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AB-335 Imperial County Transportation Commission. (2019-2020)

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Assembly Bill No. 335

CHAPTER 11

An act to amend Section 132820 of, and to add Section 132822 to, the Public Utilities Code, and to amend Section 2551 of the Streets and Highways Code, relating to transportation.

[Approved by Governor June 26, 2019. Filed with Secretary of State June 26, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 335, Eduardo Garcia. Imperial County Transportation Commission.

Existing law creates the Imperial County Transportation Commission, requires the commission's governing board, among other things, to adopt an annual budget, and establishes certain notice requirements relating to the adoption of the annual budget. Existing law requires the commission to prepare a short-range transportation plan and a specified short-range transit plan, and to administer certain transportation moneys. Existing law authorizes the commission to use up to 3% of those transportation moneys for purposes of carrying out its planning and programming responsibilities.

This bill would expressly limit the use of those transportation moneys to only its transportation planning and programming responsibilities. The bill would authorize the commission, in cooperation with local agencies, as defined, that elect to participate, to assist those agencies in the coordination, administration, and implementation of programs and policies. The bill would authorize the commission to evaluate, develop, and implement specified nontransportation programs that it determines would provide local benefits by consolidating and sharing costs and resources, by facilitating local agency cooperation, or by operating under the commission's management. The bill would expressly authorize the commission to function as a regional agency for purposes of the development of an integrated waste management plan and as a service authority for freeway emergencies, as specified. The bill would prohibit the commission from using transportation moneys for nontransportation purposes.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 132820 of the Public Utilities Code is amended to read:

132820. The commission may do any of the following:

- (a) Use up to 3 percent of the revenues in the local transportation fund for purposes of carrying out its transportation planning and programming responsibilities.
- (b) Sue and be sued.
- (c) Enter into contracts with qualified vendors to further the purposes of the commission.

(d) Do any and all things necessary to carry out the purposes of this division.

SEC. 2. Section 132822 is added to the Public Utilities Code, to read:

132822. (a) The commission, in cooperation with local agencies that elect to participate, may, within the boundaries of the County of Imperial, assist those agencies in the coordination, administration, and implementation of programs and policies.

(b) (1) The commission may evaluate, develop, and implement nontransportation programs that it determines would provide local benefits by consolidating and sharing costs and resources, by facilitating local agency cooperation, or by operating under the commission's management. These nontransportation programs include providing animal control services, waste management services, emergency response services, and multiagency communication services during countywide natural disasters such as earthquakes, fires, and floods.

(2) The commission may develop or implement a nontransportation program only upon a majority vote of, and the adoption of a resolution by, the commission's board.

(c) Consistent with this section, the commission may function as a regional agency for purposes of Article 3 (commencing with Section 40970) of Chapter 1 of Part 2 of Division 30 of the Public Resources Code.

(d) Consistent with this section, the commission, upon adoption of a resolution by its board, may function as the service authority for freeway emergencies for the County of Imperial pursuant to Section 2551 of the Streets and Highways Code.

(e) The commission may apply for, and receive, moneys and grants available to carry out its functions.

(f) (1) The commission shall not use transportation moneys for nontransportation purposes.

(2) Revenues from the County of Imperial sales tax extended pursuant to local Measure D, which was approved by voters at the November 4, 2008, statewide general election, shall not be used for purposes of this section.

(g) For purposes of this section, "local agency" means a county, city, whether general law or chartered, city and county, town, municipal corporation, district, political subdivision, or any board, commission, or agency thereof, or other local public agency.

SEC. 3. Section 2551 of the Streets and Highways Code is amended to read:

2551. (a) A service authority for freeway emergencies may be established in any county if the board of supervisors of the county and the city councils of a majority of the cities within the county having a majority of the population of cities within the county adopt resolutions providing for the establishment of the authority.

(b) The resolutions may designate the county transportation commission for the county created pursuant to Division 12 (commencing with Section 130000) of the Public Utilities Code or a council of governments formed pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) as the service authority for freeway emergencies. The powers of a commission or council of governments so designated are limited to those of the service authority.

(c) The Metropolitan Transportation Commission may function as the service authority for freeway emergencies in any or all of the Counties of Santa Clara, San Mateo, Alameda, Contra Costa, Marin, Solano, Sonoma, and Napa, and the City and County of San Francisco, upon adoption of a resolution by the commission to act as a service authority and upon ratification of the commission's resolution in a particular county by the board of supervisors of the city and county or by the board of supervisors of the county and by the city councils of the cities within the county having a majority of the population of the cities within the county.

(d) (1) The Sacramento Area Council of Governments may function as the service authority for freeway emergencies in any or all of the Counties of Sacramento, Yolo, Yuba, Sutter, and San Joaquin, or any other county that is not within another multicounty service authority, upon adoption of a resolution by the council to act as a service authority and upon ratification of the resolution in a particular county by the board of supervisors of the county and by the city councils of the cities within the county having a majority of the population of the cities within the county.

(2) The Sacramento Area Council of Governments may also exercise, as a service authority, in any of those counties, the powers specified in Section 891.5 pertaining to callboxes on class 1 bikeways.

(e) The Imperial County Transportation Commission may function as the service authority for freeway emergencies in the County of Imperial pursuant to Section 132822 of the Public Utilities Code upon adoption of a resolution by the commission to act as a service authority and upon ratification of the resolution by the board of supervisors of the county and by the city councils of the cities within the county having a majority of the population of the cities within the county.

(f) As used in this chapter, “authority” and “service authority” mean a service authority for freeway emergencies created pursuant to this chapter.