

AMENDED IN SENATE MAY 2, 2000
AMENDED IN SENATE APRIL 3, 2000

SENATE BILL

No. 1433

Introduced by Senator Alpert

February 3, 2000

An act to amend Sections 99400.7 and 120265 of the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1433, as amended, Alpert. San Diego Bay commuter ferry service: San Diego Metropolitan Transit Development Board.

(1) Existing law, notwithstanding certain statutes limiting transportation funding to prescribed purposes, authorizes cities within the County of San Diego to file a claim for transportation funding with the transportation planning agency to provide commuter ferry service on San Diego Bay for the purpose of serving peak period commute trips for pedestrians and bicycles.

This bill would further exempt such a claim from certain statutes relating to ~~transit development rules and regulations~~ and transportation funding eligibility.

(2) Existing law establishes the San Diego Metropolitan Transit Development Board. Existing law also authorizes the board to annually adopt and amend an assessment formula for funding regional services.

This bill would require the board to annually adopt and amend the assessment formula, thereby imposing a state-mandated local program.

(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.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 99400.7 of the Public Utilities
 2 Code is amended to read:
 3 99400.7. Notwithstanding Sections 99232, ~~99261.5,~~
 4 99268.3, and 99405, cities within the County of San Diego
 5 may file a claim under this article with the transportation
 6 planning agency to provide commuter ferry service on
 7 San Diego Bay for the purpose of serving peak period
 8 commute trips for pedestrians and bicycles. The
 9 commuter ferry service may be located anywhere on San
 10 Diego Bay, but shall be consistent with the regional
 11 transportation plan, shall serve employment centers and
 12 high volume activity centers, and may be provided by
 13 contract with operators, private entities operating under
 14 a franchise or license, or nonprofit corporations
 15 organized pursuant to Division 2 (commencing with
 16 Section 5000) of Title 1 of the Corporations Code.
 17 SEC. 2. Section 120265 of the Public Utilities Code is
 18 amended to read:



1 120265. (a) The board shall provide a system of
2 regional transit operating services and support activities
3 including, but not limited to, facilities, fare media,
4 information, maintenance, marketing, security, and
5 signing for its area of jurisdiction, to be funded from the
6 regional transit fund which the board shall create. The
7 board may provide the regional services directly, by
8 contract with the San Diego Transit Corporation, or by
9 contract with any other provider of services as it deems
10 appropriate, and upon terms and conditions that the
11 board finds in its best interests. The board shall complete
12 an economic feasibility study of competitive bidding for
13 regional transit service within 180 days from the date of
14 acquisition of the San Diego Transit Corporation and shall
15 update the study at any time the board deems
16 appropriate to consider changed circumstances. The
17 board shall adopt a policy for contract services to permit
18 prices and other factors to be compared and evaluated
19 prior to negotiating any contract for regional service.

20 (b) The board shall determine the routes, fares,
21 frequency of service, and hours of operation of regional
22 services. The board shall create a regional transit service
23 advisory committee consisting of a representative from
24 each of the jurisdictions that contributes to the regional
25 transit funds from its apportionment as determined
26 pursuant to Section 99231.

27 Periodic revisions to the regional route system may be
28 made by the board upon review by the regional transit
29 service advisory committee which shall meet on an
30 as-needed basis, but not less than once a year to review
31 the annual budget and assessment for regional transit
32 services.

33 (c) (1) The board shall annually adopt and amend an
34 assessment formula for funding regional services. The
35 board shall consider the transit needs and revenues for
36 the next five-year period including the following:

37 (A) Provision of specialized services, as required
38 under the federal Americans with Disabilities Act of 1990
39 (Public Law 101-336).



1 (B) Provision of resources adequate for maintaining,
2 rehabilitating, and replacing capital facilities and
3 equipment, including, but not limited to, transit centers
4 and rolling stock.

5 (C) Identification of matching funds sufficient for
6 avoiding loss of available state and federal funds.

7 (D) Development of an appropriate balance between
8 local and regional transit services.

9 (E) Development of the most efficient and effective
10 use of all available local, regional, state, and federal funds,
11 including, but not limited to, funds provided under this
12 division.

13 (F) Recognition of the needs for the operation of local
14 transit services of the cities and county and any
15 anticipated changes in previous revenue sources for those
16 services, including bridge tolls.

17 (G) Recognition of the size of the population of each
18 member jurisdiction.

19 (2) The formula adopted or amended under
20 paragraph (1) may not provide for an assessment for any
21 city that is greater than 50 percent of that city's annual
22 apportionment for support of regional services.

23 (3) The regional transit service advisory committee
24 created under subdivision (b) shall review, on an annual
25 basis, the assessment formula adopted or amended under
26 paragraph (1) and shall submit to the board any
27 recommended changes to the formula that are based on
28 the factors listed in paragraph (1).

29 (d) The board may enter into agreements with any
30 local jurisdiction to provide local transit services by the
31 means and upon terms and conditions as may be mutually
32 agreed upon.

33 (e) The acquisition of the San Diego Transit
34 Corporation by the board shall not create or impose any
35 financial liability upon the County of San Diego or the
36 cities within the board's area of jurisdiction for any
37 obligations and liabilities of the corporation by virtue of
38 their membership on the board.

39 SEC. 3. Notwithstanding Section 17610 of the
40 Government Code, if the Commission on State Mandates



1 determines that this act contains costs mandated by the
2 state, reimbursement to local agencies and school
3 districts for those costs shall be made pursuant to Part 7
4 (commencing with Section 17500) of Division 4 of Title
5 2 of the Government Code. If the statewide cost of the
6 claim for reimbursement does not exceed one million
7 dollars (\$1,000,000), reimbursement shall be made from
8 the State Mandates Claims Fund.

9 SEC. 4. This act is an urgency statute necessary for the
10 immediate preservation of the public peace, health, or
11 safety within the meaning of Article IV of the
12 Constitution and shall go into immediate effect. The facts
13 constituting the necessity are:

14 In order to exempt commuter ferry service on San
15 Diego Bay from certain transportation funding provisions
16 as soon as possible, thereby preserving that service, and
17 to require the annual adoption of an assessment formula
18 for funding regional services, it is necessary that this act
19 take immediate effect.

