AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL No. 1175

Introduced by Assembly Member Torlakson

February 27, 2009

An act to add Section ~~188.61 to~~ *12419.12 to the Government Code, and to amend Section 30918 of, and to add Sections 188.61, 188.62, 30914.1, 30921.5, and 30959 to,* the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1175, as amended, Torlakson. ~~Toll bridges: seismic safety retrofit program.~~ *Toll facilities.*

~~Existing~~

(1) Existing law provides for the Controller to offset, among other things, amounts due to various public agencies from a person or entity, against any amount owing that person or entity from state income, franchise, and sales and use tax refunds and winnings in the California State Lottery.

This bill would require the Controller, to the extent feasible, to offset amounts overdue and unpaid for nonpayment of a bridge toll or high-occupancy toll lane fee by a person or entity against state income, franchise, and sales and use tax refunds and winnings in the California State Lottery due to that person or entity, as specified.

(2) Existing law specifies the powers and duties of the Department of Transportation, the Metropolitan Transportation Commission, and the Bay Area Toll Authority with respect to the collection and expenditure of toll revenue from the 7 state-owned toll bridges within the geographic jurisdiction of the commission. Existing law provides

a funding plan from various sources, including bridge tolls and state funds, for seismic safety improvement projects for certain of the state-owned toll bridges pursuant to a statutory schedule of cost estimates for each toll bridge. Existing law identifies specified cost overruns beyond those cost estimates for bridges in the geographic jurisdiction of the Metropolitan Transportation Commission, provides a funding plan in that regard, and appropriates various revenues for this purpose. Existing law requires the Bay Area Toll Authority to provide the funding for any additional cost overruns beyond the amounts identified in the funding plan, including revenues from increasing the $1 seismic toll surcharge. Existing law provides for revenues identified in the funding plan to be shared between the state and the authority pursuant to a specified formula to the extent the cost overruns are less than estimated.

This bill would add seismic safety improvement projects on the Antioch and Dumbarton Bridges to the toll bridge seismic safety program. The bill would provide that surplus cost overrun revenues to be shared between the state and the Bay Area Toll Authority be redirected to the authority for the Antioch and Dumbarton seismic safety projects, and would appropriate those funds for that purpose. The bill would require the authority to provide all remaining funds necessary to complete those seismic safety projects. The bill would provide for the authority to increase tolls on all Bay Area state-owned toll bridges in that regard. *The bill would continuously appropriate to the department all amounts paid to the department by the authority for various purposes relative to the toll bridges. The bill would also authorize the authority to make contributions to the commission in furtherance of the exercise of the authority's powers, as specified.*

~~Existing~~

(3) Existing law provides for a cooperative agreement between the Department of Transportation and the Bay Area Toll Authority and imposes other related requirements relative to project oversight and control responsibilities for the Bay Area toll bridge seismic safety projects.

This bill would provide that those provisions would also apply to the Antioch and Dumbarton bridge seismic safety projects.

~~Existing~~

(4) Existing law provides for maintenance expenditures on Bay Area state-owned toll bridges to be funded from the State Highway Account or from toll revenues, as specified.

This bill would provide that maintenance expenditures that are to be funded from toll revenues shall be funded from toll revenues remaining after payment of all obligations of the Bay Area Toll Authority that are secured by toll revenues.

(5) Existing law provided for submission of 2 regional measures to the voters of 7 Bay Area counties in 1988 and 2004 relative to respective $1 increases in bridge auto tolls on the Bay Area state-owned toll bridges, subject to approval by a majority of the voters.

This bill would generally authorize the Bay Area Toll Authority to submit a regional measure containing a toll increase to the voters of those counties for approval along with a statement of the projects and programs to be undertaken with the increased toll revenues. The bill would require the projects and programs to consist of infrastructure projects, the acquisition of transit vehicles, transit operating assistance, and other improvement projects intended to reduce congestion and improve travel options in the bridge and transportation network. The bill would require the boards of supervisors of these counties to call a special election, which may be consolidated with a general or primary election, upon the request of the authority, and would require the authority to reimburse the counties from bridge toll revenues for the incremental cost of submitting the regional measure to the voters.

(6) Existing law specifies the basic uniform toll rate for various classes of vehicles for all of the Bay Area state-owned toll bridges, but authorizes the authority to increase tolls as may be necessary to meet bond obligations.

This bill, notwithstanding these provisions, would authorize the authority to vary the toll structure on each bridge and to provide discounts for vehicles classified by the authority as high-occupancy vehicles and for vehicles paying tolls via electronic toll collection.

(7) The bill would enact other related provisions.

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

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

1 *SECTION 1. Section 12419.12 is added to the Government*
2 *Code, to read:*
3 *12419.12. (a) (1) The Controller shall, to the extent feasible,*
4 *offset any amount overdue and unpaid for a bridge toll or a*
5 *high-occupancy toll lane fee and any interest, fine, penalty, bail,*

collection fee, or other charge on account of nonpayment of the bridge toll or high-occupancy toll lane fee as and when due to a government entity entitled thereto, from a person or entity, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law or from winnings in the California State Lottery. Standards and procedures for submission of requests for offsets shall be as prescribed by the Controller. Whenever insufficient funds are available to satisfy an offset request, the Controller, after first applying the amounts available to any amount due a state agency, may allocate the balance among any other requests for offset.

(2) Any request for an offset pursuant to this section shall be submitted within three years of the date the bridge toll or high-occupancy toll lane fee was due.

(b) The Controller shall deduct and retain from any amount so offset an amount sufficient to reimburse the Controller, the Franchise Tax Board, the California State Lottery, and the Department of Motor Vehicles for their administrative costs of processing the offset payment.

~~SECTION 1.~~

SEC. 2. Section 188.61 is added to the Streets and Highways Code, to read:

188.61. (a) The Legislature finds and declares that in order to provide maximum safety for the traveling public and to ensure continuous and unimpeded operation of the state's transportation network, the Antioch Bridge and the Dumbarton Bridge are each in need of a seismic safety retrofit. ~~The current estimated cost of the retrofits is ____ dollars ($____).~~

(b) The Antioch Bridge and the Dumbarton Bridge are hereby deemed to be part of the state toll bridge seismic retrofit program described in Section 188.5. Notwithstanding subdivision (c) of Section 188.6 or any other provision of law, the cost overrun savings described in that subdivision shall not be shared between the state and the Bay Area Toll Authority, but shall instead be transferred to the Bay Area Toll Account, and are hereby appropriated to the authority for expenditure on the Antioch Bridge and the Dumbarton Bridge seismic safety retrofit projects. All other funds required to complete the Antioch Bridge and the Dumbarton Bridge seismic safety retrofit projects shall be provided

by the authority. The authority may increase the amount of the tolls collected on the toll bridges described in Section 30910 pursuant to Sections 30887 and 31011 for the purpose of completing these projects.

(c) All of the requirements of Sections 30952.05, 30952.1, 30952.2, and 30952.3 shall also be applied to the seismic retrofit of the Antioch Bridge and the Dumbarton Bridge. The Toll Bridge Program Oversight Committee, established by Section 30952.1, shall have project oversight and control responsibilities for these projects to the same extent as for the Benicia-Martinez Bridge project.

(d) All maintenance expenditures required to be funded by Section 188.4 with authority toll revenues shall be funded from toll revenues remaining after provision is made for payment of all obligations of the authority that are secured by a pledge of toll revenues.

SEC. 3. Section 188.62 is added to the Streets and Highways Code, to read:

188.62. Notwithstanding Section 13340 of the Government Code, there is hereby continuously appropriated to the department for expenditure all amounts paid to the department by the Bay Area Toll Authority for the planning, design, construction, operation, maintenance, repair, replacement, rehabilitation, and seismic retrofit of the state-owned toll bridges specified in Section 30910 pursuant to the state toll bridge seismic retrofit program or any other program of the authority, including, without limitation, amounts paid to the department as advances or to reimburse the department for payments to contractors working on the program.

SEC. 4. Section 30914.1 is added to the Streets and Highways Code, to read:

30914.1. Funding of the TransLink operating program in the amount of twenty million dollars ($20,000,000) shall be made pursuant to paragraph (10) of subdivision (d) of Section 30914 without regard to the three-year limitation stated therein.

SEC. 5. Section 30918 of the Streets and Highways Code is amended to read:

30918. *(a)* It is the intention of the Legislature to maintain tolls on all of the bridges specified in Section 30910 at rates sufficient to meet any obligation to the holders of bonds secured by the bridge toll revenues. The authority shall retain authority to

set the toll schedule as may be necessary to meet those bond obligations. The authority shall provide at least 30 days' notice to the transportation policy committee of each house of the Legislature and shall hold a public hearing before adopting a toll schedule reflecting the increased toll rate.

(b) The authority shall increase the toll rates specified in the adopted toll schedule in order to meet its obligations and covenants under any bond resolution or indenture of the authority for any outstanding toll bridge revenue bonds issued by the authority and the requirements of any constituent instruments defining the rights of holders of related obligations of the authority entered into pursuant to Section 5922 of the Government Code and, notwithstanding Section 30887, subdivision (c) of Section 30916, or any other law, may increase the toll rates specified in the adopted toll schedule to provide funds for the planning, design, construction, operation, maintenance, repair, replacement, rehabilitation, and seismic retrofit of the state-owned toll bridges specified in Section 30910, to provide funding to meet the requirements of Sections 30884 and 30911, and to provide funding to meet the requirements of voter-approved regional measures pursuant to Sections 30914, 30921, and 30921.5.

(c) The authority's toll structure for the state-owned toll bridges specified in Section 30910 may vary from bridge to bridge and may include discounts for vehicles classified by the authority as high-occupancy vehicles and for electronic toll collection, notwithstanding any other law.

(d) If the authority establishes high-occupancy vehicle lane fee discounts or access for vehicles classified by the authority as high-occupancy vehicles for any bridge or highway, the authority's requirements for the number of persons that must occupy each vehicle to qualify for those discounts or that access shall be applied by the department on each segment of highway that connects with that bridge or highway unless otherwise agreed by the authority and the department, notwithstanding any other law.

(e) All tolls referred to in this section and Sections 30916, 31010, and 31011 may be treated by the authority as a single revenue source for accounting and administrative purposes and for the purposes of any bond indenture or resolution and any agreement entered into pursuant to Section 5922 of the Government Code.

SEC. 6. Section 30921.5 is added to the Streets and Highways Code, to read:

30921.5. (a) The toll rate for vehicles crossing the state-owned toll bridges specified in Section 30910 shall be increased by the authority pursuant to Section 30918 following voter approval of each measure submitted to the voters of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Solano as a "regional measure" as described in subdivision (b). The revenue derived from the toll increase shall be applied in accordance with the regional measure.

(b) A regional measure shall consist of a question to the effect that "Shall voters authorize a regional traffic relief plan that does the following," followed by a general description of the projects and programs to be included therein, together with a statement of the amount of the toll increase that will be implemented if the regional measure is approved by the voters. The projects and programs shall consist of infrastructure projects, the acquisition of transit vehicles, transit operating assistance, and other improvement projects to reduce congestion and to improve travel options on the Bay Area state-owned toll bridges and transportation corridors closely associated with those bridges.

(c) Upon the request of the authority and notwithstanding any provision of the Elections Code, the Board of Supervisors of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Solano shall call a special election to be conducted in those jurisdictions to consider each regional measure. If the authority so elects, the special election shall be consolidated with a primary election or a general election.

(d) The ballot pamphlet for each election described in subdivision (c) shall include a detailed description, prepared by the authority, of the regional traffic relief plan included in the regional measure.

(e) The county clerks shall report the results of the election to the authority. If a majority of all the voters voting on the regional measure vote affirmatively, the authority shall adopt the increased toll schedule and establish its effective date. The authority shall reimburse each county and city and county participating in the election for the incremental cost of submitting the regional measure

to the voters. The cost of those reimbursements shall be paid from bridge toll revenues.

SEC. 7. Section 30959 is added to the Streets and Highways Code, to read:

30959. The authority may make contributions to the commission in furtherance of the exercise of the authority's powers under this division, including, without limitation, contributions in the form of personnel services, office space, and funding. The authority may also make contributions to the commission on a reimbursement-for-cost basis; provided, however, that reimbursement shall not be required to the extent that the contributions provided to the commission are determined by the authority to be in furtherance of the exercise of the authority's powers under this division.

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