

ASSEMBLY BILL

No. 414

Introduced by Assembly Members Sher and Cunneen

February 15, 1995

An act to add Section 65089.10 to the Government Code, and to amend Sections 44241 and 44242 of, and to add Section 44241.5 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 414, as introduced, Sher. Air pollution: vehicles.

(1) Existing law authorizes the Bay Area Air Quality Management District to levy a specified fee on motor vehicles registered in the district, to be collected by the Department of Motor Vehicles, and requires the revenues to be subvended to, and allocated by, the bay district to implement specified transportation control projects. Existing law requires any agency that receives those funds to encumber the funds within 2 years of receipt.

This bill would require the fees to be allocated by the bay district for specified additional projects, including mobile source projects. The bill would require the bay district governing board to hold an annual public hearing to review the expenditure of the fee revenues. The bill would require any agency that receives those funds to encumber and expend the funds within 2 years. The bill would impose a state-mandated local program by imposing new duties on the bay district and other local agencies that receive the funds.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 65089.10 is added to the
2 Government Code, to read:

3 65089.10. Any congestion management agency that is
4 located in the Bay Area Air Quality Management District
5 and receives funds pursuant to Section 44241 of the
6 Health and Safety Code for the purpose of implementing
7 paragraph (3) of subdivision (b) of Section 65089 shall
8 ensure that those funds are expended for purposes of
9 improving air quality and reducing traffic congestion.

10 SEC. 2. Section 44241 of the Health and Safety Code
11 is amended to read:

12 44241. (a) Fee revenues generated under this
13 chapter in the bay district shall be subvned to the bay
14 district by the Department of Motor Vehicles after
15 deducting its administrative costs pursuant to Section
16 44229.

17 (b) Fee revenues generated under this chapter shall
18 be allocated by the bay district to implement the
19 following *mobile source and* transportation control
20 projects and programs that are included in the plan
21 adopted pursuant to Sections 40233 ~~and~~, 40717, *and* 40919:

22 (1) The implementation, *support*, and enforcement of
23 ~~local ridesharing and the regionwide~~ employer-based trip
24 reduction ~~ordinances and programs~~ *regulation adopted*
25 *by the bay district or a local agency that has accepted*
26 *delegation of the implementation of the regulation.* As
27 used in this paragraph, “implementation” includes
28 ~~district~~ review of employer-based trip reduction plans
29 submitted by a school district.



1 (2) The purchase or lease of clean fuel buses for school
2 districts and transit operators.

3 (3) The provision of local feeder bus or shuttle service
4 to rail and ferry stations and to airports.

5 (4) The implementation and maintenance of local
6 arterial traffic management, including, but not limited to,
7 signal timing, transit signal preemption, bus stop
8 relocation and “smart streets.”

9 (5) Implementation of rail-bus integration and
10 regional transit information systems.

11 (6) Implementation of demonstration projects in
12 telecommuting, congestion pricing of highways, bridges,
13 and public transit, and ~~alternative-fuel~~ *low-emission*
14 vehicles.

15 (7) Implementation of a smoking vehicles program.

16 (8) Implementation of an automobile buy-back
17 scrappage program operated by a governmental agency.

18 (9) *Implementation of bicycle and pedestrian facility*
19 *improvement projects that are included in an adopted*
20 *specific area plan or congestion management program.*

21 (c) Fee revenue generated under this chapter shall be
22 allocated by the *bay* district for projects and programs
23 specified in subdivision (b) to cities, counties, the
24 Metropolitan Transportation Commission, transit
25 districts, or any other public agency responsible for
26 implementing one or more of the specified projects or
27 programs. Fee revenues shall not be used for any
28 planning activities that are not directly related to the
29 implementation of a specific project or program.

30 (d) Not less than 40 percent of fee revenues shall be
31 allocated to the entity or entities designated pursuant to
32 subdivision (e) for projects and programs in each county
33 within the bay district based upon the county’s
34 proportionate share of fee-paid vehicle registration.

35 (e) In each county, one or more entities may be
36 designated as the overall program manager for the
37 county by resolutions adopted by the county board of
38 supervisors and the city councils of a majority of the cities
39 representing a majority of the population in the
40 incorporated area of the county. The resolution shall



1 specify the terms and conditions for the expenditure of
2 funds. The entities so designated shall be allocated the
3 funds pursuant to subdivision (d) in accordance with the
4 terms and conditions of the resolution.

5 *(f) Any county, or entity designated pursuant to*
6 *subdivision (e), that receives funds pursuant to this*
7 *section shall, at least once a year, hold one or more public*
8 *hearings for the purpose of adopting criteria for*
9 *expenditure of the funds and to review the expenditure*
10 *of revenues received pursuant to this section by any*
11 *designated entity.*

12 SEC. 3. Section 44241.5 is added to the Health and
13 Safety Code, to read:

14 44241.5. The bay district board shall hold an annual
15 public hearing to review the expenditure of revenues
16 received by the bay district pursuant to Section 44241 to
17 determine their effectiveness in improving air quality.

18 SEC. 4. Section 44242 of the Health and Safety Code
19 is amended to read:

20 44242. (a) Any agency which receives funds
21 pursuant to Section 44241 shall, at least once every two
22 years, undertake an audit of each program or project
23 funded. The audit shall be conducted by an independent
24 auditor selected by the bay district in accordance with
25 Division 2 (commencing with Section 1100) of the Public
26 Contract Code. The district shall deduct any audit costs
27 which will be incurred pursuant to this section prior to
28 distributing fee revenues to cities, counties, or other
29 agencies pursuant to Section 44241.

30 (b) Upon completion of an audit conducted pursuant
31 to subdivision (a), the bay district shall do both of the
32 following:

33 (1) Make the audit available to the public and to the
34 affected agency upon request.

35 (2) Review the audit to determine if the fee revenues
36 received by the agency were spent for the reduction of
37 air pollution from motor vehicles pursuant to the plan
38 prepared pursuant to Sections 40233 and 40717.

39 (c) If, after reviewing the audit, the bay district
40 determines that the revenues from the fees may have



1 been expended in a manner which is contrary to this
2 chapter or which will not result in the reduction of air
3 pollution from motor vehicles pursuant to that plan, the
4 district shall do all of the following:

5 (1) Notify the agency of its determination.

6 (2) Within 45 days of the notification pursuant to
7 paragraph (1), hold a public hearing at which the agency
8 may present information relating to expenditure of the
9 revenues from the fees.

10 (3) After the public hearing, if the district determines
11 that the agency has expended the revenues from the fees
12 in a manner which is contrary to this chapter or which will
13 not result in the reduction of air pollution from motor
14 vehicles pursuant to the plan prepared pursuant to
15 Sections 40233 and 40717, the district shall withhold these
16 revenues from the agency in an amount equal to the
17 amount which was inappropriately expended. Any
18 revenues withheld pursuant to this paragraph shall be
19 redistributed to the other cities within the county, or to
20 the county, to the extent the district determines that they
21 have complied with the requirements of this chapter.

22 (d) Any agency which receives funds pursuant to
23 Section 44241 shall encumber *and expend* the funds
24 within two years of receiving the funds.

25 SEC. 5. No reimbursement is required by this act
26 pursuant to Section 6 of Article XIII B of the California
27 Constitution because a local agency or school district has
28 the authority to levy service charges, fees, or assessments
29 sufficient to pay for the program or level of service
30 mandated by this act, within the meaning of Section 17556
31 of the Government Code.

32 Notwithstanding Section 17580 of the Government
33 Code, unless otherwise specified, the provisions of this act
34 shall become operative on the same date that the act
35 takes effect pursuant to the California Constitution.

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