

AMENDED IN ASSEMBLY JUNE 11, 2015
AMENDED IN ASSEMBLY MARCH 24, 2015
AMENDED IN ASSEMBLY MARCH 23, 2015

SENATE BILL

No. 76

Introduced by Committee on Budget and Fiscal Review

January 9, 2015

An act to amend Section 6100 of, and to add Sections 12025.1 and 12025.2 to, the Fish and Game Code, to add Section 8687.9 to the Government Code, to amend Section 4629.6 of the Public Resources Code, and to amend Section 81046 of, to amend, repeal, and add Section 13442 of, and to add Sections 189 and 81023 to, the Water Code, relating to water, and making an appropriation therefor, to take effect immediately, bill related to the budget. *Sections 99314.6 and 185035 of, and to add Section 185033.5 to, the Public Utilities Code, to repeal and add Section 7104.4 of the Revenue and Taxation Code, to amend Sections 73.1, 156.1, 157.2, and 894.6 of, to add Sections 156.5, 894.9, and 2106.6 to, to add and repeal Section 73.2 of, and to repeal Article 4 (commencing with Section 894.6) of Chapter 8 of Division 1 of, the Streets and Highways Code, to amend Sections 5205.5 and 22352 of the Vehicle Code, and to amend Item 2665-306-6043 of Section 2.00 of the Budget Act of 2012 (Chapter 21 of the Statutes of 2012), relating to transportation, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 76, as amended, Committee on Budget and Fiscal Review. ~~Water. Transportation.~~

(1) Existing law creates the State Transit Assistance program, under which certain revenues in the Public Transportation Account are allocated by formula for public transportation purposes. Under that program, funds may not be allocated to a transit operator for operating purposes unless the operator meets one of 2 specified efficiency standards, subject to certain exceptions. However, existing law suspends those restrictions with respect to allocations for operating purposes made through the 2014–15 fiscal year.

This bill would continue the suspension of those restrictions through the 2015–16 fiscal year.

(2) Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law requires the authority to establish an independent peer review group for the purpose of reviewing the planning, engineering, financing, and other elements of the authority's plans and issuing an analysis of the appropriateness and accuracy of the authority's assumptions and an analysis of the viability of the authority's funding plan for each corridor. Existing law specifies the required qualifications for the members of the peer review group.

This bill would revise the required qualifications for certain members of the peer review group.

(3) Existing law, as part of an amendment of the Budget Act of 2012, appropriates \$2,609,076,000 from the High-Speed Passenger Train Bond Fund to the High-Speed Rail Authority for construction of the high-speed rail project and makes that appropriation available for encumbrance until June 30, 2018. Existing law requires the authority to provide a project update report to specified committees of the Legislature by March 1 and November 1 of each year in which that funding is encumbered.

This bill would instead require the project update report to be provided to those committees by March 1, 2017, and every 2 years thereafter.

(4) Existing law, in connection with the appropriation referenced in (3), also requires the High-Speed Rail Authority to provide various reports relating to authority staffing and contract management issues with respect to certain contracts to be awarded by the authority.

This bill would repeal those reporting requirements.

(5) Existing law defines the authorized routes in the State Highway System, including State Route 275, which is defined to be the Tower

Bridge from the west side of the Sacramento River near the City of West Sacramento to the east side of the Sacramento River near the City of Sacramento. Existing law authorizes the California Transportation Commission to relinquish any portion of State Route 275 to a city in which it is located with the agreement of that city, pursuant to terms that the commission finds to be in the best interest of the state.

This bill would authorize the commission to relinquish the Tower Bridge to one or more cities in which it is located. The bill, until July 1, 2016, would provide that the Tower Bridge shall be deemed to be in a state of good repair for these purposes, provided that it is not structurally deficient and is rated as satisfactory pursuant to the National Bridge Index.

(6) Existing law provides that the Department of Transportation has full possession and control of all state highways. Existing law, through the year 2020, requires the department to prepare an annual report to the Legislature describing the status of the department's progress in locating, assessing, and remediating barriers to fish passage, as defined. Existing law requires the department also to complete assessments of potential barriers to anadromous fish prior to commencing specified projects using state or federal transportation funds. Existing law requires the department to submit these assessments to the Department of Fish and Wildlife. Existing law also requires new projects to be constructed without presenting barriers to fish passage.

This bill would require the department to prepare the annual report to the Legislature through the year 2025. The bill would require the Department of Fish and Wildlife to identify the above-described projects that present the most significant barriers to fish passage. The bill would require the Department of Transportation to prioritize and expedite the remediation of barriers to fish passage on those projects and would require the department to include a status report on those projects in each annual report issued after October 31, 2016. The bill would appropriate \$5,000,000 from the State Highway Account to the Department of Transportation for the identification and remediation of high-priority fish passages pursuant to these provisions.

(7) Existing law provides for apportionment of fuel excise tax revenues to cities and counties pursuant to various formulas.

This bill would authorize the Sacramento County Board of Supervisors to allocate up to \$700,000 from fuel excise tax revenues apportioned to Sacramento County or from other transportation funds available to

the county for the purpose of building a soundwall in and around the Walerga Park area adjacent to State Route 80 in Sacramento County.

(8) Existing law creates the Transportation Investment Fund, and continuously appropriates the moneys in the fund for various transportation purposes.

This bill would require all assets and liabilities of the Transportation Investment Fund to become assets and liabilities of the State Highway Account before June 30, 2016.

(9) Existing law authorizes the Department of Transportation to issue Clean Renewable Energy Bonds for purposes of financing the acquisition and installation of solar energy systems and related appurtenances at facilities of the department. Existing law requires the net proceeds of bonds issued under these provisions to be deposited in the Clean Renewable Energy Bonds Subaccount in the Special Deposit Fund. Existing law provides for the payment of debt service on these bonds from a specified appropriation from the State Highway Account.

This bill would require any remaining moneys in the Clean Renewable Energy Bonds Subaccount to be transferred to the State Highway Account by July 1, 2015.

(10) Existing law creates the Pedestrian Safety Account in the State Transportation Fund, and provides for the Department of Transportation to award pedestrian safety grants from appropriated funds to local agencies on a competitive basis.

This bill would require all assets and liabilities of the Pedestrian Safety Account to become assets and liabilities of the State Highway Account before January 1, 2016. The bill would repeal all provisions relating to the account on January 1, 2016.

(11) Existing law provides for the Department of Transportation and certain other agencies to contract for intercity rail passenger service with state funds appropriated for that purpose.

This bill, by April 1, 2016, would require the department to prepare a report to the Legislature examining improvements to safety, reduction of greenhouse gas emissions, and improvements to intercity rail passenger service levels that could be achieved through investments in improvements to grade level crossings or construction of grade separation projects at key intersections along state-sponsored intercity rail routes.

(12) Existing federal law, until September 30, 2017, authorizes a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs). Existing law authorizes the

Department of Transportation to designate certain lanes for the exclusive use of HOVs. Under existing law, until January 1, 2019, until federal authorization expires, or until the Secretary of State receives a specified notice, those lanes may be used by certain vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier issued by the Department of Motor Vehicles (DMV). Existing law authorizes the DMV to issue no more than 70,000 of those identifiers.

This bill would increase the number of those identifiers that the DMV is authorized to issue to 85,000.

(13) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~(1) Existing law requires any new diversion of water from any stream having populations of salmon and steelhead that is determined by the Department of Fish and Wildlife to be deleterious to salmon and steelhead to be screened by the owner of the diversion. Existing law requires the department to submit to the owner its proposals as to measures necessary to protect the salmon and steelhead within 30 days of receipt of a notice of a diversion of water from a stream having populations of salmon and steelhead.~~

~~This bill would instead require the department, within 30 days of providing written notice to the owner that the department has determined that the diversion is deleterious to salmon and steelhead, to submit to the owner its proposals as to measures necessary to protect the salmon and steelhead.~~

~~(2) Existing law prohibits the construction or maintenance, in certain fish and game districts, of any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down stream. A violation of this provision is a misdemeanor.~~

~~This bill would impose an additional civil penalty of not more than \$8,000 for a violation of this provision.~~

~~(3) Existing law declares that the diversion or use of water other than as authorized by specified provisions of law is a trespass. Existing law authorizes the executive director of the State Water Resources Control Board to issue a complaint to a person who violates certain laws regarding the use and diversion of water, and subjects the violator to administrative civil liability. Existing law requires that the complaint be served by personal notice or certified mail and inform the party served that the party may request a hearing not later than 20 days from the date the party was served.~~

This bill would authorize the Director of the Department of Fish and Wildlife, or his or her designee, to issue a complaint in accordance with the above-specified provisions alleging that an unauthorized diversion or use of water harms fish and wildlife resources.

~~(4) Existing law prohibits a charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with prevailing wage provisions on any public works contract or if the city has awarded, within the prior 2 years, a public works contract without requiring the contractor to comply with prevailing wage provisions, as specified. Existing law authorizes charter cities to receive or use state funding or financial assistance if the city has a local prevailing wage ordinance, applicable to all of its public works contracts, that includes requirements that are equal to or greater than the state's prevailing wage requirements, as specified.~~

This bill would exempt from that prohibition funding and financial assistance provided to a charter city in response to an emergency.

~~(5) Existing law provides various technical assistance opportunities to disadvantaged communities for projects relating to groundwater sustainability, clean drinking water, and water recycling and advanced treatment water technology projects.~~

This bill would establish the Office of Sustainable Water Solutions within the State Water Resources Control Board to promote permanent and sustainable drinking water and wastewater treatment solutions to ensure effective and efficient provision of safe, clean, affordable, and reliable drinking water and wastewater treatment services. The bill would authorize the office to take certain actions in furtherance of this purpose.

~~(6) Existing law, the Porter-Cologne Water Quality Control Act, authorizes the imposition and collection of civil and criminal penalties for specified violations of that act. The act requires certain moneys, including General Fund revenues of penalties, collected pursuant to these provisions to be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund. The act continuously appropriates the moneys in the account to the State Water Resources Control Board for specified cleanup programs.~~

The act authorizes the state board, upon application by a public agency, specified tribal governments, or not-for-profit organizations serving disadvantaged communities that have authority to clean up a waste or abate the effects of a waste to order moneys in the account to

~~be paid to the entity to assist in cleaning up the waste or abating its effects on waters.~~

~~This bill would, until July 1, 2018, additionally authorize the state board to pay these moneys to a community water system that serves a disadvantaged community and would authorize moneys in the account to be used to assist in addressing an urgent drinking water need. By authorizing new expenditures from a continuously appropriated account, this bill would make an appropriation. The bill would exempt projects using moneys paid pursuant to these provisions from state contracting and procurement requirements, as specified, and would authorize the state board to adopt guidelines for the allocation and administration of moneys in the account that would be exempt from the Administrative Procedure Act.~~

~~(7) Existing law establishes the CalConserve Water Use Efficiency Revolving Fund and provides that the moneys in the fund are available to the Department of Water Resources, upon appropriation by the Legislature, for the purpose of water use efficiency projects. Existing law requires moneys in the fund to be used for purposes that include, but are not limited to, at or below market interest rate loans to local agencies, as defined, and permits the department to enter into agreements with local agencies that provide water or recycled water service to provide loans.~~

~~Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The bond act provides that the sum of \$810,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans to, projects that are included in and implemented in an adopted integrated regional water management plan and respond to climate change and contribute to regional water security. The bond act authorizes the use of \$100,000,000 of those funds for direct expenditures, and for grants and loans, for certain water conservation and water use efficiency plans, projects, and programs.~~

~~This bill would transfer to the CalConserve Water Use Efficiency Revolving Fund the sum of \$10,000,000 of the proceeds of these bonds for water conservation and water use efficiency projects and programs to achieve urban water use targets. This bill would require the department to use \$5,000,000 for a pilot project for local agencies to~~

~~provide water efficiency upgrades to eligible residents. This bill would require the department to use the other \$5,000,000 for local agencies to provide low-interest loans to customers to finance the installation of onsite improvements to repair or replace, as necessary, cracked or leaking water pipes to conserve water. The bill would authorize the department to provide local agencies with zero-interest loans of up to \$3,000,000 and would require a local agency that receives a loan pursuant to these provisions to exercise reasonable efforts to recover the costs of the loan. The bill would also authorize the department to waive up to 10% of the repayment amount for costs that could not be recovered by a local agency.~~

~~(8) The State Contract Act generally provides for a contracting process by state agencies for public works of improvement pursuant to a competitive bidding process, under which bids are awarded to the lowest responsible bidder, with specified alternative bidding procedures authorized in certain cases.~~

~~Existing law, the California Emergency Services Act, sets forth the emergency powers of the Governor under its provisions and empowers the Governor to proclaim a state of emergency for certain conditions, including drought. During a state of emergency, existing law authorizes the Governor to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency. Pursuant to this authority, the Governor proclaimed a state of emergency, and a continued state of emergency, due to drought conditions and suspended certain statutes.~~

~~This bill would suspend the provisions of the Government Code and the Public Contract Code applicable to state contracts for purposes of state agencies implementing the Governor's orders proclaiming a state of emergency as long as the state of emergency due to drought conditions remains in effect. The bill would specify that these suspensions only apply to contracts that respond to conditions arising from the drought and that support the state agencies in specified actions. The bill would require approval by the Department of Finance prior to the execution of any contract entered into pursuant to this provision and would require that certain information relating to these contracts be posted on the California Drought Internet Web site.~~

~~This bill would require an agency receiving moneys from one or more sources as appropriated pursuant to Assembly Bill 91 or Senate Bill 75 of the 2015–16 Regular Session to use the services of the California Conservation Corps or a certified community conservation corps, as defined, for restoration, ecosystem protection projects, or other similar work.~~

~~(9) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

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

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

1 SECTION 1. Section 99314.6 of the Public Utilities Code is
2 amended to read:

3 99314.6. (a) Except as provided in Section 99314.7, the
4 following eligibility standards apply:

5 (1) Except as provided in paragraph (2), funds shall not be
6 allocated for operating purposes pursuant to Sections 99313 and
7 99314 to an operator unless the operator meets either of the
8 following efficiency standards:

9 (A) The operator’s total operating cost per revenue vehicle hour
10 in the latest year for which audited data are available does not
11 exceed the sum of the preceding year’s total operating cost per
12 revenue vehicle hour and an amount equal to the product of the
13 percentage change in the Consumer Price Index for the same period
14 multiplied by the preceding year’s total operating cost per revenue
15 vehicle hour.

16 (B) The operator’s average total operating cost per revenue
17 vehicle hour in the latest three years for which audited data are
18 available does not exceed the sum of the average of the total
19 operating cost per revenue vehicle hour in the three years preceding
20 the latest year for which audited data are available and an amount
21 equal to the product of the average percentage change in the
22 Consumer Price Index for the same period multiplied by the
23 average total operating cost per revenue vehicle hour in the same
24 three years.

25 (2) The transportation planning agency, county transportation
26 commission, or the San Diego Metropolitan Transit Development
27 Board, as the case may be, shall adjust the calculation of operating

1 costs and revenue vehicle hours pursuant to paragraph (1) to
2 account for either or both of the following factors:

3 (A) Exclusion of costs increases beyond the change in the
4 Consumer Price Index for fuel; alternative fuel programs; power,
5 including electricity; insurance premiums and payments in
6 settlement of claims arising out of the operator's liability; or state
7 or federal mandates, including the additional operating costs
8 required to provide comparable complementary paratransit service
9 as required by Section 37.121 of Title 49 of the Code of Federal
10 Regulations, pursuant to the Americans with Disabilities Act of
11 1990 (42 U.S.C. Sec. 12101 et seq.), as identified in the operator's
12 paratransit plan pursuant to Section 37.139 of Title 49 of the Code
13 of Federal Regulations.

14 (B) Exclusion of startup costs for new services for a period of
15 not more than two years.

16 (3) Funds withheld from allocation to an operator pursuant to
17 paragraph (1) shall be retained by the transportation planning
18 agency, county transportation commission, or the San Diego
19 Metropolitan Transit Development Board, as the case may be, for
20 reallocation to that operator for two years following the year of
21 ineligibility. In a year in which an operator's funds are allocated
22 pursuant to paragraph (1), funds withheld from allocation during
23 a preceding year shall also be allocated. Funds not allocated before
24 the commencement of the third year following the year of
25 ineligibility shall be reallocated to cost effective high priority
26 regional transit activities, as determined by the transportation
27 planning agency, county transportation commission, or the San
28 Diego Metropolitan Transit Development Board, as the case may
29 be. If that agency or commission, or the board, determines that no
30 cost effective high priority regional transit activity exists, the
31 unallocated funds shall revert to the Controller for reallocation.

32 (b) As used in this section, the following terms have the
33 following meanings:

34 (1) "Operating cost" means the total operating cost as reported
35 by the operator under the Uniform System of Accounts and
36 Records, pursuant to Section 99243 and subdivision (a) of Section
37 99247.

38 (2) "Revenue vehicle hours" has the same meaning as "vehicle
39 service hours," as defined in subdivision (h) of Section 99247.

1 (3) “Consumer Price Index,” as applied to an operator, is the
2 regional Consumer Price Index for that operator’s region, as
3 published by the United States Bureau of Labor Statistics. If a
4 regional index is not published, the index for the State of California
5 applies.

6 (4) “New service” has the same meaning as “extension of public
7 transportation services” as defined in Section 99268.8.

8 (c) The restrictions in this section do not apply to allocations
9 made for capital purposes.

10 (d) The exclusion of costs increases described in paragraph (2)
11 of subdivision (a) applies solely for the purpose of calculating an
12 operator’s eligibility to claim funds pursuant to this section and
13 does not authorize an operator to report an operating cost per
14 revenue vehicle hour other than as described in this section and in
15 Section 99247, to any of the following entities:

16 (1) The Controller pursuant to Section 99243.

17 (2) The entity conducting the fiscal audit pursuant to Section
18 99245.

19 (3) The entity conducting the performance audit pursuant to
20 Section 99246.

21 (e) The restrictions in this section shall not apply to the
22 allocation of funds made pursuant to Sections 99313 and 99314
23 after January 1, 2010, and through the ~~2014–15~~ 2015–16 fiscal
24 year.

25 *SEC. 2. Section 185033.5 is added to the Public Utilities Code,*
26 *to read:*

27 *185033.5. On or before March 1, 2017, and every two years*
28 *thereafter, the authority shall provide a project update report,*
29 *approved by the Secretary of Transportation as consistent with*
30 *the criteria in this section, to the budget committees and the*
31 *appropriate policy committees of both houses of the Legislature,*
32 *on the development and implementation of intercity high-speed*
33 *train service pursuant to Section 185030. The report, at a*
34 *minimum, shall include a programwide summary, as well as details*
35 *by project segment, with all information necessary to clearly*
36 *describe the status of the project, including, but not limited to, all*
37 *of the following:*

38 (a) *A summary describing the overall progress of the project.*

1 (b) *The baseline budget for all project phase costs, by segment*
 2 *or contract, beginning with the California High-Speed Rail*
 3 *Program Revised 2012 Business Plan.*

4 (c) *The current and projected budget, by segment or contract,*
 5 *for all project phase costs.*

6 (d) *Expenditures to date, by segment or contract, for all project*
 7 *phase costs.*

8 (e) *A comparison of the current and projected work schedule*
 9 *and the baseline schedule contained in the California High-Speed*
 10 *Rail Program Revised 2012 Business Plan.*

11 (f) *A summary of milestones achieved during the prior two-year*
 12 *period and milestones expected to be reached in the coming*
 13 *two-year period.*

14 (g) *Any issues identified during the prior two-year period and*
 15 *actions taken to address those issues.*

16 (h) *A thorough discussion of risks to the project and steps taken*
 17 *to mitigate those risks.*

18 *SEC. 3. Section 185035 of the Public Utilities Code is amended*
 19 *to read:*

20 185035. (a) The authority shall establish an independent peer
 21 review group for the purpose of reviewing the planning,
 22 engineering, financing, and other elements of the authority's plans
 23 and issuing an analysis of appropriateness and accuracy of the
 24 authority's assumptions and an analysis of the viability of the
 25 authority's financing plan, including the funding plan for each
 26 corridor required pursuant to subdivision (b) of Section 2704.08
 27 of the Streets and Highways Code.

28 (b) The peer review group shall include all of the following:

29 (1) Two individuals with *education and* experience in the
 30 *planning and construction*~~or operation~~ *of large transportation*
 31 *systems, such as high-speed trains in Europe, Asia, or both, rail,*
 32 *or highway systems with similar characteristics, designated by the*
 33 *Treasurer.*

34 (2) Two individuals, one with experience in engineering and
 35 construction of high-speed ~~trains~~ *rail or similar large infrastructure*
 36 *projects and one with experience in project planning and finance,*
 37 *designated by the Controller.*

38 (3) One representative from a financial services or financial
 39 consulting firm who shall not have been a contractor or

1 subcontractor of the authority for the previous three years,
2 designated by the Director of Finance.

3 (4) One representative with experience in environmental
4 planning, designated by the Secretary of Transportation.

5 (5) ~~Two expert representatives from agencies~~ *individuals with*
6 *experience providing or governing* intercity or commuter passenger
7 train services in California, designated by the Secretary of
8 Transportation.

9 (c) The peer review group shall evaluate the authority's funding
10 plans and prepare its independent judgment as to the feasibility
11 and reasonableness of the plans, appropriateness of assumptions,
12 analyses, and estimates, and any other observations or evaluations
13 it deems necessary.

14 (d) The authority shall provide the peer review group any and
15 all information that the peer review group may request to carry
16 out its responsibilities.

17 (e) The peer review group shall report its findings and
18 conclusions to the Legislature no later than 60 days after receiving
19 the plans.

20 *SEC. 4. Section 7104.4 of the Revenue and Taxation Code is*
21 *repealed.*

22 ~~7104.4. All remaining obligations of the Transportation~~
23 ~~Investment Fund as of July 1, 2010, that cannot be funded with~~
24 ~~resources in that fund shall become obligations of the State~~
25 ~~Highway Account.~~

26 *SEC. 5. Section 7104.4 is added to the Revenue and Taxation*
27 *Code, to read:*

28 *7104.4. (a) The State Highway Account in the State*
29 *Transportation Fund is the successor account to the Transportation*
30 *Investment Fund.*

31 *(b) All assets and liabilities of the Transportation Investment*
32 *Fund shall become assets and liabilities of the State Highway*
33 *Account on or before June 30, 2016.*

34 *SEC. 6. Section 73.1 of the Streets and Highways Code is*
35 *amended to read:*

36 *73.1. The commission may relinquish ~~any portion of~~ State*
37 *Route 275 ~~that has been agreed to by a city,~~ the Tower Bridge, to*
38 *one or more cities in which it is located, upon agreement of the*
39 *city or cities to accept it and pursuant to those terms the*
40 *commission finds to be in the best interest of the state. A*

1 relinquishment under this section shall become effective upon the
2 first day of the next calendar or fiscal year, whichever occurs first,
3 after the effective date of the commission's approval of the terms.

4 *SEC. 7. Section 73.2 is added to the Streets and Highways*
5 *Code, to read:*

6 *73.2. (a) State Route 275, the Tower Bridge, shall be deemed*
7 *to be in a state of good repair for purposes of relinquishment*
8 *pursuant to Section 73.1, provided that the bridge is not*
9 *structurally deficient and is rated as satisfactory pursuant to the*
10 *National Bridge Index.*

11 *(b) This section shall become inoperative on July 1, 2016, and,*
12 *as of January 1, 2017, is repealed, unless a later enacted statute,*
13 *that becomes operative on or before January 1, 2017, deletes or*
14 *extends the dates on which it becomes inoperative and is repealed.*

15 *SEC. 8. Section 156.1 of the Streets and Highways Code is*
16 *amended to read:*

17 *156.1. (a) The Director of Transportation shall prepare an*
18 *annual report describing the status of the department's progress*
19 *in locating, assessing, and remediating barriers to fish passage.*
20 *This report shall be given to the Legislature by October 31 of each*
21 *year through the year ~~2020~~ 2025.*

22 *(b) Each report issued after October 31, 2016, shall include a*
23 *status report on the remediation of barriers to fish passage on*
24 *projects that have been identified pursuant to Section 156.5. The*
25 *status report shall include, but is not limited to, all of the following*
26 *information regarding a project identified pursuant to Section*
27 *156.5:*

28 *(1) Any updated information received by the department from*
29 *the Department of Fish and Wildlife regarding the barriers to fish*
30 *passage on the project.*

31 *(2) Whether funding has been committed to the project.*

32 *(3) The source of any funding for the project.*

33 *(4) The budget summary of the project.*

34 *(5) The status of inspections of culverts to ensure they are*
35 *functioning properly and any other actions by the department to*
36 *assess or remediate barriers to fish passage on the project.*

37 *(6) The applicable program initiation document work plan*
38 *review.*

39 *(7) The estimated completion date for the project.*

1 *SEC. 9. Section 156.5 is added to the Streets and Highways*
2 *Code, to read:*

3 156.5. (a) *The Department of Fish and Wildlife shall identify*
4 *projects described in this article that present the most significant*
5 *barriers to fish passage.*

6 (b) *The department shall prioritize and expedite the remediation*
7 *of barriers to fish passage on projects identified pursuant to*
8 *subdivision (a).*

9 (c) *For the 2015–16 fiscal year, the sum of five million dollars*
10 *(\$5,000,000) is hereby appropriated from the State Highway*
11 *Account in the State Transportation Fund to the Department of*
12 *Transportation for the identification and remediation of*
13 *high-priority fish passages consistent with this section and Section*
14 *156.1.*

15 *SEC. 10. Section 157.2 of the Streets and Highways Code is*
16 *amended to read:*

17 157.2. (a) *The net proceeds of bonds issued under this article*
18 *shall be deposited in the Clean Renewable Energy Bonds*
19 *Subaccount, which is hereby established as a special trust fund in*
20 *the Special Deposit Fund created pursuant to Section 16370 of the*
21 *Government Code.*

22 (b) *On or before July 1, 2015, any remaining moneys in the*
23 *subaccount shall be transferred to the State Highway Account in*
24 *the State Transportation Fund.*

25 *SEC. 11. Section 894.6 of the Streets and Highways Code is*
26 *amended to read:*

27 894.6. (a) *The Pedestrian Safety Account is hereby established*
28 *in the State Transportation Fund for expenditure by the department,*
29 *upon appropriation, for the purposes of funding grants awarded*
30 *pursuant to Section 894.7.*

31 (b) *All assets and liabilities of the Pedestrian Safety Account*
32 *shall become assets and liabilities of the State Highway Account*
33 *before January 1, 2016.*

34 *SEC. 12. Section 894.9 is added to the Streets and Highways*
35 *Code, to read:*

36 894.9. *This article shall remain in effect only until January 1,*
37 *2016, and as of that date is repealed.*

38 *SEC. 13. Section 2106.6 is added to the Streets and Highways*
39 *Code, to read:*

1 2106.6. *The Sacramento County Board of Supervisors may*
2 *allocate up to seven hundred thousand dollars (\$700,000) from*
3 *revenues apportioned to Sacramento County pursuant to Sections*
4 *2103, 2104, 2105, and 2106, or from other transportation funds*
5 *available to the county, or from any combination of those funds,*
6 *for the purpose of building a soundwall in and around the Walerga*
7 *Park area adjacent to State Route 80 in Sacramento County.*

8 *SEC. 14. Section 5205.5 of the Vehicle Code is amended to*
9 *read:*

10 5205.5. (a) For purposes of implementing Section 21655.9,
11 the department shall make available for issuance, for a fee
12 determined by the department to be sufficient to reimburse the
13 department for the actual costs incurred pursuant to this section,
14 distinctive decals, labels, and other identifiers that clearly
15 distinguish the following vehicles from other vehicles:

16 (1) A vehicle that meets California's super ultra-low emission
17 vehicle (SULEV) standard for exhaust emissions and the federal
18 inherently low-emission vehicle (ILEV) evaporative emission
19 standard, as defined in Part 88 (commencing with Section
20 88.101-94) of Title 40 of the Code of Federal Regulations.

21 (2) A vehicle that was produced during the 2004~~-model-year~~
22 *model year* or earlier and meets California's ultra-low emission
23 vehicle (ULEV) standard for exhaust emissions and the federal
24 ILEV standard.

25 (3) A vehicle that meets California's enhanced advanced
26 technology partial zero-emission vehicle (enhanced AT PZEV)
27 standard or transitional zero-emission vehicle (TZEV) standard.

28 (b) The department shall include a summary of the provisions
29 of this section on each motor vehicle registration renewal notice,
30 or on a separate insert, if space is available and the summary can
31 be included without incurring additional printing or postage costs.

32 (c) The Department of Transportation shall remove individual
33 HOV lanes, or portions of those lanes, during periods of peak
34 congestion from the access provisions provided in subdivision (a),
35 following a finding by the Department of Transportation as follows:

36 (1) The lane, or portion thereof, exceeds a level of service C,
37 as discussed in subdivision (b) of Section 65089 of the Government
38 Code.

1 (2) The operation or projected operation of the vehicles
2 described in subdivision (a) in these lanes, or portions thereof, will
3 significantly increase congestion.

4 (3) The finding shall also demonstrate the infeasibility of
5 alleviating the congestion by other means, including, but not
6 limited to, reducing the use of the lane by noneligible vehicles or
7 further increasing vehicle occupancy.

8 (d) The State Air Resources Board shall publish and maintain
9 a listing of all vehicles eligible for participation in the programs
10 described in this section. The board shall provide that listing to
11 the department.

12 (e) (1) For purposes of subdivision (a), the Department of the
13 California Highway Patrol and the department, in consultation
14 with the Department of Transportation, shall design and specify
15 the placement of the decal, label, or other identifier on the vehicle.
16 Each decal, label, or other identifier issued for a vehicle shall
17 display a unique number, which ~~number~~ shall be printed on, or
18 affixed to, the vehicle registration.

19 (2) Decals, labels, or other identifiers designed pursuant to this
20 subdivision for a vehicle described in paragraph (3) of subdivision
21 (a) shall be distinguishable from the decals, labels, or other
22 identifiers that are designed for vehicles described in paragraphs
23 (1) and (2) of subdivision (a).

24 (f) (1) Except as provided in paragraph (2), for purposes of
25 paragraph (3) of subdivision (a), the department shall issue no
26 more than ~~70,000~~ 85,000 distinctive decals, labels, or other
27 identifiers that clearly distinguish a vehicle specified in paragraph
28 (3) of subdivision (a).

29 (2) The department may issue a decal, label, or other identifier
30 for a vehicle that satisfies all of the following conditions:

31 (A) The vehicle is of a type identified in paragraph (3) of
32 subdivision (a).

33 (B) The owner of the vehicle is the owner of a vehicle for which
34 a decal, label, or other identifier described in paragraph (1) was
35 previously issued and that vehicle for which the decal, label, or
36 other identifier was previously issued is determined by the
37 department, on the basis of satisfactory proof submitted by the
38 owner to the department, to be a nonrepairable vehicle or a total
39 loss salvage vehicle.

1 (C) The owner of the vehicle applied for a decal, label, or other
2 identifier pursuant to this paragraph within six months of the date
3 on which the vehicle for which a decal, label, or other identifier
4 was previously issued is declared to be a nonrepairable vehicle or
5 a total loss salvage vehicle.

6 (g) If the Metropolitan Transportation Commission, serving as
7 the Bay Area Toll Authority, grants toll-free and reduced-rate
8 passage on toll bridges under its jurisdiction to a vehicle pursuant
9 to Section 30102.5 of the Streets and Highways Code, it shall also
10 grant the same toll-free and reduced-rate passage to a vehicle
11 displaying an identifier issued by the department pursuant to
12 paragraph (1) or (2) of subdivision (a).

13 (h) (1) Notwithstanding Section 21655.9, and except as
14 provided in paragraph (2), a vehicle described in subdivision (a)
15 that displays a decal, label, or identifier issued pursuant to this
16 section shall be granted a toll-free or reduced-rate passage in
17 high-occupancy toll lanes as described in Section 149.7 of the
18 Streets and Highways Code unless prohibited by federal law.

19 (2) (A) Paragraph (1) does not apply to the imposition of a toll
20 imposed for passage on a toll road or toll highway, that is not a
21 high-occupancy toll lane as described in Section 149.7 of the
22 Streets and Highways Code.

23 (B) On or before March 1, 2014, paragraph (1) does not apply
24 to the imposition of a toll imposed for passage in lanes designated
25 for tolls pursuant to the federally supported value pricing and
26 transit development demonstration program operated pursuant to
27 Section 149.9 of the Streets and Highways Code for State Highway
28 Route 10 or 110.

29 (C) Paragraph (1) does not apply to the imposition of a toll
30 charged for crossing a state-owned bridge.

31 (i) If the Director of Transportation determines that federal law
32 does not authorize the state to allow vehicles that are identified by
33 distinctive decals, labels, or other identifiers on vehicles described
34 in subdivision (a) to use highway lanes or highway access ramps
35 for high-occupancy vehicles regardless of vehicle occupancy, the
36 Director of Transportation shall submit a notice of that
37 determination to the Secretary of State.

38 (j) This section shall become inoperative on January 1, 2019,
39 or the date the federal authorization pursuant to Section 166 of
40 Title 23 of the United States Code expires, or the date the Secretary

1 of State receives the notice described in subdivision (i), whichever
2 occurs first, and, as of January 1, 2019, is repealed, unless a later
3 enacted statute, that becomes operative on or before January 1,
4 2019, deletes or extends the dates on which it becomes inoperative
5 and is repealed.

6 *SEC. 15. Section 22352 of the Vehicle Code is amended to*
7 *read:*

8 22352. The prima facie limits are as follows and shall be
9 applicable unless changed as authorized in this code and, if so
10 changed, only when signs have been erected giving notice thereof:

11 (a) Fifteen miles per hour:

12 (1) When traversing a railway grade crossing, if during the last
13 100 feet of the approach to the crossing the driver does not have
14 a clear and unobstructed view of the crossing and of any traffic on
15 the railway for a distance of 400 feet in both directions along the
16 railway. This subdivision does not apply in the case of any railway
17 grade crossing where a human flagman is on duty or a clearly
18 visible electrical or mechanical railway crossing signal device is
19 installed but does not then indicate the immediate approach of a
20 railway train or car.

21 (2) When traversing any intersection of highways if during the
22 last 100 feet of the driver's approach to the intersection the driver
23 does not have a clear and unobstructed view of the intersection
24 and of any traffic upon all of the highways entering the intersection
25 for a distance of 100 feet along all those highways, except at an
26 intersection protected by stop signs or yield right-of-way signs or
27 controlled by official traffic control signals.

28 (3) On any alley.

29 (b) Twenty-five miles per hour:

30 (1) On any highway other than a state highway, in any business
31 or residence district unless a different speed is determined by local
32 authority under procedures set forth in this code.

33 (2) When approaching or passing a school building or the
34 grounds thereof, contiguous to a highway and posted with a
35 standard "SCHOOL" warning sign, while children are going to or
36 leaving the school either during school hours or during the noon
37 recess period. The prima facie limit shall also apply when
38 approaching or passing any school grounds which are not separated
39 from the highway by a fence, gate, or other physical barrier while
40 the grounds are in use by children and the highway is posted with

1 a standard “SCHOOL” warning sign. For purposes of this
2 subparagraph, standard “SCHOOL” warning signs may be placed
3 at any distance up to 500 feet away from school grounds.

4 (3) When passing a senior center or other facility primarily used
5 by senior citizens, contiguous to a street other than a state highway
6 and posted with a standard “SENIOR” warning sign. A local
7 authority may erect a sign pursuant to this paragraph when the
8 local agency makes a determination that the proposed signing
9 should be implemented. A local authority may request grant
10 funding from the ~~Pedestrian Safety Account~~ *Active Transportation*
11 *Program* pursuant to *Chapter 8 (commencing with Section 894.7*
12 *2380) of Division 3 of the Streets and Highways Code*, or any other
13 grant funding available to it, and use that grant funding to pay for
14 the erection of those signs, or may utilize any other funds available
15 to it to pay for the erection of those signs, including, but not limited
16 to, donations from private sources.

17 *SEC. 16. Item 2665-306-6043 of Section 2.00 of the Budget*
18 *Act of 2012 (Chapter 21 of the Statutes of 2012), as added by*
19 *Section 9 of Chapter 152 of the Statutes of 2012, is amended to*
20 *read:*

21
22 2665-306-6043—For capital outlay, High-Speed Rail Author-
23 ity, payable from the High-Speed Passenger Train Bond
24 Fund 2,609,076,000

25 Schedule:
26 (1) 20.01.010-Initial Operating Segment,
27 Section 1—Acquisition and Build.... 2,609,076,000

- 28 Provisions:
29 1. The project identified in this item may be managed by
30 the High-Speed Rail Authority.
31 2. The expenditure of funds appropriated in this item are
32 governed by Section 13332.19 of the Government
33 Code. The project identified in this item is subject to
34 review and oversight by the State Public Works Board.
35 The project may be implemented using several design-
36 build contracts, each of which will have its own set of
37 performance criteria or performance criteria and con-
38 cept drawings. Funds appropriated for the build portion
39 of this project may only be expended after the Depart-
40 ment of Finance and the State Public Works Board

- 1 have approved performance criteria or performance
2 criteria and concept drawings for the design-build
3 contract. These approvals may be provided for each
4 design-build contract, from time to time, and build
5 funds associated with that design-build contract may
6 be expended at that time.
- 7 3. Notwithstanding Section 1.80, the appropriation made
8 in this item is available for encumbrance until June
9 30, 2018.
- 10 4. ~~On or before March 1 and November 15 of each year~~
11 ~~for which funding appropriated in this item is encum-~~
12 ~~bered, the High-Speed Rail Authority shall provide a~~
13 ~~Project Update Report approved, as consistent with~~
14 ~~the criteria in this provision, by the Secretary of~~
15 ~~Business, Transportation and Housing to the budget~~
16 ~~committees and the appropriate policy committees of~~
17 ~~both houses of the Legislature on the development and~~
18 ~~implementation of intercity high-speed train service~~
19 ~~pursuant to Section 185030 of the Public Utilities~~
20 ~~Code. The report, at a minimum, shall include a pro-~~
21 ~~gramwide summary, as well as details by project seg-~~
22 ~~ment, with all information necessary to clearly describe~~
23 ~~the status of the project, including, but not limited to,~~
24 ~~all of the following:~~
- 25 (a) ~~A summary describing the overall progress of the~~
26 ~~project.~~
 - 27 (b) ~~The baseline budget for all project phase costs,~~
28 ~~by segment or contract, beginning with the Cali-~~
29 ~~fornia High-Speed Rail Program Revised 2012~~
30 ~~Business Plan.~~
 - 31 (c) ~~The current and projected budget, by segment or~~
32 ~~contract, for all project phase costs.~~
 - 33 (d) ~~Expenditures to date, by segment or contract, for~~
34 ~~all project phase costs.~~
 - 35 (e) ~~A comparison of the current and projected work~~
36 ~~schedule and the baseline schedule contained in~~
37 ~~the California High-Speed Rail Program Revised~~
38 ~~2012 Business Plan.~~

- 1 (f) ~~A summary of milestones achieved during the~~
- 2 ~~prior year and milestones expected to be reached~~
- 3 ~~in the coming year.~~
- 4 (g) ~~Any issues identified during the prior year and~~
- 5 ~~actions taken to address those issues.~~
- 6 (h) ~~A thorough discussion of various risks to the~~
- 7 ~~project and steps taken to mitigate those risks.~~
- 8 5. (a) ~~With respect to contracts scheduled to be awarded~~
- 9 ~~in December 2012 to commence construction of~~
- 10 ~~the first construction segment of the initial operat-~~
- 11 ~~ing section of the high-speed rail system, as de-~~
- 12 ~~scribed in the California High-Speed Rail Program~~
- 13 ~~Revised 2012 Business Plan adopted by the au-~~
- 14 ~~thority on April 12, 2012 (revised business plan);~~
- 15 ~~the authority shall submit the following reports~~
- 16 ~~approved, as consistent with the criteria in this~~
- 17 ~~provision, by the Secretary of Business, Trans-~~
- 18 ~~portation and Housing to the Senate Committee~~
- 19 ~~on Transportation and Housing, the Assembly~~
- 20 ~~Committee on Transportation, and the Senate and~~
- 21 ~~Assembly committees on budget:~~
- 22 (i) ~~By October 1, 2012, prior to awarding a~~
- 23 ~~contract to commence construction of the~~
- 24 ~~first construction segment or committing~~
- 25 ~~funds for the contract, and prior to advertising~~
- 26 ~~contracts to be awarded for the first construc-~~
- 27 ~~tion segment in September 2013 and October~~
- 28 ~~2013, a comprehensive staff management~~
- 29 ~~report that includes:~~
- 30 (ii) ~~An organizational chart for the authority,~~
- 31 ~~detailed description of each executive manag-~~
- 32 ~~er's function and responsibilities, summary~~
- 33 ~~of staffing changes in the preceding year, a~~
- 34 ~~strategy for filling vacancies and the recruit-~~
- 35 ~~ment and staffing plans for the 2012-13 fiscal~~
- 36 ~~year.~~
- 37 (iii) ~~The management approach, including num-~~
- 38 ~~ber, skill level, position, and hiring and reten-~~
- 39 ~~tion plan of staff and outside consultants re-~~
- 40 ~~quired to adequately oversee each of the~~

- 1 planned construction contracts funded in this
2 act.
- 3 (iii) ~~Proposed steps and procedures that will be~~
4 ~~employed to ensure adequate oversight and~~
5 ~~management of contractors involved in the~~
6 ~~construction contracts funded in this act.~~
- 7 (iv) ~~Procedures to detect and prevent contract~~
8 ~~splitting.~~
- 9 (2) ~~Prior to awarding a contract to commence~~
10 ~~construction of the first construction segment,~~
11 ~~a report certifying that the amount awarded~~
12 ~~under the contract is within the budgeted~~
13 ~~funding and is consistent with the completion~~
14 ~~schedule deadlines set by the federal Depart-~~
15 ~~ment of Transportation.~~
- 16 (b) ~~Each of the reports required pursuant to subdivi-~~
17 ~~sion (a) for the contracts described in that subdivi-~~
18 ~~sion shall also be required with respect to the~~
19 ~~contract scheduled to be awarded in March 2017.~~
20 ~~The authority shall submit the reports for those~~
21 ~~contracts no later than 60 days prior to advertising~~
22 ~~for bids on each contract.~~
- 23 7. ~~Sixty days prior to awarding the contracts scheduled~~
24 ~~to be awarded in December 2012 to commence con-~~
25 ~~struction of the first construction segment of the initial~~
26 ~~operating section, the High-Speed Rail Authority shall~~
27 ~~fill the positions of chief executive officer, risk man-~~
28 ~~ager, chief program manager, and chief financial offi-~~
29 ~~cer and report those hiring to the Joint Legislative~~
30 ~~Budget Committee.~~
- 31 8. ~~Prior to awarding the contracts scheduled to be~~
32 ~~awarded in December 2012 to commence construction~~
33 ~~of the first construction segment of the initial operating~~
34 ~~section, the High-Speed Rail Authority shall prepare~~
35 ~~and submit a report approved, as consistent with the~~
36 ~~criteria in this provision, by the Secretary of Business,~~
37 ~~Transportation and Housing to the Senate Committee~~
38 ~~on Transportation and Housing, the Assembly Com-~~
39 ~~mittee on Transportation, and the Senate and Assembly~~

- 1 committees on budget detailing elements of risk in the
- 2 high-speed rail project, including all of the following:
- 3 (a) A comprehensive risk management plan that de-
- 4 fines roles and responsibilities for risk manage-
- 5 ment and addresses the process by which the au-
- 6 thority will identify and quantify project risks,
- 7 implement and track risk response activities, and
- 8 monitor and control risks throughout the duration
- 9 of each project.
- 10 (b) Quantification of the effect of identified risks in
- 11 financial terms.
- 12 (c) Development documents to track identified risks
- 13 and related mitigation steps.
- 14 (d) Plans for regularly updating its estimates of capital
- 15 and support costs.
- 16 (e) Plans for regularly reassessing its reserves for
- 17 potential claims and unknown risks, incorporating
- 18 information related to risks identified and quanti-
- 19 fied through its risk assessment processes.
- 20 (f) Plans for regularly integrating estimates for capi-
- 21 tal, support costs, and contingency reserves in
- 22 required reports.
- 23 9. The High-Speed Rail Authority shall, as part of its
- 24 January 1, 2014, Business Plan, include: a proposed
- 25 approach for improving (a) demand projections, (b)
- 26 operations and maintenance cost models, and (c) ben-
- 27 efit-cost analysis as applied to future project decisions.
- 28 The authority shall also submit a copy of the study by
- 29 the Union Internationale des Chemins de Fer (the in-
- 30 ternational union of railways) examining how the au-
- 31 thority’s estimated operating costs for high-speed rail
- 32 compare to high-speed rail systems in other countries.
- 33 These business plan components approved, as consis-
- 34 tent with the criteria in this provision, by the Secretary
- 35 of ~~Business, Transportation and Housing~~ shall be based
- 36 on recommendations of the authority’s peer review
- 37 panel, advice from the domestic and international rail
- 38 community, and external academic review.
- 39 10. On or before June 30, 2013, the High-Speed Rail Au-
- 40 thority shall prepare and submit a report approved, as

1 consistent with the criteria in this provision, by the
2 Secretary of ~~Business, Transportation and Housing~~
3 that provides an analysis of the net impact of the high-
4 speed rail program on the state’s greenhouse gas
5 emissions. The report shall be submitted to the Senate
6 Committee on Transportation and Housing, the Assem-
7 bly Committee on Transportation, and the Senate and
8 Assembly committees on budget.

9 11. Within 10 days of executing a valid memorandum of
10 understanding (MOU) with regional transportation
11 agencies relative to the Northern California Unified
12 Service, the High-Speed Rail Authority shall make a
13 copy of the MOU available to the Senate Committee
14 on Transportation and Housing, the Assembly Com-
15 mittee on Transportation, and the Senate and Assembly
16 committees on budget.

17 12. The safeguards and oversight rules and processes of
18 Sections 13332.11 or 13332.19 of the Government
19 Code, as appropriate, shall apply to the High-Speed
20 Rail Authority.

21 13. The funds appropriated in this item shall only be made
22 available for expenditure upon the enactment of an
23 appropriation of \$106,000,000 in Item 2660-304-6043,
24 an appropriation of \$713,333,000 in Item 2660-104-
25 6043 for “Connectivity” funding, and an appropriation
26 of \$1,100,000,000 in Item 2665-104-6043 for “Book-
27 end” funding, as articulated in the 2012 High-Speed
28 Rail Authority Final Business Plan.

29
30 *SEC. 17. The Department of Transportation shall prepare a*
31 *report examining improvements to safety, reduction of greenhouse*
32 *gas emissions, and improvements to intercity rail passenger service*
33 *levels that could be achieved through investments in improvements*
34 *to grade level crossings or construction of grade separation*
35 *projects at key intersections along state-sponsored intercity rail*
36 *routes. For purposes of this report, “key intersections” means*
37 *intersections identified in the Federal Railroad Administration’s*
38 *Web Accident Prediction System with a predicted collision risk of*
39 *0.15 or greater. The report shall be provided to the Legislature*

1 on or before April 1, 2016, in the manner provided in Section 9795
2 of the Government Code.

3 SEC. 18. This act is a bill providing for appropriations related
4 to the Budget Bill within the meaning of subdivision (e) of Section
5 12 of Article IV of the California Constitution, has been identified
6 as related to the budget in the Budget Bill, and shall take effect
7 immediately.

8 SECTION 1. ~~Section 6100 of the Fish and Game Code is~~
9 ~~amended to read:~~

10 6100. ~~(a) Notwithstanding any provision of Article 3~~
11 ~~(commencing with Section 5980) and Article 4 (commencing with~~
12 ~~Section 6020), on or after January 1, 1972, any new diversion of~~
13 ~~water from any stream having populations of salmon and steelhead~~
14 ~~that is determined by the department to be deleterious to salmon~~
15 ~~and steelhead shall be screened by the owner. The construction,~~
16 ~~operation, or maintenance costs of any screen required pursuant~~
17 ~~to this article shall be borne by the owner of the diversion.~~

18 ~~(b) The department, within 30 days of providing written notice~~
19 ~~to the owner that the department has determined that the diversion~~
20 ~~is deleterious to salmon and steelhead pursuant to subdivision (a),~~
21 ~~or within the time determined by mutual written agreement, shall~~
22 ~~submit to the owner its proposals as to measures necessary to~~
23 ~~protect the salmon and steelhead. The department shall notify the~~
24 ~~owner that it shall make onsite investigation and shall make any~~
25 ~~other investigation before it shall propose any measures necessary~~
26 ~~to protect fishlife.~~

27 ~~(c) The department, or any agency of the state, shall provide~~
28 ~~the owner of the diversion any available information that is required~~
29 ~~by the owner in order to comply with the provisions of this article.~~

30 ~~(d) The diversion shall not commence until the department has~~
31 ~~determined that measures necessary to protect fishlife have been~~
32 ~~incorporated into the plans and construction of the diversion.~~

33 SEC. 2. ~~Section 12025.1 is added to the Fish and Game Code,~~
34 ~~to read:~~

35 12025.1. ~~(a) In addition to any penalties imposed by any other~~
36 ~~law, a person found to have violated Section 5901 shall be liable~~
37 ~~for a civil penalty of not more than eight thousand dollars (\$8,000)~~
38 ~~for each violation. Each day that a violation of Section 5901 occurs~~
39 ~~or continues without a good faith effort by the person to cure the~~

1 violation after receiving notice from the department shall constitute
2 a separate violation.

3 ~~(b) All civil penalties imposed or collected by a court for a~~
4 ~~separate violation pursuant to this section in connection with the~~
5 ~~production or cultivation of a controlled substance shall not be~~
6 ~~considered to be fines or forfeitures, as described in Section 13003,~~
7 ~~and shall be apportioned in the manner described in subdivision~~
8 ~~(d) of Section 12025.~~

9 ~~(c) All civil penalties imposed or collected by a court for a~~
10 ~~separate violation pursuant to this section not in connection with~~
11 ~~the production or cultivation of a controlled substance shall not~~
12 ~~be considered to be fines or forfeitures, as described in Section~~
13 ~~13003, and shall be apportioned in the following manner:~~

14 ~~(1) Thirty percent shall be distributed to the county in which~~
15 ~~the violation was committed pursuant to Section 13003. The county~~
16 ~~board of supervisors shall first use any revenues from those~~
17 ~~penalties to reimburse the costs incurred by the district attorney~~
18 ~~or city attorney in investigating and prosecuting the violation.~~

19 ~~(2) (A) Thirty percent shall be distributed to the investigating~~
20 ~~agency to be used to reimburse the cost of any investigation directly~~
21 ~~related to the violations described in this section.~~

22 ~~(B) If the department receives reimbursement pursuant to this~~
23 ~~paragraph for activities funded pursuant to subdivision (f) of~~
24 ~~Section 4629.6 of the Public Resources Code, the reimbursement~~
25 ~~funds shall be deposited into the Timber Regulation and Forest~~
26 ~~Restoration Fund, created by Section 4629.3 of the Public~~
27 ~~Resources Code, if there is an unpaid balance for a loan authorized~~
28 ~~by subdivision (f) of Section 4629.6 of the Public Resources Code.~~

29 ~~(3) Forty percent shall be deposited into the Fish and Game~~
30 ~~Preservation Fund.~~

31 ~~(d) (1) Civil penalties authorized pursuant to subdivision (a)~~
32 ~~may be imposed administratively by the department according to~~
33 ~~the procedures described in paragraphs (1) through (4), inclusive,~~
34 ~~of subdivision (c) of Section 12025.~~

35 ~~(2) The department shall adopt emergency regulations to~~
36 ~~implement this subdivision in accordance with the Administrative~~
37 ~~Procedure Act (Chapter 3.5 (commencing with Section 11340) of~~
38 ~~Part 1 of Division 3 of Title 2 of the Government Code). The~~
39 ~~adoption of these regulations shall be deemed to be an emergency~~

1 and necessary for the immediate preservation of the public peace,
2 health and safety, or general welfare.

3 ~~(e) All administrative penalties imposed or collected by the
4 department for a separate violation pursuant to this section in
5 connection with the production or cultivation of a controlled
6 substance shall not be considered to be fines or forfeitures, as
7 described in Section 13003, and shall be deposited according the
8 provisions of subdivision (f) of Section 12025.~~

9 ~~(f) All administrative penalties imposed or collected by the
10 department for a separate violation pursuant to this section not in
11 connection with the production or cultivation of a controlled
12 substance shall not be considered to be fines or forfeitures, as
13 described in Section 13003, and shall be deposited into the Timber
14 Regulation and Forest Restoration Fund, created by Section 4629.3
15 of the Public Resources Code, to repay any unpaid balance of a
16 loan authorized by subdivision (f) of Section 4629.6 of the Public
17 Resources Code. Any remaining funds from administrative
18 penalties collected pursuant to this subdivision shall be apportioned
19 in the following manner:~~

20 ~~(1) Fifty percent shall be deposited into the Fish and Game
21 Preservation Fund.~~

22 ~~(2) Fifty percent shall be deposited into the Timber Regulation
23 and Forest Restoration Fund for grants authorized pursuant to
24 subdivision (h) of Section 4629.6 of the Public Resources Code.~~

25 ~~(g) For purposes of this section, “controlled substance” has the
26 same meaning as defined in Section 11007 of the Health and Safety
27 Code.~~

28 ~~SEC. 3. Section 12025.2 is added to the Fish and Game Code,
29 to read:~~

30 ~~12025.2. The director or his or her designee may issue a
31 complaint to any person or entity in accordance with Section 1055
32 of the Water Code alleging a violation of Section 1052 of the Water
33 Code that harms fish and wildlife resources. The complaint is
34 subject to the substantive and procedural requirements set forth in
35 Section 1055 of the Water Code, and the department shall be
36 designated a party to any proceeding before the State Water
37 Resources Control Board regarding a complaint filed pursuant to
38 this section.~~

39 ~~SEC. 4. Section 8687.9 is added to the Government Code, to
40 read:~~

1 ~~8687.9.— Funding and financial assistance provided to local~~
2 ~~governments in response to an emergency, as that term is used in~~
3 ~~Section 8558, is not subject to the eligibility restrictions of Section~~
4 ~~1782 of the Labor Code.~~

5 ~~SEC. 5.— Section 4629.6 of the Public Resources Code is~~
6 ~~amended to read:~~

7 ~~4629.6.— Moneys deposited in the fund shall, upon appropriation~~
8 ~~by the Legislature, only be expended for the following purposes:~~

9 ~~(a) To reimburse the State Board of Equalization for its~~
10 ~~administrative costs associated with the administration, collection,~~
11 ~~audit, and issuance of refunds related to the lumber products and~~
12 ~~engineered wood assessment established pursuant to Section~~
13 ~~4629.5.~~

14 ~~(b) To pay refunds issued pursuant to Part 30 (commencing~~
15 ~~with Section 55001) of Division 2 of the Revenue and Taxation~~
16 ~~Code.~~

17 ~~(c) To support the activities and costs of the department, the~~
18 ~~Department of Conservation, the Department of Fish and Wildlife,~~
19 ~~the State Water Resources Control Board, and regional water~~
20 ~~quality control boards associated with the review of projects or~~
21 ~~permits necessary to conduct timber operations. On or after July~~
22 ~~1, 2013, except for fees applicable for fire prevention or protection~~
23 ~~within state responsibility area classified lands or timber yield~~
24 ~~assessments, no currently authorized or required fees shall be~~
25 ~~charged by the agencies listed in this subdivision for activities or~~
26 ~~costs associated with the review of a project, inspection and~~
27 ~~oversight of projects, and permits necessary to conduct timber~~
28 ~~operations of those departments and boards.~~

29 ~~(d) For transfer to the department's Forest Improvement~~
30 ~~Program, upon appropriation by the Legislature, for forest resources~~
31 ~~improvement grants and projects administered by the department~~
32 ~~pursuant to Chapter 1 (commencing with Section 4790) and~~
33 ~~Chapter 2 (commencing with Section 4799.06) of Part 2.5 of~~
34 ~~Division 4.~~

35 ~~(e) To fund existing restoration grant programs, with priority~~
36 ~~given to the Fisheries Restoration Grant Program administered by~~
37 ~~the Department of Fish and Wildlife and grant programs~~
38 ~~administered by state conservancies.~~

39 ~~(f) (1) As a loan to the Department of Fish and Wildlife for~~
40 ~~activities to address environmental damage occurring on forest~~

1 lands resulting from marijuana cultivation. Not more than five
2 hundred thousand dollars (\$500,000) may be loaned from the fund
3 in a fiscal year pursuant to this paragraph. This paragraph shall
4 become inoperative on July 1, 2017.

5 (2) Any funds deposited into the Timber Regulation and Forest
6 Restoration Fund pursuant to subdivision (d) or (f) of Section
7 12025 or subdivision (b), (c), (e), or (f) of Section 12025.1 of the
8 Fish and Game Code shall be credited toward loan repayment.

9 (3) Moneys from the General Fund shall not be used to repay
10 a loan authorized pursuant to this subdivision.

11 (g) To the department, upon appropriation by the Legislature,
12 for fuel treatment grants and projects pursuant to authorities under
13 the Wildland Fire Protection and Resources Management Act of
14 1978 (Article 1 (commencing with Section 4461) of Chapter 7 of
15 Part 2 of Division 4).

16 (h) To the department, upon appropriation by the Legislature,
17 to provide grants to local agencies responsible for fire protection,
18 qualified nonprofits, recognized tribes, local and state governments,
19 and resources conservation districts, undertaken on a state
20 responsibility area (SRA) or on wildlands not in an SRA that pose
21 a threat to the SRA, to reduce the costs of wildland fire suppression,
22 reduce greenhouse gas emissions, promote adaptation of forested
23 landscapes to changing climate, improve forest health, and protect
24 homes and communities.

25 SEC. 6. Section 189 is added to the Water Code, to read:

26 189. (a) There is hereby established the Office of Sustainable
27 Water Solutions within the state board, which may be administered
28 by the state board as a separate organizational unit or within the
29 state board's divisions or offices.

30 (b) The purpose of the office is to promote permanent and
31 sustainable drinking water and wastewater treatment solutions to
32 ensure the effective and efficient provision of safe, clean,
33 affordable, and reliable drinking water and wastewater treatment
34 services. In furtherance of this purpose, the office may take, but
35 is not limited to, all of the following actions:

36 (1) Coordinating with and providing assistance to small drinking
37 water systems, wastewater treatment systems, and disadvantaged
38 communities without drinking water or wastewater treatment
39 systems.

1 ~~(2) Promoting and facilitating regional drinking water and~~
2 ~~wastewater projects.~~

3 ~~(3) Promoting and facilitating regional solutions, including~~
4 ~~consolidation of existing water districts, expansion of existing~~
5 ~~water districts to serve communities unserved by public water~~
6 ~~systems and wastewater treatment systems, and extension of~~
7 ~~services to underserved communities and disadvantaged~~
8 ~~communities.~~

9 ~~(4) Advancing the delivery of affordable, safe drinking water~~
10 ~~to disadvantaged communities throughout the state.~~

11 ~~(5) Providing technical assistance to disadvantaged communities~~
12 ~~and small drinking water systems and wastewater systems,~~
13 ~~including grant application assistance, outreach and education in~~
14 ~~vulnerable communities, financial management support, and~~
15 ~~facilitation of discussions within and between communities.~~

16 ~~SEC. 7. Section 13442 of the Water Code is amended to read:~~

17 ~~13442. (a) Upon application by an eligible entity, as described~~
18 ~~in subdivision (b), the state board may approve the payment of~~
19 ~~moneys from the account to that entity to assist in cleaning up a~~
20 ~~waste, abating the effects of a waste on waters of the state, or~~
21 ~~addressing an urgent drinking water need without regard to whether~~
22 ~~the need for drinking water is a result of the discharge of waste.~~

23 ~~(b) An entity is eligible to apply for funding pursuant to this~~
24 ~~section if that entity has authority to undertake the activity for~~
25 ~~which it seeks moneys and the entity is any of the following:~~

26 ~~(1) A public agency.~~

27 ~~(2) A tribal government that is on the California Tribal~~
28 ~~Consultation List maintained by the Native American Heritage~~
29 ~~Commission and is a disadvantaged community, as defined in~~
30 ~~Section 79505.5, that agrees to waive tribal sovereign immunity~~
31 ~~for the explicit purpose of regulation by the state board pursuant~~
32 ~~to this division.~~

33 ~~(3) A not-for-profit organization serving a disadvantaged~~
34 ~~community, as defined in Section 79505.5.~~

35 ~~(4) A community water system, as defined in Section 116275~~
36 ~~of the Health and Safety Code, that serves a disadvantaged~~
37 ~~community, as defined in Section 79505.5.~~

38 ~~(e) An eligible entity shall not become liable to the state board~~
39 ~~for repayment of moneys paid to the entity under this section and~~
40 ~~expended in accordance with the state board's approval of payment,~~

1 but this shall not be a defense to an action brought pursuant to
2 subdivision (e) of Section 13304 for the recovery of moneys paid
3 under this section.

4 (d) Projects using moneys that are paid to an eligible entity
5 pursuant to this section shall be exempt from state contracting and
6 procurement requirements set forth in the Government Code and
7 the Public Contract Code to the extent necessary to take immediate
8 action to protect public health and safety.

9 (e) The state board may adopt guidelines for the allocation and
10 administration of these moneys that shall not be subject to Chapter
11 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
12 Title 2 of the Government Code.

13 (f) This section shall become inoperative on July 1, 2018, and,
14 as of January 1, 2019, is repealed, unless a later enacted statute,
15 that becomes operative on or before January 1, 2019, deletes or
16 extends the dates on which it becomes inoperative and is repealed.

17 SEC. 8. Section 13442 is added to the Water Code, to read:

18 13442. (a) Upon application by a public agency, a tribal
19 government that is on the California Tribal Consultation List
20 maintained by the Native American Heritage Commission and is
21 a disadvantaged community, as defined in Section 79505.5, that
22 agrees to waive tribal sovereign immunity for the explicit purpose
23 of regulation by the state board pursuant to this division, or a
24 not-for-profit organization serving a disadvantaged community,
25 as defined in Section 79505.5, with authority to clean up a waste
26 or abate the effects of a waste, the state board may order moneys
27 to be paid from the account to the agency, tribal government, or
28 organization to assist it in cleaning up the waste or abating its
29 effects on waters of the state.

30 (b) The agency, a tribal government that is on the California
31 Tribal Consultation List maintained by the Native American
32 Heritage Commission and is a disadvantaged community, as
33 defined in Section 79505.5, that agrees to waive tribal sovereign
34 immunity for the explicit purpose of regulation by the state board
35 pursuant to this division, or a not-for-profit organization serving
36 a disadvantaged community, as defined in Section 79505.5, shall
37 not become liable to the state board for repayment of moneys paid
38 under this section, but this shall not be a defense to an action
39 brought pursuant to subdivision (e) of Section 13304 for the
40 recovery of moneys paid under this section.

1 ~~(e) This section shall become operative on July 1, 2018.~~

2 ~~SEC. 9. Section 81023 is added to the Water Code, to read:~~

3 ~~81023. Consistent with Division 26.7 (commencing with~~
4 ~~Section 79700), the sum of ten million dollars (\$10,000,000) of~~
5 ~~the proceeds of bonds authorized to be issued and available for~~
6 ~~the purposes of Section 79746 shall be transferred to the fund and~~
7 ~~used by the department, upon appropriation, for loans for the~~
8 ~~following water conservation and water use efficiency projects~~
9 ~~and programs to achieve urban water use targets developed~~
10 ~~pursuant to Section 10608.20:~~

11 ~~(a) (1) Five million dollars (\$5,000,000) for a pilot project for~~
12 ~~local agencies to provide water efficiency upgrades to eligible~~
13 ~~residents at no upfront cost.~~

14 ~~(2) Five million dollars (\$5,000,000) for local agencies to~~
15 ~~provide low-interest loans to customers to finance the installation~~
16 ~~of onsite improvements to repair or replace, as necessary, cracked~~
17 ~~or leaking water pipes to conserve water.~~

18 ~~(b) The department may implement this section by providing~~
19 ~~to a local agency a zero-interest loan of up to three million dollars~~
20 ~~(\$3,000,000).~~

21 ~~(c) A local agency that receives a loan pursuant to this section~~
22 ~~shall exercise reasonable efforts to recover the costs of the loan.~~
23 ~~However, the department may waive up to 10 percent of the~~
24 ~~repayment amount for costs that could not be recovered by the~~
25 ~~local agency.~~

26 ~~(d) The department and a local agency that is an urban retail~~
27 ~~water supplier and that receives a loan pursuant to this section may~~
28 ~~enter into a mutually agreeable schedule for making loan~~
29 ~~repayments into the CalConserve Water Use Efficiency Revolving~~
30 ~~Fund.~~

31 ~~SEC. 10. Section 81046 of the Water Code is amended to read:~~

32 ~~81046. A local agency may implement water use efficiency~~
33 ~~loan programs pursuant to this division through on-bill financing.~~

34 ~~SEC. 11. (a) In order to ensure that equipment and services~~
35 ~~necessary for drought response can be procured quickly, the~~
36 ~~provisions of the Government Code and the Public Contract Code~~
37 ~~applicable to state contracts, including, but not limited to,~~
38 ~~advertising and competitive bidding requirements, are suspended~~
39 ~~for purposes of state agencies implementing Executive Order~~
40 ~~B-28-14 and the proclamations of a state of emergency dated~~

1 ~~January 17, 2014, and April 25, 2014, as long as the state of~~
2 ~~emergency due to drought conditions remains in effect.~~

3 ~~(b) The suspensions provided in subdivision (a) apply only to~~
4 ~~contracts that respond to conditions arising from the drought and~~
5 ~~that support the state agencies in any of the following:~~

6 ~~(1) Addressing impacts on human health and safety, including~~
7 ~~providing or improving availability of food, water, or shelter.~~

8 ~~(2) Addressing impacts on fish and wildlife resources.~~

9 ~~(3) Providing water to persons or communities affected by the~~
10 ~~drought.~~

11 ~~(e) Approval by the Department of Finance is required prior to~~
12 ~~the execution of any contract entered into pursuant to this section.~~

13 ~~(d) Information related to a contract approved pursuant to this~~
14 ~~section shall be posted on the California Drought Internet Web~~
15 ~~site, including identification of the contracting agency, the~~
16 ~~contractor, the contract amount, the contract duration, and a brief~~
17 ~~description of the goods or services provided under the contract.~~

18 ~~SEC. 12. An agency receiving moneys from one or more~~
19 ~~sources as appropriated pursuant to either Assembly Bill 91 or~~
20 ~~Senate Bill 75 of the 2015–16 Regular Session shall use, whenever~~
21 ~~feasible, the services of the California Conservation Corps or a~~
22 ~~certified community conservation corps, as defined under Section~~
23 ~~14507.5 of the Public Resources Code, for restoration, ecosystem~~
24 ~~protection projects, or other similar work.~~

25 ~~SEC. 13. This act is a bill providing for appropriations related~~
26 ~~to the Budget Bill within the meaning of subdivision (c) of Section~~
27 ~~12 of Article IV of the California Constitution, has been identified~~
28 ~~as related to the budget in the Budget Bill, and shall take effect~~
29 ~~immediately.~~