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SB-848 Transportation. (2017-2018)

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Senate Bill No. 848

CHAPTER 46

An act to add Section 14669.18 to the Government Code, to amend Section 6971 of the Public Contract Code, to add Section 99232.7 to the Public Utilities Code, to amend Section 2034 of, and to add and repeal Section 114.5 of, the Streets and Highways Code, and to amend Sections 1685 and 5205.5 of the Vehicle Code, relating to transportation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2018. Filed with Secretary of State June 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 848, Committee on Budget and Fiscal Review. Transportation.

(1) Existing law authorizes the Department of General Services to enter into agreements for the purchase and development of various state facilities. The exercise of certain of these authorizations is conditioned upon the approval of other state departments or upon entering into agreements with other governmental entities.

This bill would authorize the Department of General Services, with the consent of the Department of the California Highway Patrol, to enter into a lease-purchase agreement, or lease with an option to purchase agreement, for a build-to-suit office facility to replace the California Highway Patrol area office in Tracy in San Joaquin County. The bill would require the facility to be designed and built to standards prescribed in the Essential Services Buildings Seismic Safety Act of 1986 and be subject to oversight and inspection in a manner consistent with state infrastructure projects. The bill would prescribe certain characteristics that the facility would be anticipated to contain. The bill would require a lease and related agreements authorized by its provisions to be subject to Department of Finance approval of its terms and conditions, as well as specified legislative notice requirements and approval pursuant to the Property Acquisition Law.

(2) Existing law governing public contracting authorizes regional transportation agencies, as defined, to use the Construction Manager/General Contractor (CM/GC) project delivery method, as specified, to design and construct certain expressways and bridges if there is an evaluation of the traditional design-bid-build method of construction and of the CM/GC method and the board of the regional transportation agency adopts the method in a public meeting. Existing law defines the term "project" for these purposes to mean the construction of an expressway that is not on the state highway system, the construction of specified bridges that are not on the state highway system, and specified projects in the County of Riverside. Existing law defines the term "regional transportation agency" for these purposes to include specified entities and specified categories of entities. Existing law requires that specified information provided to a regional transportation agency under the CM/GC method be verified under oath.

This bill would include in the definition of "project" the construction, alteration, repair, rehabilitation, or improvement of the Golden Gate Bridge. The bill would include the Golden Gate Bridge, Highway and Transportation District in the definition of "regional transportation agency." By expanding the scope of the existing crime of perjury, the bill would impose a state-mandated local program.

The bill would make legislative findings and declarations as to the necessity of a special statute for the Golden Gate Bridge, Highway and Transportation District.

(3) Existing law requires that $\frac{1}{4}\%$ of the local sales and use tax be transferred to the local transportation fund of each county for allocation, as directed by the transportation planning agency, for various transportation purposes. Existing law, after deductions for administration and various other transportation purposes, generally requires the remaining revenues in the local transportation fund to be used for transit purposes in urbanized areas of counties with a population of 500,000 or more, but allows these revenues to also be used for streets and roads, or for other specified purposes in smaller counties, in nonurbanized areas of the larger counties, and in cities with a population of 100,000 or less within an urbanized area of a larger county, as specified, if the transportation planning agency finds that there are no unmet transit needs or no unmet transit needs that are reasonable to meet. Existing law, notwithstanding these provisions, requires the remaining local transportation fund revenues in the County of Ventura to be used for transit purposes.

Existing law provides that a transportation planning agency, prior to making any allocation of revenues from the local transportation fund that are not directly related to transit or certain other purposes, is required to consult with the social services transportation advisory council, and to identify the unmet transit needs of the jurisdiction and those needs that are reasonable to meet, following a public hearing.

This bill, notwithstanding these provisions, would provide that the Ventura County Transportation Commission may allocate local transportation fund revenues apportioned to the City of Thousand Oaks for local streets and roads and other specified purposes.

(4) Existing law provides that the Department of Transportation shall have full possession and control of the state highway system and associated property. Existing law provides for cooperative agreements between the department and public entities for the performance of work by the department and those entities and apportionment of associated expenses.

This bill, until July 1, 2021, would prohibit the department from charging any self-help counties with countywide sales tax measures dedicated to transportation improvements more than 10% for administration indirect cost recovery, as outlined in the department's Indirect Cost Recovery Proposal, and would require the department to charge those self-help counties for functional overhead. The bill would require the department to report, on or before July 1, 2021, to the Legislature on the type and amount of engineering work performed annually for self-help counties pursuant to these provisions for the 2018–19, 2019–20, and 2020–21 fiscal years.

(5) Existing law creates the Road Maintenance and Rehabilitation Program and, after certain allocations for the program are made, requires the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or for purposes of the state highway operation and protection program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Prior to receiving an apportionment of funds under the program from the Controller in a fiscal year, existing law requires a city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Existing law authorizes an eligible city or county to expend other funds on eligible projects and to reimburse the source of those other funds when it receives its apportionment from the Controller.

This bill would specify that reimbursement of those other funds when the eligible city or county receives its apportionments from the Controller may occur over one or more years.

(6) Existing law authorizes the Department of Motor Vehicles to establish contracts for electronic programs that allow qualified private industry partners to join the department in providing services that include processing and payment programs for vehicle registration and titling transactions, and services related to reporting vehicle sales and producing temporary license plates. Existing law requires the department to charge a \$3 transaction fee for the provision of the information and services, and to deposit the fees collected into the Motor Vehicle Account. Existing law authorizes the private industry partner to pass on the transaction fee to the customer, as specified.

This bill would require the department to impose an additional \$1 transaction fee for implementation of the private industry partners' proportionate share of departmentwide system improvements, and would prohibit a private industry partner from passing on the additional fee to the customer. The bill would discontinue imposition of the additional transaction fee when the Director of Motor Vehicles determines that sufficient funds for the system improvements have been received, or on December 31, 2023, whichever occurs first. If sufficient funds are received first, the bill would require the director to execute and retain a declaration making that determination, and post the declaration on the department's Internet Web site.

(7) Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs). Existing federal law authorizes, until September 30, 2019, a state to allow low emission and energy-efficient vehicles to use lanes designated for HOVs without regard to vehicle occupancy. Existing federal law also authorizes, until September 30, 2025, a state to allow alternative fuel vehicles and new qualified plug-in electric drive motor vehicles to use those HOV lanes without regard to vehicle occupancy. Existing law also authorizes super ultra-low emission vehicles (SULEV),

advanced technology partial zero-emission vehicles (AT PZEV), or transitional zero-emission vehicles (TZEV), that display a valid identifier issued by the Department of Motor Vehicles to use these HOV lanes without regard to vehicle occupancy until January 1, 2019, or until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. Existing law makes the use by a single occupant vehicle of an HOV lane without those identifiers a crime. Existing law makes SULEV, AT PZEV, and TZEV identifiers issued between January 1, 2017, and January 1, 2019, valid until January 1, 2019, those issued on or after January 1, 2019, valid until January 1, 2022, and those issued on or after January 1, 2019, valid until January 1 of the 4th year after the year in which they were issued. Existing law generally prohibits issuing an identifier for a vehicle more than once.

This bill would make SULEV, AT PZEV, and TZEV identifiers issued between January 1, 2017, and March 1, 2018, valid until January 1, 2019, would make those issued between March 1, 2018, and January 1, 2019, valid until January 1, 2022, and would make those issued on or after March 1, 2018, for a vehicle that had previously been issued an identifier, valid until January 1, 2022. The bill would make additional conforming changes.

(8) 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.

(9) This bill would appropriate \$8,000,000 from the General Fund to the State Transportation Agency for allocation to the Los Angeles County Metropolitan Transportation Agency for the River to Rails Project, as specified, subject to certain conditions.

(10) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14669.18 is added to the Government Code, to read:

14669.18. (a) The Department of General Services, with the consent of the Department of the California Highway Patrol, may enter into a lease-purchase agreement, or lease with an option to purchase agreement, for a build-to-suit office facility to replace the California Highway Patrol area office in Tracy in the County of San Joaquin. The new facility shall be located in the California Highway Patrol's Tracy service area and shall be designed and built to standards prescribed in the Essential Services Buildings Seismic Safety Act of 1986 (Chapter 2 (commencing with Section 16000) of Division 12.5 of the Health and Safety Code). This replacement facility project shall have oversight and inspection in a manner consistent with state infrastructure projects. The facility shall be anticipated to contain approximately 25,000 square feet of office space together with ancillary improvements to include, but not be limited to, an automotive service area, a fuel island, a truck and bus citation clearance area, a communications tower with radio vault, public parking for the main building, and secured parking for patrol vehicles.

(b) Any lease and all related agreements authorized by this section are subject to Department of Finance approval, the legislative notice requirements prescribed in Section 13332.10, and the Property Acquisition Law (Part 11 (commencing with Section 15850)).

SEC. 2. Section 6971 of the Public Contract Code is amended to read:

6971. (a) The Legislature finds and declares that the County of Riverside should be considered a transportation planning agency for the purposes of this chapter in order to effectuate the construction of the railroad grade separations and bridge rehabilitations and replacements specified in subparagraph (C) of paragraph (4) of subdivision (b) using Construction Manager/General Contractor authority. The passage of the Road Repair and Accountability Act of 2017 (Chapter 5 of the Statutes of 2017) provides additional transportation revenue to help close the significant funding shortfalls and address the substantial backlog of infrastructure projects that are in need of repair. The geography, topography, and location of these railroad grade separations and bridge rehabilitations and replacements projects present many potential complex challenges, and the Construction Manager/General Contractor method could reduce delays and ensure that those challenges are fully understood at the outset of construction.

(b) For purposes of this chapter, the following definitions apply:

(1) "Construction manager" means a partnership, corporation, or other legal entity that is able to provide appropriately licensed contracting and engineering services as needed pursuant to a Construction Manager/General Contractor method contract.

(2) "Construction Manager/General Contractor method" means a project delivery method in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the

construction phase of the project. The contract for construction services may be entered into at the same time as the contract for preconstruction services, or at a later time. The execution of the design and the construction of the project may be in sequential phases or concurrent phases.

(3) "Preconstruction services" means advice during the design phase, including, but not limited to, scheduling, pricing, and phasing to assist the regional transportation agency to design a more constructible project.

(4) "Project" means any of the following:

(A) The construction of an expressway that is not on the state highway system.

(B) The construction of the following bridges that are not on the state highway system:

(i) Yerba Buena Island (YBI) West Side Bridges Seismic Retrofit Project.

(ii) Yankee Jims Road Bridge Project in the County of Placer (Replacement/Rehabilitation).

(C) The construction of railroad grade separations and bridge rehabilitations and replacements in the County of Riverside, as specified in Item 2660-110-0042 of Section 2.00 of the Budget Act of 2016, as amended by Chapter 7 of the Statutes of 2017.

(D) The construction, alteration, repair, rehabilitation, or improvement of the Golden Gate Bridge, as defined in Section 27502 of the Streets and Highways Code.

(5) "Regional transportation agency" means any of the following:

(A) A transportation planning agency described in Section 29532 or 29532.1 of the Government Code.

(B) A county transportation commission established under Section 130050, 130050.1, or 130050.2 of the Public Utilities Code.

(C) Any other local or regional transportation entity that is designated by statute as a regional transportation agency.

(D) A joint exercise of powers authority established pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, with the consent of a transportation planning agency or a county transportation commission for the jurisdiction in which the transportation project will be developed.

(E) A local transportation authority created or designated pursuant to Division 12.5 (commencing with Section 131000) or Division 19 (commencing with Section 180000) of the Public Utilities Code.

(F) The Santa Clara Valley Transportation Authority established pursuant to Part 12 (commencing with Section 100000) of Division 10 of the Public Utilities Code.

(G) The County of Placer.

(H) The County of Riverside.

(I) The Golden Gate Bridge, Highway and Transportation District established pursuant to Chapter 18 (commencing with Section 27500) of Part 3 of Division 16 of the Streets and Highways Code

(c) Nothing in this section shall extend any other authority to the County of Riverside or the Golden Gate Bridge, Highway and Transportation District as a transportation planning agency under any other law.

SEC. 3. Section 99232.7 is added to the Public Utilities Code, to read:

99232.7. (a) Notwithstanding Sections 99232.1 and 99401.5, any local transportation fund apportionments available to the Ventura County Transportation Commission for the City of Thousand Oaks may be allocated for local streets and roads.

(b) Notwithstanding Sections 99232.1 and 99401.5, any local transportation fund apportionments available to the Ventura County Transportation Commission for the City of Thousand Oaks may be allocated for claims under Article 8 (commencing with Section 99400).

SEC. 4. Section 114.5 is added to the Streets and Highways Code, to read:

114.5. (a) Until July 1, 2021, the department shall not charge any self-help counties with countywide sales tax measures dedicated to transportation improvements more than 10 percent for administration indirect cost recovery, as outlined in the department's Indirect Cost Recovery Proposal. The department shall charge those self-help counties for functional overhead.

(b) On or before July 1, 2021, the department shall report to the Legislature, consistent with Section 9795 of the Government Code, on the type and amount of engineering work performed annually for self-help counties pursuant to Section 114 and this section for the 2018–19, 2019–20, and 2020–21 fiscal years.

(c) This section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed.

SEC. 5. Section 2034 of the Streets and Highways Code is amended to read:

2034. (a) (1) Prior to receiving an apportionment of funds under the program pursuant to paragraph (2) of subdivision (h) of Section 2032 from the Controller in a fiscal year, an eligible city or county shall submit to the commission a list of projects proposed to be funded with these funds. All projects proposed to receive funding shall be adopted by resolution by the applicable city council or county board of supervisors at a regular public meeting. The list of projects proposed to be funded with these funds shall include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (b) of Section 2030.

(2) The commission shall submit an initial report to the Controller that indicates the cities and counties that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds under the program for the applicable fiscal year. If the commission receives a list of projects from a city or county after it submits its initial report to the Controller, the commission shall submit a subsequent report to the Controller that indicates the cities and counties that submitted a list of projects after the commission submitted its initial report.

(3) The Controller, upon receipt of the initial report, shall apportion funds to eligible cities and counties.

(4) (A) For any city or county that is not included in the initial report submitted to the Controller pursuant to paragraph (2), the Controller shall retain the monthly share of funds that would otherwise be apportioned and distributed to the city or county pursuant to paragraph (3).

(B) If the Controller receives a subsequent report from the commission within 90 days of receiving the initial report from the commission that a city or county has become eligible to receive an apportionment, the Controller shall apportion the funds retained pursuant to subparagraph (A) to the city or county.

(C) The Controller shall reapportion to all eligible cities and counties pursuant to the formula in clauses (i) and (ii) of subparagraph (C) of paragraph (3) of subdivision (a) of Section 2103 any funds that were retained pursuant to subparagraph (A) but that were not apportioned and distributed pursuant to subparagraph (B).

(b) For each fiscal year, each city or county receiving an apportionment of funds shall, upon expending program funds, submit documentation to the commission that details the expenditures of all funds under the program, including a description and location of each completed project, the amount of funds expended on the project, the completion date, if applicable, and the estimated useful life of the improvement.

(c) Prior to receiving an apportionment of funds under the program pursuant to paragraph (2) of subdivision (h) of Section 2032, an eligible city or county may expend other funds on eligible projects and may reimburse the source of those other funds when it receives its apportionment from the Controller over one or more years.

SEC. 6. Section 1685 of the Vehicle Code is amended to read:

1685. (a) In order to continue improving the quality of products and services it provides to its customers, the department, in conformance with Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, may establish contracts for electronic programs that allow qualified private industry partners to join the department in providing services that include processing and payment programs for vehicle registration and titling transactions, and services related to reporting vehicle sales and producing temporary license plates pursuant to Sections 4456 and 4456.2.

(b) (1) The department may enter into contractual agreements with qualified private industry partners. There are the following three types of private industry partnerships authorized under this section:

(A) First-line business partner is an industry partner that receives data directly from the department and uses it to complete registration and titling activities for that partner's own business purposes.

(B) First-line service provider is an industry partner that receives information from the department and then transmits it to another authorized industry partner.

(C) Second-line business partner is a partner that receives information from a first-line service provider.

(2) The private industry partner contractual agreements shall include the following minimum requirements:

(A) Filing of an application and payment of an application fee, as established by the department.

(B) Submission of information, including, but not limited to, fingerprints and personal history statements, focusing on and concerning the applicant's character, honesty, integrity, and reputation as the department may consider necessary.

(C) Posting a bond in an amount consistent with Section 1815.

(3) The department shall, through regulations, establish any additional requirements for the purpose of safeguarding privacy and protecting the information authorized for release under this section.

(c) The director may establish, through the adoption of regulations, the maximum amount that a qualified private industry partner may charge its customers in providing the services authorized under subdivision (a).

(d) The department shall charge a three-dollar (\$3) transaction fee for the information and services provided pursuant to subdivision (a). The private industry partner may pass on the transaction fee to the customer, but the total charge to a customer may not exceed the amount established by the director under subdivision (c). The department may establish, through the adoption of regulations, exemptions from the transaction fee for transactions other than an original registration or transfer of ownership.

(e) All fees collected by the department pursuant to subdivision (d) shall be deposited in the Motor Vehicle Account. On January 1 of each year, the department shall adjust the fee in accordance with the California Consumer Price Index. The amount of the fee shall be rounded to the nearest whole dollar, with amounts equal to, or greater than, fifty cents (\$0.50) rounded to the next highest whole dollar.

(f) The department shall adopt regulations and procedures that ensure adequate oversight and monitoring of qualified private industry partners to protect vehicle owners from the improper use of vehicle records. These regulations and procedures shall include provisions for qualified private industry partners to periodically submit records to the department, and the department shall review those records as necessary. The regulations shall also include provisions for the dedication of department resources to program monitoring and oversight; the protection of confidential records in the department's files and databases; and the duration and nature of the contracts with qualified private industry partners.

(g) The department shall, annually, by October 1, provide a report to the Legislature that shall include all of the following information gathered during the fiscal year immediately preceding the report date:

(1) Listing of all qualified private industry partners, including names and business addresses.

(2) Volume of transactions, by type, completed by business partners.

(3) Total amount of funds, by transaction type, collected by business partners.

(4) Total amount of funds received by the department.

(5) Description of any fraudulent activities identified by the department.

(6) Evaluation of the benefits of the program.

(7) Recommendations for any administrative or statutory changes that may be needed to improve the program.

(h) Nothing in this section impairs or limits the authority provided in Section 4610 or Section 12155 of the Insurance Code.

(i) (1) In addition to the transaction fee described in subdivision (d), the department shall charge private industry partners a one-dollar (\$1) transaction fee for the implementation of the private industry partners' proportionate share of departmentwide system improvements. A private industry partner shall not pass on this fee to the customer. All fees collected by the department pursuant to this subdivision shall be deposited in the Motor Vehicle Account.

(2) (A) The fee required by this subdivision shall be discontinued when the director determines that sufficient funds have been received to pay for the system improvements as described in paragraph (1), or on December 31, 2023, whichever occurs first. If sufficient funds are received first, the director shall execute a declaration making that determination, which shall be posted on the department's Internet Web site and retained by the director.

(B) This subdivision shall become inoperative when the declaration described in subparagraph (A) has been executed and posted, or on December 31, 2023, whichever occurs first.

SEC. 7. Section 5205.5 of the Vehicle Code is amended to read:

5205.5. (a) For purposes of implementing Section 21655.9, the department shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for the reasonable costs incurred pursuant to this section, and pursuant to the eligibility provisions in subdivision (b), distinctive decals, labels, and other identifiers that clearly distinguish the following vehicles from other vehicles:

(1) A vehicle that meets the state's super ultra-low emission vehicle (SULEV) standard for exhaust emissions and the federal inherently low-emission vehicle (ILEV) evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations.

(2) A vehicle that was produced during the 2004 model year or earlier and meets the state's ultra-low emission vehicle (ULEV) standard for exhaust emissions and the federal ILEV standard. A decal, label, or other identifier issued pursuant to this paragraph is valid until January 1, 2019.

(3) A vehicle that meets the state's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard or transitional zero-emission vehicle (TZEV) standard.

(4) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) before January 1, 2017, is valid until January 1, 2019.

(5) (A) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) on or after January 1, 2017, and before March 1, 2018, is valid until January 1, 2019.

(B) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) between March 1, 2018, and January 1, 2019, is valid until January 1, 2022.

(C) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) on or after March 1, 2018, for a vehicle that had been issued a decal, label, or other identifier pursuant to paragraph (1) or (3) between January 1, 2017, and March 1, 2018, is valid until January 1, 2022.

(6) Except as provided in subparagraph (C) of paragraph (5), a decal, label, or other identifier issued pursuant to paragraph (1) or (3) on or after January 1, 2019, is valid until January 1 of the fourth year after the year of issuance.

(7) Except as provided in subparagraph (C) of paragraph (5), a vehicle shall not be issued a decal, label, or other identifier more than once.

(b) (1) The department shall not issue a decal, label, or other identifier to an applicant who has received a consumer rebate pursuant to the Clean Vehicle Rebate Project, established as part of the Air Quality Improvement Program pursuant to Article 3 (commencing with Section 44274) of Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code, for a vehicle purchased on or after January 1, 2018, unless the rebate was issued to a buyer whose gross annual income falls below one hundred fifty thousand dollars (\$150,000) for a person who files a tax return as a single person, two hundred four thousand dollars (\$204,000) for a person who files a tax return as a head of household, and three hundred thousand dollars (\$300,000) for a person who files a joint tax return.

(2) The department shall collaborate with the State Air Resources Board to establish procedures to implement this subdivision, including, but not limited to, all of the following:

(A) The application form for a decal, label, or other identifier issued pursuant to this section and the application for a rebate under the Clean Vehicle Rebate Project shall include a statement indicating that the applicant cannot participate in both programs unless the applicant meets the income restrictions in paragraph (1). Each application shall require the applicant to provide a signature to confirm that the applicant understands this condition.

(B) Notify consumers of the eligibility criteria and conditions using existing education and outreach efforts.

(C) Establish appropriate compliance and enforcement measures.

(D) Establish information sharing between the department and the board to implement the requirements of this subdivision.

(c) The department shall include a summary of the provisions of this section on each motor vehicle registration renewal notice, or on a separate insert, if space is available and the summary can be included without incurring additional printing or postage costs.

(d) The Department of Transportation shall remove individual HOV lanes, or portions of those lanes, during periods of peak congestion from the access provisions provided in subdivision (a), following a finding by the Department of Transportation as follows:

(1) The lane, or portion of the lane, exceeds a level of service C, as discussed in subdivision (b) of Section 65089 of the Government Code.

(2) The operation or projected operation of the vehicles described in subdivision (a) in these lanes, or portions of those lanes, will significantly increase congestion.

(3) The finding shall also demonstrate the infeasibility of alleviating the congestion by other means, including, but not limited to, reducing the use of the lane by noneligible vehicles or further increasing vehicle occupancy.

(e) The State Air Resources Board shall publish and maintain a list of all vehicles eligible for participation in the programs described in this section. The board shall provide that list to the department.

(f) (1) For purposes of subdivision (a), the Department of the California Highway Patrol and the department, in consultation with the Department of Transportation, shall design and specify the placement of the decal, label, or other identifier on the vehicle. Each decal, label, or other identifier issued for a vehicle shall display a unique number, which shall be printed on, or affixed to, the vehicle registration.

(2) Except as provided in subparagraph (C) of paragraph (5) of subdivision (a), decals, labels, or other identifiers issued pursuant to paragraph (1) or (3) of subdivision (a) before January 1, 2019, shall be distinguishable from the decals, labels, or other identifiers issued on or after January 1, 2019.

(g) If the Metropolitan Transportation Commission, serving as the Bay Area Toll Authority, grants toll-free and reduced-rate passage on toll bridges under its jurisdiction to a vehicle pursuant to Section 30102.5 of the Streets and Highways Code, it shall also grant the same toll-free and reduced-rate passage to a vehicle displaying a valid identifier issued by the department pursuant to paragraph (1) or (2) of subdivision (a).

(h) (1) Notwithstanding Section 21655.9, and except as provided in paragraph (2), a vehicle described in subdivision (a) that displays a valid decal, label, or identifier issued pursuant to this section shall be granted a toll-free or reduced-rate passage in high-occupancy toll lanes as described in Section 149.7 of the Streets and Highways Code unless prohibited by federal law.

(2) (A) Paragraph (1) does not apply to the imposition of a toll imposed for passage on a toll road or toll highway, that is not a high-occupancy toll lane as described in Section 149.7 of the Streets and Highways Code.

(B) Paragraph (1) does not apply to the imposition of a toll charged for crossing a state-owned bridge.

(i) If the Director of Transportation determines that federal law does not authorize the state to allow vehicles that are identified by distinctive decals, labels, or other identifiers on vehicles described in subdivision (a) to use highway lanes or highway access ramps for high-occupancy vehicles regardless of vehicle occupancy, the Director of Transportation shall submit a notice of that determination to the Secretary of State.

(j) This section shall become inoperative on the date the federal authorization pursuant to Section 166 of Title 23 of the United States Code expires, or the date the Secretary of State receives the notice described in subdivision (i), whichever occurs first.

(k) If this section becomes inoperative pursuant to subdivision (j) the driver of a vehicle with an otherwise valid decal, label, or other identifier issued pursuant to this section shall not be cited for a violation of Section 21655.9 within 60 days of the date that this section becomes inoperative.

(l) This section is repealed as of September 30, 2025.

SEC. 8. In regard to Section 2 of this act, the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances regarding the Golden Gate Bridge, Highway and Transportation District.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 10. The sum of eight million dollars (\$8,000,000) is hereby appropriated to the State Transportation Agency from the General Fund for allocation to the Los Angeles County Metropolitan Transportation Agency for the River to Rails Project, a project that is intended to transform blighted and abandoned rail right-of-way across southern Los Angeles County into an active transportation corridor. Following a signed baseline agreement between the State Transportation Agency and the Los Angeles County Metropolitan Transportation Agency that articulates deliverables, the anticipated expenditure schedule, and reporting

requirements, the Secretary of Transportation shall transfer funds to the Los Angeles County Metropolitan Transportation Agency pursuant to the provisions of the baseline agreement.

SEC. 11. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.