

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 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, as directed by the transportation planning agency, for 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. The bill, in those counties where local transportation funds may be allocated to local streets and roads, would also authorize use 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.

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 ~~1970~~ 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.

14 SEC. 2. Section 99400 of the Public Utilities Code is amended
15 to read:

16 99400. Claims may be filed under this article with the
17 transportation planning agency by counties and cities for the
18 following purposes and by transit districts for the purposes
19 specified in subdivisions (c) to (f), inclusive:

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

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

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

27 If the county, city, or transit district is being served by an
28 operator, the contract entered into by the county, city, or transit
29 district shall specify the level of service to be provided, the
30 operating plan to implement that service, and how that service is
31 to be coordinated with the public transportation service provided
32 by the operator. Prior to approving any claim filed under this
33 section, the transportation planning agency, or the county

1 transportation commission in a county with such a commission,
2 shall make a finding that the transportation services contracted for
3 under subdivision (c) are responding to a transportation need not
4 otherwise being met within the community or jurisdiction of the
5 claimant and that, where appropriate, the services are coordinated
6 with the existing transportation service.

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

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

15 (f) Acquisition or lease of vans and related equipment, but not
16 for operating costs, for a farmworker vanpool program for purposes
17 of farmworker transportation to and from work.

18 ~~SEC. 2.~~

19 *SEC. 3.* Section 99401.6 of the Public Utilities Code is amended
20 to read:

21 99401.6. Upon adoption of a finding, pursuant to subdivision
22 (d) of Section 99401.5 that there are no unmet transit needs or that
23 there are no unmet transit needs that are reasonable to meet, the
24 transportation planning agency may allocate funds for local streets
25 and roads or for a vanpool program as specified in subdivision (f)
26 of Section 99400. The allocation shall not become effective until
27 20 days after acknowledgment of receipt by the Department of
28 Transportation of documents of the agency's finding. The
29 transportation planning agency shall, in any case, submit the
30 documentation before August 15 of the fiscal year of the allocation
31 or within 10 days after the adoption of the finding, whichever is
32 later. The documentation shall include all of the following:

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

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

- 1 (c) A copy of the resolution adopting the unmet needs finding
- 2 described in subdivision (d) of Section 99401.5.

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