

AMENDED IN ASSEMBLY MARCH 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 112

Introduced by Assembly Member Beall
(Coauthors: Assembly Members Coto and De Leon)

January 13, 2009

An act to amend Sections 100001.5, 100161, 100163, and 100164 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 112, as amended, Beall. Santa Clara Valley Transportation Authority.

Existing law, the Santa Clara Valley Transportation Authority Act, authorizes the Santa Clara Valley Transportation Authority to acquire and construct transportation facilities necessary or convenient for vehicular and pedestrian transportation, as specified.

This bill would also authorize the authority to provide for the repair and maintenance of those facilities.

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

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

- 1 SECTION 1. Section 100001.5 of the Public Utilities Code is
- 2 amended to read:
- 3 100001.5. The Legislature hereby finds and declares:
- 4 (a) Since the formation of the Santa Clara County Transit
- 5 District, unprecedented growth has occurred in the San Francisco
- 6 Bay area and in Santa Clara County in particular. It has become

1 apparent that additional measures are required in order to deal
2 more effectively with the resultant serious traffic congestion and
3 to foster the development of trade and the movement of people in
4 and around the Santa Clara Valley and throughout the entire bay
5 area.

6 (b) Transit and other modes of transportation are inextricably
7 intertwined, and improvement and maintenance of the road and
8 highway structure in conjunction and coordination with transit
9 improvements are essential to optimize the ability of the authority
10 to deal more effectively with serious traffic congestion.

11 (c) The Santa Clara Valley Transportation Authority, having
12 been designated as the Congestion Management Agency for Santa
13 Clara County, and already authorized to construct and improve
14 state and local highways pursuant to Section 100115.5, is uniquely
15 positioned to implement programs to achieve the goal of a balanced
16 approach to solving transportation problems.

17 (d) This goal is best achieved in Santa Clara County by vesting
18 in the authority the ability to plan, design, construct, maintain, and
19 repair road and highway improvements, as well as bicycle,
20 pedestrian, and other transportation facilities, under the conditions
21 set forth in this part.

22 SEC. 2. Section 100161 of the Public Utilities Code is amended
23 to read:

24 100161. (a) The authority may acquire, construct, own, operate,
25 control, or use rights-of-way, rail lines, buslines, stations,
26 platforms, switches, yards, terminals, and any and all facilities
27 necessary or convenient for transit service within or partly without
28 the authority, underground, upon, or above the ground and under,
29 upon, or over public streets or other public ways or waterways,
30 together with all physical structures, including parking lots and
31 day care centers and related child care facilities, that are necessary
32 or convenient for the access of persons or vehicles thereto. The
33 authority may acquire any interest in or rights to use or the joint
34 use of any or all of those facilities.

35 (b) The authority may acquire, construct, and provide for the
36 repair and maintenance of any and all facilities necessary or
37 convenient for vehicular and pedestrian transportation, within or
38 partly without the boundaries of the authority, underground, upon,
39 or above the ground, together with all physical structures, including
40 parking lots and soundwalls, that are necessary or convenient

1 therefor. In this connection, the authority may exercise any power
2 with respect to highways granted to counties under Article 1
3 (commencing with Section 760) of Chapter 4 of Division 1 of the
4 Streets and Highways Code in connection with any project included
5 in the countywide transportation plan and an adopted regional
6 transportation plan, but shall not usurp or impinge upon the powers
7 and responsibilities granted to the county with regard to county
8 highways. Highway and other transportation expenditures shall
9 be consistent with adopted regional transportation plans and
10 programs.

11 (c) Authority installations in freeways shall be subject to the
12 approval of the Department of Transportation. Installations in other
13 state highways shall be subject to Article 2 (commencing with
14 Section 670) of Chapter 3 of Division 1 of the Streets and
15 Highways Code. Installations in county highways and city streets
16 shall be subject to similar encroachment permits.

17 (d) The authority shall not use any state transportation funds,
18 including, but not limited to, money in the State Highway Account,
19 or the Transportation Planning and Development Account, in the
20 State Transportation Fund, and passenger rail and clean air bond
21 act money to acquire, construct, or operate day care centers and
22 related child care facilities.

23 SEC. 3. Section 100163 of the Public Utilities Code is amended
24 to read:

25 100163. The board may contract with any public agency or
26 person to provide transit or transportation facilities and services
27 for the district.

28 SEC. 4. Section 100164 of the Public Utilities Code is amended
29 to read:

30 100164. The authority may construct and operate or acquire
31 and operate transit works and facilities and may construct, acquire,
32 and provide for ~~the~~ *repair and* maintenance of transportation
33 facilities, in, under, upon, over, across, or along any state or public
34 highway or any stream, bay or watercourse, or over any of the
35 lands that are the property of the state, to the same extent that the
36 rights and privileges appertaining thereto are granted to
37 municipalities within the state.