

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1459

**Introduced by Assembly Member Kim
(Coauthor: Assembly Member Harper)**

February 27, 2015

An act to add Chapter 9 (commencing with Section 31495) to Division 17 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1459, as amended, Kim. Toll ~~facilities~~: *lanes*: County of Orange. Existing law authorizes certain toll facilities on public highways. *Existing law creates the Orange County Transportation Authority with various powers and duties.*

This bill would prohibit *the Department of Transportation from seeking or providing funding for a toll facility, as defined, to be implemented and constructed lane* on a public highway within the boundaries of the County of Orange unless *the project is* approved by a $\frac{2}{3}$ vote of the electorate in the county. *Orange County Transportation Authority.*

This bill would make legislative findings and declarations as to the necessity for special legislation.

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

1 (a) In the State of California, traffic congestion management is
2 critical and the congestion management process is a systematic
3 approach, developed to provide for the safe and effective
4 management and operation of our local, state, and federal
5 transportation facilities.

6 (b) There are many ways to manage traffic congestion, including
7 toll facilities and high-occupancy toll lanes.

8 (c) In Orange County, for more than 20 years, Measure M, the
9 one-half cent sales tax for transportation improvements, has been
10 the major funding source for traffic congestion relief. Measure M
11 was first approved by Orange County voters in 1990, and renewed
12 by voters as Measure M2 for a 30-year extension in 2006. The
13 measure raises the sales tax in Orange County by one-half cent
14 through 2041. By the year 2041, the M2 program plans to deliver
15 approximately \$15.8 billion worth of transportation improvements
16 to Orange County.

17 (d) When Orange County voters approved Measure M2, there
18 was no mention in the ballot language of “high-occupancy toll
19 lanes” or “toll lanes” as an eligible project to receive funding. In
20 fact, while “toll lane” language was once considered to be included,
21 it was removed for fear that Measure M2 would not pass.

22 (e) In December of 2013, the Orange County Transportation
23 Authority (OCTA) approved a plan to widen the I-405 freeway
24 between Euclid Street and Interstate 605 with one lane in each
25 direction. This plan was sent to the Department of Transportation
26 for its approval. In July 2014, the department released its decision
27 to leverage this construction, paid for with Measure M2 dollars,
28 to build one toll lane in each direction that will combine with the
29 existing high-occupancy vehicle (HOV) lane to operate as a new
30 toll lane facility. The existing HOV lane will be combined with
31 the high-occupancy toll (HOT) lane so that there will be two
32 HOT/express lanes in each direction between SR-73 and the I-605.
33 The toll at peak usage is estimated to be \$9.91, in 2013 dollars,
34 for a one-way trip.

35 (f) It is the intent of the Legislature to protect the will of the
36 voters of Orange County and to require a *two-thirds* vote of the
37 ~~residents of Orange County to approve the construction of a toll~~
38 ~~lane on a public highway in that county.~~ *Orange County*
39 *Transportation Authority in order to approve construction of a*

1 toll lane funded by the Department of Transportation on a public
2 highway in Orange County.

3 SEC. 2. Chapter 9 (commencing with Section 31495) is added
4 to Division 17 of the Streets and Highways Code, to read:

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CHAPTER 9. ORANGE COUNTY TOLL ~~FACILITIES~~ LANES

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31495. (a) Notwithstanding any other provision of this ~~division, division or~~ Article 3 (commencing with Section 90) of Chapter 1 of Division 1, ~~or any other law, a toll facility shall not be implemented and constructed on a public highway within the boundaries of the County of Orange unless approved by a two-thirds vote of the electorate in the county.~~ *the Department of Transportation shall not seek or provide funding for construction of a toll lane on a public highway in the County of Orange unless the toll lane project is first approved by a two-thirds vote of the Orange County Transportation Authority.*

(b) "Public highway" means a state or local agency highway, road, or street and includes a bridge.

(c) ~~"Toll facility"~~ "Toll lane" means a ~~toll road, toll bridge, toll lane, or any other facility lane~~ on a public highway within the boundaries of the County of Orange for which a toll is to be charged, and includes the entire length of the portion of the public highway that is subject to the toll. ~~"Toll facility"~~ "Toll lane" includes a high-occupancy toll lane.

(d) Nothing in this section prohibits charges imposed for parking associated with a public highway.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances in the County of Orange, where a new toll ~~facility lane~~ would have significant access and economic impacts on the various communities along highway routes within the county.