

AMENDED IN SENATE APRIL 21, 2014

**SENATE BILL**

**No. 990**

**Introduced by Senator Vidak**

February 12, 2014

An act to amend Section 14527 of the Government Code, ~~and to add Section 99233.6 to the Public Utilities Code~~, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 990, as amended, Vidak. Transportation funds: disadvantaged small communities.

(1) Existing law generally provides for programming and allocation of funds for transportation capital improvement projects through the state transportation improvement program process administered by the California Transportation Commission. Existing law requires 25% of available funds to be programmed and expended on interregional improvement projects nominated by the Department of Transportation, and 75% of available funds to be programmed and expended on regional improvement projects nominated by regional transportation planning agencies or county transportation commissions, as applicable, through adoption of a regional transportation improvement program.

This bill would require ~~each regional transportation improvement program to program~~ *no less than 5%* of funds available for regional improvement projects *to be programmed in the regional transportation improvement program for* disadvantaged small communities, as defined. In programming these moneys, the bill would require regional transportation agencies and county transportation commissions to prioritize funding congestion relief and safety needs.

~~(2) The Transportation Development Act, also known as the Mills-Alquist-Deddeh Act, provides for the allocation of local transportation funds in each county from  $\frac{1}{4}$  of 1% of the sales tax to various transportation purposes, including transportation planning, transit operations, and in some cases, local streets and roads. The act is administered by the transportation planning agency having jurisdiction and specifies the sequence of allocations to be made by the transportation planning agency to eligible claimants. Existing law requires certain allocations to be made off the top, including allocations for administration of the act, for transportation planning and programming, and for facilities for bicycles and pedestrians. After these allocations have been made, existing law provides for payments to be made to claimants for eligible purposes, with a claimant authorized to file a claim only for the money in the local transportation fund that represents the area of apportionment of the claimant, as defined.~~

~~This bill would require 5% of the money remaining in the local transportation fund after making certain off-the-top allocations to be allocated by the transportation planning agency to disadvantaged small communities, as defined. The bill would exclude from this off-the-top allocation any money in the fund that represents the apportionment of an area that qualifies as a disadvantaged small community. In allocating moneys to disadvantaged small communities, the bill would require the transportation planning agency to prioritize congestion relief and safety needs.~~

~~(3)~~

~~(2) This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$ . 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. Section 14527 of the Government Code is  
2 amended to read:  
3 14527. (a) After consulting with the department, the regional  
4 transportation planning agencies and county transportation  
5 commissions shall adopt and submit to the commission and the  
6 department, not later than December 15, 2001, and December 15  
7 of each odd-numbered year thereafter, a five-year regional  
8 transportation improvement program in conformance with Section

1 65082. In counties where a county transportation commission has  
2 been created pursuant to Chapter 2 (commencing with Section  
3 130050) of Division 12 of the Public Utilities Code, that  
4 commission shall adopt and submit the county transportation  
5 improvement program, in conformance with Sections 130303 and  
6 130304 of that code, to the multicounty-designated transportation  
7 planning agency. Other information, including a program for  
8 expenditure of local or federal funds, may be submitted for  
9 information purposes with the program, but only at the discretion  
10 of the transportation planning agencies or the county transportation  
11 commissions. As used in this section, “county transportation  
12 commission” includes a transportation authority created pursuant  
13 to Chapter 2 (commencing with Section 130050) of Division 12  
14 of the Public Utilities Code.

15 (b) (1) The regional transportation improvement program shall  
16 include all projects to be funded with the county share under  
17 paragraph (2) of subdivision (a) of Section 164 of the Streets and  
18 Highways Code. The regional programs shall be limited to projects  
19 to be funded in whole or in part with the county share that shall  
20 include all projects to receive allocations by the commission during  
21 the following five fiscal years. For each project, the total  
22 expenditure for each project component and the total amount of  
23 commission allocation and the year of allocation shall be stated.  
24 The total cost of projects to be funded with the county share shall  
25 not exceed the amount specified in the fund estimate made by the  
26 commission pursuant to Section 14525.

27 (2) (A) ~~The regional transportation improvement program shall~~  
28 ~~program~~ *No less than* 5 percent of the amount available under the  
29 county share under paragraph (2) of subdivision (a) of Section 164  
30 of the Streets and Highways Code *shall be programmed in the*  
31 *regional transportation improvement program* to projects in  
32 disadvantaged small communities. In programming these moneys,  
33 the regional transportation planning agencies and county  
34 transportation commissions shall prioritize funding based on  
35 congestion relief and safety needs.

36 (B) For purposes of this paragraph, “disadvantaged small  
37 community” means a city or census-designated place that has a  
38 population of 25,000 or fewer people and that has a median  
39 household income less than 80 percent of the statewide ~~average~~.  
40 *median household income*.

1 (C) *This paragraph does not apply to a regional transportation*  
2 *planning agency or a county transportation commission that does*  
3 *not contain any city or census-designated place with a population*  
4 *that exceeds 25,000 people.*

5 (D) *This paragraph does not preclude a city or*  
6 *census-designated place that is a disadvantaged small community,*  
7 *as defined in subparagraph (B), from applying for all available*  
8 *funding of the county share under paragraph (2) of subdivision*  
9 *(a) of Section 164 of the Streets and Highways Code.*

10 (c) The regional transportation planning agencies and county  
11 transportation commissions may recommend projects to improve  
12 state highways with the interregional share pursuant to subdivision  
13 (b) of Section 164 of the Streets and Highways Code. The  
14 recommendations shall be separate and distinct from the regional  
15 transportation improvement program. A project recommended for  
16 funding pursuant to this subdivision shall constitute a usable  
17 segment and shall not be a condition for inclusion of other projects  
18 in the regional transportation improvement program.

19 (d) The department may nominate or recommend the inclusion  
20 of projects in the regional transportation improvement program to  
21 improve state highways with the county share pursuant to  
22 paragraph (2) of subdivision (a) and subdivision (e) of Section 164  
23 of the Streets and Highways Code. A regional transportation  
24 planning agency and a county transportation commission shall  
25 have sole authority for determining whether any of the project  
26 nominations or recommendations are accepted and included in the  
27 regional transportation improvement program adopted and  
28 submitted pursuant to this section. This authority provided to a  
29 regional transportation planning agency or to a county  
30 transportation commission extends only to a project located within  
31 its jurisdiction.

32 (e) Major projects shall include current costs updated as of  
33 November 1 of the year of submittal and escalated to the  
34 appropriate year, and shall be consistent with, and provide the  
35 information required in, subdivision (b) of Section 14529.

36 (f) The regional transportation improvement program may not  
37 change the project delivery milestone date of any project as shown  
38 in the prior adopted state transportation improvement program  
39 without the consent of the department or other agency responsible  
40 for the project's delivery.

1 (g) Projects may not be included in the regional transportation  
 2 improvement program without a complete project study report or,  
 3 for a project that is not on a state highway, a project study report  
 4 equivalent or major investment study.

5 (h) Each transportation planning agency and county  
 6 transportation commission may request and receive an amount not  
 7 to exceed 5 percent of its county share for the purposes of project  
 8 planning, programming, and monitoring.

9 ~~SEC. 2. Section 99233.6 is added to the Public Utilities Code,~~  
 10 ~~to read:~~

11 ~~99233.6. (a) Subject to subdivision (b), 5 percent of the~~  
 12 ~~remaining money in the fund shall be allocated by the~~  
 13 ~~transportation planning agency to disadvantaged small communities~~  
 14 ~~in a manner consistent with this chapter. In allocating these~~  
 15 ~~moneys, the transportation agency shall prioritize funding based~~  
 16 ~~on congestion relief and safety needs.~~

17 ~~(b) Money in the fund that represents the apportionment of an~~  
 18 ~~area, as those terms are defined in Section 99231, which area~~  
 19 ~~qualifies as a disadvantaged small community, and that would~~  
 20 ~~have been available for allocation to that area prior to enactment~~  
 21 ~~of this section, shall not be included in the funds allocated pursuant~~  
 22 ~~to subdivision (a).~~

23 ~~(c) For purposes of this section, “disadvantaged small~~  
 24 ~~community” means a city or census-designated place that has a~~  
 25 ~~population of 25,000 or fewer people and that has a median~~  
 26 ~~household income less than 80 percent of the statewide average.~~

27 ~~SEC. 3.~~

28 *SEC. 2.* This act is an urgency statute necessary for the  
 29 immediate preservation of the public peace, health, or safety within  
 30 the meaning of Article IV of the Constitution and shall go into  
 31 immediate effect. The facts constituting the necessity are:

32 In order to provide additional transportation funding to  
 33 disadvantaged small communities as quickly as possible, it is  
 34 necessary that this act take immediate effect.