

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 914

Introduced by Assembly Member Brown
(Coauthors: Assembly Members Chang, Linder, Mayes, Obernolte,
Rodriguez, and Steinorth)
(Coauthor: Senator Leyva)

February 26, 2015

An act to add Section 149.11 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 914, as amended, Brown. Toll facilities: County of San Bernardino.

Existing law provides for the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles (HOVs). Existing law authorizes the development and implementation of a value-pricing program consisting of high-occupancy toll (HOT) lanes in various corridors under certain circumstances, pursuant to which vehicles that do not meet the vehicle occupancy requirements for use of an HOV lane may use the lane upon payment of a toll.

This bill would authorize the San Bernardino County Transportation Commission to conduct, administer, and operate a value-pricing program that includes HOT lanes and other toll facilities on Interstate Highway

Routes 10 and 15 in the County of San Bernardino and, with the agreement of affected transportation agencies, specified extensions and connections into the Counties of Los Angeles and Riverside. The bill would require the toll revenues to be spent for specified transportation purposes and would authorize the commission to issue revenue bonds payable from toll revenues. The bill would require the commission to report to the Legislative Analyst on specified matters within 3 years of commencement of revenue collection from the value-pricing program. The bill would enact other related provisions.

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

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

1 SECTION 1. Section 149.11 is added to the Streets and
2 Highways Code, to read:
3 149.11. (a) (1) Notwithstanding Sections 149 and 30800 of
4 this code, and Section 21655.5 of the Vehicle Code, the San
5 Bernardino County Transportation Commission, created pursuant
6 to Section 130054 of the Public Utilities Code, may conduct,
7 administer, and operate a value-pricing program in the Interstate
8 10 and Interstate 15 corridors in the County of San Bernardino.
9 The value-pricing program may include high-occupancy toll lanes
10 or other toll facilities. The San Bernardino County Transportation
11 Commission may also extend the program to include the
12 approaching and departing connectors on Interstate 10 extending
13 into the County of Los Angeles, as designated by an agreement
14 with the Los Angeles County Metropolitan Transportation
15 Authority, and the connection to the Interstate 15 express lanes
16 project in the County of Riverside, as designated by an agreement
17 with the Riverside County Transportation Commission. The San
18 Bernardino County Transportation Commission may exercise its
19 existing powers of eminent domain pursuant to Section 130220.5
20 of the Public Utilities Code to acquire property necessary to carry
21 out the purposes of the value-pricing program.
22 (2) *The value-pricing program authorized pursuant to*
23 *paragraph (1) may only be implemented upon a determination*
24 *that the program and the resulting facilities will improve the*
25 *performance of the affected corridors. Improved performance may*
26 *be demonstrated by factors that include, but are not limited to,*

1 *increased passenger throughput or improved travel times. The San*
2 *Bernardino County Transportation Commission shall make the*
3 *determination required by this paragraph in a public meeting prior*
4 *to operation of the value-pricing program.*

5 ~~(2)~~

6 (3) The San Bernardino County Transportation Commission
7 shall have the authority to set, levy, and collect tolls, user fees, or
8 other similar charges payable for the use of the toll facilities in the
9 County of San Bernardino, and any other incidental or related fees
10 or charges, and to collect those revenues, in a manner determined
11 by the ~~commission~~ *San Bernardino County Transportation*
12 *Commission*, in amounts as required for the following expenditures
13 relative to the program and for the purposes of paragraph ~~(3)~~ (4):

14 (A) Capital outlay, including the costs of design, construction,
15 right-of-way acquisition, and utilities adjustment.

16 (B) Operations and maintenance, including, but not limited to,
17 insurance, collection, and enforcement of tolls, fees, and charges.

18 (C) Repair and rehabilitation.

19 (D) Indebtedness incurred and internal loans and advances,
20 including related financial costs.

21 (E) Reserves.

22 (F) Administration, which shall not exceed 3 percent of the
23 revenues of toll facilities and associated transportation facilities.

24 ~~(3)~~

25 (4) All revenue generated pursuant to paragraph ~~(2)~~ (3) in excess
26 of the expenditure needs of that paragraph shall be used exclusively
27 for the benefit of the transportation corridors *included in the*
28 *value-pricing program created pursuant to this section*. These
29 excess revenue expenditures shall be described in an excess revenue
30 expenditure plan adopted and periodically updated by the board
31 of directors of the San Bernardino County Transportation
32 Commission and may include, but need not be limited to, the
33 following eligible expenditures:

34 (A) Expenditures to enhance transit service designed to reduce
35 traffic congestion within the transportation corridors ~~in the County~~
36 ~~of San Bernardino~~ *included in the value-pricing program created*
37 *pursuant to this section*. Eligible expenditures include, but are not
38 limited to, transit operating assistance, the acquisition of transit
39 vehicles, and transit capital improvements otherwise eligible to be

1 funded under the state transportation improvement program
2 pursuant to Section 164.

3 (B) Expenditures to make operational or capacity improvements
4 designed to reduce traffic congestion or improve the flow of traffic
5 in the transportation corridors ~~in the County of San Bernardino~~
6 *included in the value-pricing program created pursuant to this*
7 *section.* Eligible expenditures include, but are not limited to, any
8 phase of project delivery to make capital improvements to on
9 ramps, off ramps, connector roads, roadways, bridges, or other
10 structures that are necessary for or related to the tolled or nontolled
11 transportation facilities in the transportation corridors ~~in the County~~
12 ~~of San Bernardino~~ *included in the value-pricing program created*
13 *pursuant to this section.*

14 (4)

15 (5) To the extent the San Bernardino County Transportation
16 Commission plans to extend the value-pricing program into the
17 Counties of Los Angeles or Riverside, it shall enter into an
18 agreement with the Los Angeles County Metropolitan
19 Transportation Authority or the Riverside County Transportation
20 Commission, as applicable, subject to approval of the board of
21 directors of the San Bernardino County Transportation Commission
22 and the board of directors of the affected entity. If the value-pricing
23 program developed and operated by the San Bernardino County
24 Transportation Commission connects to, or is near, similar toll
25 facilities constructed and operated by the Los Angeles County
26 Metropolitan Transportation Authority or the Riverside County
27 Transportation Commission, the respective entities shall enter into
28 an agreement providing for the coordination of the toll facilities
29 operated by each entity.

30 (b) The San Bernardino County Transportation Commission
31 shall carry out the program in cooperation with the department
32 pursuant to a cooperative agreement that addresses all matters
33 related to the design, construction, maintenance, and operation of
34 state highway system facilities in connection with the value-pricing
35 program.

36 (c) Single-occupant vehicles that are certified or authorized by
37 the San Bernardino County Transportation Commission for entry
38 into, and use of, the high-occupancy toll lanes implemented
39 pursuant to this section are exempt from Section 21655.5 of the

1 Vehicle Code, and the driver shall not be in violation of the Vehicle
2 Code because of that entry and use.

3 (d) Agreements between the San Bernardino County
4 Transportation Commission, the department, and the Department
5 of the California Highway Patrol shall identify the respective
6 obligations, liabilities, and responsibilities of each entity. The
7 agreements shall provide for reimbursement of state agencies, from
8 revenues generated by the program or other funding sources that
9 are not otherwise available to state agencies for
10 transportation-related projects, or for costs incurred in connection
11 with the implementation or operation of the program.

12 (e) (1) The San Bernardino County Transportation Commission
13 may issue bonds at any time to finance any costs necessary to
14 implement the program established pursuant to this section and
15 any expenditures provided for in paragraphs ~~(2)~~ and (3) and (4)
16 of subdivision (a), payable from the revenues generated from the
17 program and any other sources of revenues available to the
18 commission that may be used for these purposes, including, but
19 not limited to, sales tax revenue, development impact fees, or state
20 and federal grants.

21 (2) The maximum bonded indebtedness that may be outstanding
22 at any one time shall not exceed an amount that may be serviced
23 from the projected revenues available as described in paragraph
24 (1).

25 (3) The bonds shall bear interest at a rate or rates not exceeding
26 the maximum allowable by law, payable at intervals determined
27 by the commission.

28 (4) Any bond issued pursuant to this subdivision shall contain
29 on its face a statement to the following effect:

30 “Neither the full faith and credit nor the taxing power of the
31 State of California is pledged to the payment of principal of, or
32 interest on, this bond.”

33 (5) Bonds shall be issued pursuant to a resolution of the
34 governing board of the commission adopted by a majority vote of
35 its governing board. The resolution or bond authorizing instrument
36 shall state all of the following:

37 (A) The purposes for which the proposed debt is to be incurred.

38 (B) The estimated cost of accomplishing those purposes.

39 (C) The amount of the principal of the indebtedness.

- 1 (D) The maximum term of the bonds and the maximum interest
2 rate.
- 3 (E) The denomination or denominations of the bonds, which
4 shall not be less than five thousand dollars (\$5,000).
- 5 (F) The form of the bonds.
- 6 (f) Not later than three years after the San Bernardino County
7 Transportation Commission first collects revenues from the
8 program authorized by this section, the commission shall submit
9 a report to the Legislative Analyst on its findings, conclusions,
10 and recommendations concerning the program. The report shall
11 include an analysis of the effect of the transportation facilities on
12 the adjacent mixed-flow lanes and any comments submitted by
13 the department and the Department of the California Highway
14 Patrol regarding operation of the transportation facilities.
- 15 (g) This section shall not prevent the department or any local
16 agency from constructing improvements in the transportation
17 corridors that compete with the program, and the San Bernardino
18 County Transportation Commission shall not be entitled to
19 compensation for the adverse effects on toll revenue due to those
20 competing improvements.
- 21 (h) If any provision of this section or the application thereof is
22 held invalid, that invalidity shall not affect other provisions or
23 applications of this section that can be given effect without the
24 invalid provision or application, and to this extent the provisions
25 are severable.
- 26 (i) Nothing in this section shall authorize the conversion of any
27 existing nontoll or nonuser-fee lanes into tolled or user-fee lanes,
28 except that a high-occupancy vehicle lane may be converted into
29 a high-occupancy toll lane.