

AMENDED IN ASSEMBLY APRIL 20, 1998

AMENDED IN ASSEMBLY MARCH 16, 1998

CALIFORNIA LEGISLATURE—1997-98 REGULAR SESSION

ASSEMBLY BILL

No. 1624

Introduced by Assembly Member Figueroa

January 5, 1998

An act to amend Section 2602 of the Streets and Highways Code, and to amend, repeal, and add Section 21655.6 of the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1624, as amended, Figueroa. Highways: ~~high-occupancy vehicle lanes.~~

(1) Existing law prescribes a state-local partnership program for funding highway and exclusive public mass transit guideway improvement projects. Under that law, construction contracts for a project on the eligibility list are required to be let by June 30 of the fiscal year for which funds for the state's share of funding for the project are appropriated, except as provided.

This bill would extend that deadline for the Direct Connector Project in the Alameda County between Interstate Highway Route 580 and Interstate Highway Route 680 to June 30, 1999, for any construction project that otherwise would have been required to be let by June 30, 1998.

(2) Existing law authorizes the Department of Transportation and local authorities, with respect to highways

under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles. Existing law also prohibits the department, pursuant to a specified federal law, from restricting or requiring the restriction of any lane on any federal-aid highway in the unincorporated areas of Alameda County to high-occupancy vehicles, except for approaches to controlled access highways, toll roads, or bridges.

This bill would delete that prohibition on the date that the federal law is repealed and, on that date, would require the Metropolitan Transportation Commission, if the Department of Transportation restricts or requires the restriction of the use of any lane on any federal-aid highway in the unincorporated areas of Alameda County to high-occupancy vehicles, to review the use patterns of those lanes and to determine if congestion relief is being efficiently achieved by the creation of the high-occupancy vehicle lanes. The bill also would require the commission to report its findings and recommendations in its HOV Master Plan Update for the San Francisco Bay area, as specified. Thus, because the bill would increase the duties and responsibilities of a local area planning agency, it would impose a state-mandated local program.

~~(2)~~

(3) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 2602 of the Streets and*
2 *Highways Code is amended to read:*

3 2602. (a) The state-local transportation partnership
4 program shall be implemented by the department and
5 the applicants under the following procedures:

6 (1) Applicants shall submit applications for eligible
7 projects to the department not later than June 30.

8 (2) The department shall review the applications for
9 consistency with the requirements of this chapter and
10 shall compile a preliminary list of all eligible projects not
11 later than September 30 of the year in which the
12 application was submitted.

13 (3) (A) If the total state share for eligible projects
14 exceeds the amount specified in the Governor's proposed
15 budget, the department shall compute the preliminary
16 pro rata share of state funds to be available so that each
17 eligible project would receive the same ratio of state
18 share to local share. Not later than April 1 of the following
19 year, the department shall advise the applicants of the
20 preliminary pro rata share of state funds to be available.

21 (B) Not later than June 15 of the following year, each
22 applicant shall inform the department whether or not it
23 can proceed with the project with the lower state share
24 and meet the project development completion
25 requirements specified in subparagraph (D) of
26 paragraph (2) of subdivision (a) of Section 2601.

27 (C) Upon the enactment of the annual Budget Act, the
28 department shall compile a new list of eligible projects
29 consisting of those projects that were included in the
30 original list that the applicant has indicated it can proceed
31 with a lower state share and for which the applicant has
32 indicated it can still meet the delivery requirements
33 pursuant to subparagraph (D) of paragraph (2) of
34 subdivision (a) of Section 2601.

35 (D) Based on the amount of the appropriation
36 contained in the annual Budget Act, the department shall
37 compute the final pro rata state share so that each project



1 on the new list would receive the same ratio of state share
2 to local share.

3 (E) Within 30 days of the enactment of the annual
4 Budget Act, the department shall report to the
5 Legislature on the projects being funded through this
6 program and the ratio of state share to local share.

7 (4) The Legislature intends to appropriate two
8 hundred fifty million dollars (\$250,000,000) by June 30,
9 1990, two hundred fifty million dollars (\$250,000,000) by
10 June 30, 1991, and two hundred million dollars
11 (\$200,000,000) by June 30 of each year thereafter for this
12 program.

13 (5) Construction contracts for projects on the
14 eligibility list established pursuant to paragraph (2) or (3)
15 shall be let not later than June 30 of the fiscal year for
16 which funds are appropriated pursuant to paragraph (4).

17 (6) Beginning with projects funded through
18 appropriations made by the Budget Act of 1992,
19 applications shall not be accepted for any project within
20 the boundaries of a project subject to, but for which
21 contracts were not let in accordance with, paragraph (5),
22 for a period of three fiscal years following the fiscal year
23 in which the applicant's notification of intent to proceed
24 under subparagraph (B) of paragraph (3) was submitted.

25 (7) The funds appropriated shall be expended not
26 later than June 30 of the fourth year following the
27 appropriation.

28 (8) Notwithstanding paragraphs (5) and (6), any
29 project in Orange County for which a construction
30 contract would otherwise have been required to be let by
31 June 30, 1995, may be let until, but not later than, June 30,
32 1996.

33 (9) Notwithstanding paragraphs (5) and (6), any
34 project in Santa Barbara County for which a construction
35 contract would otherwise have been required to be let by
36 June 30, 1995, may be let until, but not later than,
37 December 31, 1996.

38 (10) The Lakeville Highway widening project (State
39 Route 116 from Caulfield Lane to the Petaluma city
40 limit), and the Mare Island Way/Wilson Avenue Cycle 6



1 improvement project in the City of Vallejo, for which a
2 construction contract would otherwise have been
3 required to be let by June 30, 1996, may be let until, but
4 not later than, June 30, 1997.

5 (11) Notwithstanding paragraphs (5) and (6), any
6 project in Siskiyou County for which a construction
7 contract would otherwise have been required to be let by
8 June 30, 1997, may be let until, but not later than, June 30,
9 1999.

10 (12) *Notwithstanding paragraphs (5) and (6), the*
11 *Direct Connector Project in the Alameda County*
12 *between Interstate Route 580 and Interstate Route 680*
13 *for which a construction contract would otherwise have*
14 *been required to be let by June 30, 1998, may be let until,*
15 *but not later than, June 30, 1999.*

16 (b) This section shall remain in effect only until July 1,
17 1999, and as of that date is repealed, unless a later enacted
18 statute, which is enacted on or before July 1, 1999, deletes
19 or extends that date.

20 SEC. 2. Section 21655.6 of the Vehicle Code is
21 amended to read:

22 21655.6. (a) Whenever the Department of
23 Transportation authorizes or permits exclusive or
24 preferential use of highway lanes for high-occupancy
25 vehicles on any highway located within the territory of a
26 transportation planning agency, as defined in Section
27 99214 of the Public Utilities Code, or a county
28 transportation commission, the department shall obtain
29 the approval of the transportation planning agency or
30 county transportation commission prior to establishing
31 the exclusive or preferential use of the highway lanes.

32 (b) If the department authorizes or permits additional
33 exclusive or preferential use of highway lanes for
34 high-occupancy vehicles on that portion of State
35 Highway Route 101 located within the boundaries of the
36 City of Los Angeles, the department shall obtain the
37 approval of the Los Angeles County Transportation
38 Commission by at least a two-thirds majority vote of the
39 entire membership eligible to vote prior to establishing
40 the additional exclusion or preferential use of the



1 highway lanes. For purposes of this section, eight of the
 2 11 voting members constitute a two-thirds majority of the
 3 commission.

4 (c) Pursuant to Section 146 of the federal Surface
 5 Transportation Assistance Act of 1982 (P.L. 97-424), the
 6 department shall not restrict or require the restriction of
 7 the use of any lane on any federal-aid highway in the
 8 unincorporated areas of Alameda County to
 9 high-occupancy vehicles, exclusive of approaches to
 10 controlled access highways, toll roads, or bridges.

11 (d) This section shall remain operative only until the
 12 date that Section 146 of the federal Surface
 13 Transportation Assistance Act of 1982 (P.L. 97-424) is
 14 repealed and, as of that date is repealed, unless a later
 15 enacted statute that is enacted on or before that date
 16 deletes or extends the date on which this section becomes
 17 inoperative and is repealed.

18 ~~SEC. 2.—~~

19 SEC. 3. Section 21655.6 is added to the Vehicle Code,
 20 to read:

21 21655.6. (a) Whenever the Department of
 22 Transportation authorizes or permits exclusive or
 23 preferential use of highway lanes for high-occupancy
 24 vehicles on any highway located within the territory of a
 25 transportation planning agency, as defined in Section
 26 99214 of the Public Utilities Code, or a county
 27 transportation commission, the department shall obtain
 28 the approval of the transportation planning agency or
 29 county transportation commission prior to establishing
 30 the exclusive or preferential use of the highway lanes.

31 (b) If the department authorizes or permits additional
 32 exclusive or preferential use of highway lanes for
 33 high-occupancy vehicles on that portion of State
 34 Highway Route 101 located within the boundaries of the
 35 City of Los Angeles, the department shall obtain the
 36 approval of the Los Angeles County Transportation
 37 Commission by at least a two-thirds majority vote of the
 38 entire membership eligible to vote prior to establishing
 39 the additional exclusion or preferential use of the
 40 highway lanes. For purposes of this section, eight of the



1 11 voting members constitute a two-thirds majority of the
2 commission.

3 (c) If the department restricts or requires the
4 restriction of the use of any lane on any federal-aid
5 highway in the unincorporated areas of Alameda County
6 to high-occupancy vehicles, the Metropolitan
7 Transportation Commission (MTC) shall review the use
8 patterns of those lanes and shall determine if congestion
9 relief is being efficiently achieved by the creation of the
10 high-occupancy vehicle lanes. The MTC shall report its
11 findings and recommendations in its HOV Master Plan
12 Update for the San Francisco Bay area no later than two
13 years after those high-occupancy vehicle lanes become
14 operational.

15 (d) This section shall become operative on the date
16 that Section 146 of the federal Surface Transportation
17 Assistance Act of 1982 (P.L. 97-424) is repealed.

18 ~~SEC. 3.—~~

19 *SEC. 4.* Notwithstanding Section 17610 of the
20 Government Code, if the Commission on State Mandates
21 determines that this act contains costs mandated by the
22 state, reimbursement to local agencies and school
23 districts for those costs shall be made pursuant to Part 7
24 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the
26 claim for reimbursement does not exceed one million
27 dollars (\$1,000,000), reimbursement shall be made from
28 the State Mandates Claims Fund.

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

