

AMENDED IN ASSEMBLY JULY 14, 2009

AMENDED IN SENATE MAY 19, 2009

AMENDED IN SENATE APRIL 30, 2009

SENATE BILL

No. 716

Introduced by Senator Wolk

February 27, 2009

An act to amend Sections ~~99232, 99400, and 99401.6~~ of 99400, 99401.5, and 99401.6 of, and to add Section 99232.1 to, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 716, as amended, Wolk. Local transportation funds.

Existing law requires that $\frac{1}{4}\%$ of the local sales and use tax be transferred to the local transportation fund of the county and be allocated *for allocation*, as directed by the transportation planning agency, ~~for to~~ various transportation purposes. Existing law specifies the allowable uses for local transportation funds, and generally requires these funds to be used for transit purposes in urban counties, while in counties with a population under 500,000 as of the 1970 census and certain other counties, these funds may also be used for local streets and roads, if the transportation planning agency finds that there are no unmet transit needs or no unmet transit needs that are reasonable to meet, and for other specified purposes.

This bill ~~would instead authorize those local transportation funds to be used for local streets and roads in those circumstances and for those other specified purposes in counties with a population under 500,000 as of the 2000 census, and each decennial census thereafter, and in certain other counties, for counties that had a population of less than~~

500,000 as of the 1970 decennial census, but that have a population of 500,000 or more as of the 2000 decennial census or at a subsequent census, would require the local transportation funds apportioned to the urbanized areas of those counties to generally be allocated for public transit purposes and not for street and road purposes, while funds apportioned to the nonurbanized areas in those counties would remain available for allocation to street and road purposes and for other specified purposes. The bill would delay, until July 1, 2013, the application of these new provisions to certain counties. The bill, in those counties and areas of counties where local transportation funds may be allocated to local streets and roads, would also authorize use allocation of those funds for specified farmworker vanpool purposes upon a finding by the transportation planning agency that there are no unmet transit needs or no unmet transit needs that are reasonable to meet and after all of the capital and operating funds necessary to meet unmet transit needs that are reasonable to meet are allocated. The bill would make other related changes.

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 99232 of the Public Utilities Code is~~
2 ~~amended to read:~~
3 ~~99232. For counties with a population of 500,000 or more, as~~
4 ~~determined by the 2000 federal decennial census and each~~
5 ~~decennial census thereafter, but excluding counties with more than~~
6 ~~4,500 miles of maintained county roads as of 1970, the amount~~
7 ~~representing the apportionments of the areas of all operators shall~~
8 ~~be available solely for claims for Section 99234 purposes and for~~
9 ~~Article 4 (commencing with Section 99260) and Article 4.5~~
10 ~~(commencing with Section 99275) purposes, and any of those~~
11 ~~moneys not allocated in any year shall be available for those claims~~
12 ~~in subsequent years.~~
13 ~~SECTION 1. Section 99232.1 is added to the Public Utilities~~
14 ~~Code, to read:~~
15 ~~99232.1. (a) Notwithstanding Section 99232, for each county~~
16 ~~with a population of less than 500,000 as of the 1970 federal~~
17 ~~decennial census, but with a population of 500,000 or more as of~~
18 ~~the 2000 federal decennial census, or a county whose population~~

1 is 500,000 or more at a subsequent decennial census, the
2 apportionment to the areas within the urbanized areas of the
3 county, as defined for purposes of the 2000 federal decennial
4 census and each census thereafter, shall be available solely for
5 claims for Article 4 (commencing with Section 99260) and Article
6 4.5 (commencing with Section 99275) purposes. In a county subject
7 to this section, the apportionment for areas outside of the urbanized
8 area of the county may be used for claims for Article 4
9 (commencing with Section 99260), Article 4.5 (commencing with
10 Section 99275), and Article 8 (commencing with Section 99400)
11 purposes, providing that allocations under Article 8 (commencing
12 with Section 99400) shall be subject to the unmet needs process
13 as prescribed by Section 99401.5.

14 (b) For a county that becomes subject to this section as a result
15 of the 2010 decennial census, this section shall not apply to that
16 county until July 1, 2013.

17 SEC. 2. Section 99400 of the Public Utilities Code is amended
18 to read:

19 99400. Claims may be filed under this article with the
20 transportation planning agency by counties and cities for the
21 following purposes and by transit districts for the purposes
22 specified in subdivisions (c) to (f), inclusive:

23 (a) Local streets and roads, and projects which are provided for
24 use by pedestrians and bicycles.

25 (b) Passenger rail service operations and capital improvements.

26 (c) Payment to any entity which is under contract with a county,
27 city, or transit district for public transportation or for transportation
28 services for any group, as determined by the transportation planning
29 agency, requiring special transportation assistance.

30 If the county, city, or transit district is being served by an
31 operator, the contract entered into by the county, city, or transit
32 district shall specify the level of service to be provided, the
33 operating plan to implement that service, and how that service is
34 to be coordinated with the public transportation service provided
35 by the operator. Prior to approving any claim filed under this
36 section, the transportation planning agency, or the county
37 transportation commission in a county with such a commission,
38 shall make a finding that the transportation services contracted for
39 under subdivision (c) are responding to a transportation need not
40 otherwise being met within the community or jurisdiction of the

1 claimant and that, where appropriate, the services are coordinated
2 with the existing transportation service.

3 (d) Payments to counties, cities, and transit districts for their
4 administrative and planning cost with respect to transportation
5 services under subdivision (c).

6 (e) Notwithstanding any other provision of this chapter, a
7 claimant for funds pursuant to subdivision (c) may also receive
8 payments for capital expenditures to acquire vehicles and related
9 equipment, bus shelters, bus benches, and communication
10 equipment for the transportation services.

11 (f) Acquisition or lease of vans and related equipment, ~~but not~~
12 ~~for operating costs~~, for a farmworker vanpool program for purposes
13 of farmworker transportation to and from work.

14 *SEC. 3. Section 99401.5 of the Public Utilities Code is amended*
15 *to read:*

16 99401.5. Prior to making any allocation not directly related to
17 public transportation services, specialized transportation services,
18 or facilities provided for the exclusive use of pedestrians and
19 bicycles, *or any allocation for purposes of subdivision (f) of Section*
20 *99400*, the transportation planning agency shall annually do all of
21 the following:

22 (a) Consult with the social services transportation advisory
23 council established pursuant to Section 99238.

24 (b) Identify the transit needs of the jurisdiction which have been
25 considered as part of the transportation planning process, including
26 the following:

27 (1) An annual assessment of the size and location of identifiable
28 groups likely to be transit dependent or transit disadvantaged,
29 including, but not limited to, the elderly, the handicapped, including
30 individuals eligible for paratransit and other special transportation
31 services pursuant to Section 12143 of Title 42 of the United States
32 Code (the federal Americans with Disabilities Act of 1990 (42
33 U.S.C. Sec. 12101, et seq.)), and persons of limited means,
34 including, but not limited to, recipients under the CalWORKs
35 program.

36 (2) An analysis of the adequacy of existing public transportation
37 services and specialized transportation services, including privately
38 and publicly provided services necessary to implement the plan
39 prepared pursuant to Section 12143 (c) (7) of Title 42 of the United

1 States Code, in meeting the transit demand identified pursuant to
2 paragraph (1).

3 (3) An analysis of the potential alternative public transportation
4 and specialized transportation services and service improvements
5 that would meet all or part of the transit demand.

6 (4) *An analysis of the need to acquire or lease vans and related*
7 *equipment for a farmworker vanpool program pursuant to*
8 *subdivision (f) of Section 99400. This analysis is only required,*
9 *however, upon receipt by the transportation planning agency of*
10 *a request of an interested party identifying a potential need.*

11 (c) Identify the unmet transit needs of the jurisdiction and those
12 needs that are reasonable to meet. The transportation planning
13 agency shall hold at least one public hearing pursuant to Section
14 99238.5 for the purpose of soliciting comments on the unmet transit
15 needs that may exist within the jurisdiction and that might be
16 reasonable to meet by establishing or contracting for new public
17 transportation or specialized transportation services or by
18 expanding existing services. The definition adopted by the
19 transportation planning agency for the terms “unmet transit needs”
20 and “reasonable to meet” shall be documented by resolution or in
21 the minutes of the agency. The fact that an identified transit need
22 cannot be fully met based on available resources shall not be the
23 sole reason for finding that a transit need is not reasonable to meet.
24 An agency’s determination of needs that are reasonable to meet
25 shall not be made by comparing unmet transit needs with the need
26 for streets and roads.

27 (d) Adopt by resolution a finding for the jurisdiction, after
28 consideration of all available information compiled pursuant to
29 subdivisions (a), (b), and (c). The finding shall be that (1) there
30 are no unmet transit needs, (2) there are no unmet transit needs
31 that are reasonable to meet, or (3) there are unmet transit needs,
32 including needs that are reasonable to meet. The resolution shall
33 include information developed pursuant to subdivisions (a), (b),
34 and (c) which provides the basis for the finding.

35 (e) If the transportation planning agency adopts a finding that
36 there are unmet transit needs, including needs that are reasonable
37 to meet, then the unmet transit needs shall be funded before any
38 allocation is made for streets and roads within the jurisdiction.

39 (f) *The transportation planning agency shall not allocate funds*
40 *for purposes of subdivision (f) of Section 99400 until all of the*

1 *capital and operating funds necessary to meet unmet transit needs*
2 *that are reasonable to meet are allocated. The transportation*
3 *planning agency shall not reduce funding to existing public*
4 *transportation services, specialized transportation services, or*
5 *facilities for the exclusive use of pedestrians and bicycles in order*
6 *to allocate funds for purposes of subdivision (f) of Section 99400.*

7 ~~SEC. 3.~~

8 SEC. 4. Section 99401.6 of the Public Utilities Code is amended
9 to read:

10 99401.6. Upon adoption of a finding, pursuant to subdivision
11 (d) of Section 99401.5 that there are no unmet transit needs or that
12 there are no unmet transit needs that are reasonable to meet, the
13 transportation planning agency may allocate funds for local streets
14 and roads or for a vanpool program as specified in subdivision (f)
15 of Section 99400. The allocation shall not become effective until
16 20 days after acknowledgment of receipt by the Department of
17 Transportation of documents of the agency's finding. The
18 transportation planning agency shall, in any case, submit the
19 documentation before August 15 of the fiscal year of the allocation
20 or within 10 days after the adoption of the finding, whichever is
21 later. The documentation shall include all of the following:

22 (a) A copy of the notice of hearing and proof of publication and
23 a description of the actions taken to solicit citizen participation
24 pursuant to Section 99238. 5.

25 (b) A copy of the resolution or minutes documenting the
26 transportation planning agency's definitions of "unmet transit
27 needs" and "reasonable to meet," as determined pursuant to
28 subdivision (c) of Section 99401.5.

29 (c) A copy of the resolution adopting the unmet needs finding
30 described in subdivision (d) of Section 99401.5.