

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY JUNE 20, 2006

**SENATE BILL**

**No. 927**

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**Introduced by Senator Lowenthal**  
(Coauthor: Assembly Member De La Torre)

February 22, 2005

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~~An act to amend Sections 65089.6, 65302, 66484, and 66484.3 of the Government Code, to amend Section 99150 of the Public Utilities Code, to amend Section 75.9 of the Streets and Highways Code, and to amend Sections 21101 and 35701 of the Vehicle Code, relating to land use. An act to add a chapter heading immediately preceding Section 1720 of Part 2 of, and to add Chapter 2 (commencing with Section 1745) to Part 2 of Division 6 of, the Harbors and Navigation Code, relating to ports.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 927, as amended, Lowenthal. ~~General plans: circulation and transportation — element. —Ports: congestion relief: security enhancement: environmental mitigation: regulatory fee.~~

(1) Existing law regulates the operation of ports and harbors.

This bill would require the Ports of Los Angeles and Long Beach to develop a process for collecting a user fee on the owner of container cargo moving through the Port of Los Angeles or the Port of Long Beach at a rate of \$30 per twenty-foot equivalent unit (TEU).

The bill would require each port to retain  $\frac{1}{3}$  of the funds derived from imposition of the fee and transmit the remaining  $\frac{2}{3}$  in the amount of  $\frac{1}{2}$  to the Port Congestion Relief Trust Fund, which the bill would establish in the State Treasury, and  $\frac{1}{2}$  to the Port Mitigation

*Relief Trust Fund, which the bill would establish in the State Treasury.*

*The bill would require each port to use the funds retained as specified above exclusively for the purpose of funding projects to improve the security of the port and to fund the administrative costs for implementing this program.*

*The bill would require each port, in selecting projects for funding, to consult with the United States Coast Guard, the federal Department of Homeland Security, the state Office of Homeland Security, the Department of the California Highway Patrol, and other state and federal agencies that may assist the ports in determining which projects are best suited to protecting the ports and their surrounding communities.*

*The bill would require the moneys transmitted to the Port Congestion Relief Trust Fund, as specified above, to be available, upon appropriation, for expenditure by the California Transportation Commission exclusively for the purposes of funding rail projects that improve the rail system moving port container cargo to and from the ports, and funding the administrative costs of this program. The bill would prohibit moneys deposited in that fund from being loaned or transferred to, or allocated or appropriated in any other way to, the General Fund.*

*The bill would prohibit the commission from using the funds to construct, maintain, or improve highways.*

*The bill would require the commission to consult with the transportation commissions for the Counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura and the Port and City of Los Angeles, the Port and City of Long Beach, and the Southern California Association of Governments in the process for selecting projects for funding.*

*The bill would require the moneys transmitted to the Port Mitigation Relief Trust Fund, as specified above, to be available, upon appropriation, for expenditure by the State Air Resources Board to develop a list of projects to mitigate environmental pollution caused by the movement of cargo to and from the ports, and for the administration of this program. The bill would prohibit moneys deposited in that fund from being loaned or transferred to, or allocated or appropriated in any other way to, the General Fund.*

*The bill would establish a state-mandated local program by imposing these additional duties upon the ports.*

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

~~Existing law requires a general plan to include a statement of development policies and, among other elements, a circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.~~

~~This bill would rename the circulation element the circulation and transportation element and make other technical and conforming changes.~~

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

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

1 *SECTION 1. A chapter heading is added immediately*  
2 *preceding Section 1720 of Part 2 of Division 6 of the Harbors*  
3 *and Navigation Code, to read:*

4  
5 *CHAPTER 1. PORT FACILITY CONSTRUCTION*

6  
7 *SEC. 2. Chapter 2 (commencing with Section 1745) is added*  
8 *to Part 2 of Division 6 of the Harbors and Navigation Code, to*  
9 *read:*

10  
11 *CHAPTER 2. PORTS OF LOS ANGELES AND LONG BEACH*

12  
13 *1745. (a) The Legislature hereby finds and declares all of the*  
14 *following:*

15 *(1) There is a need to mitigate the enormous burden imposed*  
16 *on the highway transportation system serving the Ports of Los*  
17 *Angeles and Long Beach by the overland movement of cargo*  
18 *shipped from and to those ports.*

1 (2) *Due to unanticipated growth at the ports and new federal*  
2 *security requirements that are applicable to those ports, it is*  
3 *necessary to enhance the security of the ports.*

4 (3) *The operation of the ports causes environmental pollution*  
5 *that requires mitigation.*

6 (4) *The improvement of goods movement infrastructure would*  
7 *benefit the owner of container cargo moving through the ports by*  
8 *allowing the owner of the cargo to move container cargo more*  
9 *efficiently and to move more cargo through those ports.*

10 (5) *The improvement of security at the ports would benefit the*  
11 *owner of container cargo by providing safe and secure facilities*  
12 *ensuring the safe and efficient movement of that container cargo.*

13 (6) *The reduction of goods movement pollution would benefit*  
14 *the owner of container cargo moving through the ports by*  
15 *meeting federal air quality standards, which will allow for*  
16 *continued federal funding of goods movement infrastructure*  
17 *projects.*

18 (7) *Accordingly, it is the intent of the Legislature to alleviate*  
19 *these burdens by imposing a fee on shipping containers*  
20 *processed through those ports and using the funds derived*  
21 *therefrom to do all of the following:*

22 (A) *Improve the rail system that serves as an alternative to*  
23 *shipping via the highway by commercial vehicle, including, but*  
24 *not limited to, the ondock rail facilities at those ports.*

25 (B) *Enhance the security at the ports.*

26 (C) *Mitigate the environmental pollution caused by port*  
27 *operations.*

28 (b) (1) *There is hereby established in the State Treasury the*  
29 *Port Congestion Relief Trust Fund, which for purposes of this*  
30 *chapter shall be referred to as the Congestion Fund.*

31 (2) *There is hereby established in the State Treasury the Port*  
32 *Mitigation Relief Trust Fund, which for purposes of this chapter*  
33 *shall be referred to as the Relief Fund.*

34 1746. (A) *Beginning January 1, 2007, the Port of Los*  
35 *Angeles (port) shall develop a process for notifying the owner of,*  
36 *and collecting a user fee on the owner of, container cargo*  
37 *moving through the port.*

38 (b) *No later than June 1, 2007, the port shall notify the owner*  
39 *of cargo moving through the port that it will be assessed a user*  
40 *fee not to exceed \$30 per twenty foot equivalent unit (TEU). The*

1 notice shall include, but not be limited to, the process for  
2 payment of the user fee, the frequency for payment of the user  
3 fee, and that the user fee is being assessed to improve the goods  
4 movement infrastructure serving the port, to reduce pollution  
5 from all forms of equipment, vehicles, locomotives, and ships that  
6 operate at the port and bring containers to and from the port,  
7 and to enhance the safety and security of the port.

8 (c) Beginning January 1, 2008, the port shall assess a user fee  
9 on the owner of container cargo moving through the port not to  
10 exceed \$30 per TEU. The port shall collect the fee at least twice  
11 a year.

12 (1) The port shall remit one-third of the user fee to the  
13 Congestion Fund. Upon appropriation, moneys deposited in that  
14 fund shall be available for expenditure by the California  
15 Transportation Commission exclusively for the purposes of  
16 funding rail projects that improve the rail system moving port  
17 container cargo to and from the Ports of Los Angeles and Long  
18 Beach, and funding the administrative costs of this program,  
19 pursuant to this section. Moneys deposited in that fund shall not  
20 be loaned or transferred to, or allocated or appropriated in any  
21 other way to, the General Fund.

22 (2) The port shall remit one-third of the user fee to the Relief  
23 Fund. Upon appropriation, moneys deposited in that fund shall  
24 be available to the State Air Resources Board to mitigate  
25 environmental pollution caused by the movement of cargo to and  
26 from the port by commercial motor vehicles, oceangoing vessels,  
27 and rail, and to fund the administrative costs for implementing  
28 this program. Moneys deposited in that fund shall not be loaned  
29 or transferred to, or allocated or appropriated in any other way  
30 to, the General Fund.

31 (3) The port shall retain one-third of the user fee to fund port  
32 security programs authorized by this section.

33 (d) The port shall use the funds retained under paragraph (3)  
34 of subdivision (c) exclusively for the purpose of funding projects  
35 to improve the security of the port, and to fund the administrative  
36 costs for implementing this program. Moneys retained by the  
37 port shall not be loaned or transferred to, or allocated or  
38 appropriated in any other way to, the port's General Fund or be  
39 used in any manner not consistent with the authority granted  
40 under this section.

1 (e) Beginning January 1, 2007 the port shall develop a list of  
2 projects that would improve and enhance the security of the port.  
3 The port shall consult with the United States Coast Guard, the  
4 federal Department of Homeland Security, the state Office of  
5 Homeland Security, the Department of the California Highway  
6 Patrol, and other state and federal agencies that may assist the  
7 port in determining a list of projects best suited to protecting the  
8 port and its surrounding communities.

9 (f) No later than September 1, 2007, and at a public hearing,  
10 the port shall finalize a list of projects that would improve and  
11 enhance the security of the port. This will be the final list, of port  
12 security projects at the port eligible to be funded by the user fee  
13 authorized pursuant to this chapter. The port may determine, at a  
14 regularly scheduled public hearing, that other sources of security  
15 funding are sufficient to protect the port and surrounding  
16 communities. If this finding is made, the port shall not collect and  
17 retain one-third of the user fee for port security, but shall only  
18 collect the remaining two-thirds or \$20 per TEU for  
19 infrastructure and air quality improvements.

20 (g) When all of the projects approved for funding under  
21 subdivision (d) are either complete and funded by the user fee or  
22 determined by the port to be no longer necessary, the port shall  
23 notify cargo owners that the user fee will be reduced by  
24 one-third. After this notification, the port shall reduce the user  
25 fee by one-third and no longer retain one-third of the user fee for  
26 port security funding.

27 1747. (a) Beginning January 1, 2007, the Port of Long  
28 Beach (port) shall develop a process for notifying the owner of,  
29 and collecting a user fee on the owner of, container cargo  
30 moving through the port.

31 (b) No later than June 1, 2007, the port shall notify the owner  
32 of cargo moving through the port that it will be assessed a user  
33 fee not to exceed \$30 per twenty foot equivalent unit (TEU). The  
34 notice shall include, but not be limited to, the process for  
35 payment of the user fee, the frequency for payment of the user  
36 fee, and that the user fee is being assessed to improve the goods  
37 movement infrastructure serving the port, to reduce pollution  
38 from all forms of equipment, vehicles, locomotives, and ships that  
39 operate at the port and bring containers to and from the port,  
40 and to enhance the safety and security of the port.

1     (c) Beginning January 1, 2008, the port shall assess a user fee  
2 on the owner of container cargo moving through the port not to  
3 exceed \$30 per TEU. The port shall collect the fee at least twice  
4 a year.

5     (1) The port shall remit one-third of the user fee to the  
6 Congestion Fund. Upon appropriation, moneys deposited in that  
7 fund shall be available for expenditure by the California  
8 Transportation Commission exclusively for the purposes of  
9 funding rail projects that improve the rail system moving port  
10 container cargo to and from the Ports of Los Angeles and Long  
11 Beach, and funding the administrative costs of this program,  
12 pursuant to this section. Moneys deposited in that fund shall not  
13 be loaned or transferred to, or allocated or appropriated in any  
14 other way to, the General Fund.

15     (2) The port shall remit one-third of the user fee to the Relief  
16 Fund. Upon appropriation, moneys deposited in that fund shall  
17 be available to the State Air Resources Board to mitigate  
18 environmental pollution caused by the movement of cargo to and  
19 from the ports via commercial motor vehicles, oceangoing  
20 vessels, and rail, and to fund the administrative costs for  
21 implementing this program. Moneys deposited in that fund shall  
22 not be loaned or transferred to, or allocated or appropriated in  
23 any other way to, the General Fund.

24     (3) The port shall retain one-third of the user fee to fund port  
25 security programs authorized by this section.

26     (d) The port shall use the funds retained under paragraph (3)  
27 of subdivision (c) exclusively for the purpose of funding projects  
28 to improve the security of the port, and to fund the administrative  
29 costs for implementing this program. Moneys retained by the  
30 port shall not be loaned or transferred to, or allocated or  
31 appropriated in any other way to, the port's General Fund or be  
32 used in any manner not consistent with the authority granted  
33 under this section.

34     (e) Beginning January 1, 2007, the port shall develop a list of  
35 projects that would improve and enhance the security of the port.  
36 The port shall consult with the United States Coast Guard, the  
37 federal Department of Homeland Security, the state Office of  
38 Homeland Security, the Department of the California Highway  
39 Patrol, and other state and federal agencies that may assist the

1 port in determining a list of projects best suited to protecting the  
2 port and its surrounding communities.

3 (f) No later than September 1, 2007, and at a public hearing,  
4 the port shall finalize a list of projects that would improve and  
5 enhance the security of the port. This will be the final list, of port  
6 security projects at the port, eligible to be funded by the user fee  
7 authorized pursuant to this section. The port may determine, at a  
8 regularly scheduled public hearing, that other sources of security  
9 funding are sufficient to protect the port and surrounding  
10 communities. If this finding is made, the port shall not collect and  
11 retain one-third of the user fee for port security, but shall only  
12 collect the remaining two-thirds or \$20 per TEU for  
13 infrastructure and air quality improvements.

14 (g) When all of the projects approved for funding under  
15 subdivision (d) are either complete and funded by the user fee or  
16 determined by the port to be no longer necessary, the port shall  
17 notify cargo owners that the user fee will be reduced by  
18 one-third. After this notification, the port shall reduce the user  
19 fee by one-third and no longer retain one-third for port security  
20 funding.

21 1748. (a) Beginning January 1, 2007, the California  
22 Transportation Commission, shall develop a list of projects that  
23 alleviate congestion on the highways serving the Ports of Los  
24 Angeles and Long Beach and improve the overall efficiency of  
25 container cargo movement by improving the rail system that  
26 transports container cargo from and to those ports and the  
27 on-dock rail facilities at those ports. In the process for selecting  
28 projects, the commission shall consult with the transportation  
29 commissions for the Counties of Los Angeles, Orange, Riverside,  
30 San Bernardino, and Ventura, and the Port and City of Los  
31 Angeles, the Port and City of Long Beach, and the Southern  
32 California Association of Governments. The commission shall  
33 also hold public hearings to seek further input on developing  
34 these projects.

35 (b) No later than September 1, 2007, the commission, at a  
36 public hearing, shall finalize a list of projects that would  
37 alleviate the congestion on the highways serving the Ports of Los  
38 Angeles and Long Beach and improve the overall efficiency of  
39 container cargo movement by improving the rail system that  
40 transports container cargo from and to those ports and the



1 *on-dock rail facilities at those ports. This will be the final list, of*  
2 *infrastructure projects at the Ports of Los Angeles and Long*  
3 *Beach, eligible to be funded by the user fee authorized pursuant*  
4 *to this chapter.*

5 *(c) Projects eligible to be on the final list shall not be used to*  
6 *construct, maintain, or improve highways, unless the highway or*  
7 *road improvement is part of a rail grade separation.*

8 *(d) Once the projects on the final list are complete and fully*  
9 *funded, the commission shall notify the Ports of Los Angeles and*  
10 *Long Beach, that the infrastructure projects are complete and to*  
11 *no longer collect the one-third of the user fee for infrastructure*  
12 *projects. The commission may also make a finding that a project*  
13 *on the final list has either been funded by another source or is no*  
14 *longer worthy of funding.*

15 *1749. (a) Beginning January 1, 2007, the State Air*  
16 *Resources Board shall develop a list of projects that reduce air*  
17 *pollution caused by the movement of container cargo to and from*  
18 *the Ports of Los Angeles and Long Beach. The projects on the list*  
19 *shall be consistent with the Emission Reduction Plan adopted*  
20 *March 2006, and shall have the overall goal of reducing air*  
21 *pollution at the ports in order to reach federal air quality*  
22 *attainment standards. The goal of the projects shall be to meet*  
23 *the plan's goals for 2010, 2015, and 2020. In developing the list,*  
24 *the board shall consult with the South Coast Air Quality*  
25 *Management District, the Gateway Council of Governments, and*  
26 *the Ports of Los Angeles and Long Beach.*

27 *(b) No later than September 1, 2007, the State Air Resources*  
28 *Board, at a public hearing, shall finalize a list of projects that*  
29 *meeting the Emission Reduction Plan's goals for 2010, 2015, and*  
30 *2020, in order to meet federal air quality attainment standards.*

31 *(c) The State Air Resources Board may determine, at a public*  
32 *hearing, that the emission reduction goals for 2020 have been*  
33 *met or exceeded and that federal air quality standards have been*  
34 *met at the Port of Los Angeles and once the determination is*  
35 *made, and ensuring that all approved projects have been funded,*  
36 *the board shall notify the Port of Los Angeles of this*  
37 *determination, and the Port of Los Angeles shall no longer*  
38 *collect the one-third of the user fee for air quality projects meant*  
39 *to reach these goals and federal air quality attainment standards.*

1 (d) *The State Air Resources Board may determine, at a public*  
2 *hearing, that the emission reduction goals for 2020 have been*  
3 *met or exceeded and that federal air quality standards have been*  
4 *met at the Port of Long Beach and once the determination is*  
5 *made, and ensuring that all approved projects have been funded,*  
6 *the board shall notify the Port of Long Beach of this*  
7 *determination, and the Port of Long Beach shall no longer*  
8 *collect the one-third of the user fee for air quality projects meant*  
9 *to reach these goals and federal air quality attainment standards.*

10 SEC. 3. *No reimbursement is required by this act pursuant to*  
11 *Section 6 of Article XIII B of the California Constitution because*  
12 *a local agency or school district has the authority to levy service*  
13 *charges, fees, or assessments sufficient to pay for the program or*  
14 *level of service mandated by this act, within the meaning of*  
15 *Section 17556 of the Government Code.*

16 SECTION 1. ~~Section 65089.6 of the Government Code is~~  
17 ~~amended to read:~~

18 ~~65089.6. Failure to complete or implement a congestion~~  
19 ~~management program shall not give rise to a cause of action~~  
20 ~~against a city or county for failing to conform with its general~~  
21 ~~plan, unless the city or county incorporates the congestion~~  
22 ~~management program into the circulation and transportation~~  
23 ~~element of its general plan.~~

24 SEC. 2. ~~Section 65302 of the Government Code is amended~~  
25 ~~to read:~~

26 ~~65302. The general plan shall consist of a statement of~~  
27 ~~development policies and shall include a diagram or diagrams~~  
28 ~~and text setting forth objectives, principles, standards, and plan~~  
29 ~~proposals. The plan shall include the following elements:~~

30 ~~(a) A land use element that designates the proposed general~~  
31 ~~distribution and general location and extent of the uses of the~~  
32 ~~land for housing, business, industry, open space, including~~  
33 ~~agriculture, natural resources, recreation, and enjoyment of~~  
34 ~~scenic beauty, education, public buildings and grounds, solid and~~  
35 ~~liquid waste disposal facilities, and other categories of public and~~  
36 ~~private uses of land. The land use element shall include a~~  
37 ~~statement of the standards of population density and building~~  
38 ~~intensity recommended for the various districts and other~~  
39 ~~territory covered by the plan. The land use element shall identify~~  
40 ~~areas covered by the plan which are subject to flooding and shall~~

1 be reviewed annually with respect to those areas. The land use  
2 element shall also do both of the following:

3 (1) ~~Designate in a land use category that provides for timber~~  
4 ~~production those parcels of real property zoned for timberland~~  
5 ~~production pursuant to the California Timberland Productivity~~  
6 ~~Act of 1982, Chapter 6.7 (commencing with Section 51100) of~~  
7 ~~Part 1 of Division 1 of Title 5.~~

8 (2) ~~Consider the impact of new growth on military readiness~~  
9 ~~activities carried out on military bases, installations, and~~  
10 ~~operating and training areas, when proposing zoning ordinances~~  
11 ~~or designating land uses covered by the general plan for land, or~~  
12 ~~other territory adjacent to military facilities, or underlying~~  
13 ~~designated military aviation routes and airspace.~~

14 (A) ~~In determining the impact of new growth on military~~  
15 ~~readiness activities, information provided by military facilities~~  
16 ~~shall be considered. Cities and counties shall address military~~  
17 ~~impacts based on information from the military and other~~  
18 ~~sources.~~

19 (B) ~~The following definitions govern this paragraph:~~

20 (i) ~~“Military readiness activities” mean all of the following:~~

21 (I) ~~Training, support, and operations that prepare the men and~~  
22 ~~women of the military for combat.~~

23 (II) ~~Operation, maintenance, and security of any military~~  
24 ~~installation.~~

25 (III) ~~Testing of military equipment, vehicles, weapons, and~~  
26 ~~sensors for proper operation or suitability for combat use.~~

27 (ii) ~~“Military installation” means a base, camp, post, station,~~  
28 ~~yard, center, homeport facility for any ship, or other activity~~  
29 ~~under the jurisdiction of the United States Department of Defense~~  
30 ~~as defined in paragraph (1) of subsection (c) of Section 2687 of~~  
31 ~~Title 10 of the United States Code.~~

32 (b) ~~A circulation and transportation element consisting of the~~  
33 ~~general location and extent of existing and proposed major~~  
34 ~~thoroughfares, transportation routes, terminals, any military~~  
35 ~~airports and ports, and other local public utilities and facilities,~~  
36 ~~all correlated with the land use element of the plan.~~

37 (c) ~~A housing element as provided in Article 10.6~~  
38 ~~(commencing with Section 65580).~~

39 (d) ~~A conservation element for the conservation, development,~~  
40 ~~and utilization of natural resources including water and its~~

1 hydraulic force, forests, soils, rivers and other waters, harbors,  
2 fisheries, wildlife, minerals, and other natural resources. The  
3 conservation element shall consider the effect of development  
4 within the jurisdiction, as described in the land use element, on  
5 natural resources located on public lands, including military  
6 installations. That portion of the conservation element including  
7 waters shall be developed in coordination with any countywide  
8 water agency and with all district and city agencies that have  
9 developed, served, controlled, or conserved water for any  
10 purpose for the county or city for which the plan is prepared.  
11 Coordination shall include the discussion and evaluation of any  
12 water supply and demand information described in Section  
13 65352.5, if that information has been submitted by the water  
14 agency to the city or county. The conservation element may also  
15 cover the following:

- 16 (1) The reclamation of land and waters.
- 17 (2) Prevention and control of the pollution of streams and  
18 other waters.
- 19 (3) Regulation of the use of land in stream channels and other  
20 areas required for the accomplishment of the conservation plan.
- 21 (4) Prevention, control, and correction of the erosion of soils,  
22 beaches, and shores.
- 23 (5) Protection of watersheds.
- 24 (6) The location, quantity and quality of the rock, sand and  
25 gravel resources.
- 26 (7) Flood control.

27 The conservation element shall be prepared and adopted no  
28 later than December 31, 1973.

29 (e) An open-space element as provided in Article 10.5  
30 (commencing with Section 65560).

31 (f) A noise element which shall identify and appraise noise  
32 problems in the community. The noise element shall recognize  
33 the guidelines established by the Office of Noise Control in the  
34 State Department of Health Services and shall analyze and  
35 quantify, to the extent practicable, as determined by the  
36 legislative body, current and projected noise levels for all of the  
37 following sources:

- 38 (1) Highways and freeways.
- 39 (2) Primary arterials and major local streets.

1 ~~(3) Passenger and freight online railroad operations and~~  
2 ~~ground rapid transit systems.~~

3 ~~(4) Commercial, general aviation, heliport, helistop, and~~  
4 ~~military airport operations, aircraft overflights, jet engine test~~  
5 ~~stands, and all other ground facilities and maintenance functions~~  
6 ~~related to airport operation.~~

7 ~~(5) Local industrial plants, including, but not limited to,~~  
8 ~~railroad classification yards.~~

9 ~~(6) Other ground stationary noise sources, including, but not~~  
10 ~~limited to, military installations, identified by local agencies as~~  
11 ~~contributing to the community noise environment.~~

12 ~~Noise contours shall be shown for all of these sources and~~  
13 ~~stated in terms of community noise equivalent level (CNEL) or~~  
14 ~~day-night average level ( $L_{dn}$ ). The noise contours shall be~~  
15 ~~prepared on the basis of noise monitoring or following generally~~  
16 ~~accepted noise modeling techniques for the various sources~~  
17 ~~identified in paragraphs (1) to (6), inclusive.~~

18 ~~The noise contours shall be used as a guide for establishing a~~  
19 ~~pattern of land uses in the land use element that minimizes the~~  
20 ~~exposure of community residents to excessive noise.~~

21 ~~The noise element shall include implementation measures and~~  
22 ~~possible solutions that address existing and foreseeable noise~~  
23 ~~problems, if any. The adopted noise element shall serve as a~~  
24 ~~guideline for compliance with the state's noise insulation~~  
25 ~~standards.~~

26 ~~(g) A safety element for the protection of the community from~~  
27 ~~any unreasonable risks associated with the effects of seismically~~  
28 ~~induced surface rupture, ground shaking, ground failure, tsunami,~~  
29 ~~seiche, and dam failure; slope instability leading to mudslides~~  
30 ~~and landslides; subsidence, liquefaction and other seismic~~  
31 ~~hazards identified pursuant to Chapter 7.8 (commencing with~~  
32 ~~Section 2690) of the Public Resources Code, and other geologic~~  
33 ~~hazards known to the legislative body; flooding; and wild land~~  
34 ~~and urban fires. The safety element shall include mapping of~~  
35 ~~known seismic and other geologic hazards. It shall also address~~  
36 ~~evacuation routes, military installations, peakload water supply~~  
37 ~~requirements, and minimum road widths and clearances around~~  
38 ~~structures, as those items relate to identified fire and geologic~~  
39 ~~hazards.~~

1 (1) ~~Prior to the periodic review of its general plan and prior to~~  
 2 ~~preparing or revising its safety element, each city and county~~  
 3 ~~shall consult the Division of Mines and Geology of the~~  
 4 ~~Department of Conservation and the Office of Emergency~~  
 5 ~~Services for the purpose of including information known by and~~  
 6 ~~available to the department and the office required by this~~  
 7 ~~subdivision.~~

8 (2) ~~To the extent that a county’s safety element is sufficiently~~  
 9 ~~detailed and contains appropriate policies and programs for~~  
 10 ~~adoption by a city, a city may adopt that portion of the county’s~~  
 11 ~~safety element that pertains to the city’s planning area in~~  
 12 ~~satisfaction of the requirement imposed by this subdivision.~~

13 ~~SEC. 3. Section 66484 of the Government Code is amended~~  
 14 ~~to read:~~

15 ~~66484. (a) A local ordinance may require the payment of a~~  
 16 ~~fee as a condition of approval of a final map or as a condition of~~  
 17 ~~issuing a building permit for purposes of defraying the actual or~~  
 18 ~~estimated cost of constructing bridges over waterways, railways,~~  
 19 ~~freeways, and canyons, or constructing major thoroughfares. The~~  
 20 ~~ordinance may require payment of fees pursuant to this section if~~  
 21 ~~all of the following requirements are satisfied:~~

22 (1) ~~The ordinance refers to the circulation and transportation~~  
 23 ~~element of the general plan and, in the case of bridges, to the~~  
 24 ~~transportation or flood control provisions thereof which identify~~  
 25 ~~railways, freeways, streams, or canyons for which bridge~~  
 26 ~~crossings are required on the general plan or local roads and in~~  
 27 ~~the case of major thoroughfares, to the provisions of the~~  
 28 ~~circulation and transportation element which identify those major~~  
 29 ~~thoroughfares whose primary purpose is to carry through traffic~~  
 30 ~~and provide a network connecting to the state highway system, if~~  
 31 ~~the circulation and transportation element, transportation or flood~~  
 32 ~~control provisions have been adopted by the local agency 30 days~~  
 33 ~~prior to the filing of a map or application for a building permit.~~

34 (2) ~~The ordinance provides that there will be a public hearing~~  
 35 ~~held by the governing body for each area benefited. Notice shall~~  
 36 ~~be given pursuant to Section 65091 and shall include preliminary~~  
 37 ~~information related to the boundaries of the area of benefit,~~  
 38 ~~estimated cost, and the method of fee apportionment. The area of~~  
 39 ~~benefit may include land or improvements in addition to the land~~

1 or improvements which are the subject of any map or building  
2 permit application considered at the proceedings.

3 ~~(3) The ordinance provides that at the public hearing, the~~  
4 ~~boundaries of the area of benefit, the costs, whether actual or~~  
5 ~~estimated, and a fair method of allocation of costs to the area of~~  
6 ~~benefit and fee apportionment are established. The method of fee~~  
7 ~~apportionment, in the case of major thoroughfares, shall not~~  
8 ~~provide for higher fees on land which abuts the proposed~~  
9 ~~improvement except where the abutting property is provided~~  
10 ~~direct usable access to the major thoroughfare. A description of~~  
11 ~~the boundaries of the area of benefit, the costs, whether actual or~~  
12 ~~estimated, and the method of fee apportionment established at the~~  
13 ~~hearing shall be incorporated in a resolution of the governing~~  
14 ~~body, a certified copy of which shall be recorded by the~~  
15 ~~governing body conducting the hearing with the recorder of the~~  
16 ~~county in which the area of benefit is located. The apportioned~~  
17 ~~fees shall be applicable to all property within the area of benefit~~  
18 ~~and shall be payable as a condition of approval of a final map or~~  
19 ~~as a condition of issuing a building permit for the property or~~  
20 ~~portions of the property. Where the area of benefit includes lands~~  
21 ~~not subject to the payment of fees pursuant to this section, the~~  
22 ~~governing agency shall make provision for payment of the share~~  
23 ~~of improvement costs apportioned to those lands from other~~  
24 ~~sources.~~

25 ~~(4) The ordinance provides that payment of fees shall not be~~  
26 ~~required unless the major thoroughfares are in addition to, or a~~  
27 ~~reconstruction of, any existing major thoroughfares serving the~~  
28 ~~area at the time of the adoption of the boundaries of the area of~~  
29 ~~benefit.~~

30 ~~(5) The ordinance provides that payment of fees shall not be~~  
31 ~~required unless the planned bridge facility is an original bridge~~  
32 ~~facility serving the area or an addition to any existing bridge facility~~  
33 ~~serving the area at the time of the adoption of the boundaries of~~  
34 ~~the area of benefit. The fees shall not be expended to reimburse~~  
35 ~~the cost of existing bridge facility construction.~~

36 ~~(6) The ordinance provides that if, within the time when~~  
37 ~~protests may be filed under the provisions of the ordinance, there~~  
38 ~~is a written protest, filed with the clerk of the legislative body, by~~  
39 ~~the owners of more than one-half of the area of the property to be~~  
40 ~~benefited by the improvement, and sufficient protests are not~~

~~1 withdrawn so as to reduce the area represented to less than  
2 one-half of that to be benefited, then the proposed proceedings  
3 shall be abandoned, and the legislative body shall not, for one  
4 year from the filing of that written protest, commence or carry on  
5 any proceedings for the same improvement or acquisition under  
6 the provisions of this section.~~

~~7 (b) Any protest may be withdrawn by the owner protesting, in  
8 writing, at any time prior to the conclusion of a public hearing  
9 held pursuant to the ordinance.~~

~~10 (c) If any majority protest is directed against only a portion of  
11 the improvement then all further proceedings under the  
12 provisions of this section to construct that portion of the  
13 improvement so protested against shall be barred for a period of  
14 one year, but the legislative body may commence new  
15 proceedings not including any part of the improvement or  
16 acquisition so protested against. Nothing in this section prohibits  
17 a legislative body, within that one-year period, from commencing  
18 and carrying on new proceedings for the construction of a portion  
19 of the improvement so protested against if it finds, by the  
20 affirmative vote of four-fifths of its members, that the owners of  
21 more than one-half of the area of the property to be benefited are  
22 in favor of going forward with that portion of the improvement or  
23 acquisition.~~

~~24 (d) Nothing in this section precludes the processing and  
25 recordation of maps in accordance with other provisions of this  
26 division if the proceedings are abandoned.~~

~~27 (e) Fees paid pursuant to an ordinance adopted pursuant to this  
28 section shall be deposited in a planned bridge facility or major  
29 thoroughfare fund. A fund shall be established for each planned  
30 bridge facility project or each planned major thoroughfare  
31 project. If the benefit area is one in which more than one bridge  
32 is required to be constructed, a fund may be so established  
33 covering all of the bridge projects in the benefit area. Money in  
34 the fund shall be expended solely for the construction or  
35 reimbursement for construction of the improvement serving the  
36 area to be benefited and from which the fees comprising the fund  
37 were collected, or to reimburse the local agency for the cost of  
38 constructing the improvement.~~



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

4 (g) A local agency imposing fees pursuant to this section may  
5 advance money from its general fund or road fund to pay the cost  
6 of constructing the improvements and may reimburse the general  
7 fund or road fund for any advances from planned bridge facility  
8 or major thoroughfares funds established to finance the  
9 construction of those improvements.

10 (h) A local agency imposing fees pursuant to this section may  
11 incur an interest-bearing indebtedness for the construction of  
12 bridge facilities or major thoroughfares. However, the sole  
13 security for repayment of that indebtedness shall be moneys in  
14 planned bridge facility or major thoroughfares funds.

15 (i) The term “construction” as used in this section includes  
16 design, acquisition of right-of-way, administration of  
17 construction contracts, and actual construction.

18 (j) The term “construction,” as used in this section, with  
19 respect to the unincorporated area of San Diego County only,  
20 includes design, acquisition of rights-of-way, and actual  
21 construction, including, but not limited to, all direct and indirect  
22 environmental, engineering, accounting, legal, administration of  
23 construction contracts, and other services necessary therefor. The  
24 term “construction,” with respect to the unincorporated area of  
25 San Diego County only, also includes reasonable administrative  
26 expenses, not exceeding three hundred thousand dollars  
27 (\$300,000) in any calendar year after January 1, 1986, as  
28 adjusted annually for any increase or decrease in the Consumer  
29 Price Index of the Bureau of Labor Statistics of the United States  
30 Department of Labor for all Urban Consumers, San Diego,  
31 California (1967 = 100), as published by the United States  
32 Department of Commerce for the purpose of constructing bridges  
33 and major thoroughfares. “Administrative expenses” means those  
34 office, personnel, and other customary and normal expenses  
35 associated with the direct management and administration of the  
36 agency, but not including costs of construction.

37 (k) Nothing in this section precludes a county or city from  
38 providing funds for the construction of bridge facilities or major  
39 thoroughfares to defray costs not allocated to the area of benefit.

1 SEC. 4.— Section 66484.3 of the Government Code is amended  
2 to read:

3 66484.3.— (a) Notwithstanding Section 53077.5, the Board of  
4 Supervisors of the County of Orange and the city council or  
5 councils of any city or cities in that county may, by ordinance,  
6 require the payment of a fee as a condition of approval of a final  
7 map or as a condition of issuing a building permit for purposes of  
8 defraying the actual or estimated cost of constructing bridges  
9 over waterways, railways, freeways, and canyons, or constructing  
10 major thoroughfares.

11 (b) The local ordinance may require payment of fees pursuant  
12 to this section if:

13 (1) The ordinance refers to the circulation and transportation  
14 element of the general plan and, in the case of bridges, to the  
15 transportation provisions or flood control provisions of the  
16 general plan which identify railways, freeways, streams, or  
17 canyons for which bridge crossings are required on the general  
18 plan or local roads, and in the case of major thoroughfares, to the  
19 provisions of the circulation and transportation element which  
20 identify those major thoroughfares whose primary purpose is to  
21 carry through traffic and provide a network connecting to or  
22 which is part of the state highway system, and the circulation and  
23 transportation element, transportation provisions, or flood control  
24 provisions have been adopted by the local agency 30 days prior  
25 to the filing of a map or application for a building permit.  
26 Bridges which are part of a major thoroughfare need not be  
27 separately identified in the transportation or flood control  
28 provisions of the general plan.

29 (2) The ordinance provides that there will be a public hearing  
30 held by the governing body for each area benefited. Notice shall  
31 be given pursuant to Section 65905. In addition to the  
32 requirements of Section 65905, the notice shall contain  
33 preliminary information related to the boundaries of the area of  
34 benefit, estimated cost, and the method of fee apportionment.  
35 The area of benefit may include land or improvements in  
36 addition to the land or improvements which are the subject of any  
37 map or building permit application considered at the proceedings.

38 (3) The ordinance provides that at the public hearing, the  
39 boundaries of the area of benefit, the costs, whether actual or  
40 estimated, and a fair method of allocation of costs to the area of

1 benefit and fee apportionment are established. The method of fee  
2 apportionment, in the case of major thoroughfares, shall not  
3 provide for higher fees on land which abuts the proposed  
4 improvement except where the abutting property is provided  
5 direct usable access to the major thoroughfare. A description of  
6 the boundaries of the area of benefit, the costs, whether actual or  
7 estimated, and the method of fee apportionment established at the  
8 hearing shall be incorporated in a resolution of the governing  
9 body, a certified copy of which shall be recorded by the  
10 governing body conducting the hearing with the recorder of the  
11 County of Orange. The resolution may subsequently be modified  
12 in any respect by the governing body. Modifications shall be  
13 adopted in the same manner as the original resolution, except that  
14 the resolution of a city or county which has entered into a joint  
15 exercise of powers agreement pursuant to subdivision (f), relating  
16 to constructing bridges over waterways, railways, freeways, and  
17 canyons or constructing major thoroughfares by the joint powers  
18 agency, may be modified by the joint powers agency following  
19 public notice and a public hearing, if the joint powers agency has  
20 complied with all applicable laws, including Chapter 5  
21 (commencing with Section 66000) of Division 1. Any  
22 modification shall be subject to the protest procedures prescribed  
23 by paragraph (6). The resolution may provide for automatic  
24 periodic adjustment of fees based upon the California  
25 Construction Cost Index prepared and published by the  
26 Department of Transportation, without further action of the  
27 governing body, including, but not limited to, public notice or  
28 hearing. The apportioned fees shall be applicable to all property  
29 within the area of benefit and shall be payable as a condition of  
30 approval of a final map or as a condition of issuing a building  
31 permit for any of the property or portions of the property. Where  
32 the area of benefit includes lands not subject to the payment of  
33 fees pursuant to this section, the governing body shall make  
34 provision for payment of the share of improvement costs  
35 apportioned to those lands from other sources, but those sources  
36 need not be identified at the time of the adoption of the  
37 resolution.

38 (4) The ordinance provides that payment of fees shall not be  
39 required unless the major thoroughfares are in addition to, or a  
40 reconstruction or widening of, any existing major thoroughfares

1 serving the area at the time of the adoption of the boundaries of  
2 the area of benefit.

3 ~~(5) The ordinance provides that payment of fees shall not be~~  
4 ~~required unless the planned bridge facility is an original bridge~~  
5 ~~facility serving the area or an addition to any existing bridge facility~~  
6 ~~serving the area at the time of the adoption of the boundaries of~~  
7 ~~the area of benefit. Fees imposed pursuant to this section shall~~  
8 ~~not be expended to reimburse the cost of existing bridge facility~~  
9 ~~construction, unless these costs are incurred in connection with~~  
10 ~~the construction of an addition to an existing bridge for which~~  
11 ~~fees may be required.~~

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

24 ~~Nothing in this section shall preclude the processing and~~  
25 ~~recordation of maps in accordance with other provisions of this~~  
26 ~~division if proceedings are abandoned.~~

27 ~~Any protests may be withdrawn in writing by the owner who~~  
28 ~~filed the protest, at any time prior to the conclusion of a public~~  
29 ~~hearing held pursuant to the ordinance.~~

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

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

4 If the provisions of this paragraph (6), or provisions  
5 implementing this paragraph contained in any ordinance adopted  
6 pursuant to this section, are held invalid, that invalidity shall not  
7 affect other provisions of this section or of the ordinance adopted  
8 pursuant thereto, which can be given effect without the invalid  
9 provision, and to this end the provisions of this section and of an  
10 ordinance adopted pursuant thereto are severable.

11 (e) Fees paid pursuant to an ordinance adopted pursuant to this  
12 section shall be deposited in a planned bridge facility or major  
13 thoroughfare fund. A fund shall be established for each planned  
14 bridge facility project or each planned major thoroughfare  
15 project. If the benefit area is one in which more than one bridge  
16 or major thoroughfare is required to be constructed, a fund may  
17 be so established covering all of the bridge or major thoroughfare  
18 projects in the benefit area. Except as otherwise provided in  
19 subdivision (g), moneys in the fund shall be expended solely for  
20 the construction or reimbursement for construction of the  
21 improvement serving the area to be benefited and from which the  
22 fees comprising the fund were collected, or to reimburse the  
23 county or a city for the cost of constructing the improvement.

24 (d) An ordinance adopted pursuant to this section may provide  
25 for the acceptance of considerations in lieu of the payment of  
26 fees.

27 (e) The county or a city imposing fees pursuant to this section  
28 may advance money from its general fund or road fund to pay the  
29 cost of constructing the improvements and may reimburse the  
30 general fund or road fund from planned bridge facilities or major  
31 thoroughfares funds established to finance the construction of the  
32 improvements.

33 (f) The county or a city imposing fees pursuant to this section  
34 may incur an interest-bearing indebtedness for the construction  
35 of bridge facilities or major thoroughfares. The sole security for  
36 repayment of the indebtedness shall be moneys in planned bridge  
37 facilities or major thoroughfares funds. A city or county  
38 imposing fees pursuant to this section may enter into joint  
39 exercise of powers agreements with other local agencies  
40 imposing fees pursuant to this section, for the purpose of, among

1 others, jointly exercising as a duly authorized original power  
2 established by this section, in addition to those through a joint  
3 exercise of powers agreement, those powers authorized in  
4 Chapter 5 (commencing with Section 31100) of Division 17 of  
5 the Streets and Highways Code for the purpose of constructing  
6 bridge facilities and major thoroughfares in lieu of a tunnel and  
7 appurtenant facilities, and, notwithstanding Section 31200 of the  
8 Streets and Highways Code, may acquire by dedication, gift,  
9 purchase, or eminent domain, any franchise, rights, privileges,  
10 easements, or other interest in property, either real or personal,  
11 necessary therefor on segments of the state highway system,  
12 including, but not limited to, those segments of the state highway  
13 system eligible for federal participation pursuant to Title 23 of  
14 the United States Code.

15 An entity constructing bridge facilities and major  
16 thoroughfares pursuant to this section shall design and construct  
17 the bridge facilities and major thoroughfares to the standards and  
18 specifications of the Department of Transportation then in effect,  
19 and may, at any time, transfer all or a portion of the bridge  
20 facilities and major thoroughfares to the state subject to the terms  
21 and conditions as shall be satisfactory to the Director of the  
22 Department of Transportation. Any of these bridge facilities and  
23 major thoroughfares shall be designated as a portion of the state  
24 highway system prior to its transfer. The participants in a joint  
25 exercise of powers agreement may also exercise as a duly  
26 authorized original power established by this section the power to  
27 establish and collect toll charges only for paying for the costs of  
28 construction of the major thoroughfare for which the toll is  
29 charged and for the costs of collecting the tolls, except that a  
30 joint powers agency, which is the lending agency, may,  
31 notwithstanding subdivision (c), make toll revenues and fees  
32 imposed pursuant to this section available to another joint powers  
33 agency, which is the borrowing agency, established for the  
34 purpose of designing, financing, and constructing coordinated  
35 and interrelated major thoroughfares, in the form of a  
36 subordinated loan, to pay for the cost of construction and toll  
37 collection of major thoroughfares other than the major  
38 thoroughfares for which the toll or fee is charged, if the lending  
39 agency has complied with all applicable laws, including Chapter  
40 5 (commencing with Section 66000) of Division 1, and if the

1 borrowing agency is required to pay interest on the loan to the  
2 lending agency at a rate equal to the interest rate charged on  
3 funds loaned from the Pooled Money Investment Account. Prior  
4 to executing the loan, the lending agency shall make all of the  
5 following findings:

6 (1) ~~The major thoroughfare for which the toll or fee is charged~~  
7 ~~will benefit from the construction of the major thoroughfare to be~~  
8 ~~constructed by the borrowing agency or will benefit financially~~  
9 ~~by a sharing of revenues with the borrowing agency.~~

10 (2) ~~The lending agency will possess adequate financial~~  
11 ~~resources to fund all costs of construction of existing and future~~  
12 ~~projects that it plans to undertake prior to the final maturity of the~~  
13 ~~loan, after funding the loan, and taking into consideration its then~~  
14 ~~existing funds, its present and future obligations, and the~~  
15 ~~revenues and fees it expects to receive.~~

16 (3) ~~The funding of the loan will not materially impair its~~  
17 ~~financial condition or operations during the term of the loan.~~

18 ~~Major thoroughfares from which tolls are charged shall utilize~~  
19 ~~the toll collection equipment most capable of moving vehicles~~  
20 ~~expeditiously and efficiently, and which is best suited for that~~  
21 ~~purpose, as determined by the participants in the joint exercise of~~  
22 ~~powers agreement. However, in no event shall the powers~~  
23 ~~authorized in Chapter 5 (commencing with Section 31100) of~~  
24 ~~Division 17 of the Streets and Highways Code be exercised~~  
25 ~~unless a resolution is first adopted by the legislative body of the~~  
26 ~~agency finding that adequate funding for the portion of the cost~~  
27 ~~of constructing those bridge facilities and major thoroughfares~~  
28 ~~not funded by the development fees collected by the agency is~~  
29 ~~not available from any federal, state, or other source. Any major~~  
30 ~~thoroughfare constructed and operated as a toll road pursuant to~~  
31 ~~this section shall only be constructed parallel to other public~~  
32 ~~thoroughfares and highways.~~

33 (g) ~~The term “construction,” as used in this section, includes~~  
34 ~~design, acquisition of rights-of-way, and actual construction,~~  
35 ~~including, but not limited to, all direct and indirect~~  
36 ~~environmental, engineering, accounting, legal, administration of~~  
37 ~~construction contracts, and other services necessary therefor. The~~  
38 ~~term “construction” also includes reasonable general agency~~  
39 ~~administrative expenses, not exceeding three hundred thousand~~  
40 ~~dollars (\$300,000) in any calendar year after January 1, 1986, as~~

1 ~~adjusted annually for any increase or decrease in the Consumer~~  
2 ~~Price Index of the Bureau of Labor Statistics of the United States~~  
3 ~~Department of Labor for all Urban Consumers, Los~~  
4 ~~Angeles-Long Beach-Anaheim, California (1967=100), as~~  
5 ~~published by the United States Department of Commerce, by~~  
6 ~~each agency created pursuant to Article 1 (commencing with~~  
7 ~~Section 6500) of Chapter 5 of Division 7 of Title 1 for the~~  
8 ~~purpose of constructing bridges and major thoroughfares.~~  
9 ~~“General agency administrative expenses” means those office,~~  
10 ~~personnel, and other customary and normal expenses associated~~  
11 ~~with the direct management and administration of the agency, but~~  
12 ~~not including costs of construction.~~

13 ~~(h) Fees paid pursuant to an ordinance adopted pursuant to this~~  
14 ~~section may be utilized to defray all direct and indirect financing~~  
15 ~~costs related to the construction of the bridges and major~~  
16 ~~thoroughfares by the joint powers agency. Because the financing~~  
17 ~~costs of bridges and major thoroughfares for which a toll charge~~  
18 ~~shall be established or collected represent a necessary element of~~  
19 ~~the total cost of those bridges and major thoroughfares, the joint~~  
20 ~~powers agency constructing those facilities may include a charge~~  
21 ~~for financing costs in the calculation of the fee rate. The charge~~  
22 ~~shall be based on the estimated financing cost of any eligible~~  
23 ~~portion of the bridges and major thoroughfares for which tolls~~  
24 ~~shall be collected. The eligible portion shall be any or all portions~~  
25 ~~of the major thoroughfare for which a viable financial plan has~~  
26 ~~been adopted by the joint powers agency on the basis of revenues~~  
27 ~~reasonably expected by the joint powers agency to be available to~~  
28 ~~the thoroughfare, after consultation with representatives of the~~  
29 ~~fee payers. For purposes of calculating the charge, financing~~  
30 ~~costs shall include only reasonable allowances for payments and~~  
31 ~~charges for principal, interest, and premium on indebtedness,~~  
32 ~~letter of credit fees and charges, remarketing fees and charges,~~  
33 ~~underwriters’ discount, and other costs of issuance, less net~~  
34 ~~earnings on bridge and major thoroughfare funds by the joint~~  
35 ~~powers agency prior to the opening of the facility to traffic after~~  
36 ~~giving effect to any payments from the fund to preserve the~~  
37 ~~federal income tax exemption on the indebtedness. For purposes~~  
38 ~~of calculating the charge for financing costs in the calculation of~~  
39 ~~the fee rate only, financing costs shall not include any allowance~~  
40 ~~for the cost of any interest paid on indebtedness with regard to~~



1 each eligible portion after the estimated opening of the portion to  
2 traffic as established by the joint powers agency. Any and all  
3 challenges to any financial plan or financing costs adopted or  
4 calculated pursuant to this section shall be governed by  
5 subdivision (k):

6 (i) ~~Nothing in this section shall be construed to preclude the~~  
7 ~~County of Orange or any city within that county from providing~~  
8 ~~funds for the construction of bridge facilities or major~~  
9 ~~thoroughfares to defray costs not allocated to the area of benefit.~~

10 (j) ~~Any city within the County of Orange may require the~~  
11 ~~payment of fees in accordance with this section as to any~~  
12 ~~property in an area of benefit within the city's boundaries, for~~  
13 ~~facilities shown on its general plan or the county's general plan,~~  
14 ~~whether the facilities are situated within or outside the~~  
15 ~~boundaries of the city, and the county may expend fees for~~  
16 ~~facilities or portions thereof located within cities in the county.~~

17 (k) ~~The validity of any fee required pursuant to this section~~  
18 ~~shall not be contested in any action or proceeding unless~~  
19 ~~commenced within 60 days after recordation of the resolution~~  
20 ~~described in paragraph (3) of subdivision (b). The provisions of~~  
21 ~~Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of~~  
22 ~~the Code of Civil Procedure shall be applicable to this action or~~  
23 ~~proceeding. This subdivision shall also apply to modifications of~~  
24 ~~fee programs.~~

25 (l) ~~If the County of Orange and any city within that county~~  
26 ~~have entered into a joint powers agreement for the purpose of~~  
27 ~~constructing the bridges and major thoroughfares referred to in~~  
28 ~~Sections 50029 and 66484.3, and if a proposed change of~~  
29 ~~organization or reorganization includes any territory of an area of~~  
30 ~~benefit established pursuant to Sections 50029 and 66484.3,~~  
31 ~~within a successor local agency, the local agency shall not take~~  
32 ~~any action that would impair, delay, frustrate, obstruct, or~~  
33 ~~otherwise impede the construction of the bridges and major~~  
34 ~~thoroughfares referred to in this section.~~

35 (m) ~~Nothing in this section prohibits the succession of all~~  
36 ~~powers, obligations, liabilities, and duties of any joint powers~~  
37 ~~agency created pursuant to subdivision (l) to an entity with~~  
38 ~~comprehensive countywide transportation planning and operating~~  
39 ~~authority that is statutorily created in the County of Orange and~~

1 which is statutorily authorized to assume those powers,  
2 obligations, liabilities, and duties.

3 SEC. 5. Section 99150 of the Public Utilities Code is  
4 amended to read:

5 99150. In locating its bus stops, park and ride service  
6 facilities, and special service terminal points and stations, a  
7 transit district shall consult with, and consider the  
8 recommendations of, the city if transit facilities are to be located  
9 therein, or the county if transit facilities are to be located in the  
10 unincorporated area thereof, on the proposed locations.

11 The city or county, as the case may be, in making its  
12 recommendations to the transit district on the proposed location  
13 of the transit facilities, shall consider whether the proposed  
14 location is consistent with the circulation and transportation  
15 element of its general plan.

16 SEC. 6. Section 75.9 of the Streets and Highways Code is  
17 amended to read:

18 75.9. Upon the selection, adoption, and determination of the  
19 location for a state highway or freeway, the commission shall  
20 notify all planning agencies and legislative bodies having  
21 responsibility pursuant to Section 65300 of the Government  
22 Code for the adoption of the general plan or plans in the area  
23 affected by the commission action. Within 90 days after receipt  
24 of such notice, all planning agencies and legislative bodies shall  
25 revise the circulation and transportation element of their general  
26 plans to reflect the commission action.

27 SEC. 7. Section 21101 of the Vehicle Code is amended to  
28 read:

29 21101. Local authorities, for those highways under their  
30 jurisdiction, may adopt rules and regulations by ordinance or  
31 resolution on the following matters:

32 (a) Closing any highway to vehicular traffic when, in the  
33 opinion of the legislative body having jurisdiction, the highway  
34 is either of the following:

- 35 (1) No longer needed for vehicular traffic.
- 36 (2) The closure is in the interests of public safety and all of the  
37 following conditions and requirements are met:

38 (A) The street proposed for closure is located in a county with  
39 a population of 6,000,000 or more.

1 ~~(B) The street has an unsafe volume of traffic and a significant~~  
2 ~~incidence of crime.~~

3 ~~(C) The affected local authority conducts a public hearing on~~  
4 ~~the proposed street closure.~~

5 ~~(D) Notice of the hearing is provided to residents and owners~~  
6 ~~of property adjacent to the street proposed for closure.~~

7 ~~(E) The local authority makes a finding that closure of the~~  
8 ~~street likely would result in a reduced rate of crime.~~

9 ~~(b) Designating any highway as a through highway and~~  
10 ~~requiring that all vehicles observe official traffic control devices~~  
11 ~~before entering or crossing the highway or designating any~~  
12 ~~intersection as a stop intersection and requiring all vehicles to~~  
13 ~~stop at one or more entrances to the intersection.~~

14 ~~(c) Prohibiting the use of particular highways by certain~~  
15 ~~vehicles, except as otherwise provided by the Public Utilities~~  
16 ~~Commission pursuant to Article 2 (commencing with Section~~  
17 ~~1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities~~  
18 ~~Code.~~

19 ~~(d) Closing particular streets during regular school hours for~~  
20 ~~the purpose of conducting automobile driver training programs in~~  
21 ~~the secondary schools and colleges of this state.~~

22 ~~(e) Temporarily closing a portion of any street for~~  
23 ~~celebrations, parades, local special events, and other purposes~~  
24 ~~when, in the opinion of local authorities having jurisdiction or a~~  
25 ~~public officer or employee that the local authority designates by~~  
26 ~~resolution, the closing is necessary for the safety and protection~~  
27 ~~of persons who are to use that portion of the street during the~~  
28 ~~temporary closing.~~

29 ~~(f) Prohibiting entry to, or exit from, or both, from any street~~  
30 ~~by means of islands, curbs, traffic barriers, or other roadway~~  
31 ~~design features to implement the circulation and transportation~~  
32 ~~element of a general plan adopted pursuant to Article 5~~  
33 ~~(commencing with Section 65300) of Chapter 3 of Division 1 of~~  
34 ~~Title 7 of the Government Code. The rules and regulations~~  
35 ~~authorized by this subdivision shall be consistent with the~~  
36 ~~responsibility of local government to provide for the health and~~  
37 ~~safety of its citizens.~~

38 ~~SEC. 8. Section 35701 of the Vehicle Code is amended to~~  
39 ~~read:~~

1     ~~35701. (a) Any city, or county for a residence district, may,~~  
2 ~~by ordinance, prohibit the use of a street by any commercial~~  
3 ~~vehicle or by any vehicle exceeding a maximum gross weight~~  
4 ~~limit, except with respect to any vehicle which is subject to~~  
5 ~~Sections 1031 to 1036, inclusive, of the Public Utilities Code,~~  
6 ~~and except with respect to vehicles used for the collection and~~  
7 ~~transportation of garbage, rubbish, or refuse using traditionally~~  
8 ~~used routes in San Diego County when the solid waste~~  
9 ~~management plan prepared under Section 66780.1 of the~~  
10 ~~Government Code is amended to designate each traditionally~~  
11 ~~used route used for the purpose of transporting garbage, rubbish,~~  
12 ~~or refuse which intersects with a local or regional arterial~~  
13 ~~circulation route contained within a city or county's traffic~~  
14 ~~circulation and transportation element and which provides access~~  
15 ~~to a solid waste disposal site.~~

16     ~~(b) The ordinance shall not be effective until appropriate signs~~  
17 ~~are erected indicating either the streets affected by the ordinance~~  
18 ~~or the streets not affected, as the local authority determines will~~  
19 ~~best serve to give notice of the ordinance.~~

20     ~~(c) No ordinance adopted pursuant to this section after~~  
21 ~~November 10, 1969, shall apply to any state highway which is~~  
22 ~~included in the National System of Interstate and Defense~~  
23 ~~Highways, except an ordinance which has been approved by a~~  
24 ~~two-thirds vote of the California Transportation Commission.~~

25     ~~(d) The solid waste management plan prepared under Section~~  
26 ~~66780.1 of the Government Code by San Diego County may~~  
27 ~~designate the traditionally used routes.~~

28     ~~(e) "Traditionally used route," for purposes of this section,~~  
29 ~~means any street used for a period of one year or more as access~~  
30 ~~to or from a solid waste disposal site.~~