excise tax revenues currently being deposited in the General Fund that are attributable to boats, agricultural vehicles, and off-highway vehicles. Because that account is continuously appropriated, the bill would make an appropriation.

(9) Existing law, as of July 1, 2011, increases the sales and use tax on diesel and decreases the excise tax, as provided. Existing law requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the various changes in the taxes imposed on gasoline and diesel are revenue neutral.

This bill would eliminate the annual rate adjustment to maintain revenue neutrality for the gasoline and diesel excise tax rates and would reimpose the higher gasoline excise tax rate that was in effect on July 1, 2010, in addition to the increase in the rate described in paragraph (1).

Existing law, beyond the sales and use tax rate generally applicable, imposes an additional sales and use tax on diesel fuel at the rate of 1.75%, subject to certain exemptions, and provides for the net revenues collected from the additional tax to be transferred to the Public Transportation Account. Existing law continuously appropriates these revenues to the Controller for allocation by formula to transportation agencies for public transit purposes.

This bill would increase the additional sales and use tax on diesel fuel by an additional 3.5%. By increasing the revenues deposited in a continuously appropriated fund, the bill would thereby make an appropriation. The bill would restrict expenditures of revenues from this increase in the sales and use tax on diesel fuel to transit capital purposes and certain transit services and would require a recipient transit

agency to comply with certain requirements, including submitting a list of proposed projects to the Department of Transportation, as a condition of receiving a portion of these funds. The bill would require an existing required audit of transit operator finances to verify that these new revenues have been expended in conformance with these specific restrictions and all other generally applicable requirements.

This bill would, beginning July 1, 2019, and every 3rd year thereafter, require the State Board of Equalization to recompute the gasoline and diesel excise tax rates and the additional sales and use tax rate on diesel fuel based upon the percentage change in the California Consumer Price Index transmitted to the board by the Department of Finance, as prescribed.

(10) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. The program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it determines that the program is not sufficiently consistent with the asset management plan.

This bill would add to the program capital projects relative to the operation of those state highways and bridges. The bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval.

This bill, on and after February 1, 2017, would also require the commission to make an allocation of all capital and support costs for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines to provide exceptions to the requirement for a supplemental project

allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

(11) Existing law imposes weight fees on the registration of commercial motor vehicles and provides for the deposit of net weight fee revenues into the State Highway Account. Existing law provides for the transfer of certain weight fee revenues from the State Highway Account to the Transportation Debt Service Fund to reimburse the General Fund for payment of debt service on general obligation bonds issued for transportation purposes. Existing law also provides for the transfer of certain weight fee revenues to the Transportation Bond Direct Payment Account for direct payment of debt service on designated bonds, which are defined to be certain transportation general obligation bonds issued pursuant to Proposition 1B of 2006. Existing law also provides for loans of weight fee revenues to the General Fund to the extent the revenues are not needed for bond debt service purposes, with the loans to be repaid when the revenues are later needed for those purposes, as specified.

This bill, notwithstanding these provisions or any other law, would only authorize specified percentages of weight fee revenues to be transferred from the State Highway Account to the Transportation Debt Service Fund, the Transportation Bond Direct Payment Account, or any other fund or account for the purpose of payment of the debt service on transportation general obligation bonds in accordance with a prescribed schedule and would prohibit the transfer of weight fee revenues from the State Highway Account after the 2020–21 fiscal year. The bill would also prohibit loans of weight fee revenues to the General Fund.

(12) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA, until January 1, 2020, exempts a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as

defined, other than a state roadway, if the project or activity is carried out by a city or county with a population of less than 100,000 persons to improve public safety and meets other specified requirements.

This bill would extend the above-referenced exemption indefinitely and delete the limitation of the exemption to projects or activities in cities and counties with a population of less than 100,000 persons. The bill would also expand the exemption to include state roadways.

This bill would also establish the Advance Mitigation Program in the Department of Transportation. The bill would authorize the department to undertake mitigation measures in advance of construction of a planned transportation project. The bill would require the department to establish a steering committee to advise the department on advance mitigation measures and related matters. The bill would create the Advance Mitigation Fund as a continuously appropriated revolving fund, to be funded initially from the Road Maintenance and Rehabilitation Program pursuant to (1) above. The bill would provide for reimbursement of the revolving fund at the time a planned transportation project benefiting from advance mitigation is constructed.

(13) Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law, until January 1, 2017, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities the Department of Transportation assumed as a participant in this program.

This bill would delete the January 1, 2017, repeal date, thereby extending these provisions indefinitely.

(14) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

- 1 (a) Over the next 10 years, the state faces a \$59 billion shortfall
2 to adequately maintain the existing state highway system in order
3 to keep it in a basic state of good repair.
- 4 (b) Similarly, cities and counties face a \$78 billion shortfall
5 over the next decade to adequately maintain the existing network
6 of local streets and roads.
- 7 (c) Statewide taxes and fees dedicated to the maintenance of
8 the system have not been increased in more than 20 years, with
9 those revenues losing more than 55 percent of their purchasing
10 power, while costs to maintain the system have steadily increased
11 and much of the underlying infrastructure has aged past its expected
12 useful life.
- 13 (d) California motorists are spending \$17 billion annually in
14 extra maintenance and car repair bills, which is more than \$700
15 per driver, due to the state’s poorly maintained roads.
- 16 (e) Failing to act now to address this growing problem means
17 that more drastic measures will be required to maintain our system
18 in the future, essentially passing the burden on to future generations
19 instead of doing our job today.
- 20 (f) A funding program will help address a portion of the
21 maintenance backlog on the state’s road system and will stop the
22 growth of the problem.
- 23 (g) Modestly increasing various fees can spread the cost of road
24 repairs broadly to all users and beneficiaries of the road network
25 without overburdening any one group.
- 26 (h) Improving the condition of the state’s road system will have
27 a positive impact on the economy as it lowers the transportation
28 costs of doing business, reduces congestion impacts for employees,
29 and protects property values in the state.
- 30 (i) The federal government estimates that increased spending
31 on infrastructure creates more than 13,000 jobs per \$1 billion spent.
- 32 (j) Well-maintained roads benefit all users, not just drivers, as
33 roads are used for all modes of transport, whether motor vehicles,
34 transit, bicycles, or pedestrians.
- 35 (k) Well-maintained roads additionally provide significant health
36 benefits and prevent injuries and death due to crashes caused by
37 poorly maintained infrastructure.
- 38 (l) A comprehensive, reasonable transportation funding package
39 will do all of the following:
- 40 (1) Ensure these transportation needs are addressed.

1 (2) Fairly distribute the economic impact of increased funding.

2 (3) Restore the gas tax rate previously reduced by the State
3 Board of Equalization pursuant to the gas tax swap.

4 (4) Direct increased revenue to the state’s highest transportation
5 needs.

6 SEC. 2. Section 13975 of the Government Code is amended
7 to read:

8 13975. There is in the state government the Transportation
9 Agency. The agency consists of the Department of the California
10 Highway Patrol, the ~~California Transportation Commission~~, the
11 Department of Motor Vehicles, the Department of Transportation,
12 the High-Speed Rail Authority, and the Board of Pilot
13 Commissioners for the Bays of San Francisco, San Pablo, and
14 Suisun.

15 SEC. 3. Section 14033 is added to the Government Code, to
16 read:

17 14033. On or before January 1, 2017, the department shall
18 update the Highway Design Manual to incorporate the “complete
19 streets” design concept.

20 SEC. 4. Part 5.1 (commencing with Section 14460) is added
21 to Division 3 of Title 2 of the Government Code, to read:

22
23 PART 5.1. OFFICE OF THE TRANSPORTATION INSPECTOR
24 GENERAL
25

26 14460. (a) There is hereby created in state government the
27 independent Office of the Transportation Inspector General, which
28 shall not be a subdivision of any other governmental entity, to
29 ensure that the Department of Transportation, the High-Speed Rail
30 Authority, the Department of the California Highway Patrol, the
31 Department of Motor Vehicles, the State Air Resources Board,
32 and all other state agencies expending state transportation funds
33 are operating efficiently, effectively, and in compliance with
34 applicable federal and state laws.

35 (b) The Governor shall appoint, subject to confirmation by the
36 Senate, the Transportation Inspector General to a six-year term.
37 The Transportation Inspector General may not be removed from
38 office during that term, except for good cause. A finding of good
39 cause may include substantial neglect of duty, gross misconduct,
40 or conviction of a crime. The reasons for removal of the

1 Transportation Inspector General shall be stated in writing and
2 shall include the basis for removal. The writing shall be sent to
3 the Secretary of the Senate and the Chief Clerk of the Assembly
4 at the time of the removal and shall be deemed to be a public
5 document.

6 14461. The Transportation Inspector General shall review
7 policies, practices, and procedures and conduct audits and
8 investigations of activities involving state transportation funds in
9 consultation with all affected state agencies. Specifically, the
10 Transportation Inspector General's duties and responsibilities shall
11 include, but not be limited to, all of the following:

12 (a) To examine the operating practices of all state agencies
13 expending state transportation funds to identify fraud and waste,
14 opportunities for efficiencies, and opportunities to improve the
15 data used to determine appropriate project resource allocations.

16 (b) To identify best practices in the delivery of transportation
17 projects and develop policies or recommend proposed legislation
18 enabling state agencies to adopt these practices when practicable.

19 (c) To provide objective analysis of and, when possible, offer
20 solutions to concerns raised by the public or generated within
21 agencies involving the state's transportation infrastructure and
22 project delivery methods.

23 (d) To conduct, supervise, and coordinate audits and
24 investigations relating to the programs and operations of all state
25 transportation agencies with state-funded transportation projects.

26 (e) To recommend policies promoting economy and efficiency
27 in the administration of programs and operations of all state
28 agencies with state-funded transportation projects.

29 (f) To ensure that the Secretary of Transportation and the
30 Legislature are fully and currently informed concerning fraud or
31 other serious abuses or deficiencies relating to the expenditure of
32 funds or administration of programs and operations.

33 14462. The Transportation Inspector General shall report at
34 least annually to the Governor and Legislature with a summary of
35 his or her findings, investigations, and audits. The summary shall
36 be posted on the Transportation Inspector General's Internet Web
37 site and shall otherwise be made available to the public upon its
38 release to the Governor and Legislature. The summary shall
39 include, but need not be limited to, significant problems discovered
40 by the Transportation Inspector General and whether

1 recommendations of the Transportation Inspector General relative
2 to investigations and audits have been implemented by the affected
3 agencies. The report shall be submitted to the Legislature in
4 compliance with Section 9795.

5 SEC. 5. Section 14500 of the Government Code is amended
6 to read:

7 14500. There is ~~in the Transportation Agency~~ *state government*
8 a California Transportation Commission. *The commission shall*
9 *act in an independent oversight role.*

10 SEC. 6. Section 14526.5 of the Government Code is amended
11 to read:

12 14526.5. (a) Based on the asset management plan prepared
13 and approved pursuant to Section 14526.4, the department shall
14 prepare a state highway operation and protection program for the
15 expenditure of transportation funds for major capital improvements
16 that are necessary to preserve and protect the state highway system.
17 Projects included in the program shall be limited to ~~capital~~
18 improvements relative to maintenance, safety, *rehabilitation*, and
19 ~~rehabilitation~~ *operation* of state highways and bridges that do not
20 add a new traffic lane to the system.

21 (b) The program shall include projects that are expected to be
22 advertised prior to July 1 of the year following submission of the
23 program, but which have not yet been funded. The program shall
24 include those projects for which construction is to begin within
25 four fiscal years, starting July 1 of the year following the year the
26 program is submitted.

27 (c) (1) The department, at a minimum, shall specify, for each
28 project in the state highway operation and protection program, the
29 capital and support budget, ~~as well as a projected delivery date,~~
30 *budget* for each of the following project components:

31 ~~(1) Completion of project~~

32 (A) *Project* approval and environmental documents.

33 ~~(2) Preparation of plans;~~

34 (B) *Plans*, specifications, and estimates.

35 ~~(3) Acquisition of rights-of-way, including, but not limited to,~~
36 ~~support activities.~~

37 (C) *Rights-of-way*.

38 (D) *Construction*.

- 1 (2) *The department shall specify, for each project in the state*
 2 *highway operation and protection program, a projected delivery*
 3 *date for each of the following components:*
 4 (A) *Environmental document completion.*
 5 (B) *Plans, specifications, and estimate completion.*
 6 (C) *Right-of-way certification.*
 7 ~~(4)~~
 8 (D) *Start of construction.*
 9 ~~(d) The program shall be submitted~~ *department shall submit its*
 10 *proposed program to the commission not later than January 31 of*
 11 *each even-numbered year. Prior to submitting the plan, the its*
 12 *proposed program, the department shall make a draft of its*
 13 *proposed program available to transportation planning agencies*
 14 *for review and comment and shall include the comments in its*
 15 *submittal to the commission. The department shall provide the*
 16 *commission with detailed information for all programmed projects,*
 17 *including, but not limited to, cost, scope, schedule, and*
 18 *performance metrics as determined by the commission.*
 19 (e) ~~may~~ *shall review the proposed program*
 20 *relative to its overall adequacy, consistency with the asset*
 21 *management plan prepared and approved pursuant to Section*
 22 *14526.4 and funding priorities established in Section 167 of the*
 23 *Streets and Highways Code, the level of annual funding needed*
 24 *to implement the program, and the impact of those expenditures*
 25 *on the state transportation improvement program. The commission*
 26 *shall adopt the program and submit it to the Legislature and the*
 27 *Governor not later than April 1 of each even-numbered year. The*
 28 *commission may decline to adopt the program if the commission*
 29 *determines that the program is not sufficiently consistent with the*
 30 *asset management plan prepared and approved pursuant to Section*
 31 *14526.4.*
 32 (f) *As part of the commission's review of the program required*
 33 *pursuant to subdivision (a), the commission shall hold at least one*
 34 *hearing in northern California and one hearing in southern*
 35 *California regarding the proposed program.*
 36 ~~(f)~~
 37 (g) *Expenditures for these projects shall not be subject to*
 38 *Sections 188 and 188.8 of the Streets and Highways Code.*
 39 (h) *Following adoption of the state highway operation and*
 40 *protection program by the commission, any change to a*

1 *programmed project shall be submitted as an amendment by the*
2 *department to the commission for its approval before the change*
3 *may be implemented.*

4 SEC. 7. Section 14526.7 is added to the Government Code, to
5 read:

6 14526.7. (a) On and after February 1, 2017, an allocation by
7 the commission of all capital and support costs for each project in
8 the state highway operation and protection program shall be
9 required.

10 (b) For a project that experiences increases in capital or support
11 costs above the amounts in the commission's allocation pursuant
12 to subdivision (a), a supplemental project allocation request shall
13 be submitted by the department to the commission for approval.

14 (c) The commission shall establish guidelines to provide
15 exceptions to the requirement of subdivision (b) that the
16 commission determines are necessary to ensure that projects are
17 not unnecessarily delayed.

18 SEC. 8. Section 14534.1 of the Government Code is repealed.

19 ~~14534.1. Notwithstanding Section 12850.6 or subdivision (b)~~
20 ~~of Section 12800, as added to this code by the Governor's~~
21 ~~Reorganization Plan No. 2 of 2012 during the 2011-12 Regular~~
22 ~~Session, the commission shall retain independent authority to~~
23 ~~perform those duties and functions prescribed to it under any~~
24 ~~provision of law.~~

25 SEC. 9. Section 16321 is added to the Government Code, to
26 read:

27 16321. (a) Notwithstanding any other law, on or before
28 September 1, 2016, the Department of Finance shall compute the
29 amount of outstanding loans made from the State Highway
30 Account, the Motor Vehicle Fuel Account, the Highway Users
31 Tax Account, and the Motor Vehicle Account to the General Fund.
32 The department shall prepare a loan repayment schedule, pursuant
33 to which the outstanding loans shall be repaid, as follows:

34 (1) On or before June 30, 2017, 50 percent of the outstanding
35 loan amounts.

36 (2) On or before June 30, 2018, the remainder of the outstanding
37 loan amounts.

38 (b) Notwithstanding any other law, as the loans are repaid
39 pursuant to this section, the repaid funds shall be transferred in the
40 following manner:

1 (1) Fifty percent to cities and counties pursuant to clauses (i)
 2 and (ii) of subparagraph (C) of paragraph (3) of subdivision (a) of
 3 Section 2103 of the Streets and Highways Code.

4 (2) Fifty percent to the department for maintenance of the state
 5 highway system and for purposes of the state highway operation
 6 and protection program.

7 (c) Funds for loan repayments pursuant to this section are hereby
 8 appropriated from the Budget Stabilization Account pursuant to
 9 subclause (II) of clause (ii) of subparagraph (B) of paragraph (1)
 10 of subdivision (c) of Section 20 of Article XVI of the California
 11 Constitution.

12 SEC. 10. Section 16965 of the Government Code is amended
 13 to read:

14 16965. (a) (1) The Transportation Debt Service Fund is hereby
 15 created in the State Treasury. Moneys in the fund shall be dedicated
 16 to all of the following purposes:

17 (A) Payment of debt service with respect to designated bonds,
 18 as defined in subdivision (c) of Section 16773, and as further
 19 provided in paragraph (3) and subdivision (b).

20 (B) To reimburse the General Fund for debt service with respect
 21 to bonds.

22 (C) To redeem or retire bonds, pursuant to Section 16774,
 23 maturing in a subsequent fiscal year.

24 (2) The bonds eligible under subparagraph (B) or (C) of
 25 paragraph (1) include bonds issued pursuant to the ~~Clean Air and~~
 26 ~~Transportation Improvement Act of 1990 (Part 11.5 (commencing~~
 27 ~~with Section 99600) of Division 10 of the Public Utilities Code),~~
 28 ~~the Passenger Rail and Clean Air Bond Act of 1990 (Chapter 17~~
 29 ~~(commencing with Section 2701) of Division 3 of the Streets and~~
 30 ~~Highways Code), the Seismic Retrofit Bond Act of 1996 (Chapter~~
 31 ~~12.48 (commencing with Section 8879) of Division 1 of Title 2),~~
 32 ~~and the Safe, Reliable High-Speed Passenger Train Bond Act for~~
 33 ~~the 21st Century (Chapter 20 (commencing with Section 2704) of~~
 34 ~~Division 3 of the Streets and Highways Code), and nondesignated~~
 35 ~~bonds under Proposition 1B, as defined in subdivision (c) of~~
 36 ~~Section 16773.~~

37 (3) (A) The Transportation Bond Direct Payment Account is
 38 hereby created in the State Treasury, as a subaccount within the
 39 Transportation Debt Service Fund, for the purpose of directly
 40 paying the debt service, as defined in paragraph (4), of designated

1 bonds of Proposition 1B, as defined in subdivision (c) of Section
2 16773. Notwithstanding Section 13340, moneys in the
3 Transportation Bond Direct Payment Account are continuously
4 appropriated for payment of debt service with respect to designated
5 bonds as provided in subdivision (c) of Section 16773. So long as
6 any designated bonds remain outstanding, the moneys in the
7 Transportation Bond Direct Payment Account may not be used
8 for any other purpose, and may not be borrowed by or available
9 for transfer to the General Fund pursuant to Section 16310 or any
10 similar law, or to the General Cash Revolving Fund pursuant to
11 Section 16381 or any similar law.

12 (B) Once the Treasurer makes a certification that payment of
13 debt service with respect to all designated bonds has been paid or
14 provided for, any remaining moneys in the Transportation Bond
15 Direct Payment Account shall be transferred back to the
16 Transportation Debt Service Fund.

17 (C) The moneys in the Transportation Bond Direct Payment
18 Account shall be invested in the Surplus Money Investment Fund,
19 and all investment earnings shall accrue to the account.

20 (D) The Controller may establish subaccounts within the
21 Transportation Bond Direct Payment Account as may be required
22 by the resolution, indenture, or other documents governing any
23 designated bonds.

24 (4) For purposes of this subdivision and subdivision (b), and
25 subdivision (c) of Section 16773, “debt service” means payment
26 of all of the following costs and expenses with respect to any
27 designated bond:

28 (A) The principal of and interest on the bonds.

29 (B) Amounts payable as the result of tender on any bonds, as
30 described in clause (iv) of subparagraph (B) of paragraph (1) of
31 subdivision (d) of Section 16731.

32 (C) Amounts payable under any contractual obligation of the
33 state to repay advances and pay interest thereon under a credit
34 enhancement or liquidity agreement as described in clause (iv) of
35 subparagraph (B) of paragraph (1) of subdivision (d) of Section
36 16731.

37 (D) Any amount owed by the state to a counterparty after any
38 offset for payments owed to the state on any hedging contract as
39 described in subparagraph (A) of paragraph (2) of subdivision (d)
40 of Section 16731.

1 (b) From the moneys transferred to the fund pursuant to
2 paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the
3 Vehicle Code, there shall first be deposited into the Transportation
4 Bond Direct Payment Account in each month sufficient funds to
5 equal the amount designated in a certificate submitted by the
6 Treasurer to the Controller and the Director of Finance at the start
7 of each fiscal year, and as may be modified by the Treasurer
8 thereafter upon issuance of any new issue of designated bonds or
9 upon change in circumstances that requires such a modification.
10 This certificate shall be calculated by the Treasurer to identify, for
11 each month, the amount necessary to fund all of the debt service
12 with respect to all designated bonds. This calculation shall be done
13 in a manner provided in the resolution, indenture, or other
14 documents governing the designated bonds. In the event that
15 transfers to the Transportation Bond Direct Payment Account in
16 any month are less than the amounts required in the Treasurer's
17 certificate, the shortfall shall carry over to be part of the required
18 payment in the succeeding month or months.

19 (c) The state hereby covenants with the holders from time to
20 time of any designated bonds that it will not alter, amend, or restrict
21 the provisions of subdivision (c) of Section 16773 of the
22 Government Code, or Sections 9400, 9400.1, 9400.4, and 42205
23 of the Vehicle Code, which provide directly or indirectly for the
24 transfer of weight fees to the Transportation Debt Service Fund
25 or the Transportation Bond Direct Payment Account, or
26 subdivisions (a) and (b) of this section, or reduce the rate of
27 imposition of vehicle weight fees under Sections 9400 and 9400.1
28 of the Vehicle Code as they existed on the date of the first issuance
29 of any designated bonds, if that alteration, amendment, restriction,
30 or reduction would result in projected weight fees for the next
31 fiscal year determined by the Director of Finance being less than
32 two times the maximum annual debt service with respect to all
33 outstanding designated bonds, as such calculation is determined
34 pursuant to the resolution, indenture, or other documents governing
35 the designated bonds. The state may include this covenant in the
36 resolution, indenture, or other documents governing the designated
37 bonds.

38 (d) Once the required monthly deposit, including makeup of
39 any shortfalls from any prior month, has been made pursuant to
40 subdivision (b), from moneys transferred to the fund pursuant to

1 paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the
2 Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the
3 Controller shall transfer as an expenditure reduction to the General
4 Fund any amount necessary to offset the cost of current year debt
5 service payments made from the General Fund with respect to any
6 bonds issued pursuant to Proposition 192 (1996) and three-quarters
7 of the amount of current year debt service payments made from
8 the General Fund with respect to any nondesignated bonds, as
9 defined in subdivision (c) of Section 16773, issued pursuant to
10 Proposition 1B (2006). In the alternative, these funds may also be
11 used to redeem or retire the applicable bonds, pursuant to Section
12 16774, maturing in a subsequent fiscal year as directed by the
13 Director of Finance.

14 ~~(e) From moneys transferred to the fund pursuant to Section~~
15 ~~183.1 of the Streets and Highways Code, the Controller shall~~
16 ~~transfer as an expenditure reduction to the General Fund any~~
17 ~~amount necessary to offset the cost of current year debt service~~
18 ~~payments made from the General Fund with respect to any bonds~~
19 ~~issued pursuant to Proposition 116 (1990). In the alternative, these~~
20 ~~funds may also be used to redeem or retire the applicable bonds,~~
21 ~~pursuant to Section 16774, maturing in a subsequent fiscal year~~
22 ~~as directed by the Director of Finance.~~

23 ~~(f)~~

24 (e) Once the required monthly deposit, including makeup of
25 any shortfalls from any prior month, has been made pursuant to
26 subdivision (b), from moneys transferred to the fund pursuant to
27 paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the
28 Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the
29 Controller shall transfer as an expenditure reduction to the General
30 Fund any amount necessary to offset the eligible cost of current
31 year debt service payments made from the General Fund with
32 respect to any bonds issued pursuant to Proposition 108 (1990)
33 and Proposition 1A (2008), and one-quarter of the amount of
34 current year debt service payments made from the General Fund
35 with respect to any nondesignated bonds, as defined in subdivision
36 (c) of Section 16773, issued pursuant to Proposition 1B (2006).
37 The Department of Finance shall notify the Controller by July 30
38 of every year of the percentage of debt service that is expected to
39 be paid in that fiscal year with respect to bond-funded projects that
40 qualify as eligible guideway projects consistent with the

1 requirements applicable to the expenditure of revenues under
2 Article XIX of the California Constitution, and the Controller shall
3 make payments only for those eligible projects. In the alternative,
4 these funds may also be used to redeem or retire the applicable
5 bonds, pursuant to Section 16774, maturing in a subsequent fiscal
6 year as directed by the Director of Finance.

7 ~~(g)~~

8 (f) On or before the second business day following the date on
9 which transfers are made to the Transportation Debt Service Fund,
10 and after the required monthly deposits for that month, including
11 makeup of any shortfalls from any prior month, have been made
12 to the Transportation Bond Direct Payment Account, the Controller
13 shall transfer the funds designated for reimbursement of bond debt
14 service with respect to nondesignated bonds, as defined in
15 subdivision (c) of Section 16773, and other bonds identified in
16 subdivisions ~~(d), (e), and (f)~~ (d) and (e) in that month from the
17 fund to the General Fund pursuant to this section.

18 SEC. 11. Section 39719 of the Health and Safety Code is
19 amended to read:

20 39719. (a) The Legislature shall appropriate the annual
21 proceeds of the fund for the purpose of reducing greenhouse gas
22 emissions in this state in accordance with the requirements of
23 Section 39712.

24 (b) To carry out a portion of the requirements of subdivision
25 (a), annual proceeds are continuously appropriated for the
26 following:

27 (1) Beginning in the ~~2015-16~~ 2016-17 fiscal year, and
28 notwithstanding Section 13340 of the Government Code, ~~35~~ 50
29 percent of annual proceeds are continuously appropriated, without
30 regard to fiscal years, for transit, affordable housing, and
31 sustainable communities programs as following:

32 (A) ~~Ten~~ Twenty percent of the annual proceeds of the fund is
33 hereby continuously appropriated to the Transportation Agency
34 for the Transit and Intercity Rail Capital Program created by Part
35 2 (commencing with Section 75220) of Division 44 of the Public
36 Resources Code.

37 (B) ~~Five~~ Ten percent of the annual proceeds of the fund is hereby
38 continuously appropriated to the Low Carbon Transit Operations
39 Program created by Part 3 (commencing with Section 75230) of
40 Division 44 of the Public Resources Code. ~~Funds~~ Moneys shall be

1 allocated by the Controller, according to requirements of the
2 program, and pursuant to the distribution formula in subdivision
3 (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of,
4 the Public Utilities Code.

5 (C) Twenty percent of the annual proceeds of the fund is hereby
6 continuously appropriated to the Strategic Growth Council for the
7 Affordable Housing and Sustainable Communities Program created
8 by Part 1 (commencing with Section 75200) of Division 44 of the
9 Public Resources Code. Of the amount appropriated in this
10 subparagraph, no less than 10 percent of the annual ~~proceeds,~~
11 *proceeds* shall be expended for affordable housing, consistent with
12 the provisions of that program.

13 (2) Beginning in the 2015–16 fiscal year, notwithstanding
14 Section 13340 of the Government Code, 25 percent of the annual
15 proceeds of the fund is hereby continuously appropriated to the
16 High-Speed Rail Authority for the following components of the
17 initial operating segment and Phase I Blended System as described
18 in the 2012 business plan adopted pursuant to Section 185033 of
19 the Public Utilities Code:

- 20 (A) Acquisition and construction costs of the project.
- 21 (B) Environmental review and design costs of the project.
- 22 (C) Other capital costs of the project.
- 23 (D) Repayment of any loans made to the authority to fund the
24 project.

25 (c) In determining the amount of annual proceeds of the fund
26 for purposes of the calculation in subdivision (b), the funds subject
27 to Section 39719.1 shall not be included.

28 SEC. 12. Section 21080.37 of the Public Resources Code is
29 amended to read:

30 21080.37. (a) This division does not apply to a project or an
31 activity to repair, maintain, or make minor alterations to an existing
32 roadway if all of the following conditions are met:

33 ~~(1) The project is carried out by a city or county with a
34 population of less than 100,000 persons to improve public safety.~~

35 ~~(2)~~
36 (1) (A) The project does not cross a waterway.

37 (B) For purposes of this paragraph, “waterway” means a bay,
38 estuary, lake, pond, river, slough, or a perennial, intermittent, or
39 ephemeral stream, lake, or estuarine-marine shoreline.

40 ~~(3)~~

1 (2) The project involves negligible or no expansion of an
2 existing use beyond that existing at the time of the lead agency’s
3 determination.

4 ~~(4) The roadway is not a state roadway.~~

5 ~~(5)~~

6 (3) (A) The site of the project does not contain wetlands or
7 riparian areas and does not have significant value as a wildlife
8 habitat, and the project does not harm any species protected by the
9 federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et
10 seq.), the Native Plant Protection Act (Chapter 10 (commencing
11 with Section 1900) of Division 2 of the Fish and Game Code), or
12 the California Endangered Species Act (Chapter 1.5 (commencing
13 with Section 2050) of Division 3 of the Fish and Game Code), and
14 the project does not cause the destruction or removal of any species
15 protected by a local ordinance.

16 (B) For the purposes of this paragraph:

17 (i) “Riparian areas” mean those areas transitional between
18 terrestrial and aquatic ecosystems and that are distinguished by
19 gradients in biophysical conditions, ecological processes, and biota.
20 A riparian area is an area through which surface and subsurface
21 hydrology connect waterbodies with their adjacent uplands. A
22 riparian area includes those portions of terrestrial ecosystems that
23 significantly influence exchanges of energy and matter with aquatic
24 ecosystems. A riparian area is adjacent to perennial, intermittent,
25 and ephemeral streams, lakes, and estuarine-marine shorelines.

26 (ii) “Significant value as a wildlife habitat” includes wildlife
27 habitat of national, statewide, regional, or local importance; habitat
28 for species protected by the federal Endangered Species Act of
29 1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered
30 Species Act (Chapter 1.5 (commencing with Section 2050) of
31 Division 3 of the Fish and Game Code), or the Native Plant
32 Protection Act (Chapter 10 (commencing with Section 1900) of
33 Division 2 of the Fish and Game Code); habitat identified as
34 candidate, fully protected, sensitive, or species of special status
35 by local, state, or federal agencies; or habitat essential to the
36 movement of resident or migratory wildlife.

37 (iii) “Wetlands” has the same meaning as in the United States
38 Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

1 (iv) “Wildlife habitat” means the ecological communities upon
2 which wild animals, birds, plants, fish, amphibians, and
3 invertebrates depend for their conservation and protection.

4 ~~(6)~~

5 (4) The project does not impact cultural resources.

6 ~~(7)~~

7 (5) The roadway does not affect scenic resources, as provided
8 pursuant to subdivision (c) of Section 21084.

9 (b) Prior to determining that a project is exempt pursuant to this
10 section, the lead agency shall do both of the following:

11 (1) Include measures in the project to mitigate potential
12 vehicular traffic and safety impacts and bicycle and pedestrian
13 safety impacts.

14 (2) Hold a noticed public hearing on the project to hear and
15 respond to public comments. The hearing on the project may be
16 conducted with another noticed lead agency public hearing.
17 Publication of the notice shall be no fewer times than required by
18 Section 6061 of the Government Code, by the public agency in a
19 newspaper of general circulation in the area.

20 (c) For purposes of this section, “roadway” means a roadway
21 as defined pursuant to Section 530 of the Vehicle Code and the
22 previously graded and maintained shoulder that is within a roadway
23 right-of-way of no more than five feet from the edge of the
24 roadway.

25 *(d) (1) If a state agency determines that a project is not subject*
26 *to this division pursuant to this section and it approves or*
27 *determines to carry out that project, it shall file a notice with the*
28 *Office of Planning and Research in the manner specified in*
29 *subdivisions (b) and (c) of Section 21108.*

30 ~~(d) Whenever~~

31 (2) *If a local agency determines that a project is not subject to*
32 *this division pursuant to this section, section and it approves or*
33 *determines to carry out that project, the local agency it shall file*
34 *a notice with the Office of Planning and Research, and with the*
35 *county clerk in the county in which the project will be located in*
36 *the manner specified in subdivisions (b) and (c) of Section 21152.*

37 ~~(e) This section shall remain in effect only until January 1, 2020,~~
38 ~~and as of that date is repealed, unless a later enacted statute, that~~
39 ~~is enacted before January 1, 2020, deletes or extends that date.~~

1 SEC. 13. Division 13.6 (commencing with Section 21200) is
2 added to the Public Resources Code, to read:

3
4 DIVISION 13.6. ADVANCE MITIGATION PROGRAM ACT

5
6 CHAPTER 1. GENERAL

7
8 21200. This division shall be known, and may be cited, as the
9 Advance Mitigation Program Act.

10 21201. (a) The purpose of this division is to improve the
11 success and effectiveness of actions implemented to mitigate the
12 natural resource impacts of future transportation projects by
13 establishing the means to implement those actions well before the
14 transportation projects are constructed. The advance identification
15 and implementation of mitigation actions also will streamline the
16 delivery of transportation projects by anticipating mitigation
17 requirements for planned transportation projects and avoiding or
18 reducing delays associated with environmental permitting. By
19 identifying regional or statewide conservation priorities and by
20 anticipating the impacts of planned transportation projects on a
21 regional or statewide basis, mitigation actions can be designed to
22 protect and restore California’s most valuable natural resources
23 and also facilitate environmental compliance for planned
24 transportation projects on a regional scale.

25 (b) This division is not intended to create a new environmental
26 permitting or regulatory program or to modify existing
27 environmental laws or regulations, nor is it expected that all
28 mitigation requirements will be addressed for planned
29 transportation projects. Instead, it is intended to provide a
30 methodology with which to anticipate and fulfill the requirements
31 of existing state and federal environmental laws that protect fish,
32 wildlife, plant species, and other natural resources more efficiently
33 and effectively.

34 21202. The Legislature finds and declares all of the following:

35 (a) The minimization and mitigation of environmental impacts
36 is ordinarily handled on a project-by-project basis, usually near
37 the end of a project’s timeline and often without guidance regarding
38 regional or statewide conservation priorities.

39 (b) The cost of critical transportation projects often escalates
40 because of permitting delays that occur when appropriate

1 conservation and mitigation measures cannot easily be identified
2 and because the cost of these measures often increases between
3 the time a project is planned and funded and the time mitigation
4 is implemented.

5 (c) Addressing conservation and mitigation needs early in a
6 project’s timeline, during the project design and development
7 phase, can reduce costs, allow natural resources conservation to
8 be integrated with project siting and design, and result in the
9 establishment of more valuable and productive habitat mitigation.

10 (d) When the Department of Transportation is able to anticipate
11 the mitigation needs for planned transportation projects, it can
12 meet those needs in a more timely and cost-effective way by using
13 advance mitigation planning.

14 (e) Working with state and federal resource protection agencies,
15 the department can identify, conserve, and, where appropriate,
16 restore lands for mitigation of numerous projects early in the
17 projects’ timelines, thereby allowing public funds to stretch further
18 by acquiring habitat at a lower cost and avoiding environmental
19 permitting delays.

20 (f) Advance mitigation can provide an effective means of
21 facilitating delivery of transportation projects while ensuring more
22 effective natural resource conservation.

23 (g) Advance mitigation is needed to direct mitigation funding
24 for transportation projects to agreed-upon conservation priorities
25 and to the creation of habitat reserves and recreation areas that
26 enhance the sustainability of human and natural systems by
27 protecting or restoring connectivity of natural communities and
28 the delivery of ecosystem services.

29 (h) Advance mitigation can facilitate the implementation of
30 climate change adaptation strategies both for ecosystems and
31 California’s economy.

32 (i) Advance mitigation can enable the state to protect, restore,
33 and recover its natural resources as it strengthens and improves
34 its transportation systems.

35 21203. The Legislature intends to do all of the following by
36 enacting this division:

37 (a) Facilitate delivery of transportation projects while ensuring
38 more effective natural resource conservation.

- 1 (b) Develop effective strategies to improve the state’s ability to
- 2 meet mounting demands for transportation improvements and to
- 3 maximize conservation and other public benefits.
- 4 (c) Achieve conservation objectives of statewide and regional
- 5 importance by coordinating local, state, and federally funded
- 6 natural resource conservation efforts with mitigation actions
- 7 required for impacts from transportation projects.
- 8 (d) Create administrative, governance, and financial incentives
- 9 and mechanisms necessary to ensure that measures required to
- 10 minimize or mitigate impacts from transportation projects will
- 11 serve to achieve regional or statewide natural resource conservation
- 12 objectives.

CHAPTER 2. DEFINITIONS

- 13
- 14
- 15
- 16 21204. For purposes of this division, the following terms have
- 17 the following meanings:
- 18 (a) “Acquire” and “acquisition” mean, with respect to land or
- 19 a waterway, acquisition of fee title or purchase of a conservation
- 20 easement, that protects conservation and mitigation values on the
- 21 land or waterway in perpetuity.
- 22 (b) “Advance mitigation” means mitigation implemented before,
- 23 and in anticipation of, environmental effects of planned
- 24 transportation projects.
- 25 (c) “Commission” means the California Transportation
- 26 Commission.
- 27 (d) “Department” means the Department of Transportation.
- 28 (e) “Transportation agency” means the department, the
- 29 High-Speed Rail Authority, a metropolitan planning organization,
- 30 a regional transportation planning agency, or another public agency
- 31 that implements transportation projects.
- 32 (f) “Transportation project” means a transportation capital
- 33 improvement project.
- 34 (g) “Planned transportation project” means a transportation
- 35 project that a transportation agency has concluded is reasonably
- 36 likely to be constructed within 20 years and that has been identified
- 37 to the agency for purposes of this division. A planned transportation
- 38 project may include, but is not limited to, a transportation project
- 39 that has been proposed for approval or that has been approved.

1 (h) “Program” means the Advance Mitigation Program
2 implemented pursuant to this division.

3 (i) “Regulatory agency” means a state or federal natural resource
4 protection agency with regulatory authority over planned
5 transportation projects. A regulatory agency includes, but is not
6 limited to, the Natural Resources Agency, the Department of Fish
7 and Wildlife, California regional water quality control boards, the
8 United States Fish and Wildlife Service, the National Marine
9 Fisheries Service, the United States Environmental Protection
10 Agency, and the United States Army Corps of Engineers.

11
12 CHAPTER 3. ADVANCE MITIGATION PROGRAM
13

14 21205. (a) The Advance Mitigation Program is hereby created
15 in the department to accelerate project delivery and improve
16 environmental outcomes of environmental mitigation for planned
17 transportation projects.

18 (b) The program may utilize mitigation instruments, including,
19 but not limited to, mitigation banks, in lieu of fee programs, and
20 conservation easements as defined in Section 815.1 of the Civil
21 Code.

22 (c) The department shall track all implemented advance
23 mitigation projects to use as credits for environmental mitigation
24 for state-sponsored transportation projects.

25 (d) The department may use advance mitigation credits to fulfill
26 mitigation requirements of any environmental law for a
27 transportation project eligible for the State Transportation
28 Improvement Program or the State Highway Operation and
29 Protection Program.

30 21206. No later than February 1, 2017, the department shall
31 establish an interagency transportation advance mitigation steering
32 committee consisting of the department and appropriate state and
33 federal regulatory agencies to support the program so that advance
34 mitigation can be used as required mitigation for planned
35 transportation projects and can provide improved environmental
36 outcomes. The committee shall advise the department of
37 opportunities to carry out advance mitigation projects, provide the
38 best available science, and actively participate in mitigation
39 instrument reviews and approvals. The committee shall seek to
40 develop streamlining opportunities, including those related to

1 landscape scale mitigation planning and alignment offederal and
 2 state regulations and procedures related to mitigation requirements
 3 and implementation. The committee shall also provide input on
 4 crediting, using, and tracking of advance mitigation investments.

5 21207. The Advance Mitigation Fund is hereby created in the
 6 State Transportation Fund as a revolving fund. Notwithstanding
 7 Section 13340 of the Government Code, the fund shall be
 8 continuously appropriated without regard to fiscal years. The
 9 moneys in the fund shall be programmed by the commission for
 10 the planning and implementation of advance mitigation projects
 11 consistent with the purposes of this chapter. After the transfer of
 12 moneys to the fund for four fiscal years pursuant to subdivision
 13 (c) of Section 2032 of the Streets and Highways Code, commencing
 14 in the 2017–18 fiscal year, the program is intended to be
 15 self-sustaining. Advance expenditures from the fund shall later be
 16 reimbursed from project funding available at the time a planned
 17 transportation project is constructed. A maximum of 5 percent of
 18 available funds may be used for administrative purposes.

19 SEC. 14. Section 99312.1 of the Public Utilities Code is
 20 amended to read:

21 99312.1. (a) Revenues transferred to the Public Transportation
 22 Account pursuant to Sections 6051.8 and 6201.8 of the Revenue
 23 and Taxation Code are hereby continuously appropriated to the
 24 Controller for allocation as follows:

25 ~~(a)~~

26 (1) Fifty percent for allocation to transportation planning
 27 agencies, county transportation commissions, and the San Diego
 28 Metropolitan Transit Development Board pursuant to Section
 29 99314.

30 ~~(b)~~

31 (2) Fifty percent for allocation to transportation agencies, county
 32 transportation commissions, and the San Diego Metropolitan
 33 Transit Development Board for purposes of Section 99313.

34 ~~For~~

35 (b) For purposes of this chapter, the revenues allocated pursuant
 36 to this section shall be subject to the same requirements as revenues
 37 allocated pursuant to subdivisions (b) and (c), as applicable, of
 38 Section 99312.

39 (c) *The revenues transferred to the Public Transportation*
 40 *Account that are attributable to the increase in the sales and use*

1 tax on diesel fuel pursuant to subdivision (b) of Section 6051.8 of
2 the Revenue and Taxation Code, as adjusted pursuant to
3 subdivision (c) of that section, and subdivision (b) of Section 6201.8
4 of the Revenue and Taxation Code, as adjusted pursuant to
5 subdivision (c) of that section, upon allocation pursuant to Sections
6 99313 and 99314, shall only be expended on the following:

7 (1) Transit capital projects or services to maintain or repair a
8 transit operator's existing transit vehicle fleet or existing transit
9 facilities, including rehabilitation or modernization of existing
10 vehicles or facilities.

11 (2) The design, acquisition, and construction of new vehicles
12 or facilities that improve existing transit services.

13 (3) Transit services that complement local efforts for repair and
14 improvement of local transportation infrastructure.

15 (d) (1) Prior to receiving an apportionment of funds pursuant
16 to subdivision (c) from the Controller in a fiscal year, a recipient
17 transit agency shall submit to the Department of Transportation
18 a list of projects proposed to be funded with these funds. The list
19 of projects proposed to be funded with these funds shall include
20 a description and location of each proposed project, a proposed
21 schedule for the project's completion, and the estimated useful life
22 of the improvement. The project list shall not limit the flexibility
23 of a recipient transit agency to fund projects in accordance with
24 local needs and priorities so long as the projects are consistent
25 with subdivision (c).

26 (2) The department shall report to the Controller the recipient
27 transit agencies that have submitted a list of projects as described
28 in this subdivision and that are therefore eligible to receive an
29 apportionment of funds for the applicable fiscal year. The
30 Controller, upon receipt of the report, shall apportion funds
31 pursuant to Sections 99313 and 99314.

32 (e) For each fiscal year, each recipient transit agency receiving
33 an apportionment of funds pursuant to subdivision (c) shall, upon
34 expending those funds, submit documentation to the department
35 that includes a description and location of each completed project,
36 the amount of funds expended on the project, the completion date,
37 and the estimated useful life of the improvement.

38 (f) The audit of transit operator finances required pursuant to
39 Section 99245 shall verify that the revenues identified in
40 subdivision (c) have been expended in conformance with these

1 *specific requirements and all other generally applicable*
 2 *requirements.*

3 SEC. 15. Section 6051.8 of the Revenue and Taxation Code
 4 is amended to read:

5 6051.8. (a) Except as provided by Section 6357.3, in addition
 6 to the taxes imposed by this part, for the privilege of selling
 7 tangible personal property at retail a tax is hereby imposed upon
 8 all retailers at the rate of 1.75 percent of the gross receipts of any
 9 retailer from the sale of all diesel fuel, as defined in Section 60022,
 10 sold at retail in this state on and after the operative date of this
 11 subdivision. *fuel.*

12 ~~(b) Notwithstanding subdivision (a), for the 2011–12 fiscal year~~
 13 ~~only, the rate referenced in subdivision (a) shall be 1.87 percent.~~

14 ~~(c) Notwithstanding subdivision (a), for the 2012–13 fiscal year~~
 15 ~~only, the rate referenced in subdivision (a) shall be 2.17 percent.~~

16 ~~(d) Notwithstanding subdivision (a), for the 2013–14 fiscal year~~
 17 ~~only, the rate referenced in subdivision (a) shall be 1.94 percent.~~

18 *(b) Except as provided by Section 6357.3, in addition to the*
 19 *taxes imposed by this part and by subdivision (a), for the privilege*
 20 *of selling tangible personal property at retail a tax is hereby*
 21 *imposed upon all retailers at the rate of 3.5 percent of the gross*
 22 *receipts of any retailer from the sale of all diesel fuel, as defined*
 23 *in Section 60022, sold at retail in this state. The tax imposed under*
 24 *this subdivision shall be imposed on and after the first day of the*
 25 *first calendar quarter that occurs 90 days after the effective date*
 26 *of the act adding this subdivision.*

27 *(c) Beginning July 1, 2019, and every third year thereafter, the*
 28 *State Board of Equalization shall recompute the rates of the taxes*
 29 *imposed by this section. That computation shall be made as*
 30 *follows:*

31 *(1) The Department of Finance shall transmit to the State Board*
 32 *of Equalization the percentage change in the California Consumer*
 33 *Price Index for all items from November of three calendar years*
 34 *prior to November of the prior calendar year, no later than January*
 35 *31, 2019, and January 31 of every third year thereafter.*

36 *(2) The State Board of Equalization shall do all of the following:*

37 *(A) Compute an inflation adjustment factor by adding 100*
 38 *percent to the percentage change figure that is furnished pursuant*
 39 *to paragraph (1) and dividing the result by 100.*

1 (B) Multiply the preceding tax rate per gallon by the inflation
2 adjustment factor determined in subparagraph (A) and round off
3 the resulting product to the nearest tenth of a cent.

4 (C) Make its determination of the new rate no later than March
5 1 of the same year as the effective date of the new rate.

6 (e)

7 (d) Notwithstanding subdivision (b) of Section 7102, all of the
8 revenues, less refunds, collected pursuant to this section shall be
9 estimated by the State Board of Equalization, with the concurrence
10 of the Department of Finance, and transferred quarterly to the
11 Public Transportation Account in the State Transportation Fund
12 for allocation pursuant to Section 99312.1 of the Public Utilities
13 Code.

14 ~~(f) Subdivisions (a) to (e), inclusive, shall become operative on~~
15 ~~July 1, 2011.~~

16 SEC. 16. Section 6201.8 of the Revenue and Taxation Code
17 is amended to read:

18 6201.8. (a) Except as provided by Section 6357.3, in addition
19 to the taxes imposed by this part, an excise tax is hereby imposed
20 on the storage, use, or other consumption in this state of diesel
21 fuel, as defined in Section 60022, at the rate of 1.75 percent of the
22 sales price of the diesel fuel on and after the operative date of this
23 subdivision. *fuel.*

24 ~~(b) Notwithstanding subdivision (a), for the 2011–12 fiscal year~~
25 ~~only, the rate referenced in subdivision (a) shall be 1.87 percent.~~

26 ~~(c) Notwithstanding subdivision (a), for the 2012–13 fiscal year~~
27 ~~only, the rate referenced in subdivision (a) shall be 2.17 percent.~~

28 ~~(d) Notwithstanding subdivision (a), for the 2013–14 fiscal year~~
29 ~~only, the rate referenced in subdivision (a) shall be 1.94 percent.~~

30 (b) Except as provided by Section 6357.3, in addition to the
31 taxes imposed by this part and by subdivision (a), an excise tax is
32 hereby imposed on the storage, use, or other consumption in this
33 state of diesel fuel, as defined in Section 60022, at the rate of 3.5
34 percent of the sales price of the diesel fuel. The tax imposed under
35 this subdivision shall be imposed on and after the first day of the
36 first calendar quarter that occurs 90 days after the effective date
37 of the act adding this subdivision.

38 (c) Beginning July 1, 2019, and every third year thereafter, the
39 State Board of Equalization shall recompute the rates of the taxes

1 *imposed by this section. That computation shall be made as*
 2 *follows:*

3 *(1) The Department of Finance shall transmit to the State Board*
 4 *of Equalization the percentage change in the California Consumer*
 5 *Price Index for all items from November of three calendar years*
 6 *prior to November of the prior calendar year, no later than January*
 7 *31, 2019, and January 31 of every third year thereafter.*

8 *(2) The State Board of Equalization shall do all of the following:*

9 *(A) Compute an inflation adjustment factor by adding 100*
 10 *percent to the percentage change figure that is furnished pursuant*
 11 *to paragraph (1) and dividing the result by 100.*

12 *(B) Multiply the preceding tax rate per gallon by the inflation*
 13 *adjustment factor determined in subparagraph (A) and round off*
 14 *the resulting product to the nearest tenth of a cent.*

15 *(C) Make its determination of the new rate no later than March*
 16 *1 of the same year as the effective date of the new rate.*

17 ~~(e)~~

18 *(d) Notwithstanding subdivision (b) of Section 7102, all of the*
 19 *revenues, less refunds, collected pursuant to this section shall be*
 20 *estimated by the State Board of Equalization, with the concurrence*
 21 *of the Department of Finance, and transferred quarterly to the*
 22 *Public Transportation Account in the State Transportation Fund*
 23 *for allocation pursuant to Section 99312.1 of the Public Utilities*
 24 *Code.*

25 ~~(f) Subdivisions (a) to (e), inclusive, shall become operative on~~
 26 ~~July 1, 2011.~~

27 SEC. 17. Section 7360 of the Revenue and Taxation Code is
 28 amended to read:

29 7360. (a) (1) (A) A tax of eighteen cents (\$0.18) is hereby
 30 imposed upon each gallon of fuel subject to the tax in Sections
 31 7362, 7363, and 7364.

32 *(B) In addition to the tax imposed pursuant to subparagraph*
 33 *(A), on and after the first day of the first calendar quarter that*
 34 *occurs 90 days after the effective date of the act adding this*
 35 *subparagraph, a tax of seventeen cents (\$0.17) is hereby imposed*
 36 *upon each gallon of fuel, other than aviation gasoline, subject to*
 37 *the tax in Sections 7362, 7363, and 7364.*

38 (2) If the federal fuel tax is reduced below the rate of nine cents
 39 (\$0.09) per gallon and federal financial allocations to this state for
 40 highway and exclusive public mass transit guideway purposes are

1 reduced or eliminated correspondingly, the tax rate imposed by
2 *subparagraph (A) of paragraph (1)*, on and after the date of the
3 reduction, shall be recalculated by an amount so that the combined
4 state rate under *subparagraph (A) of paragraph (1)* and the federal
5 tax rate per gallon equal twenty-seven cents (\$0.27).

6 (3) If any person or entity is exempt or partially exempt from
7 the federal fuel tax at the time of a reduction, the person or entity
8 shall continue to be so exempt under this section.

9 (b) ~~(1)~~—On and after July 1, 2010, in addition to the tax imposed
10 by subdivision (a), a tax is hereby imposed upon each gallon of
11 motor vehicle fuel, other than aviation gasoline, subject to the tax
12 in Sections 7362, 7363, and 7364 in an amount equal to seventeen
13 and three-tenths cents (\$0.173) per gallon.

14 ~~(2)~~ For the 2011–12 fiscal year and each fiscal year thereafter,
15 the board shall, on or before March 1 of the fiscal year immediately
16 preceding the applicable fiscal year, adjust the rate in paragraph
17 ~~(1)~~ in that manner as to generate an amount of revenue that will
18 equal the amount of revenue loss attributable to the exemption
19 provided by Section 6357.7, based on estimates made by the board,
20 and that rate shall be effective during the state’s next fiscal year.

21 ~~(3)~~ In order to maintain revenue neutrality for each year,
22 beginning with the rate adjustment on or before March 1, 2012,
23 the adjustment under paragraph ~~(2)~~ shall also take into account the
24 extent to which the actual amount of revenues derived pursuant to
25 this subdivision and, as applicable, Section 7361.1, the revenue
26 loss attributable to the exemption provided by Section 6357.7
27 resulted in a net revenue gain or loss for the fiscal year ending
28 prior to the rate adjustment date on or before March 1.

29 ~~(4)~~ The intent of paragraphs ~~(2)~~ and ~~(3)~~ is to ensure that the act
30 adding this subdivision and Section 6357.7 does not produce a net
31 revenue gain in state taxes.

32 (c) *Beginning July 1, 2019, and every third year thereafter, the*
33 *State Board of Equalization shall recompute the rates of the taxes*
34 *imposed by this section. That computation shall be made as*
35 *follows:*

36 (1) *The Department of Finance shall transmit to the State Board*
37 *of Equalization the percentage change in the California Consumer*
38 *Price Index for all items from November of three calendar years*
39 *prior to November of the prior calendar year, no later than January*
40 *31, 2019, and January 31 of every third year thereafter.*

1 (2) *The State Board of Equalization shall do all of the following:*

2 (A) *Compute an inflation adjustment factor by adding 100*
 3 *percent to the percentage change figure that is furnished pursuant*
 4 *to paragraph (1) and dividing the result by 100.*

5 (B) *Multiply the preceding tax rate per gallon by the inflation*
 6 *adjustment factor determined in subparagraph (A) and round off*
 7 *the resulting product to the nearest tenth of a cent.*

8 (C) *Make its determination of the new rate no later than March*
 9 *1 of the same year as the effective date of the new rate.*

10 SEC. 18. Section 8352.4 of the Revenue and Taxation Code
 11 is amended to read:

12 8352.4. (a) Subject to Sections 8352 and 8352.1, and except
 13 as otherwise provided in subdivision (b), there shall be transferred
 14 from the money deposited to the credit of the Motor Vehicle Fuel
 15 Account to the Harbors and Watercraft Revolving Fund, for
 16 expenditure in accordance with Division 1 (commencing with
 17 Section 30) of the Harbors and Navigation Code, the sum of six
 18 million six hundred thousand dollars (\$6,600,000) per annum,
 19 representing the amount of money in the Motor Vehicle Fuel
 20 Account attributable to taxes imposed on distributions of motor
 21 vehicle fuel used or usable in propelling vessels. The actual amount
 22 shall be calculated using the annual reports of registered boats
 23 prepared by the Department of Motor Vehicles for the United
 24 States Coast Guard and the formula and method of the December
 25 1972 report prepared for this purpose and submitted to the
 26 Legislature on December 26, 1972, by the Director of
 27 Transportation. If the amount transferred during each fiscal year
 28 is in excess of the calculated amount, the excess shall be
 29 retransferred from the Harbors and Watercraft Revolving Fund to
 30 the Motor Vehicle Fuel Account. If the amount transferred is less
 31 than the amount calculated, the difference shall be transferred from
 32 the Motor Vehicle Fuel Account to the Harbors and Watercraft
 33 Revolving Fund. No adjustment shall be made if the computed
 34 difference is less than fifty thousand dollars (\$50,000), and the
 35 amount shall be adjusted to reflect any temporary or permanent
 36 increase or decrease that may be made in the rate under the Motor
 37 Vehicle Fuel Tax Law. Payments pursuant to this section shall be
 38 made prior to payments pursuant to Section 8352.2.

39 (b) Commencing July 1, ~~2012~~, 2016, the revenues attributable
 40 to the taxes imposed pursuant to subdivision (b) of Section 7360

1 and Section 7361.1 and otherwise to be deposited in the Harbors
 2 and Watercraft Revolving Fund pursuant to subdivision (a) shall
 3 instead be transferred to the ~~General Fund~~. The revenues
 4 attributable to the taxes imposed *Highway Users Tax Account for*
 5 *distribution* pursuant to subdivision (b) of Section 7360 and Section
 6 7361.1 that were deposited in Section 2103.1 of the Harbors Streets
 7 and Watercraft Revolving Fund in the 2010-11 and 2011-12 fiscal
 8 years shall be transferred to the ~~General Fund~~. *Highways Code*.

9 SEC. 19. Section 8352.5 of the Revenue and Taxation Code
 10 is amended to read:

11 8352.5. (a) (1) Subject to Sections 8352 and 8352.1, and
 12 except as otherwise provided in subdivision (b), there shall be
 13 transferred from the money deposited to the credit of the Motor
 14 Vehicle Fuel Account to the Department of Food and Agriculture
 15 Fund, during the second quarter of each fiscal year, an amount
 16 equal to the estimate contained in the most recent report prepared
 17 pursuant to this section.

18 (2) The amounts are not subject to Section 6357 with respect
 19 to the collection of sales and use taxes thereon, and represent the
 20 portion of receipts in the Motor Vehicle Fuel Account during a
 21 calendar year that were attributable to agricultural off-highway
 22 use of motor vehicle fuel which is subject to refund pursuant to
 23 Section 8101, less gross refunds allowed by the Controller during
 24 the fiscal year ending June ~~30th~~ 30 following the calendar year to
 25 persons entitled to refunds for agricultural off-highway use
 26 pursuant to Section 8101. Payments pursuant to this section shall
 27 be made prior to payments pursuant to Section 8352.2.

28 (b) Commencing July 1, ~~2012~~, 2016, the revenues attributable
 29 to the taxes imposed pursuant to subdivision (b) of Section 7360
 30 and Section 7361.1 and otherwise to be deposited in the
 31 Department of Food and Agriculture Fund pursuant to subdivision
 32 (a) shall instead be transferred to the ~~General Fund~~. The revenues
 33 attributable to the taxes imposed *Highway Users Tax Account for*
 34 *distribution* pursuant to subdivision (b) of Section 7360 and Section
 35 7361.1 that were deposited in the Department Section 2103.1 of
 36 Food and Agriculture Fund in the 2010-11 *Streets* and 2011-12
 37 fiscal years shall be transferred to the ~~General Fund~~. *Highways*
 38 *Code*.

39 (c) On or before September 30, 2012, and on or before
 40 September 30 of each even-numbered year thereafter, the Director

1 of Transportation and the Director of Food and Agriculture shall
 2 jointly prepare, or cause to be prepared, a report setting forth the
 3 current estimate of the amount of money in the Motor Vehicle
 4 Fuel Account attributable to agricultural off-highway use of motor
 5 vehicle fuel, which is subject to refund pursuant to Section 8101
 6 less gross refunds allowed by the Controller to persons entitled to
 7 refunds for agricultural off-highway use pursuant to Section 8101;
 8 and they shall submit a copy of the report to the Legislature.

9 SEC. 20. Section 8352.6 of the Revenue and Taxation Code
 10 is amended to read:

11 8352.6. (a) (1) Subject to Section 8352.1, and except as
 12 otherwise provided in paragraphs (2) and (3), on the first day of
 13 every month, there shall be transferred from moneys deposited to
 14 the credit of the Motor Vehicle Fuel Account to the Off-Highway
 15 Vehicle Trust Fund created by Section 38225 of the Vehicle Code
 16 an amount attributable to taxes imposed upon distributions of motor
 17 vehicle fuel used in the operation of motor vehicles off highway
 18 and for which a refund has not been claimed. Transfers made
 19 pursuant to this section shall be made prior to transfers pursuant
 20 to Section 8352.2.

21 (2) Commencing July 1, ~~2012~~, 2016, the revenues attributable
 22 to the taxes imposed pursuant to subdivision (b) of Section 7360
 23 and Section 7361.1 and otherwise to be deposited in the
 24 Off-Highway Vehicle Trust Fund pursuant to paragraph (1) shall
 25 instead be transferred to the ~~General Fund~~. ~~The revenues~~
 26 ~~attributable to the taxes imposed~~ *Highway Users Tax Account for*
 27 *distribution* pursuant to ~~subdivision (b) of Section 7360 and Section~~
 28 ~~7361.1 that were deposited in Section 2103.1 of the Off-Highway~~
 29 ~~Vehicle Trust Fund in the 2010-11 Streets and 2011-12 fiscal~~
 30 ~~years shall be transferred to the General Fund.~~ *Highways Code.*

31 (3) The Controller shall withhold eight hundred thirty-three
 32 thousand dollars (\$833,000) from the monthly transfer to the
 33 Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and
 34 transfer that amount to the General Fund.

35 (b) The amount transferred to the Off-Highway Vehicle Trust
 36 Fund pursuant to paragraph (1) of subdivision (a), as a percentage
 37 of the Motor Vehicle Fuel Account, shall be equal to the percentage
 38 transferred in the 2006-07 fiscal year. Every five years, starting
 39 in the 2013-14 fiscal year, the percentage transferred may be
 40 adjusted by the Department of Transportation in cooperation with

1 the Department of Parks and Recreation and the Department of
2 Motor Vehicles. Adjustments shall be based on, but not limited
3 to, the changes in the following factors since the 2006–07 fiscal
4 year or the last adjustment, whichever is more recent:

5 (1) The number of vehicles registered as off-highway motor
6 vehicles as required by Division 16.5 (commencing with Section
7 38000) of the Vehicle Code.

8 (2) The number of registered street-legal vehicles that are
9 anticipated to be used off highway, including four-wheel drive
10 vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

11 (3) Attendance at the state vehicular recreation areas.

12 (4) Off-highway recreation use on federal lands as indicated by
13 the United States Forest Service’s National Visitor Use Monitoring
14 and the United States Bureau of Land Management’s Recreation
15 Management Information System.

16 (c) It is the intent of the Legislature that transfers from the Motor
17 Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund
18 should reflect the full range of motorized vehicle use off highway
19 for both motorized recreation and motorized off-road access to
20 other recreation opportunities. Therefore, the Legislature finds that
21 the fuel tax baseline established in subdivision (b), attributable to
22 off-highway estimates of use as of the 2006–07 fiscal year,
23 accounts for the three categories of vehicles that have been found
24 over the years to be users of fuel for off-highway motorized
25 recreation or motorized access to nonmotorized recreational
26 pursuits. These three categories are registered off-highway
27 motorized vehicles, registered street-legal motorized vehicles used
28 off highway, and unregistered off-highway motorized vehicles.

29 (d) It is the intent of the Legislature that the off-highway motor
30 vehicle recreational use to be determined by the Department of
31 Transportation pursuant to paragraph (2) of subdivision (b) be that
32 usage by vehicles subject to registration under Division 3
33 (commencing with Section 4000) of the Vehicle Code, for
34 recreation or the pursuit of recreation on surfaces where the use
35 of vehicles registered under Division 16.5 (commencing with
36 Section 38000) of the Vehicle Code may occur.

37 (e) In the 2014–15 fiscal year, the Department of Transportation,
38 in consultation with the Department of Parks and Recreation and
39 the Department of Motor Vehicles, shall undertake a study to
40 determine the appropriate adjustment to the amount transferred

1 pursuant to subdivision (b) and to update the estimate of the amount
 2 attributable to taxes imposed upon distributions of motor vehicle
 3 fuel used in the operation of motor vehicles off highway and for
 4 which a refund has not been claimed. The department shall provide
 5 a copy of this study to the Legislature no later than January 1,
 6 2016.

7 SEC. 21. Section 60050 of the Revenue and Taxation Code is
 8 amended to read:

9 60050. (a) (1) A tax of ~~eighteen~~ *thirteen* cents (~~(\$0.18)~~ *(\$0.13)*)
 10 is hereby imposed upon each gallon of diesel fuel subject to the
 11 tax in Sections 60051, 60052, and 60058.

12 (2) If the federal fuel tax is reduced below the rate of fifteen
 13 cents (\$0.15) per gallon and federal financial allocations to this
 14 state for highway and exclusive public mass transit guideway
 15 purposes are reduced or eliminated correspondingly, the tax rate
 16 imposed by paragraph (1), ~~including any reduction or adjustment~~
 17 ~~pursuant to subdivision (b), on and after the date of the reduction,~~
 18 (1) shall be increased by an amount so that the combined state rate
 19 under paragraph (1) and the federal tax rate per gallon equal what
 20 it would have been in the absence of the federal reduction.

21 (3) If any person or entity is exempt or partially exempt from
 22 the federal fuel tax at the time of a reduction, the person or entity
 23 shall continue to be exempt under this section.

24 ~~(b) (1) On July 1, 2011, the tax rate specified in paragraph (1)~~
 25 ~~of subdivision (a) shall be reduced to thirteen cents (\$0.13) and~~
 26 ~~every July 1 thereafter shall be adjusted pursuant to paragraphs~~
 27 ~~(2) and (3).~~

28 ~~(2) For the 2012–13 fiscal year and each fiscal year thereafter,~~
 29 ~~the board shall, on or before March 1 of the fiscal year immediately~~
 30 ~~preceding the applicable fiscal year, adjust the rate reduction in~~
 31 ~~paragraph (1) in that manner as to result in a revenue loss~~
 32 ~~attributable to paragraph (1) that will equal the amount of revenue~~
 33 ~~gain attributable to Sections 6051.8 and 6201.8, based on estimates~~
 34 ~~made by the board, and that rate shall be effective during the state's~~
 35 ~~next fiscal year.~~

36 ~~(3) In order to maintain revenue neutrality for each year,~~
 37 ~~beginning with the rate adjustment on or before March 1, 2013,~~
 38 ~~the adjustment under paragraph (2) shall take into account the~~
 39 ~~extent to which the actual amount of revenues derived pursuant to~~
 40 ~~Sections 6051.8 and 6201.8 and the revenue loss attributable to~~

1 this subdivision resulted in a net revenue gain or loss for the fiscal
2 year ending prior to the rate adjustment date on or before March
3 1.

4 ~~(4) The intent of paragraphs (2) and (3) is to ensure that the act~~
5 ~~adding this subdivision and Sections 6051.8 and 6201.8 does not~~
6 ~~produce a net revenue gain in state taxes.~~

7 *(b) In addition to the tax imposed pursuant to subdivision (a),*
8 *on and after the first day of the first calendar quarter that occurs*
9 *90 days after the effective date of the act amending this subdivision*
10 *in the 2015 First Extraordinary Session, an additional tax of thirty*
11 *cents (\$0.30) is hereby imposed upon each gallon of diesel fuel*
12 *subject to the tax in Sections 60051, 60052, and 60058.*

13 *(c) Beginning July 1, 2019, and every third year thereafter, the*
14 *State Board of Equalization shall recompute the rates of the taxes*
15 *imposed by this section. That computation shall be made as*
16 *follows:*

17 *(1) The Department of Finance shall transmit to the State Board*
18 *of Equalization the percentage change in the California Consumer*
19 *Price Index for all items from November of three calendar years*
20 *prior to November of the prior calendar year, no later than January*
21 *31, 2019, and January 31 of every third year thereafter.*

22 *(2) The State Board of Equalization shall do all of the following:*

23 *(A) Compute an inflation adjustment factor by adding 100*
24 *percent to the percentage change figure that is furnished pursuant*
25 *to paragraph (1) and dividing the result by 100.*

26 *(B) Multiply the preceding tax rate per gallon by the inflation*
27 *adjustment factor determined in subparagraph (A) and round off*
28 *the resulting product to the nearest tenth of a cent.*

29 *(C) Make its determination of the new rate no later than March*
30 *1 of the same year as the effective date of the new rate.*

31 SEC. 22. Section 183.1 of the Streets and Highways Code is
32 amended to read:

33 183.1. ~~(a) Notwithstanding subdivision (a) of Section 182 or~~
34 ~~any other provision of law, Except as otherwise provided in Section~~
35 ~~54237.7 of the Government Code, money deposited into the account~~
36 ~~that is not subject to Article XIX of the California Constitution,~~
37 ~~including, but not limited to, money that is derived from the sale~~
38 ~~of documents, charges for miscellaneous services to the public,~~
39 ~~condemnation deposits fund investments, rental of state property,~~
40 ~~or any other miscellaneous uses of property or money, may be~~

1 used for any transportation purpose authorized by statute, upon
2 appropriation by the Legislature or, after transfer to another fund,
3 upon appropriation by the Legislature from that fund. *shall be*
4 *deposited in the Road Maintenance and Rehabilitation Account*
5 *created pursuant to Section 2031.*

6 ~~(b) Commencing with the 2013-14 fiscal year, and not later~~
7 ~~than November 1 of each fiscal year thereafter, based on prior year~~
8 ~~financial statements, the Controller shall transfer the funds~~
9 ~~identified in subdivision (a) for the prior fiscal year from the State~~
10 ~~Highway Account to the Transportation Debt Service Fund in the~~
11 ~~State Transportation Fund, and those funds are continuously~~
12 ~~appropriated for the purposes specified for the Transportation Debt~~
13 ~~Service Fund.~~

14 SEC. 23. Section 820.1 of the Streets and Highways Code is
15 amended to read:

16 820.1. (a) The State of California consents to the jurisdiction
17 of the federal courts with regard to the compliance, discharge, or
18 enforcement of the responsibilities assumed by the department
19 pursuant to Section 326 of, and subsection (a) of Section 327 of,
20 Title 23 of the United States Code.

21 (b) In any action brought pursuant to the federal laws described
22 in subdivision (a), no immunity from suit may be asserted by the
23 department pursuant to the Eleventh Amendment to the United
24 States Constitution, and any immunity is hereby waived.

25 (c) The department shall not delegate any of its responsibilities
26 assumed pursuant to the federal laws described in subdivision (a)
27 to any political subdivision of the state or its instrumentalities.

28 ~~(d) The department shall, no later than January 1, 2016, submit~~
29 ~~a report to the Legislature that includes the following:~~

30 ~~(1) A comparative analysis of the environmental review process~~
31 ~~under the National Environmental Policy Act (Chapter 55~~
32 ~~(commencing with Section 4321) of Title 42 of the United States~~
33 ~~Code) for the 30 projects, excluding those projects categorically~~
34 ~~excluded from environmental review, undertaken immediately~~
35 ~~preceding the enactment of this section that involved the Federal~~
36 ~~Highway Administration and the environmental review process~~
37 ~~for all projects, excluding those projects categorically excluded~~
38 ~~from environmental review, undertaken following the enactment~~
39 ~~of this section that did not involve the Federal Highway~~

1 Administration. This analysis shall include department and local
2 agency-sponsored projects, and shall address the following:

3 (A) For each project included in the analysis, the environmental
4 review process under the National Environmental Policy Act,
5 including which state and federal agencies reviewed the
6 environmental documents and the amount of time the documents
7 were reviewed by each agency, shall be described.

8 (B) The points in the environmental review process under the
9 National Environmental Policy Act when project delays occurred
10 and the nature of the delays.

11 (C) The time saved in the environmental review process for
12 projects undertaken following the enactment of this section in
13 comparison to the review process for projects undertaken prior to
14 the enactment of this section, and the points in the review process
15 when time was saved.

16 (D) The circumstances when the Federal Highway
17 Administration hindered and facilitated project delivery.

18 (2) All financial costs incurred by the department to assume the
19 responsibilities pursuant to Section 326 of, and subsection (a) of
20 Section 327 of, Title 23 of the United States Code, including, but
21 not limited to, the following:

22 (A) Personnel to conduct and review environmental documents
23 and to manage litigation.

24 (B) Administrative costs.

25 (C) Litigation.

26 (3) An explanation of all litigation initiated against the
27 department for the responsibilities assumed pursuant to Section
28 326 of, and subsection (a) of Section 327 of, Title 23 of the United
29 States Code.

30 (4) A comparison of all costs and benefits of assuming these
31 responsibilities.

32 (5) An assessment of overall project delivery time from the time
33 environmental studies begin to the time the project is ready to
34 advertise for construction, including the time required for each
35 project phase and distinguishing between different types of
36 environmental documents and between projects on the state
37 highway system and local assistance projects. The department may
38 also include other variables that it determines may be useful in the
39 assessment.

1 ~~(e) (1) This section shall remain in effect only until January 1,~~
2 ~~2017, and as of that date is repealed, unless a later enacted statute,~~
3 ~~that is enacted before January 1, 2017, deletes or extends that date.~~

4 ~~(2) The state shall remain liable for any decisions made, or~~
5 ~~responsibilities assumed and exercised, prior to the repeal of this~~
6 ~~section under this subdivision, pursuant to applicable federal~~
7 ~~statutes of limitation for filing citizens' suits in federal court.~~

8 ~~(f)~~

9 (d) Nothing in this section affects the obligation of the
10 department to comply with state and federal law.

11 SEC. 24. Chapter 2 (commencing with Section 2030) is added
12 to Division 3 of the Streets and Highways Code, to read:

13

14 CHAPTER 2. ROAD MAINTENANCE AND REHABILITATION

15

PROGRAM

16

17 2030. (a) The Road Maintenance and Rehabilitation Program
18 is hereby created to address deferred maintenance on the state
19 highway system and the local street and road system. Funds made
20 available by the program shall be prioritized for expenditure on
21 basic road maintenance and road rehabilitation projects, and on
22 critical safety projects. For funds appropriated pursuant to
23 paragraph (1) of subdivision (d) of Section 2032, the California
24 Transportation Commission shall adopt performance criteria,
25 consistent with the asset management plan required pursuant to
26 14526.4 of the Government Code, to ensure efficient use of the
27 funds available for these purposes in the program.

28 (b) (1) Funds made available by the program shall be used for
29 projects that include, but are not limited to, the following:

30 (A) Road maintenance and rehabilitation.

31 (B) Safety projects.

32 (C) Railroad grade separations.

33 (D) Complete street components, including active transportation
34 purposes, pedestrian and bicycle safety projects, transit facilities,
35 and drainage and stormwater capture projects in conjunction with
36 any other allowable project.

37 (E) Traffic control devices.

38 (2) Funds made available by the program may also be used to
39 satisfy a match requirement in order to obtain state or federal funds
40 for projects authorized by this subdivision.

1 2031. The following revenues shall be deposited in the Road
2 Maintenance and Rehabilitation Account, which is hereby created
3 in the State Transportation Fund:

4 (a) Notwithstanding subdivision (b) of Section 2103, the portion
5 of the revenues in the Highway Users Tax Account attributable to
6 the increase in the motor vehicle fuel excise tax by seventeen cents
7 (\$0.17) per gallon pursuant to subdivision (a) of Section 7360 of
8 the Revenue and Taxation Code, as adjusted pursuant to
9 subdivision (c) of that section.

10 (b) The revenues from the increase in the vehicle registration
11 fee pursuant to Section 9250.3 of the Vehicle Code.

12 (c) The revenues from the increase in the vehicle registration
13 fee pursuant to Section 9250.6 of the Vehicle Code.

14 (d) The revenues deposited in the account pursuant to Section
15 183.1 of the Streets and Highways Code.

16 (e) Any other revenues designated for the program.

17 2031.5. Each fiscal year the annual Budget Act shall contain
18 an appropriation from the Road Maintenance and Rehabilitation
19 Account to the Controller for the costs of carrying out his or her
20 duties pursuant to this chapter and to the California Transportation
21 Commission for the costs of carrying out its duties pursuant to this
22 chapter and Section 14526.7 of the Government Code.

23 2032. (a) (1) After deducting the amounts appropriated in the
24 annual Budget Act, as provided in Section 2031.5, two hundred
25 million dollars (\$200,000,000) of the remaining revenues deposited
26 in the Road Maintenance and Rehabilitation Account shall be set
27 aside annually for counties that have sought and received voter
28 approval of taxes or that have imposed fees, including uniform
29 developer fees as defined by subdivision (b) of Section 8879.67
30 of the Government Code, which taxes or fees are dedicated solely
31 to transportation improvements. The Controller shall each month
32 set aside one-twelfth of this amount, to accumulate a total of two
33 hundred million dollars (\$200,000,000) in each fiscal year.

34 (2) Notwithstanding Section 13340 of the Government Code,
35 the funds available under this subdivision in each fiscal year are
36 hereby continuously appropriated for allocation to each eligible
37 county and each city in the county for road maintenance and
38 rehabilitation purposes pursuant to Section 2033.

39 (b) (1) After deducting the amounts appropriated in the annual
40 Budget Act pursuant to Section 2031.5 and the amount allocated

1 in subdivision (a), beginning in the 2017–18 fiscal year, eighty
2 million dollars (\$80,000,000) of the remaining revenues shall be
3 transferred annually to the State Highway Account for expenditure,
4 upon appropriation by the Legislature, on the Active Transportation
5 Program created pursuant to Chapter 8 (commencing with Section
6 2380) of Division 3 to be allocated by the California Transportation
7 Commission pursuant to Section 2381.

8 (2) In addition to the funds transferred in paragraph (1), the
9 department shall annually identify savings achieved through
10 efficiencies implemented at the department. The department,
11 through the annual budget process, shall propose, from the
12 identified savings, an appropriation to be included in the annual
13 Budget Act of up to seventy million dollars (\$70,000,000), but not
14 to exceed the total annual identified savings, from the State
15 Highway Account for expenditure on the Active Transportation
16 Program.

17 (c) After deducting the amounts appropriated in the annual
18 Budget Act pursuant to Section 2031.5, the amount allocated in
19 subdivision (a) and the amount transferred in paragraph (1) of
20 subdivision (b), in the 2017–18, 2018–19, 2019–20, and 2020–21
21 fiscal years, the sum of thirty million dollars (\$30,000,000) in each
22 fiscal year from the remaining revenues shall be transferred to the
23 Advance Mitigation Fund in the State Transportation Fund created
24 pursuant to Section 21207 of the Public Resources Code.

25 (d) After deducting the amounts appropriated in the annual
26 Budget Act pursuant to Section 2031.5, the amount allocated in
27 subdivision (a), and the amounts transferred in paragraph (1) of
28 subdivision (b) and in subdivision (c), beginning in the 2017–18
29 fiscal year and each fiscal year thereafter, and notwithstanding
30 Section 13340 of the Government Code, there is hereby
31 continuously appropriated to the California State University the
32 sum of two million dollars (\$2,000,000) from the remaining
33 revenues for the purpose of conducting transportation research and
34 transportation-related workforce education, training, and
35 development. Prior to the start of each fiscal year, the chairs of the
36 Assembly Committee on Transportation and the Senate Committee
37 on Transportation and Housing shall confer and set out a
38 recommended priority list of research components to be addressed
39 in the upcoming fiscal year.

1 (e) Notwithstanding Section 13340 of the Government Code,
2 the balance of the revenues deposited in the Road Maintenance
3 and Rehabilitation Account are hereby continuously appropriated
4 as follows:

5 (1) Fifty percent for allocation to the department for maintenance
6 of the state highway system or for purposes of the state highway
7 operation and protection program.

8 (2) Fifty percent for apportionment to cities and counties by the
9 Controller pursuant to the formula in clauses (i) and (ii) of
10 subparagraph (C) of paragraph (3) of subdivision (a) of Section
11 2103 for the purposes authorized by this chapter.

12 2033. (a) On or before January 1, 2017, the commission, in
13 cooperation with the department, transportation planning agencies,
14 county transportation commissions, and other local agencies, shall
15 develop guidelines for the allocation of funds pursuant to
16 subdivision (a) of Section 2032.

17 (b) The guidelines shall be the complete and full statement of
18 the policy, standards, and criteria that the commission intends to
19 use to determine how these funds will be allocated.

20 (c) The commission may amend the adopted guidelines after
21 conducting at least one public hearing.

22 2034. (a) (1) Prior to receiving an apportionment of funds
23 under the program pursuant to paragraph (2) of subdivision (d) of
24 Section 2032 from the Controller in a fiscal year, an eligible city
25 or county shall submit to the commission a list of projects proposed
26 to be funded with these funds pursuant to an adopted city or county
27 budget. All projects proposed to receive funding shall be included
28 in a city or county budget that is adopted by the applicable city
29 council or county board of supervisors at a regular public meeting.
30 The list of projects proposed to be funded with these funds shall
31 include a description and the location of each proposed project, a
32 proposed schedule for the project's completion, and the estimated
33 useful life of the improvement. The project list shall not limit the
34 flexibility of an eligible city or county to fund projects in
35 accordance with local needs and priorities so long as the projects
36 are consistent with subdivision (b) of Section 2030.

37 (2) The commission shall report to the Controller the cities and
38 counties that have submitted a list of projects as described in this
39 subdivision and that are therefore eligible to receive an
40 apportionment of funds under the program for the applicable fiscal

1 year. The Controller, upon receipt of the report, shall apportion
2 funds to eligible cities and counties.

3 (b) For each fiscal year, each city or county receiving an
4 apportionment of funds shall, upon expending program funds,
5 submit documentation to the commission that includes a description
6 and location of each completed project, the amount of funds
7 expended on the project, the completion date, and the estimated
8 useful life of the improvement.

9 2036. (a) Cities and counties shall maintain their existing
10 commitment of local funds for street, road, and highway purposes
11 in order to remain eligible for an allocation or apportionment of
12 funds pursuant to Section 2032.

13 (b) In order to receive an allocation or apportionment pursuant
14 to Section 2032, the city or county shall annually expend from its
15 general fund for street, road, and highway purposes an amount not
16 less than the annual average of its expenditures from its general
17 fund during the 2009–10, 2010–11, and 2011–12 fiscal years, as
18 reported to the Controller pursuant to Section 2151. For purposes
19 of this subdivision, in calculating a city’s or county’s annual
20 general fund expenditures and its average general fund expenditures
21 for the 2009–10, 2010–11, and 2011–12 fiscal years, any
22 unrestricted funds that the city or county may expend at its
23 discretion, including vehicle in-lieu tax revenues and revenues
24 from fines and forfeitures, expended for street, road, and highway
25 purposes shall be considered expenditures from the general fund.
26 One-time allocations that have been expended for street and
27 highway purposes, but which may not be available on an ongoing
28 basis, including revenue provided under the Teeter Plan Bond Law
29 of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1
30 of Division 2 of Title 5 of the Government Code), may not be
31 considered when calculating a city’s or county’s annual general
32 fund expenditures.

33 (c) For any city incorporated after July 1, 2009, the Controller
34 shall calculate an annual average expenditure for the period
35 between July 1, 2009, and December 31, 2015, inclusive, that the
36 city was incorporated.

37 (d) For purposes of subdivision (b), the Controller may request
38 fiscal data from cities and counties in addition to data provided
39 pursuant to Section 2151, for the 2009–10, 2010–11, and 2011–12
40 fiscal years. Each city and county shall furnish the data to the

1 Controller not later than 120 days after receiving the request. The
2 Controller may withhold payment to cities and counties that do
3 not comply with the request for information or that provide
4 incomplete data.

5 (e) The Controller may perform audits to ensure compliance
6 with subdivision (b) when deemed necessary. Any city or county
7 that has not complied with subdivision (b) shall reimburse the state
8 for the funds it received during that fiscal year. Any funds withheld
9 or returned as a result of a failure to comply with subdivision (b)
10 shall be reapportioned to the other counties and cities whose
11 expenditures are in compliance.

12 (f) If a city or county fails to comply with the requirements of
13 subdivision (b) in a particular fiscal year, the city or county may
14 expend during that fiscal year and the following fiscal year a total
15 amount that is not less than the total amount required to be
16 expended for those fiscal years for purposes of complying with
17 subdivision (b).

18 2037. A city or county may spend its apportionment of funds
19 under the program on transportation priorities other than those
20 allowable pursuant to this chapter if the city's or county's average
21 Pavement Condition Index meets or exceeds 80.

22 2038. (a) The department and local agencies, as a condition
23 of receiving funds from the program, shall adopt and implement
24 a program designed to promote and advance construction
25 employment and training opportunities through preapprenticeship
26 opportunities, either by the public agency itself or through
27 contractors engaged by the public agencies to do work funded in
28 whole or in part by funds made available by the program.

29 (b) The department and local agencies, as a condition of
30 receiving funds from the program, shall ensure the involvement
31 of the California Conservation Corps and certified community
32 conservation corps in the delivery of projects and services funded
33 in whole or in part by funds made available by the program.

34 SEC. 25. Section 2103.1 is added to the Streets and Highways
35 Code, to read:

36 2103.1. (a) Notwithstanding Section 2103, the revenues
37 transferred to the Highway Users Tax Account pursuant to Sections
38 8352.4, 8352.5, and 8352.6 of the Revenue and Taxation Code
39 shall be distributed pursuant to the formula in paragraph (3) of
40 subdivision (a) of Section 2103.

1 (b) Notwithstanding subdivision (b) of Section 2103, the portion
 2 of revenues in the Highway Users Tax Account attributable to the
 3 increase in the motor vehicle fuel excise tax by seventeen cents
 4 (\$0.17) per gallon pursuant to subdivision (a) of Section 7360 of
 5 the Revenue and Taxation Code, as adjusted pursuant to
 6 subdivision (c) of that section, shall be transferred to the Road
 7 Maintenance and Rehabilitation Account pursuant to Section 2031.

8 (c) Notwithstanding subdivision (b) of Section 2103, the portion
 9 of revenues in the Highway Users Tax Account attributable to the
 10 increase in the diesel fuel excise tax by thirty cents (\$0.30) per
 11 gallon pursuant to subdivision (b) of Section 60050 of the Revenue
 12 and Taxation Code, as adjusted pursuant to subdivision (c) of that
 13 section, shall be transferred to the Trade Corridors Improvement
 14 Fund pursuant to Section 2192.4.

15 SEC. 26. Section 2192 of the Streets and Highways Code is
 16 amended to read:

17 2192. (a) (1) The Trade Corridors Improvement Fund, created
 18 pursuant to subdivision (c) of Section 8879.23 of the Government
 19 Code, is hereby continued in existence to receive revenues from
 20 *state* sources other than the Highway Safety, Traffic Reduction,
 21 Air Quality, and Port Security Bond Act of 2006. ~~This chapter~~
 22 ~~shall govern expenditure of those other revenues.~~

23 (2) *Revenues apportioned to the state under Section 167 of Title*
 24 *23 of the United States Code from the national highway freight*
 25 *program, pursuant to the federal Fixing America's Surface*
 26 *Transportation Act ("FAST Act," Public Law 114-94) shall be*
 27 *allocated for projects approved pursuant to this chapter.*

28 (b) *This chapter shall govern the expenditure of those state and*
 29 *federal revenues described in subdivision (a).*

30 ~~(b) The moneys in the fund from these other sources~~

31 (c) *The funding described in subdivision (a) shall be available*
 32 *upon appropriation for allocation by the California Transportation*
 33 *Commission for infrastructure improvements in this state on*
 34 *federally designated Trade Corridors of National and Regional*
 35 *Significance, on the Primary Freight Network, and along other*
 36 *corridors that have a high volume of freight movement, as*
 37 *determined by the commission. In determining the projects eligible*
 38 *for funding, the commission shall consult the Transportation*
 39 *Agency's state freight plan as described in Section 13978.8 of the*
 40 ~~Government Code, the State Air Resources Board's Sustainable~~

1 ~~Freight Strategy adopted by Resolution 14-2, Code~~ and the trade
2 infrastructure and goods movement plan submitted to the
3 commission by the Secretary of Transportation and the Secretary
4 for Environmental Protection. The commission shall also consult
5 trade infrastructure and goods movement plans adopted by regional
6 transportation planning agencies, adopted regional transportation
7 plans required by state and federal law, and the ~~statewide~~
8 *applicable* port master plan prepared by the California Marine and
9 Intermodal Transportation System Advisory Council
10 (Cal-MITSAC) pursuant to Section 1730 of the Harbors and
11 Navigation Code, when determining eligible projects for funding.
12 Eligible projects for these funds include, but are not limited to, all
13 of the following:

14 (1) Highway capacity *improvements, rail landside access*
15 *improvements, landside freight access improvements to airports,*
16 and operational improvements to more efficiently accommodate
17 the movement of freight, particularly for ingress and egress to and
18 from the state's land ports of ~~entry~~ *entry, rail terminals,* and
19 seaports, including navigable inland waterways used to transport
20 freight between seaports, land ports of entry, and airports, and to
21 relieve traffic congestion along major trade or goods movement
22 corridors.

23 (2) Freight rail system improvements to enhance the ability to
24 move goods from seaports, land ports of entry, and airports to
25 warehousing and distribution centers throughout California,
26 including projects that separate rail lines from highway or local
27 road traffic, improve freight rail mobility through mountainous
28 regions, relocate rail switching yards, and other projects that
29 improve the efficiency and capacity of the rail freight system.

30 (3) Projects to enhance the capacity and efficiency of ports.

31 (4) Truck corridor *and capital and operational* improvements,
32 including dedicated truck facilities or truck toll facilities.

33 (5) Border ~~access~~ *capital and operational* improvements that
34 enhance goods movement between California and Mexico and that
35 maximize the state's ability to access ~~coordinated border~~
36 ~~infrastructure~~ funds made available to the state by federal law.

37 (6) Surface transportation and connector road improvements to
38 effectively facilitate the movement of goods, particularly for
39 ingress and egress to and from the state's land ports of entry,

1 airports, and seaports, to relieve traffic congestion along major
 2 trade or goods movement corridors.

3 ~~(e) (1) The~~

4 *(d) (1) Except as provided in paragraph (2), the commission*
 5 *shall allocate funds the funding described in subdivision (a) for*
 6 *trade infrastructure improvements from the fund consistent with*
 7 *Section 8879.52 of the Government Code and the Trade Corridors*
 8 *Improvement Fund (TCIF) Guidelines adopted by the commission*
 9 *on November 27, 2007, or as amended by the commission, and in*
 10 *a manner that (A) addresses the state’s most urgent needs, (B)*
 11 *balances the demands of various land ports of entry, seaports, and*
 12 *airports, (C) provides reasonable geographic balance between the*
 13 *state’s regions, and (D) places emphasis on projects that improve*
 14 *trade corridor mobility and safety while reducing emissions of*
 15 *diesel particulate and other pollutant emissions. emissions and*
 16 *reducing other negative community impacts, and (E) makes a*
 17 *significant contribution to the state’s economy.*

18 *(2) The commission shall allocate the federal freight funding,*
 19 *specifically, pursuant to the original TCIF Guidelines, as adopted*
 20 *by the commission on November 27, 2007, and in the manner*
 21 *described in (A) to (E), inclusive, of paragraph (1).*

22 ~~(2)~~

23 *(3) In addition, the commission shall also consider the following*
 24 *factors when allocating these funds:*

25 *(A) “Velocity,” which means the speed by which large cargo*
 26 *would travel from the land port of entry or seaport through the*
 27 *distribution system.*

28 *(B) “Throughput,” which means the volume of cargo that would*
 29 *move from the land port of entry or seaport through the distribution*
 30 *system.*

31 *(C) “Reliability,” which means a reasonably consistent and*
 32 *predictable amount of time for cargo to travel from one point to*
 33 *another on any given day or at any given time in California.*

34 *(D) “Congestion reduction,” which means the reduction in*
 35 *recurrent daily hours of delay to be achieved.*

36 SEC. 27. Section 2192.1 of the Streets and Highways Code is
 37 amended to read:

38 2192.1. (a) To the extent moneys from the Greenhouse Gas
 39 Reduction Fund, attributable to the auction or sale of allowances
 40 as part of a market-based compliance mechanism relative to

1 reduction of greenhouse gas emissions, are transferred to the Trade
2 Corridors Improvement Fund, projects funded with those moneys
3 shall be subject to all of the requirements of existing law applicable
4 to the expenditure of moneys appropriated from the Greenhouse
5 Gas Reduction Fund, including, but not limited to, ~~both~~ all of the
6 following:

7 (1) Projects shall further the regulatory purposes of the
8 California Global Warming Solutions Act of 2006 (Division 25.5
9 (commencing with Section 38500) of the Health and Safety Code),
10 including reducing emissions from greenhouse gases in the state,
11 directing public and private investment toward disadvantaged
12 communities, increasing the diversity of energy sources, or creating
13 opportunities for businesses, public agencies, nonprofits, and other
14 community institutions to participate in and benefit from statewide
15 efforts to reduce emissions of greenhouse gases.

16 (2) Projects shall be consistent with the guidance developed by
17 the State Air Resources Board pursuant to Section 39715 of the
18 Health and Safety Code.

19 (3) *Projects shall be consistent with the required benefits to*
20 *disadvantaged communities pursuant to Section 39713 of the*
21 *Health and Safety Code.*

22 (b) All allocations of funds made by the commission pursuant
23 to this section shall be made in a manner consistent with the criteria
24 expressed in Section 39712 of the Health and Safety Code and
25 with the investment plan developed by the Department of Finance
26 pursuant to Section 39716 of the Health and Safety Code.

27 (c) *For purposes of this section, “disadvantaged community”*
28 *means a community with any of the following characteristics:*

29 (1) *An area with a median household income less than 80*
30 *percent of the statewide median household income based on the*
31 *most current census tract-level data from the American Community*
32 *Survey.*

33 (2) *An area identified by the California Environmental*
34 *Protection Agency pursuant to Section 39711 of the Health and*
35 *Safety Code.*

36 (3) *An area where at least 75 percent of public school students*
37 *are eligible to receive free or reduced-price meals under the*
38 *National School Lunch Program.*

39 SEC. 28. Section 2192.2 of the Streets and Highways Code is
40 amended to read:

1 2192.2. The commission shall allocate funds made available
 2 by this chapter to projects that have identified and committed
 3 supplemental funding from appropriate local, federal, or private
 4 sources. The commission shall determine the appropriate amount
 5 of supplemental funding each project should have to be eligible
 6 for moneys ~~from the fund~~ based on a project-by-project review
 7 and an assessment of the project’s benefit to the state and the
 8 program. ~~Except for border access *Funded* improvements described~~
 9 ~~in paragraph (5) of subdivision (b) of Section 2192, improvements~~
 10 ~~funded with moneys from the fund~~ shall have supplemental funding
 11 that is at least equal to the amount of the contribution ~~from the~~
 12 ~~fund.~~ *under this chapter.* The commission may give priority for
 13 funding to projects with higher levels of committed supplemental
 14 funding.

15 SEC. 29. Section 2192.4 is added to the Streets and Highways
 16 Code, to read:

17 2192.4. Notwithstanding subdivision (b) of Section 2103, the
 18 portion of the revenues in the Highway Users Tax Account
 19 attributable to the increase in the diesel fuel excise tax by thirty
 20 cents (\$0.30) per gallon pursuant to subdivision (b) of Section
 21 60050 of the Revenue and Taxation Code, as adjusted pursuant to
 22 subdivision (c) of that section, shall be deposited in the Trade
 23 Corridors Improvement Fund.

24 SEC. 30. Section 9250.3 is added to the Vehicle Code, to read:

25 9250.3. (a) In addition to any other fees specified in this code
 26 or the Revenue and Taxation Code, commencing 120 days after
 27 the effective date of the act adding this section, a registration fee
 28 of thirty-eight dollars (\$38) shall be paid to the department for
 29 registration or renewal of registration of every vehicle subject to
 30 registration under this code, except those vehicles that are expressly
 31 exempted under this code from payment of registration fees.

32 (b) Beginning July 1, 2019, and every third year thereafter, the
 33 Department of Motor Vehicles shall adjust the fee imposed under
 34 this section for inflation in an amount equal to the change in the
 35 California Consumer Price Index for the prior three-year period,
 36 as calculated by the Department of Finance, with amounts equal
 37 to or greater than fifty cents (\$0.50) rounded to the next highest
 38 whole dollar.

39 (c) Revenues from the fee, after the deduction of the
 40 department’s administrative costs related to this section, shall be

1 deposited in the Road Maintenance and Rehabilitation Account
2 created pursuant to Section 2031 of the Streets and Highways
3 Code.

4 SEC. 31. Section 9250.6 is added to the Vehicle Code, to read:

5 9250.6. (a) In addition to any other fees specified in this code,
6 or the Revenue and Taxation Code, commencing 120 days after
7 the effective date of the act adding this section, a registration fee
8 of one hundred and sixty-five dollars (\$165) shall be paid to the
9 department for registration or renewal of registration of every
10 zero-emission motor vehicle subject to registration under this code,
11 except those motor vehicles that are expressly exempted under
12 this code from payment of registration fees.

13 (b) Beginning July 1, 2019, and every third year thereafter, the
14 Department of Motor Vehicles shall adjust the fee imposed under
15 this section for inflation in an amount equal to the change in the
16 California Consumer Price Index for the prior three-year period,
17 as calculated by the Department of Finance, with amounts equal
18 to or greater than fifty cents (\$0.50) rounded to the next highest
19 whole dollar.

20 (c) Revenues from the fee, after deduction of the department's
21 administrative costs related to this section, shall be deposited in
22 the Road Maintenance and Rehabilitation Account created pursuant
23 to Section 2031 of the Streets and Highways Code.

24 (d) This section does not apply to a commercial motor vehicle
25 subject to Section 9400.1.

26 (e) The registration fee required pursuant to this section does
27 not apply to the initial registration after the purchase of a new
28 zero-emission motor vehicle.

29 (f) For purposes of this section, "zero-emission motor vehicle"
30 means a motor vehicle as described in subdivisions (c) and (d) of
31 Section 44258 of the Health and Safety Code, or any other motor
32 vehicle that is able to operate on any fuel other than gasoline or
33 diesel fuel.

34 SEC. 32. Section 9400.5 is added to the Vehicle Code, to read:

35 9400.5. (a) Notwithstanding Sections 9400.1, 9400.4, and
36 42205 of this code, Sections 16773 and 16965 of the Government
37 Code, Section 2103 of the Streets and Highways Code, or any
38 other law, weight fee revenues shall only be transferred consistent
39 with the schedule provided in subdivision (b) from the State
40 Highway Account to the Transportation Debt Service Fund, the

1 Transportation Bond Direct Payment Account, or any other fund
2 or account for the purpose of payment of the debt service on
3 transportation general obligation bonds and shall not be loaned to
4 the General Fund.

5 (b) (1) The transfer of weight fee revenues, after deduction of
6 collection costs, from the State Highway Account pursuant to
7 subdivision (a) shall not exceed:

8 (A) 80 percent of the total weight fees in the 2017–18 fiscal
9 year.

10 (B) 60 percent of the total weight fees in the 2018–19 fiscal
11 year.

12 (C) 40 percent of the total weight fees in the 2019–20 fiscal
13 year.

14 (D) 20 percent of the total weight fees in the 2020–2021 fiscal
15 year.

16 (2) No weight fees, after deduction of collection costs, shall be
17 transferred from the State Highway Account after the 2020–21
18 fiscal year.

19 SEC. 33. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety within
21 the meaning of Article IV of the Constitution and shall go into
22 immediate effect. The facts constituting the necessity are:

23 In order to provide additional funding for road maintenance and
24 rehabilitation purposes as quickly as possible, it is necessary for
25 this act to take effect immediately.

O