



BUS TRANSIT COORDINATING COMMITTEE

April 25, 2011

1:00 p.m. Diablo Conference Room

Contra Costa Transportation Authority

2999 Oak Road, Suite 100

Walnut Creek, CA 94597

AGENDA

1. Welcome and Introductions
2. Measure J Revenue Update/Status Information  
*Authority staff will update the BTCC with regard to current Measure J revenue projections.*
3. FY 2011-12 Measure J Bus Services Program Allocation Action  
*(Attachment). BTCC to review the draft allocation and recommend approval to the Authority. **PAGE 1***
4. FY 2011-12 Measure J Express Bus Program Allocation Action  
*(Attachment). BTCC to review the draft allocation and recommend approval to the Authority. **PAGE 2***
5. Revision to CCTA Administrative Code Regarding Allowing Bus Transit Ex-Officio Representative to be a Non-Elected Official Action  
*(Attachment). BTCC to review the draft Administrative Code and corresponding Resolution revisions and recommend that the Authority approve the revisions. **PAGE 3 - 7***
6. Request for Authority Position on Legislation: Action  
AB 147 (Dickinson), AB 1097 (Skinner), SB 582 (Emmerson)  
*(Attachments). BTCC to review the attached proposed legislation and make a recommendation whether or not the Authority should take a position on the legislation. **PAGE 8 - 21***
7. MTC Transit Sustainability Project. Information  
*BTCC to discuss an issues related to the progress or findings to date of MTC's Transit Sustainability Project.*
8. Next Meeting – BRING YOUR CALENDARS

PROGRAM: 14- Bus Services			FY 2011-12
Sales Tax Revenue Estimate			\$64,000,000
	%	Year	
Program Revenue Estimate	5%		\$3,200,000
Previous Year Allocation Adjustment			
Reserve			\$0
CCTA Program Management			(\$34,095)
Available for Allocation			\$3,165,905
Notes:			

Agency	Coop #	Percent of Total	Percent of Program	Amount	90% Amount
AC Transit	60.00.02	2%	40.00%	\$1,266,362	\$1,139,726
County Connection	60.00.03	2%	40.00%	\$1,266,362	\$1,139,726
WestCAT	60.00.04	0.60%	12.00%	\$379,909	\$341,918
Tri Delta Transit	60.00.05	0.40%	8.00%	\$253,272	\$227,945

OPERATOR	SERVICE	
AC Transit	70	30 minute service in Richmond from Richmond BART/Amtrak Richmond Parkway Park and Ride lot.
	71	30 minute service in El Cerrito and Richmond from El Cerrito Del Norte BART to Richmond Parkway Transit Center via Richmond BART, Contra Costa College, and Hilltop Mall
	376	30 minute service in El Cerrito and Richmond from El Cerrito Del Norte BART to Richmond Parkway Transit Center via Richmond BART, Contra Costa College, and Hilltop Mall
	72	20 to 30 minute local bus service along San Pablo Avenue between Jack London Square and Hilltop Mall via Contra Costa College connecting to Amtrak and BART at multiple stations.
WestCAT	11	30 minute service weekdays from Hercules Transit Center - Crockett
	C3	60 minute service weekdays from Hercules Transit Center - Pinole - Contra Costa College
County Connection	9	30 minute peak hour service - DVC, Sun Valley Mall, JFK University, Crescent Plaza, Pleasant Hill BART, North Main, Walnut Creek BART
	14	40 minute service - Concord BART, Monument Blvd., Pleasant Hill BART
	18	80 minute service - Amtrak, Morello Ave., DVC, Gregory Lane, Pleasant Hill BART
	35	30 minute peak hour service - San Ramon Transit Center, Bollinger Canyon Rd., Dougherty Rd., Dublin BART
Tri Delta Transit	300	Brentwood Park and Ride to Pittsburg/Bay Point BART
	200	60 minute service - Antioch to Martinez (Amtrak) via Pittsburg/Bay Point BART

PROGRAM: 16 - Express Bus Services			FY 2011-12
Sales Tax Revenue Estimate			\$64,000,000
	%	Year	
Program Revenue Estimate	4.3%		\$2,752,000
Previous Year Allocation Adjustment			
Reserve			\$0
CCTA Program Management			(\$17,140)
Available for Allocation			\$2,734,860
Notes:			

Sub - Region	Percent of Total	Percent of Program	Amount
West County	2.0%	46.51%	\$1,272,028
Central County	1.0%	23.26%	\$636,014
Southwest County	1.0%	23.26%	\$636,014
East County	0.3%	6.98%	\$190,804

Operator	Coop #	Sub- Region	Percent of Sub-Regional Share	Amount	90% Amount
AC Transit	60.00.02	West	80.00%	\$1,017,622	\$915,860
WestCAT	60.00.04	West	20.00%	\$254,406	\$228,965
County Connection	60.00.03	Central	100.00%	\$636,014	\$572,413
County Connection	60.00.03	Southwest	100.00%	\$636,014	\$572,413
Tri Delta Transit	60.00.05	East	100.00%	\$190,804	\$171,724

	OPERATOR	SERVICE	
WEST COUNTY	AC Transit	72R	Rapid Bus service along San Pablo Avenue between Jack London Sq. and Contra Costa College (serves Amtrak Station and BART).
		LA	Transbay Service serving Richmond to SF Transbay Terminal
		L	Transbay Service serving San Pablo and El Cerrito to SF Transbay Terminal
	WestCAT	JX/JPX	Hercules Transit Center to El Cerrito Del Norte BART via I-80
SOUTHWEST COUNTY	County Connection	92X	Ace Express: Pleasanton Train Station (ACE), Bishop Ranch, San Ramon Transit Center
		95X	San Ramon Express: San Ramon Transit Center to Walnut Creek BART
		97X	Bishop Ranch Express, South: Dublin BART to Bishop Ranch
CENTRAL COUNTY	County Connection	96X	Bishop Ranch Express, North: Walnut Creek BART to Bishop Ranch
		93X	Kirker Pass Express: Hillcrest Park 'N Ride, John Muir Medical Center, Walnut Creek BART - Joint Funded with Tri Delta Transit
		98X	Martinez/Walnut Creek Express: Amtrak, Concord, Walnut Creek BART
EAST COUNTY	Tri Delta Transit	DX	Antioch Park and Ride to Dublin BART and Hacienda Business Park
		93X	Kirker Pass Express: Hillcrest Park 'N Ride, John Muir Medical Center, Walnut Creek BART - Joint Funded with County Connection

104.6 Representatives.

(a) The Board shall have the authority to establish by resolution, representatives to the Authority, representing transportation and transit agencies and other governmental entities interested or involved in transportation issues in Contra Costa. Each such person shall be referred to as a "Representative". Representatives shall have the following powers:

(1) the right to attend regular sessions of the Board and to participate in the discussion of matters brought before the Board for consideration;

(2) the right to attend regular committee meetings of the Planning and Government Affairs committee of the Board and to participate in the discussion of matters brought before such committee;

(3) the right to attend regular meetings of such other Board Committees and of such Standing and Advisory Committees as the Board may determine, and to participate in the discussion of matters brought before such committees.

(b) Each Representative shall be designated by the entity represented from among eligible candidates. Each such Representative shall be an ~~Elected Official~~ official ~~(i) elected to the Board of Supervisors of, or to the council of a town or city located within, the County, and appointed to the entity represented to the Authority, or (ii)~~ or appointed to the legislative body of the entity represented to the Authority, and elected or appointed at large or to represent a district or ward of such entity which is located wholly or partially within the County. Each Representative shall have an alternate designated by the entity represented from among eligible candidates for Representative. Representatives shall hold office for ~~a~~ one or more terms of one year, subject to replacement by such Representative's alternate at the discretion of the Board if such Representative has been absent from four consecutive meetings of the Board.

(c) Representatives shall not be Ceommissioners, and shall have none of the rights or powers of such Ceommissioners except as expressly provided herein. Without limiting the generality of the foregoing, such Representatives shall not:

(1) have the right to vote with respect to any matter brought before the Board or any Board Committee or Standing or Advisory Committee;

(2) be counted for purposes of determining the number of persons attending any meeting for quorum or voting purposes;

(3) be eligible for election or appointment as an officer of the Authority;

(4) be entitled to attendance fees or other compensation for attendance at meetings of the Authority or any committee thereof;

(5) be entitled to attend or to otherwise participate in closed sessions of the Board or any Standing or Advisory Committee thereof, unless expressly authorized to attend and participate by the Board or Committee.

(d) The Board shall have the authority to establish such other conditions and limitations with respect to Representatives as it deems necessary or advisable.

*[Amended on ~~April 21, 1993~~ June 15, 2011]*



**CONTRA COSTA TRANSPORTATION AUTHORITY  
RESOLUTION 91-11-A**

(AS AMENDED June ~~19, 1991~~15, 2011)

**RE: Establishment of Representative Positions for Metropolitan Transportation Commission, San Francisco Bay Area Rapid Transit District and Transit Districts (Bus Districts) with Authority**

**WHEREAS**, the Authority has received requests from the Metropolitan Transportation Commission ("MTC"), the San Francisco Bay Area Rapid Transit District ("BART") and the Contra Costa Transit Operators ("Transit Districts") to permit representatives appointed by them to attend meetings and participate in discussion and debate; and

**WHEREAS**, the MTC, BART and the Transit Districts have a role in assisting the Planning and Government Affairs Committee and the Authority in developing the Congestion Management Plan; and

**WHEREAS**, the Authority has indicated its willingness to authorize representation to the Authority from the MTC, BART and the Transit Districts operating wholly or partially within the County; and

**WHEREAS**, the Authority has, by prior resolution or other action, authorized the establishment of such positions; and

**WHEREAS**, issues relative to the responsibilities and authority of such representatives have been raised which indicate the need to clarify the intent of the Authority in establishing such positions; [and](#)

[\*\*WHEREAS\*\*, the Bus Transit Coordinating Committee has requested certain amendments regarding the Transit District Representative to the Authority.](#)

**NOW, THEREFORE, BE IT RESOLVED:**

1. Resolution 91-11-A be and it hereby is amended as set forth below, and any prior actions of the Board or the Staff of the Authority regarding the subject matter hereof, including but not limited to Resolution 91-11-A, be and they hereby are revoked to the extent inconsistent with the resolutions set forth below;

2. There are hereby established the positions of "Metropolitan Transportation

Commission ('MTC') Representative to the Authority", "San Francisco Bay Area Rapid Transit District ('BART') Representative to the Authority" and "Transit Districts Representative to the Authority". Each such representative shall be referred to as a "Representative" herein.

3. Each Representative shall have the following powers:

(a) the right to attend regular sessions of the Authority Board and to participate in the discussion of matters brought before the Board consideration;

(b) the right to attend regular committee meetings of the Planning and ~~Government Affairs~~ Administration and Projects Committees of the Board and to participate in the discussion of matters brought before the Committees;

(c) the right to attend regular meetings of such other committees of the Board as the Board may determine and to participate in the discussion of matters brought before such committee.

~~44.~~ 44. Each Representative shall be designated by the entity represented from among eligible candidates. Each such Representative shall be an ~~elected~~ official ~~(i) elected to the Board of Supervisors of, or to the city council of a town or city located within, Contra Costa County and appointed to the entity represented to the Authority or (ii) (i)~~ elected or appointed to the legislative body of the entity represented to the Authority, and elected or appointed at large or to represent a district or ward of such entity which is located wholly or partially within Contra Costa County.

5. Each Representative shall have an Alternate designated by the entity represented from among eligible candidates for Representative. Representatives shall hold office for a term of one year, subject to replacement by such Representative's Alternate at the discretion of the Authority if such Representative has been absent from four consecutive meetings of the Board, or, in the case of the Transit District Representative, if the Representative is not fulfilling the obligation prescribed in paragraph 7(a) below.

~~56.~~ Representatives shall not be members of the Board as defined or referenced in Chapter 2 of Division 19 of the California Public Utilities Code (Sections 180050 Measure C, Ordinance 88-01, the Expenditure Plan or the Administrative Code of the Authority, and shall have none the rights or powers of such members except as expressly provided in this resolution. Without limitation, such Representatives shall not:

(a) have the right to vote with respect to any matter brought before the Board or any committee;

(b) be counted for purposes of determining the number of persons attending any meeting

- quorum or voting purposes;
- (c) be eligible for election or appointment as an officer of the Authority;
- (d) be entitled to attendance fees or other compensation for attendance at meetings of the Authority;
- (e) be entitled to attend or to otherwise participate in closed sessions of the Board or any committee.

~~6. The Representative of the Transit Districts shall:~~

- ~~(a) have an Alternate who is an elected official of a Transit District other than the Transit District of the Representative;~~
- ~~(b) be rotated among the Transit Districts from year to year.~~

7. The Transit Districts shall consist of districts under the provisions the Transit District Law (Part 1 of Division 10 of the California Public Utilities Code, Sections 24501 et seq.) designated by the Authority from time to time. The Transit Districts designated by the Authority hereby are East Contra Costa Transit Authority, West Contra Costa Transit Authority, Central Contra Costa Transit Authority and the Alameda-Contra Costa Transit District. The Representative of the Transit Districts shall:

- (a) represent the interests of all of the Contra Costa bus operators, not just the representatives own bus operator
- (b) have an Alternate who is a member of a Transit District's governing body other than the Transit District of the Representative;
- (c) be rotated among the Transit Districts from term to term.

8. The MTC Representative shall alternate to the extent feasible between the city or town representative and Board of Supervisor's representative to the MTC, provided that, if the Representative is or becomes a member of the Board of the Authority, the Alternate shall as the Representative.

9. The BART Representative shall alternate to the extent feasible between or among eligible district representatives.

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David E. Durant, Chair

This RESOLUTION was adopted  
at a meeting of the Contra  
Costa Transportation Authority  
held June 15, 2011 in Walnut  
Creek, California

ATTEST: \_\_\_\_\_

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 147**

**Introduced by Assembly Member Dickinson**

January 14, 2011

An act to ~~amend Section 66484~~ of *add Section 66484.7* to the Government Code, relating to subdivisions.

LEGISLATIVE COUNSEL'S DIGEST

AB 147, as amended, Dickinson. Subdivisions.

The Subdivision Map Act authorizes a local agency to require the payment of a fee as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges or major thoroughfares if specified conditions are met. *The Mitigation Fee Act authorizes a local agency to charge a variety of fees, dedications, reservations, or other exactions in connection with the approval of a development project, as defined.*

~~This bill would authorize the fee to additionally be used for defraying the actual or estimated cost of other transportation facilities, as described a local ordinance to require payment of a fee subject to the Mitigation Fee Act, as a condition of approval of a final map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing transportation facilities, as defined.~~

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 66484.7 is added to the Government Code,*  
2 *to read:*

3     *66484.7. (a) A local ordinance may require the payment of a*  
4 *fee, subject to the Mitigation Fee Act (Chapter 5 commencing with*  
5 *Section 66000), Chapter 6 (commencing with Section 66010),*  
6 *Chapter 7 (commencing with Section 66012), Chapter 8*  
7 *)commencing with Section 66016), and Chapter 9 (commencing*  
8 *with Section 66020) of Division 1), as a condition of approval of*  
9 *a final map or as a condition of issuing a building permit for*  
10 *purposes of defraying the actual or estimated cost of constructing*  
11 *transportation facilities. For purposes of this section,*  
12 *transportation facilities mean pedestrian, bicycle, transit, and*  
13 *traffic-calming facilities. The ordinance may require payment of*  
14 *fees pursuant to this section if all of the following requirements*  
15 *are satisfied:*

16     *(1) The ordinance refers to the circulation element of the general*  
17 *plan and to the provisions of the circulation element that identify*  
18 *those transportation facilities that are required to minimize the*  
19 *use of automobiles and minimize the traffic impacts of new*  
20 *development on existing roads, if the circulation element provisions*  
21 *have been adopted by the local agency 30 days prior to the filing*  
22 *of a map or application for a building permit.*

23     *(2) The ordinance provides that there will be a public hearing*  
24 *held by the governing body for each area benefited. Notice shall*  
25 *be given pursuant to Section 65091 and shall include preliminary*  
26 *information related to the boundaries of the area of benefit,*  
27 *estimated cost, and the method of fee apportionment. The area of*  
28 *benefit may include land or improvements in addition to the land*  
29 *or improvements that are the subject of any map or building permit*  
30 *application considered at the proceedings.*

31     *(3) The ordinance provides that at the public hearing the*  
32 *boundaries of the area of benefit, the costs, whether actual or*  
33 *estimated, and a fair method of allocation of costs to the area of*  
34 *benefit and fee apportionment are established. A description of*  
35 *the boundaries of the area of benefit, the costs, whether actual or*  
36 *estimated, and the method of fee apportionment established at the*  
37 *hearing shall be incorporated in a resolution of the governing*  
38 *body, a certified copy of which shall be recorded by the governing*

1 body conducting the hearing with the recorder of the county in  
2 which the area of benefit is located. The apportioned fees shall be  
3 applicable to all property within the area of benefit and shall be  
4 payable as a condition of approval of a final map or as a condition  
5 of issuing a building permit for the property or portions of the  
6 property. Where the area of benefit includes lands not subject to  
7 the payment of fees pursuant to this section, the governing agency  
8 shall make provision for payment of the share of improvement  
9 costs apportioned to those lands from other sources.

10 (4) The ordinance provides that if, within the time when protests  
11 may be filed under the provisions of the ordinance, there is a  
12 written protest, filed with the clerk of the legislative body, by the  
13 owners of more than one-half of the area of the property to be  
14 benefited by the improvement, and sufficient protests are not  
15 withdrawn so as to reduce the area represented to less than  
16 one-half of that to be benefited, then the proposed proceedings  
17 shall be abandoned, and the legislative body shall not, for one  
18 year from the filing of that written protest, commence or carry on  
19 any proceedings for the same improvement or acquisition under  
20 the provisions of this section.

21 (b) Any protest may be withdrawn by the owner protesting, in  
22 writing, at any time prior to the conclusion of a public hearing  
23 held pursuant to the ordinance.

24 (c) If any majority protest is directed against only a portion of  
25 the improvement, then all further proceedings under the provisions  
26 of this section to construct that portion of the improvement so  
27 protested against shall be barred for a period of one year, but the  
28 legislative body may commence new proceedings not including  
29 any part of the improvement or acquisition so protested against.  
30 Nothing in this section prohibits a legislative body, within that  
31 one-year period, from commencing and carrying on new  
32 proceedings for the construction of a portion of the improvement  
33 so protested against if it finds, by the affirmative vote of four-fifths  
34 of its members, that the owners of more than one-half of the area  
35 of the property to be benefited are in favor of going forward with  
36 that portion of the improvement or acquisition.

37 (d) Nothing in this section precludes the processing and  
38 recordation of maps in accordance with other provisions of this  
39 division if the proceedings are abandoned.

1 (e) Fees paid pursuant to an ordinance adopted pursuant to  
 2 this section shall be deposited in a planned transportation facility  
 3 fund. A fund shall be established for each planned transportation  
 4 facility project. If the benefit area is one in which more than one  
 5 other transportation facility is required to be constructed, a fund  
 6 may be established covering all of the other transportation facility  
 7 projects in the benefit area. Money in the fund shall be expended  
 8 solely for the construction or reimbursement for construction of  
 9 the improvement or improvements serving the area to be benefited  
 10 and from which the fees comprising the fund were collected, or to  
 11 reimburse the local agency for the cost of constructing the  
 12 improvement or improvements.

13 (f) An ordinance adopted pursuant to this section may provide  
 14 for the acceptance of considerations in lieu of the payment of fees.

15 (g) A local agency imposing fees pursuant to this section may  
 16 advance money from its general fund or road fund to pay the cost  
 17 of constructing the improvements and may reimburse the general  
 18 fund or road fund for any advances from other transportation  
 19 facility funds established to finance the construction of those  
 20 improvements.

21 (h) A local agency imposing fees pursuant to this section may  
 22 incur an interest-bearing indebtedness for the construction of other  
 23 transportation facilities. However, the sole security for repayment  
 24 of that indebtedness shall be moneys in planned transportation  
 25 facility funds.

26 (i) Nothing in this section precludes a county or city from  
 27 providing funds for the construction of other transportation  
 28 facilities to defray costs not allocated to the area of benefit.

29 ~~SECTION 1. Section 66484 of the Government Code is~~  
 30 ~~amended to read:~~

31 ~~66484. (a) A local ordinance may require the payment of a~~  
 32 ~~fee as a condition of approval of a final map or as a condition of~~  
 33 ~~issuing a building permit for purposes of defraying the actual or~~  
 34 ~~estimated cost of constructing bridges over waterways, railways,~~  
 35 ~~freeways, and canyons, constructing major thoroughfares, or~~  
 36 ~~constructing other transportation facilities, including, but not~~  
 37 ~~limited to, pedestrian, bicycle, transit, and traffic-calming facilities.~~  
 38 ~~The ordinance may require payment of fees pursuant to this section~~  
 39 ~~if all of the following requirements are satisfied:~~

1 (1) ~~The ordinance refers to the circulation element of the general~~  
2 ~~plan and, if the circulation element, transportation, or flood control~~  
3 ~~provisions have been adopted by the local agency 30 days prior~~  
4 ~~to the filing of a map or application for a building permit:~~

5 (A) ~~In the case of bridges, to the transportation or flood control~~  
6 ~~provisions thereof that identify railroads, freeways, streams, or~~  
7 ~~canyons for which bridge crossings are required on the general~~  
8 ~~plan or local roads:~~

9 (B) ~~In the case of major thoroughfares, to the provisions of the~~  
10 ~~circulation element that identify those major thoroughfares whose~~  
11 ~~primary purpose is to carry through traffic and provide a network~~  
12 ~~connecting to the state highway system.~~

13 (C) ~~In the case of other transportation facilities, to the provisions~~  
14 ~~of the circulation element that identify those transportation facilities~~  
15 ~~that are required to minimize the use of automobiles and minimize~~  
16 ~~the traffic impacts of new development on existing roads:~~

17 (2) ~~The ordinance provides that there will be a public hearing~~  
18 ~~held by the governing body for each area benefited. Notice shall~~  
19 ~~be given pursuant to Section 65091 and shall include preliminary~~  
20 ~~information related to the boundaries of the area of benefit,~~  
21 ~~estimated cost, and the method of fee apportionment. The area of~~  
22 ~~benefit may include land or improvements in addition to the land~~  
23 ~~or improvements that are the subject of any map or building permit~~  
24 ~~application considered at the proceedings.~~

25 (3) ~~The ordinance provides that at the public hearing the~~  
26 ~~boundaries of the area of benefit, the costs, whether actual or~~  
27 ~~estimated, and a fair method of allocation of costs to the area of~~  
28 ~~benefit and fee apportionment are established. The method of fee~~  
29 ~~apportionment, in the case of major thoroughfares, shall not provide~~  
30 ~~for higher fees on land that abuts the proposed improvement except~~  
31 ~~where the abutting property is provided direct usable access to the~~  
32 ~~major thoroughfare. A description of the boundaries of the area of~~  
33 ~~benefit, the costs, whether actual or estimated, and the method of~~  
34 ~~fee apportionment established at the hearing shall be incorporated~~  
35 ~~in a resolution of the governing body, a certified copy of which~~  
36 ~~shall be recorded by the governing body conducting the hearing~~  
37 ~~with the recorder of the county in which the area of benefit is~~  
38 ~~located. The apportioned fees shall be applicable to all property~~  
39 ~~within the area of benefit and shall be payable as a condition of~~  
40 ~~approval of a final map or as a condition of issuing a building~~

1 permit for the property or portions of the property. Where the area  
 2 of benefit includes lands not subject to the payment of fees pursuant  
 3 to this section, the governing agency shall make provision for  
 4 payment of the share of improvement costs apportioned to those  
 5 lands from other sources.

6 ~~(4) The ordinance provides that payment of fees shall not be~~  
 7 ~~required unless the major thoroughfares are in addition to, or a~~  
 8 ~~reconstruction of, any existing major thoroughfares serving the~~  
 9 ~~area at the time of the adoption of the boundaries of the area of~~  
 10 ~~benefit.~~

11 ~~(5) The ordinance provides that payment of fees shall not be~~  
 12 ~~required unless the planned bridge facility is an original bridge~~  
 13 ~~facility serving the area or an addition to any existing bridge facility~~  
 14 ~~serving the area at the time of the adoption of the boundaries of~~  
 15 ~~the area of benefit. The fees shall not be expended to reimburse~~  
 16 ~~the cost of existing bridge facility construction.~~

17 ~~(6) The ordinance provides that if, within the time when protests~~  
 18 ~~may be filed under the provisions of the ordinance, there is a~~  
 19 ~~written protest, filed with the clerk of the legislative body, by the~~  
 20 ~~owners of more than one-half of the area of the property to be~~  
 21 ~~benefited by the improvement, and sufficient protests are not~~  
 22 ~~withdrawn so as to reduce the area represented to less than one-half~~  
 23 ~~of that to be benefited, then the proposed proceedings shall be~~  
 24 ~~abandoned, and the legislative body shall not, for one year from~~  
 25 ~~the filing of that written protest, commence or carry on any~~  
 26 ~~proceedings for the same improvement or acquisition under the~~  
 27 ~~provisions of this section.~~

28 ~~(b) Any protest may be withdrawn by the owner protesting, in~~  
 29 ~~writing, at any time prior to the conclusion of a public hearing held~~  
 30 ~~pursuant to the ordinance.~~

31 ~~(c) If any majority protest is directed against only a portion of~~  
 32 ~~the improvement, then all further proceedings under the provisions~~  
 33 ~~of this section to construct that portion of the improvement so~~  
 34 ~~protested against shall be barred for a period of one year, but the~~  
 35 ~~legislative body may commence new proceedings not including~~  
 36 ~~any part of the improvement or acquisition so protested against.~~  
 37 ~~Nothing in this section prohibits a legislative body, within that~~  
 38 ~~one-year period, from commencing and carrying on new~~  
 39 ~~proceedings for the construction of a portion of the improvement~~  
 40 ~~so protested against if it finds, by the affirmative vote of four-fifths~~

1 of its members, that the owners of more than one-half of the area  
2 of the property to be benefited are in favor of going forward with  
3 that portion of the improvement or acquisition:

4 ~~(d) Nothing in this section precludes the processing and~~  
5 ~~recordation of maps in accordance with other provisions of this~~  
6 ~~division if the proceedings are abandoned.~~

7 ~~(e) Fees paid pursuant to an ordinance adopted pursuant to this~~  
8 ~~section shall be deposited in a planned bridge facility, major~~  
9 ~~thoroughfare, or transportation facility fund. A fund shall be~~  
10 ~~established for each planned bridge facility project, each planned~~  
11 ~~major thoroughfare project, or each planned transportation facility~~  
12 ~~project. If the benefit area is one in which more than one bridge,~~  
13 ~~major thoroughfare, or other transportation facility is required to~~  
14 ~~be constructed, a fund may be so established covering all of the~~  
15 ~~bridge, major thoroughfare, and other transportation facility~~  
16 ~~projects in the benefit area. Money in the fund shall be expended~~  
17 ~~solely for the construction or reimbursement for construction of~~  
18 ~~the improvement or improvements serving the area to be benefited~~  
19 ~~and from which the fees comprising the fund were collected, or to~~  
20 ~~reimburse the local agency for the cost of constructing the~~  
21 ~~improvement or improvements.~~

22 ~~(f) An ordinance adopted pursuant to this section may provide~~  
23 ~~for the acceptance of considerations in lieu of the payment of fees.~~

24 ~~(g) A local agency imposing fees pursuant to this section may~~  
25 ~~advance money from its general fund or road fund to pay the cost~~  
26 ~~of constructing the improvements and may reimburse the general~~  
27 ~~fund or road fund for any advances from planned bridge facility,~~  
28 ~~major thoroughfares, or other transportation facility funds~~  
29 ~~established to finance the construction of those improvements.~~

30 ~~(h) A local agency imposing fees pursuant to this section may~~  
31 ~~incur an interest-bearing indebtedness for the construction of bridge~~  
32 ~~facilities, major thoroughfares, or other transportation facilities.~~  
33 ~~However, the sole security for repayment of that indebtedness shall~~  
34 ~~be moneys in planned bridge facility, major thoroughfares, or~~  
35 ~~transportation facility funds.~~

36 ~~(i) (1) The term “construction,” as used in this section, includes~~  
37 ~~design, acquisition of rights-of-way, administration of construction~~  
38 ~~contracts, and actual construction.~~

39 ~~(2) The term “construction,” as used in this section, with respect~~  
40 ~~to the unincorporated areas of San Diego County and Los Angeles~~

1 County only, includes design, acquisition of rights-of-way, and  
 2 actual construction, including, but not limited to, all direct and  
 3 indirect environmental, engineering, accounting, legal,  
 4 administration of construction contracts, and other services  
 5 necessary therefor. The term “construction,” with respect to the  
 6 unincorporated areas of San Diego County and Los Angeles County  
 7 only, also includes reasonable administrative expenses, not  
 8 exceeding three hundred thousand dollars (\$300,000) in any  
 9 calendar year after January 1, 1986, as adjusted annually for any  
 10 increase or decrease in the Consumer Price Index of the Bureau  
 11 of Labor Statistics of the United States Department of Labor for  
 12 all Urban Consumers, San Diego, California (1967 = 100), and  
 13 Los Angeles-Long Beach-Anaheim, California (1967 = 100),  
 14 respectively, as published by the United States Department of  
 15 Commerce for the purpose of constructing bridges, major  
 16 thoroughfares, and other transportation facilities. “Administrative  
 17 expenses” means those office, personnel, and other customary and  
 18 normal expenses associated with the direct management and  
 19 administration of the agency, but not including costs of  
 20 construction.

21 (3) The term “construction,” as used in this section, with respect  
 22 to Los Angeles County only, shall have the same meaning as in  
 23 paragraph (2) in either of the following circumstances:

24 (A) The area of benefit includes, and all of the bridge, major  
 25 thoroughfare, and other transportation facility project  
 26 improvements lie within, both a city or a portion of a city and  
 27 adjacent portions of unincorporated area.

28 (B) All of the area of benefit and all of the bridge, major  
 29 thoroughfare, and other transportation facility project  
 30 improvements lie completely within the boundaries of a city.

31 (j) Nothing in this section precludes a county or city from  
 32 providing funds for the construction of bridge facilities, major  
 33 thoroughfares, or other transportation facilities to defray costs not  
 34 allocated to the area of benefit.

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AMENDED IN ASSEMBLY APRIL 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1097**

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**Introduced by Assembly Member Skinner**

February 18, 2011

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An act to add Section 13985 to the Government Code, relating to transit.

LEGISLATIVE COUNSEL'S DIGEST

AB 1097, as amended, Skinner. Transit projects: domestic content.

Existing law creates the Business, Transportation and Housing Agency with various departments of state government that report to the agency secretary. Existing law provides various sources of funding for transit projects.

This bill would require the Secretary of Business, Transportation and Housing to ~~adopt, by regulation, a policy that specifically authorizes providing a preference on a transit project receiving funding from the Federal Transit Administration to a bidder that uses, for the project, a higher percentage of domestic contents in the materials, supplies, and equipment than otherwise required by federal law. The bill would require the secretary to consult with affected local and regional transportation agencies in that regard.~~ *specifically authorize a state or local agency receiving state funds for transit purposes to provide a bidding preference to a bidder if the bidder meets or exceeds Buy America requirements applicable to federally funded transit projects.*

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

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

1 SECTION 1. Section 13985 is added to the Government Code,  
2 to read:  
3 13985. The Secretary of Business, Transportation and Housing  
4 ~~shall adopt, by regulation, a policy that specifically authorizes~~  
5 ~~providing a preference on a transit project receiving funding from~~  
6 ~~the Federal Transit Administration to a bidder that uses, for the~~  
7 ~~project, a higher percentage of domestic contents in the materials,~~  
8 ~~supplies, and equipment than otherwise required by federal law.~~  
9 ~~In formulating the policy, the secretary shall consult with affected~~  
10 ~~local and regional transportation agencies.~~ *shall authorize a state*  
11 *or local agency receiving state funds for transit purposes to provide*  
12 *a bidding preference to a bidder if the bidder meets or exceeds*  
13 *Buy America requirements applicable to federally funded transit*  
14 *projects.*

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AMENDED IN SENATE MARCH 29, 2011

**SENATE BILL**

**No. 582**

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**Introduced by Senator Emmerson**  
(Principal coauthor: Assembly Member Huffman)

February 17, 2011

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An act to add Section 65081 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 582, as amended, Emmerson. Commute benefit policies.

Existing law requires transportation planning agencies to undertake various transportation planning activities, including preparation of a regional transportation plan. Existing law requires transportation planning agencies that are designated under federal law as metropolitan planning organizations to include a sustainable communities strategy as part of the regional transportation plan for their region. Existing law creates air quality management districts with various responsibilities relative to reduction of air pollution.

This bill, beginning on January 1, 2013, would authorize a metropolitan planning organization, ~~in partnership~~ *jointly* with the local air quality management district, to adopt a commute benefit ordinance that requires covered employers operating within the common ~~jurisdiction area~~ of the organization and district with ~~20 or more a~~ *specified number of* covered employees to offer those employees certain commute benefits. The bill would require that the ordinance specify certain matters, including any consequences for noncompliance. *The bill would provide for the ordinance to be adopted by the county transportation commission rather than the metropolitan planning organization in those counties where the Southern California*

Association of Governments is the designated metropolitan planning organization.

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 65081 is added to the Government Code,  
2 to read:

3 65081. (a) It is the intent of the Legislature to encourage  
4 metropolitan planning organizations and local air quality  
5 management districts to work with local employers to adopt  
6 policies that encourage commuting by means other than ~~the~~  
7 ~~single-occupancy vehicle driving alone.~~

8 (b) ~~On~~ *Notwithstanding Section 40717.9 of the Health and Safety*  
9 *Code, and except as otherwise provided in subdivision (e), on or*  
10 *after January 1, 2013, a metropolitan planning organization, in*  
11 ~~partnership with the~~ *and a local air quality management district,*  
12 ~~may with respect to the common area within their respective~~  
13 *jurisdictions may jointly adopt a commute benefit ordinance that*  
14 *requires covered employers with 20 or more covered employees*  
15 *operating within the common jurisdiction area of the organization*  
16 *and district to offer all covered employees one of the following*  
17 *choices:*

18 (1) A pretax option: a program, consistent with Section 132(f)  
19 of the Internal Revenue Code, allowing covered employees to elect  
20 to exclude from taxable wages employee commuting costs incurred  
21 for transit passes or vanpool charges, or bicycle commuting, up to  
22 the maximum amount allowed by federal tax law.

23 (2) Employer-paid benefit: a program whereby the covered  
24 employer ~~covers~~ *offers employees a subsidy to offset* the monthly  
25 cost of commuting via a public transit system ~~requested by each~~  
26 ~~covered employee or reimburses each covered employee's qualified~~  
27 ~~vanpool charges. or by vanpool. In 2013, the subsidy shall be equal~~  
28 *to either the monthly cost of commuting via transit or vanpool, or*  
29 *seventy-five dollars (\$75), whichever is lower. This amount shall*  
30 *be adjusted annually consistent with the California Consumer*  
31 *Price Index.*

32 (3) Employer-provided transit: transportation furnished by the  
33 covered employer at no cost, *or low cost as determined by the*

1 *metropolitan planning organization*, to the covered employee in  
2 a vanpool or bus, or similar multipassenger vehicle operated by  
3 or for the employer.

4 (c) *An employer offering, or proposing to offer, an alternative*  
5 *commuter benefit on the employer's own initiative, or an employer*  
6 *otherwise required to offer an alternative commuter benefit as a*  
7 *condition of a lease, original building permit, or other similar*  
8 *requirement, if the alternative is not one of the options identified*  
9 *in subdivision (b), may seek approval of the alternative from the*  
10 *metropolitan planning organization. The metropolitan planning*  
11 *organization may approve an alternative if it determines that the*  
12 *alternative provides at least the same benefit in terms of reducing*  
13 *single-occupant vehicle trips as any of the options in subdivision*  
14 *(b). An employer that offers an approved alternative to covered*  
15 *employees in a manner otherwise consistent with this section is*  
16 *not required to offer one of the options in subdivision (b).*

17 The commute benefit ordinance shall provide covered employers  
18 with at least six months to comply after the ordinance is adopted.

19 ~~(e)~~

20 (d) A commute benefit ordinance adopted pursuant to this  
21 section shall specify all of the following: (1) how the implementing  
22 agencies will inform covered employers about the ordinance, (2)  
23 how compliance with the ordinance will be demonstrated, ~~and (3)~~  
24 (3) *the procedures for proposing and the criteria that will be used*  
25 *to evaluate an alternative commuter benefit pursuant to subdivision*  
26 *(c), and (4) any consequences for noncompliance.*

27 (e) *In the region served by the multicounty transportation*  
28 *planning agency described in Section 130004 of the Public Utilities*  
29 *Code, the county transportation commission created in each county*  
30 *within that region, rather than the multicounty transportation*  
31 *planning agency, shall be the agency authorized to adopt the*  
32 *commute benefit ordinance pursuant to subdivision (b) in*  
33 *conjunction with the local air quality management district.*

34 (f) *Nothing in this section shall limit or restrict the statutory or*  
35 *regulatory authority of a metropolitan planning organization or*  
36 *air quality management district.*

37 ~~(d)~~

38 (g) As used in this section, the following terms have the  
39 following meanings:

1 (1) “Covered employer” means any employer for which an  
2 average of 20 or more employees per week perform work for  
3 compensation within the ~~jurisdiction~~ *area* where the ordinance  
4 adopted pursuant to this section operates, *except that a metropolitan*  
5 *planning organization, at its option, may provide for the ordinance*  
6 *to apply solely to employers with 50 or more employees otherwise*  
7 *meeting the requirements of this paragraph.* In determining the  
8 number of employees performing work for an employer during a  
9 given week, only employees performing work on a full-time basis  
10 shall be counted.

11 (2) “Covered employee” means an employee who performed  
12 at least ~~10~~ 20 hours of work per week within the previous calendar  
13 month within the ~~jurisdiction~~ *area* where the ordinance adopted  
14 pursuant to this section operates.

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