ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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MEMORANDUM

Agenda Item 8.4
October 22, 2009

DATE: October 15, 2009

TO: CMA Board

FROM: Dennis R. Fay, Executive Director DRF

SUBJECT: SB 83 (Hancock) – Vehicle Registration Fee for Transportation; Polling

Action Requested
It is recommended that the Board approve the programming of up to $40,000 from the exchange program to conduct a poll of voters relative to a possible vehicle registration fee for transportation pursuant to SB 83 (Hancock), recently signed into law. Once a polling firm is hired, staff anticipates vetting the potential questions with the Board prior to going into the field with the poll. The vehicle registration fee measure could be scheduled for the November 2010 ballot. A nexus analysis will also be necessary and staff is researching the costs and will report at a future meeting.

Discussion
SB 83 (Hancock) was recently signed by the Governor (see attached bill). This bill authorizes a countywide transportation planning agency (the CMA in Alameda County), by a majority vote of the agency's board, to propose an annual fee of up to $10 on motor vehicles registered within the county for transportation programs and projects. The bill requires simple majority voter approval of the measure. The bill requires the DMV, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and would limit the agency's administrative costs to not more than 5% of the distributed fees. The bill requires that the fees collected be used only to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan, and requires the agency's board to make a specified finding of fact in that regard. The bill requires the governing board of the countywide transportation planning agency to adopt an expenditure plan.

The level of the fee can be up to $10 per vehicle. There are roughly 1 million registered vehicles in Alameda County. In addition, the fee can be used for a variety of programs and projects that benefit those paying the fee. A poll would help test the support for various fee amounts and for types of programs and projects.

A nexus analysis will also be necessary and staff is researching the costs and will report at a future meeting.

The vehicle registration fee measure could be scheduled for the November 2010 ballot.

Senate Bill No. 83

CHAPTER 554

An act to add Section 65089.20 to the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to traffic congestion.

[Approved by Governor October 11, 2009. Filed with Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 83, Hancock. Traffic congestion: motor vehicle registration fees.

Existing law provides for the imposition by certain districts and local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles for specific limited purposes.

The bill would authorize a countywide transportation planning agency, by a majority vote of the agency's board, to impose an annual fee of up to $10 on motor vehicles registered within the county for programs and projects for certain purposes. The bill would require voter approval of the measure. The bill would require the department, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs, and would limit the agency's administrative costs to not more than 5% of the distributed fees. The bill would require that the fees collected may be used only to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan, and would require the agency's board to make a specified finding of fact in that regard. The bill would require the governing board of the countywide transportation planning agency to adopt a specified expenditure plan.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Motor vehicle congestion negatively impacts businesses and commuters, inhibits the efficient movement of goods, and elevates pollutants that impact the quality of the state's air.

(2) There are transportation improvements that will reduce congestion, including those that improve signal coordination, traveler information systems, intelligent transportation systems, highway operational improvements, and public transit service expansions.

(3) There are measures available to lessen the impact of motor vehicle-related pollution, including congestion management programs,

stormwater runoff best management practices, and transportation control measures aimed at reducing air pollution.

(b) It is the intent of the Legislature to establish a program that allows countywide transportation planning agencies or their counterparts to address congestion through transportation services and improvements and to mitigate the impacts of motor vehicles on air and water quality, and improve the business climate and natural environment.

SEC. 2. Section 65089.20 is added to the Government Code, to read:

65089.20. (a) A countywide transportation planning agency may place a majority vote ballot measure before the voters of the county to authorize an increase in the fees of motor vehicle registration in the county for transportation-related projects and programs described in this chapter. The agency may impose an additional fee of up to ten dollars ($10) on each motor vehicle registered within the county. The ballot measure resolution shall be adopted by a majority vote of the governing board of the countywide transportation planning agency at a noticed public hearing. The resolution shall also contain a finding of fact that the projects and programs to be funded by the fee increase have a relationship or benefit to the persons who will be paying the fee, and the projects and programs are consistent with the regional transportation plan adopted pursuant to Section 65080. The finding of fact shall require a majority vote of the governing board at a noticed public hearing.

(b) The ballot measure described in subdivision (a) shall be submitted to the voters of the county and if approved by the voters in the county, the increased fee shall apply to the original vehicle registration occurring on or after six months following the adoption of the measure by the voters and to a renewal of registration with an expiration date on or after that six-month period.

(c) (1) The governing board of the countywide transportation planning agency shall adopt an expenditure plan allocating the revenue to transportation-related programs and projects that have a relationship or benefit to the persons who pay the fee. The transportation-related programs and projects include, but are not limited to, programs and projects that have the following purposes:

(A) Providing matching funds for funding made available for transportation programs and projects from state general obligation bonds.

(B) Creating or sustaining congestion mitigation programs and projects.

(C) Creating or sustaining pollution mitigation programs and projects.

(2) For the purposes of paragraph (1), the following terms have the following meanings:

(A) "Congestion mitigation programs and projects" include, but are not limited to, programs and projects identified in an adopted congestion management program or county transportation plan; projects and programs to manage congestion, including, for example, high-occupancy vehicle or high-occupancy toll lanes; improved transit services through the use of technology and bicycle and pedestrian improvements; improved signal coordination, traveler information systems, highway operational

improvements, and local street and road rehabilitation; and transit service expansion.

(B) "Pollution mitigation programs and projects" include, but are not limited to, programs and projects carried out by a congestion management agency, a regional water quality control board, an air pollution control district, an air quality management district, or another public agency that is carrying out the adopted plan of a congestion management agency, a regional water quality control board, an air pollution control district, or an air quality management district.

(d) Not more than 5 percent of the fees distributed to a countywide transportation planning agency shall be used for administrative costs associated with the programs and projects.

(e) For purposes of this section, "countywide transportation planning agency" means the congestion management agency created pursuant to Chapter 2.6 (commencing with Section 65088) or the agency designated pursuant to Section 66531 to submit the county transportation plan.

SEC. 3. Section 9250.4 is added to the Vehicle Code, to read:

9250.4. (a) The department shall, if requested by a countywide transportation planning agency, collect the fee imposed pursuant to Section 65089.20 of the Government Code upon the registration or renewal of registration of a motor vehicle registered in the county, except those vehicles that are expressly exempted under this code from the payment of registration fees.

(b) The countywide transportation planning agency shall pay for the initial setup and programming costs identified by the department through a direct contract with the department. Any direct contract payment by the board shall be repaid, with no restriction on the funds, to the countywide transportation planning agency as part of the initial revenues available for distribution.

(c) (1) After deducting all costs incurred pursuant to this section, the department shall distribute the net revenues pursuant to subdivision (a) of Section 65089.20 of the Government Code.

(2) The costs deducted under paragraph (1) shall not be counted against the 5-percent administrative cost limit specified in subdivision (d) of Section 65089.20 of the Government Code.

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