

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

SENATE BILL

No. 83

**Introduced by ~~Committee on Budget and Fiscal Review~~ Senator
Hancock**

January 20, 2009

~~An act relating to the Budget Act of 2009. An act to add Section 65089.20 to the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to traffic congestion.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 83, as amended, ~~Committee on Budget and Fiscal Review Hancock. Budget Act of 2009.~~*Traffic congestion: motor vehicle registration fees.*

Existing law provides for the imposition by certain districts and local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles for specific limited purposes.

The bill would authorize a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects for certain purposes. The bill would require voter approval of the measure. The bill would require the department, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and would limit the agency's administrative costs to not more than 5% of the distributed fees. The bill would require that the fees collected may be used only to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a

regional transportation plan, and would require the agency's board to make a specified finding of fact in that regard. The bill would require the governing board of the countywide transportation planning agency to adopt a specified expenditure plan.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2009.~~

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

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

1 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
2 ~~changes relating to the Budget Act of 2009.~~

3 SECTION 1. (a) *The Legislature finds and declares all of the*
4 *following:*

5 (1) *Motor vehicle congestion negatively impacts businesses and*
6 *commuters, inhibits the efficient movement of goods, and elevates*
7 *pollutants that impact the quality of the state's air.*

8 (2) *There are transportation improvements that will reduce*
9 *congestion, including those that improve signal coordination,*
10 *traveler information systems, intelligent transportation systems,*
11 *highway operational improvements, and public transit service*
12 *expansions.*

13 (3) *There are measures available to lessen the impact of motor*
14 *vehicle-related pollution, including congestion management*
15 *programs, stormwater runoff best management practices, and*
16 *transportation control measures aimed at reducing air pollution.*

17 (b) *It is the intent of the Legislature to establish a program that*
18 *allows countywide transportation planning agencies or their*
19 *counterparts to address congestion through transportation services*
20 *and improvements and to mitigate the impacts of motor vehicles*
21 *on air and water quality, and improve the business climate and*
22 *natural environment.*

23 SEC. 2. *Section 65089.20 is added to the Government Code,*
24 *to read:*

25 65089.20. (a) *A countywide transportation planning agency*
26 *may place a majority vote ballot measure before the voters of the*
27 *county to authorize an increase in the fees of motor vehicle*
28 *registration in the county for transportation-related projects and*
29 *programs described in this chapter. The agency may impose an*

1 additional fee of up to ten dollars (\$10) on each motor vehicle
2 registered within the county. The ballot measure resolution shall
3 be adopted by a majority vote of the governing board of the
4 countywide transportation planning agency at a noticed public
5 hearing. The resolution shall also contain a finding of fact that
6 the projects and programs to be funded by the fee increase have
7 a relationship or benefit to the persons who will be paying the fee,
8 and the projects and programs are consistent with the regional
9 transportation plan adopted pursuant to Section 65080. The finding
10 of fact shall require a majority vote of the governing board at a
11 noticed public hearing.

12 (b) The ballot measure described in subdivision (a) shall be
13 submitted to the voters of the county and if approved by the voters
14 in the county, the increased fee shall apply to the original vehicle
15 registration occurring on or after six months following the adoption
16 of the measure by the voters and to a renewal of registration with
17 an expiration date on or after that six-month period.

18 (c) (1) The governing board of the countywide transportation
19 planning agency shall adopt an expenditure plan allocating the
20 revenue to transportation-related programs and projects that have
21 a relationship or benefit to the persons who pay the fee. The
22 transportation-related programs and projects include, but are not
23 limited to, programs and projects that have the following purposes:

24 (A) Providing matching funds for funding made available for
25 transportation programs and projects from state general obligation
26 bonds.

27 (B) Creating or sustaining congestion mitigation programs and
28 projects.

29 (C) Creating or sustaining pollution mitigation programs and
30 projects.

31 (2) For the purposes of paragraph (1), the following terms have
32 the following meanings:

33 (A) "Congestion mitigation programs and projects" include,
34 but are not limited to, programs and projects identified in an
35 adopted congestion management program or county transportation
36 plan; projects and programs to manage congestion, including, for
37 example, high-occupancy vehicle or high-occupancy toll lanes;
38 improved transit services through the use of technology and bicycle
39 and pedestrian improvements; improved signal coordination,
40 traveler information systems, highway operational improvements,

1 and local street and road rehabilitation; and transit service
2 expansion.

3 (B) “Pollution mitigation programs and projects” include, but
4 are not limited to, programs and projects carried out by a
5 congestion management agency, a regional water quality control
6 board, an air pollution control district, an air quality management
7 district, or another public agency that is carrying out the adopted
8 plan of a congestion management agency, a regional water quality
9 control board, an air pollution control district, or an air quality
10 management district.

11 (d) Not more than 5 percent of the fees distributed to a
12 countywide transportation planning agency shall be used for
13 administrative costs associated with the programs and projects.

14 (e) For purposes of this section, “countywide transportation
15 planning agency” means the congestion management agency
16 created pursuant to Chapter 2.6 (commencing with Section 65088)
17 or the agency designated pursuant to Section 66531 to submit the
18 county transportation plan.

19 SEC. 3. Section 9250.4 is added to the Vehicle Code, to read:

20 9250.4. (a) The department shall, if requested by a countywide
21 transportation planning agency, collect the fee imposed pursuant
22 to Section 65089.20 of the Government Code upon the registration
23 or renewal of registration of a motor vehicle registered in the
24 county, except those vehicles that are expressly exempted under
25 this code from the payment of registration fees.

26 (b) The countywide transportation planning agency shall pay
27 for the initial setup and programming costs identified by the
28 department through a direct contract with the department. Any
29 direct contract payment by the board shall be repaid, with no
30 restriction on the funds, to the countywide transportation planning
31 agency as part of the initial revenues available for distribution.

32 (c) (1) After deducting all costs incurred pursuant to this
33 section, the department shall distribute the net revenues pursuant
34 to subdivision (a) of Section 65089.20 of the Government Code.

35 (2) The costs deducted under paragraph (1) shall not be counted
36 against the 5-percent administrative cost limit specified in
37 subdivision (d) of Section 65089.20 of the Government Code.