

AMENDED IN ASSEMBLY SEPTEMBER 3, 2009

AMENDED IN ASSEMBLY AUGUST 31, 2009

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 ~~99400, 99401.5, and 99401.6~~ *99400 and 99401.5* of, and to add Sections 99232.1, 99232.2, and 99232.3 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 for allocation, as directed by the transportation planning agency, 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, 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, except that cities in those counties with a population of 100,000 or fewer would be exempt from this requirement. Local transportation 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, 2014, the application of these new provisions in counties where they apply. The bill would *exempt Ventura County from these provisions and instead* authorize the Ventura County Transportation Commission to submit, by December 31, 2011, a report to the Legislature analyzing options for organizing public mass transportation services in the county and for expenditure of revenues in the local transportation fund, along with a recommended legislative proposal. If a legislative proposal is not enacted by the end of the 2011–12 Regular Session of the Legislature, local transportation funds in Ventura County would be available solely for transit purposes beginning July 1, 2014. The bill, in counties and areas of counties where local transportation funds may be allocated to local streets and roads, would also authorize 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 99232.1 is added to the Public Utilities
- 2 Code, to read:
- 3 99232.1. (a) Notwithstanding Section 99232, for each county
- 4 with a population of less than 500,000 as of the 1970 federal
- 5 decennial census, but with a population of 500,000 or more as of
- 6 the 2000 federal decennial census, or a county whose population
- 7 is 500,000 or more at a subsequent decennial census, the
- 8 apportionment to the areas within the urbanized areas of the county,
- 9 as defined for purposes of the 2000 federal decennial census and

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

11 (b) The apportionment attributable to the unincorporated area
12 within an urbanized area shall be determined by the proportion
13 that the urbanized area's unincorporated area population bears to
14 the total unincorporated population times the total apportionment
15 attributable to the unincorporated area.

16 (c) For a county that is subject to this section, this section shall
17 not apply to that county until July 1, 2014.

18 SEC. 2. Section 99232.2 is added to the Public Utilities Code,
19 to read:

20 99232.2. (a) Notwithstanding Section 99232.1, a city with a
21 population of 100,000 or fewer within an urbanized area in a county
22 subject to Section 99232.1 is not required to expend all of its
23 apportionment for Article 4 (commencing with Section 99260)
24 and Article 4.5 (commencing with Section 99275) purposes.

25 (b) The population of cities within an urbanized area shall be
26 based on the city and county population estimates published
27 annually by the Department of Finance.

28 (c) Nothing in this section shall preclude a city with a population
29 of 100,000 or fewer within an urbanized area in a county subject
30 to Section 99232.1 from expending all of its apportionment for
31 Article 4 (commencing with Section 99260) and Article 4.5
32 (commencing with Section 99275) purposes.

33 (d) This section shall become operative on July 1, 2014.

34 SEC. 3. Section 99232.3 is added to the Public Utilities Code,
35 to read:

36 99232.3. Sections 99232.1 and 99232.2 shall not apply to
37 Ventura County. The Ventura County Transportation Commission
38 may submit to the Senate Committee on Transportation and
39 Housing and the Assembly Committee on Transportation a report
40 analyzing options for organizing public mass transportation

1 services in the county, for the expenditure of revenues deposited
2 in the local transportation fund, and a recommended legislative
3 proposal for implementing the plan by December 31, 2011. If the
4 legislative proposal is not enacted by the end of the 2011–12
5 Regular Session of the Legislature, revenues deposited in the local
6 transportation fund in that county shall be available for the fiscal
7 year beginning on July 1, 2014, and each fiscal year thereafter,
8 solely for claims for Article 4 (commencing with Section 99260)
9 and Article 4.5 (commencing with Section 99275) purposes.

10 SEC. 4. Section 99400 of the Public Utilities Code is amended
11 to read:

12 99400. Claims may be filed under this article with the
13 transportation planning agency by counties and cities for the
14 following purposes and by transit districts for the purposes
15 specified in subdivisions (c) to (f), inclusive:

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

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

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

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

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

39 (e) Notwithstanding any other provision of this chapter, a
40 claimant for funds pursuant to subdivision (c) may also receive

1 payments for capital expenditures to acquire vehicles and related
2 equipment, bus shelters, bus benches, and communication
3 equipment for the transportation services.

4 (f) Acquisition or lease of vans and related equipment for a
5 farmworker vanpool program for purposes of farmworker
6 transportation to and from work, provided the farmworker vanpool
7 program shall use vans or related equipment for a commuter
8 vanpool as defined by Section 37.3 of Title 49 of the Code of
9 Federal Regulations and the regional transportation planning
10 agency conforms with the planning requirements of Section 5306
11 of Title 49 of the United States Code and Part 613 (commencing
12 with Section 613.100) of Chapter VI of Title 49 of the Code of
13 Federal Regulations.

14 SEC. 5. Section 99401.5 of the Public Utilities Code is
15 amended 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 a
10 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 The transportation planning agency shall not allocate funds under
8 subdivision (f) of Section 99400 if the allocation replaces other
9 federal, state, or local funds used to fund commuter vanpools by
10 a county, city, transportation planning agency, or transit district.

11 ~~SEC. 6. Section 99401.6 of the Public Utilities Code is~~
12 ~~amended to read:~~

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

25 ~~(a) A copy of the notice of hearing and proof of publication and~~
26 ~~a description of the actions taken to solicit citizen participation~~
27 ~~pursuant to Section 99238. 5.~~

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

32 ~~(c) A copy of the resolution adopting the unmet needs finding~~
33 ~~described in subdivision (d) of Section 99401.5.~~