

AMENDED IN ASSEMBLY SEPTEMBER 10, 2007

AMENDED IN ASSEMBLY SEPTEMBER 7, 2007

AMENDED IN ASSEMBLY JULY 9, 2007

SENATE BILL

No. 976

Introduced by Senator Torlakson

February 23, 2007

An act to repeal and add Title 7.10 (commencing with Section 66540) of the Government Code, and to amend Sections 30913 and 30914 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 976, as amended, Torlakson. San Francisco Bay Area Water Emergency ~~transportation~~ *Transportation* Authority.

Existing law creates the San Francisco Bay Area Water Transit Authority (WTA) with specified powers and duties relative to the development of a plan for implementation and operation of a water transit system on San Francisco Bay.

This bill would repeal those provisions and establish the San Francisco Bay Area Water Emergency Transportation Authority (WETA) with specified powers and duties, including, but not limited to, the authority to, among other things, coordinate the emergency activities of all water transportation and related facilities within the bay area region, as defined. The bill would require the WTA to transfer, among other things, the title and ownership of all property within its control to the WETA. The bill would also require the transfer to the WETA of funds designated for the WTA and all public transportation ferries and related water transportation services and facilities within the bay area region, as specified. The bill would provide that the WETA is as fully entitled to

new allocation or distribution of funds as if it were the WTA. The bill would require the WETA to be governed by a board composed of five members appointed by the Governor, ~~subject to confirmation by the Senate~~ *the Senate Committee on Rules, and the Speaker of the Assembly*, as specified, and would set forth various duties and powers of the board. The bill would require the WETA to create and adopt, in cooperation with the Metropolitan Transportation Commission and the State Office of Emergency Services, among other agencies, an emergency water transportation system management plan for water transportation services in the bay area region and a related transition plan, as specified. *The bill would require adoption of the management plan on or before July 1, 2009, and adoption of the transition plan on or before January 1, 2009, and would require the WETA to provide a copy of the plans to each city and county in the bay area region at least 45 days prior to the plans' adoption.* The bill would require the ~~authority~~ WETA to set fares for travel on the water transportation system it operates and would authorize the ~~authority~~ WETA to issue bonds, levy special benefit assessments, and borrow money, as specified. The bill would require that represented employees of the WTA become employees of the WETA and suffer no loss of employment ~~of~~ or reduction in wages or health benefits, among other things. The bill would prescribe related matters with regard to the powers and duties of the WETA.

By imposing those duties on the WETA, the bill would impose a state-mandated local program.

Existing law requires the Metropolitan Transportation Commission to allocate certain amounts of the toll increase approved in 1988 for specified purposes.

This bill would require ~~the allocation of those amounts to the WETA for those purposes~~ *that funds made available for rapid water transit systems pursuant to that provision be allocated to the WETA.*

Existing law authorizes the funding of certain projects and programs in the Regional Traffic Relief Plan from toll bridge revenues, as specified, and identifies the WTA as the project sponsor for certain of those projects.

This bill would instead identify the WETA as the project sponsor in place of the WTA.

Existing law specifies that one of the projects in the Regional Traffic Relief Plan is the purchase of 2 vessels for ferry services between Alameda and Oakland areas and San Francisco. Existing law authorizes the WTA to use the funds for terminal improvements if the WTA

demonstrates to the Metropolitan Transportation Commission that it has secured alternative funding for those vessel purchases.

This bill would also authorize the WETA to use the funds for consolidation of existing ferry operations if the WETA demonstrates to the Metropolitan Transportation Commission that it has secured that alternative funding.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Title 7.10 (commencing with Section 66540) of
2 the Government Code is repealed.

3 SEC. 2. Title 7.10 (commencing with Section 66540) is added
4 to the Government Code, to read:

5

6 TITLE 7.10. SAN FRANCISCO BAY AREA WATER
7 EMERGENCY TRANSPORTATION RESPONSE AND
8 DISASTER RECOVERY ACT

9

10 CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY

11

12 66540. This title shall be known and may be cited as the San
13 Francisco Bay Area Water Emergency Transportation Response
14 and Disaster Recovery Act.

15 66540.1. The Legislature hereby finds and declares all of the
16 following:

17 (a) In 1999, based on the findings and analyses in a study
18 sponsored by the Bay Area Council, the Legislature created the
19 San Francisco Bay Area Water Transit Authority for the purposes
20 of preparing a bay area water transit implementation and operations
21 plan and operating a comprehensive regional public water
22 transportation system. In 2002, after two years of study, public
23 hearings, collaboration with existing Bay Area transit and public
24 transportation ferry service providers, and peer review, the San

1 Francisco Bay Area Water Transit Authority submitted the required
2 plan to the Legislature. The plan included rationale for expanded
3 ferries, ridership projections and routes, potential terminal
4 locations, capital, operating and maintenance costs, vessel
5 specification, and emergency and safety response capabilities.

6 (b) While the efforts of the existing San Francisco Bay Area
7 Water Transit Authority to develop a regional water transit plan
8 are commendable, the country has seen several significant disasters,
9 including the 9/11 tragedy and Hurricane Katrina, which have
10 emphasized the need for coordinated emergency response. From
11 the lessons learned from these events, it is apparent that the bay
12 area's current emergency response infrastructure is not sufficient
13 to respond to emergencies of the magnitude witnessed in the past
14 few years and anticipated in the future.

15 (c) In 2006, the Bay Area Council sponsored a study on the role
16 a comprehensive public water transportation system would play
17 in the bay area's emergency response infrastructure. The 2006
18 study found that a comprehensive water transportation system is
19 vital to emergency preparedness and response for the region. If
20 bridges, roads, highways, tunnels, and trains are out of service as
21 a result of an emergency, only the waters of the bay are certain to
22 remain open for traffic. However, current infrastructure and
23 equipment capabilities are grossly inadequate. Ferry terminals
24 exist in only a few locations on the bay, and the vessel fleet lacks
25 the capacity to make up for even one out-of-service bridge. The
26 few vessels that exist are in the hands of many different public and
27 private owners and operators, and there is no detailed plan or
28 identified leader to activate and coordinate them.

29 (d) The study further urged for action to be taken immediately
30 to strengthen and expand the regional public water transportation
31 system so that the bay area would be prepared in the event of a
32 catastrophic emergency. The San Francisco Bay Area is almost
33 certain to experience moderate to severe earthquakes in the
34 foreseeable future. A major earthquake or a series of earthquakes
35 on any of the region's faults would have the potential of closing
36 thousands of area roads and rendering some or all transbay bridges
37 and mass transit lines impassable. With the regional transportation
38 system disabled, first responders would be unable to help tens of
39 thousands of homeless, injured, and starving victims. A failure of
40 transportation would be particularly devastating to the most

1 vulnerable of our population, the elderly, children, and the poor.
2 The loss of any portion of the regional transportation system, from
3 either natural or man made disaster, would place lives and property
4 at risk and would seriously undermine the San Francisco Bay Area
5 economy

6 (e) It is the responsibility of the state to protect and preserve
7 the right of its citizens to a safe and peaceful existence. To
8 accomplish this goal and to minimize the destructive impact of
9 disasters and other massive emergencies, the actions of numerous
10 public agencies must be coordinated to effectively manage all four
11 phases of emergency activity: preparedness, mitigation, response,
12 and recovery. It is a matter of statewide interest to establish an
13 expanded and coordinated regional water transportation system to
14 provide necessary security, flexibility, and mobility for disaster
15 response and recovery in the San Francisco Bay Area. This
16 transcends any local interest, and requires a single governmental
17 entity with appropriate powers and scope of authority to serve this
18 statewide interest.

19 (f) As emergencies and other catastrophic events are certain
20 (only the timing is unpredictable), it is crucial for immediate action
21 to be taken to develop and implement these emergency response
22 strategies. It is not only impractical, but rather impossible, to cobble
23 together an emergency water transportation system after the fact.
24 It is a task of years, not months, to make the real changes and
25 create the essential infrastructure for an integrated and
26 comprehensive water transit emergency system. In light of the
27 ever-present threat, it is imperative to begin this crucial effort
28 without delay.

29 (g) The public interest requires swift action and steadfast resolve
30 to prepare for the coming earthquakes, as well as other
31 emergencies, with the speed and determination that is due for a
32 threat of this magnitude. The water transit emergency response
33 and recovery system must be fully implemented as quickly as
34 possible, as if the lives of bay area residents depend on it, because
35 they do.

36 (h) It is a matter of statewide interest to stimulate the maximum
37 use of the San Francisco Bay for emergency response and recovery.
38 The geographical situation of the San Francisco Bay makes it ideal
39 for emergency response and recovery, but at the same time prevents
40 the full utilization of the bay by acting as a physical barrier to an

1 effective transportation system between the various jurisdictions
 2 surrounding the bay. Only a specially created local entity of
 3 regional government can freely operate in the numerous individual
 4 units of county, city and county, and city governments located in
 5 the area. In order to protect the lives and livelihoods of the bay
 6 area, the Legislature in this act establishes a new governmental
 7 entity specifically charged and empowered with the responsibility
 8 to plan, implement, and manage these critical services and facilities,
 9 as a matter of the utmost urgency.

10 66540.2. It is the intent of the Legislature in enacting this title
 11 to provide for a unified, comprehensive institutional structure for
 12 the ownership and governance of a water transportation system
 13 that shall provide comprehensive water transportation and
 14 emergency coordination services for the bay area region. It is
 15 further the intent of the Legislature that the authority established
 16 by this act shall succeed to the powers, duties, obligations,
 17 liabilities, immunities, and exemptions of any general purpose
 18 local government or special district that operates or sponsors water
 19 transit, except the Golden Gate Bridge, Highway and
 20 Transportation District.

21
 22 CHAPTER 2. DEFINITIONS
 23

24 66540.3. Unless the context otherwise requires, the definitions
 25 set forth in this section govern the construction of this title.

26 (a) "Authority" means the San Francisco Bay Area Water
 27 Emergency Transportation Authority created by Section 66540.4.

28 (b) "Bay area region" means the region described in Section
 29 66502.

30 (c) "Board" means the board of directors of the authority.

31 (d) "Public agency" includes, but is not limited to, the federal
 32 government or any officer, department, division, bureau, board,
 33 and commission or other body or agency thereof; the state
 34 government or any officer, department, division, bureau, board,
 35 and commission or other body or agency thereof; other state
 36 governments or any officer, department, division, bureau, board,
 37 and commission or other body or agency thereof; any town, city,
 38 county, city and county, and municipal corporation, whether
 39 incorporated or not and whether chartered or not, or any officer,
 40 department, division, bureau, board, and commission or other body

1 or agency thereof; any school district, political subdivision, district
2 or local agency or any officer, department, division, bureau, board,
3 and commission or other body or agency thereof.

4 (e) “Public transportation ferries” means ferryboats operated,
5 sponsored, funded, or subsidized by any public agency, including,
6 but not limited to, those ferryboats operated under agreement with
7 a private operator.

8 (f) “Water transportation services” means the transportation of
9 passengers, their incidental baggage, including wheelchairs and
10 bicycles, and small packages by water-borne vessels, and the
11 loading, unloading, and ancillary activities related thereto. Water
12 transportation services does not include the continuous
13 transportation of goods in interstate or international commerce.

14
15 CHAPTER 3. SAN FRANCISCO BAY AREA WATER EMERGENCY
16 TRANSPORTATION AUTHORITY
17

18 66540.4. There is hereby established the San Francisco Bay
19 Area Water Emergency Transportation Authority as a local
20 governmental entity of regional government, with jurisdiction
21 extending throughout the bay area region.

22 66540.5. The authority shall have the authority to plan, manage,
23 operate, and coordinate the emergency activities of all water
24 transportation and related facilities within the bay area region,
25 except those provided or owned by the Golden Gate Bridge,
26 Highway and Transportation District. During a state of war
27 emergency, a state of emergency, or a local emergency, as
28 described in Section 8558, the authority, in cooperation with the
29 State Office of Emergency Services, the United States Coast Guard,
30 the Federal Emergency Management Agency, and the Metropolitan
31 Transportation Commission, shall coordinate the emergency
32 activities for all water transportation services in the bay area region
33 and, for such purposes, shall be known as the Bay Area Maritime
34 Emergency Transportation Coordinator.

35 66540.6. (a) In order to establish and secure emergency
36 activities of all water transportation and related facilities within
37 the bay area region, the authority shall have the authority to operate
38 a comprehensive emergency public water transportation system
39 that includes water transportation services, water transit terminals,
40 and any other transport and facilities supportive of the system for

1 the bay area region, provided that any such facilities are consistent
2 with the Bay Plan adopted by the Bay Conservation and
3 Development Commission, as it may be amended from time to
4 time, and that the authority consults in good faith with affected
5 municipalities, counties, and other public agencies that may be
6 affected by a particular facility. The authority shall have authority
7 and control over all public transportation ferries within the bay
8 area region, except those owned and operated by the Golden Gate
9 Bridge, Highway and Transportation District. The planning,
10 management, and operation of any existing or planned public
11 transportation ferries and related facilities and services in the bay
12 area region shall be consolidated under the authority's control.

13 (b) Because of the importance of an orderly development of a
14 comprehensive bay area region emergency water transportation
15 system, the environmental, health, and public safety issues
16 implicated, and the scarce resources available, the authority shall
17 determine the entry within its jurisdiction of any water
18 transportation service or facility that will affect public lands or
19 receive or benefit from the use of federal, state, or local funds,
20 except those owned and operated by the Golden Gate Bridge,
21 Highway and Transportation District.

22 (c) Nothing in this section shall be construed to be in derogation
23 of the existing authority of the California Public Utilities
24 Commission.

25 66540.7 (a) The authority shall have the responsibility within
26 the area of its jurisdiction to study, plan, and implement any
27 improvements, expansion, or enhancements of existing or future
28 public transportation ferries and related facilities and services.

29 (b) The authority may commission planning, engineering,
30 economic, and other studies to provide information to the board
31 for making decisions about the location, design, management, and
32 other features of future public transportation ferries and related
33 facilities and services.

34 (c) (1) Not later than 60 days after the effective date of this
35 title, the San Francisco Bay Area Water Transit Authority shall
36 transfer and assign to the authority all contracts in force for study
37 and development of possible water transportation services in the
38 bay area region.

39 (2) The transfer of contracts required under this subdivision
40 shall include the contemporaneous transfer of revenue from state

1 or federal grants, local funds, and other sources of revenue
2 committed and adequate to fund the contracts until their
3 completion.

4 (d) The policy direction for the study described in subdivision
5 (c) shall become the responsibility of the authority. The authority
6 shall consider the concepts and ideas of the San Francisco Bay
7 Area Water Transit Authority, the Metropolitan Transportation
8 Commission, and other entities, both public and private.

9 (e) The Metropolitan Transportation Commission, or its
10 successor agency, shall cooperate with the authority to include all
11 public transportation ferries plans and facilities selected by the
12 authority in the regional transportation plan consistent with state
13 and federal law.

14 66540.8. The authority shall have the power to apply for,
15 receive, and expend funds for public transportation ferries and
16 related facilities and services, and emergency water transportation
17 for disaster recovery within the bay area region, including, but not
18 limited to, all direct and indirect distributions of federal, state, and
19 regional funds and the issuance of any future state or local bonds.
20 Any allocation or distribution of federal, state, and regional funds
21 designated for the San Francisco Bay Area Water Transit Authority
22 shall be transferred to the authority and the authority shall be as
23 fully entitled to new allocation or distribution of funds as if it were
24 the San Francisco Bay Area Water Transit Authority, including,
25 without limitation, funds derived from the increase in tolls on
26 state-owned bridges in the bay area pursuant to the expenditures
27 plan approved by the Legislature in Chapter 715 of the Statutes of
28 2003. The authority shall be entitled to receive and shall be
29 disbursed funds under subdivision (b) of Section 8879.57 that
30 would have been allocated to any waterborne transit agency that,
31 as of the effective date of that section, would not be or have been
32 eligible to receive State Transit Assistance Funds but for the effect
33 of this act. *Pursuant to subdivision (b) of Section 8879.61, if the*
34 *authority receives grant awards allocated from funds pursuant to*
35 *subdivision (b) of Section 8879.57, it shall not be eligible to receive*
36 *grant awards from funds allocated pursuant to subdivision (a) of*
37 *Section 8879.57.*

38 66540.9. In order to properly plan and provide for emergency
39 water transportation services and facilities, the authority shall have
40 the authority to plan, develop, and operate all aspects of water

1 transportation facilities within the bay area region, including, but
2 not limited to, ~~both of the following:~~

3 ~~(a) The *the* location and development of terminals, parking lots
4 and structures, and all other facilities and services necessary to
5 serve passengers and other customers of the water transportation
6 services system~~

7 ~~(b) Interregional coordination of water transportation services
8 and facilities for mutual assistance for emergency or disaster
9 recovery and, to the extent feasible, for regular service between
10 the bay area region and southern California. The authority, with
11 or without an declaration of emergency by the Governor, may
12 provide water transportation services to southern California on an
13 emergency basis or as otherwise agreed.~~

14 66540.10. The San Francisco Bay Area Water Transit Authority
15 shall transfer the title and ownership of all property within its
16 control and ownership to the authority. Funds necessary for the
17 establishment and organization of the authority, as determined by
18 the board of the authority, shall be transferred immediately upon
19 request by the authority. All other transfers shall be consistent with
20 the transition plan required under subdivision (b) of Section
21 66540.32 and shall include, but not be limited to, all of the
22 following:

23 (a) All real and personal property, including, but not limited to,
24 all terminals, ferries, vehicles or facilities, parking facilities for
25 passengers and employees, and related buildings and facilities
26 convenient or necessary to operate, support, maintain, and manage
27 the water transportation services system and its services to
28 customers.

29 (b) All contracts with tenants, concessionaires, leaseholders,
30 and others.

31 (c) All financial obligations secured by revenues and fees
32 generated from the operations of the water transportation services
33 system, including, but not limited to, bonded indebtedness
34 associated with the water transportation services system.

35 (d) All financial reserves, including, but not limited to, sinking
36 funds and other credits.

37 (e) All office equipment, including, but not limited to,
38 computers, records and files, software required for financial
39 management, personnel management, and accounting and inventory
40 systems.

1 66540.11. (a) All public transportation ferries and related water
2 transportation services and facilities within the bay area region
3 shall be transferred to the authority in accordance with the
4 transition plan required under subdivision (b) of Section 66540.32,
5 except for the services and facilities owned, operated, and provided
6 by the Golden Gate Bridge, Highway and Transportation District.

7 (b) The authority may accept the transfer of ownership,
8 operation, and management of any other public transportation
9 ferries and related water transportation services and facilities within
10 the bay area region developed or adopted by any general purpose
11 local government or special district that operates or sponsors water
12 transit, including, but not limited to, those water transportation
13 services provided under agreement with a private operator.

14 (c) All transfers pursuant to subdivision (a) and (b) shall be
15 consistent with the transition plan required under subdivision (b)
16 of Section 66540.32 and shall include, but not be limited to, all of
17 the following:

18 (1) All real and personal property, including, but not limited to,
19 all terminals, ferries, vehicles or facilities, parking facilities for
20 passengers and employees, and buildings and facilities used to
21 operate, maintain, and manage the water transportation services
22 system.

23 (2) All personnel currently employed by the water transportation
24 services system, subject to the provisions of Article 5 (commencing
25 with Section 66540.55) of Chapter 5.

26 (3) All contracts with tenants, concessionaires, leaseholders,
27 and others.

28 (4) All subsidies for the water transportation services system,
29 other than the direct subsidy the Golden Gate Bridge, Highway
30 and Transportation District currently provides to the water
31 transportation services system it provides.

32 (5) All financial obligations secured by revenues and fees
33 generated from the operations of the water transportation services
34 system, including, but not limited to, bonded indebtedness and
35 subsidies associated with the public transportation ferry system.

36 (d) In accepting a transfer, the authority may assume no financial
37 obligations other than those associated with the operation of the
38 services and facilities being transferred to it.

1 (e) Reasonable administrative costs incurred by the other public
 2 transportation ferries and related water transportation services
 3 and facilities related to the transfer shall be borne by the authority.

4
 5 CHAPTER 4. GOVERNING BODY
 6

7 66540.12. (a) The authority shall be governed by a board
 8 composed of five members appointed by the Governor, subject to
 9 confirmation by the Senate. The Governor shall appoint the initial
 10 members of the board within 10 days after the effective date of
 11 this title: *composed of five members, as follows:*

12 (1) *Three members shall be appointed by the Governor, subject*
 13 *to confirmation by the Senate. The Governor shall make the initial*
 14 *appointment of these members of the board within 10 days after*
 15 *the effective date of this title.*

16 (2) *One member shall be appointed by the Senate Committee*
 17 *on Rules.*

18 (3) *One member shall be appointed by the Speaker of the*
 19 *Assembly.*

20 (b) Each member of the board shall be a resident of a county in
 21 the bay area region.

22 (c) Public officers associated with any area of government,
 23 including planning or water, whether elected or appointed, may
 24 be appointed to serve contemporaneously as members of the board.
 25 No local jurisdiction or agency may have more than one
 26 representative on the board of the authority.

27 (d) The Governor shall designate one member as the chair of
 28 the board and one member as the vice chair of the board.

29 (e) The term of a member of the board shall be six years

30 (f) Vacancies shall be immediately filled by the ~~Governor~~
 31 *appointing power* for the unexpired portion of the terms in which
 32 they occur.

33 66540.13. A member may be removed only for cause or
 34 incapacity and only by the appointing authority.

35 66540.14. A member may be reappointed to serve additional
 36 terms.

37 66540.15. The board members shall serve without
 38 compensation, but shall receive reimbursement for actual and
 39 necessary expenses incurred in connection with the performance
 40 of their duties. However, in lieu of this reimbursement for

1 attendance at board meetings, each member of the board may
2 receive a per diem of one hundred dollars (\$100), but not to exceed
3 a combined total of five meetings in any one calendar month, plus
4 reasonable expenses as may be authorized by the board. The
5 authority shall pay all costs pursuant to this section.

6 66540.16. (a) The board shall have the power to appoint all
7 of the following officers of the authority:

8 (1) Executive director.

9 (2) General counsel.

10 (3) Auditor.

11 (b) The Executive Director shall be responsible for operation,
12 maintenance, financing, and planning functions, within the policy
13 guidelines established by the board. The executive director shall
14 prepare and submit an annual budget to the board. The executive
15 director will have the authority to execute contracts, grant
16 documents, and financing documents under the policy guidelines
17 which may be established by the board. The executive director
18 shall appoint all other officers and employees.

19 66540.17. The board may do all of the following:

20 ~~(a) Accept grants, contributions, and appropriations from any~~
21 ~~public agency, private foundation, or individual.~~

22 ~~(b)~~

23 (a) Create committees from its membership.

24 ~~(e)~~

25 (b) Appoint advisory committees from other interested public
26 and private groups.

27 ~~(d)~~

28 (c) Contract for or employ any professional services required
29 by the authority or for the performance of work and services which
30 in the board's opinion cannot satisfactorily be performed by its
31 officers and employees.

32 ~~(e) Sue and be sued in all actions and proceedings and in all~~
33 ~~courts and tribunals of competent jurisdiction, including prohibitory~~
34 ~~and mandatory injunctions to restrain violations of this title.~~

35 ~~(f)~~

36 (d) Do any and all other things necessary to carry out the
37 purposes of this title.

38 66540.18. (a) The chair of the board shall do all of the
39 following:

40 (1) Prepare the agenda for each meeting of the board.

1 (2) Preside over all meetings of the board, including, but not
2 limited to, setting the dates and times of meetings, declaring the
3 opening and closing of each proceeding of the board, ruling on
4 points of order, regulating the individuals that, except for board
5 members, may address the board at its meetings, and putting issues
6 to the vote and announcing decisions following those votes.

7 (3) Appoint board members to committees and serve as an ex
8 officio member of all committees.

9 (4) Propose the annual budget for the authority.

10 (5) Sign all orders issued by the board and contracts and grant
11 documents as approved by the board.

12 (6) Represent the authority at all proceedings. The chair may
13 appoint individuals to represent the board on other boards or
14 commissions, subject to ratification by the board. Appointees serve
15 at the pleasure of the board and those appointments will be subject
16 to review by the board at least once every two years.

17 (7) Have such other powers and duties as may be prescribed
18 from time to time by the board.

19 (b) The chair may delegate any of the powers described in this
20 section, other than the power to delegate, to any member of the
21 board.

22 (c) In the absence or disability of the chair of the board, the vice
23 chair shall perform all of the duties of the chair and, in so acting,
24 shall have all the powers of the chair. The vice chair shall have
25 such other powers and perform such other duties as may be
26 prescribed from time to time by the board.

27 66540.19. (a) The time and place of the first meeting of the
28 board shall be at a time and place within the bay area region fixed
29 by the chair of the board, but no later than April 1, 2008.

30 (b) After the first meeting described in subdivision (a), the board
31 shall hold meetings at times and places determined by the board.

32 (c) Meetings of the board are subject to the Ralph M. Brown
33 Act (Chapter 9 (commencing with Section 54950) of Part 1 of
34 Division 2 of Title 5).

35 66540.20. The board is the legislative body of the authority
36 and, consistent with the provisions of this title, shall determine all
37 questions of authority policy.

38 66540.21. The board shall determine what water transportation
39 services facilities should be acquired or constructed for the
40 common benefit of the bay area region as a whole.

1 66540.22. The board shall supervise and regulate every water
2 transportation services facility owned or operated or controlled by
3 the authority, including the establishment of rates, rentals, charges,
4 and classifications, and the making and enforcement of rules,
5 regulations, contracts, practices, and schedules, for or in connection
6 with any transportation facility owned or operated or controlled
7 by the authority.

8 66540.23. (a) The board may act either by ordinance or
9 resolution in order to regulate the authority and undertake all acts
10 necessary and convenient for the exercise of the authority's powers.

11 (b) The board may adopt and enforce rules and regulations for
12 the administration, maintenance, operation, and use of the
13 authority's facilities and services, including, but not limited to,
14 rates, charges, and fees for those purposes.

15 (c) The board may employ necessary personnel to enforce the
16 rules and regulations adopted by the board pursuant to this section.

17 66540.24. (a) Three members of the board shall constitute a
18 quorum for the purpose of transacting any business of the board.

19 (b) Except as otherwise specifically provided to the contrary in
20 this title, a recorded majority vote of the total membership of the
21 board is required on each action.

22 66540.25. The authority may do any and all things necessary
23 to carry out the purposes of this title.

24
25 CHAPTER 5. DUTIES AND POWERS

26
27 Article 1. General Provisions

28
29 66540.255. *The authority may accept grants, contributions,*
30 *and appropriations from any public agency, private foundation,*
31 *or individual.*

32 66540.26. The authority has perpetual succession and may
33 adopt a seal and alter it at its pleasure.

34 66540.27. The authority may provide a comprehensive
35 emergency public water transportation services system and, for
36 this purpose, may have the power to provide all of the following:

37 (a) Planning, as provided in Article 2 (commencing with Section
38 66540.32).

39 (b) Facilities, equipment, and services, as provided in Article 3
40 (commencing with Section 66540.34).

1 (c) Funding, as provided in Article 4 (commencing with Section
2 66540.41).

3 (d) Employee benefits and retirement, as provide in Article 5
4 (commencing with Section 66540.55).

5 66540.28. The authority may sue and be sued.

6 66540.29. The authority may take by grant, purchase, devise,
7 or lease or otherwise acquire, hold, enjoy, lease, and dispose of,
8 real and personal property within or outside its area of jurisdiction
9 in order to further its purposes.

10 66540.30. The authority may contract with any department or
11 agency of the United States, with any state or local governmental
12 agency, or with any person upon those terms and conditions that
13 the authority finds are in its best interests.

14 66540.31. No action taken by the authority pursuant to this
15 title shall require the approval of the Public Utilities Commission.

16

17

Article 2. Planning

18

19 66540.32. (a) The authority shall create and adopt, *on or before*
20 *July 1, 2009*, an emergency water transportation system
21 management plan for water transportation services in the bay area
22 region in the event that bridges, highways, and other facilities are
23 rendered wholly or significantly inoperable.

24 (b) The authority shall create and adopt, *on or before January*
25 *1, 2009*, a transition plan to facilitate the transfer of existing public
26 transportation ferry services within the bay area region to the
27 authority pursuant to this title. In the preparation of the transition
28 plan, priority shall be given to ensuring continuity in the programs,
29 services, and activities of existing public transportation ferry
30 services.

31 (c) In developing the plans described in subdivisions (a) and
32 (b), the authority shall cooperate to the fullest extent possible with
33 the Metropolitan Transportation Commission, the State Office of
34 Emergency Services, the Association of Bay Area Governments,
35 and the San Francisco Bay Conservation and Development
36 Commission, and shall, to the fullest extent possible, coordinate
37 its planning with local agencies, *including those local agenciess*
38 *that operated, or contracted for the operation of, public water*
39 *transportation services as of the effective date of this title..* To
40 avoid duplication of work, the authority shall make maximum use

1 of data and information available from the planning programs of
2 the Metropolitan Transportation Commission, the State Office of
3 Emergency Services, the Association of Bay Area Governments,
4 the San Francisco Bay Conservation and Development
5 Commission, the cities and counties in the San Francisco Bay area,
6 and other public and private planning agencies. In addition, the
7 authority shall consider both of the following:

8 (1) The San Francisco Bay Area Water Transit Implementation
9 and Operations Plan adopted by the San Francisco Bay Area Water
10 Transit Authority on July 10, 2003.

11 (2) Any other plan concerning water transportation within the
12 bay area region developed or adopted by any general purpose local
13 government or special district that operates or sponsors water
14 transit, including, but not limited to, those water transportation
15 services provided under agreement with a private operator.

16 (d) The authority shall prepare a specific transition plan for any
17 transfer not anticipated by the transition plan required under
18 subdivision (b).

19 (e) *At least 45 days prior to adoption of the plans required by*
20 *subdivisions (a) and (b), the authority shall provide a copy of the*
21 *plan adopted pursuant to subdivision (a) and the plan adopted*
22 *pursuant to subdivision (b) to each city and county in the bay area*
23 *region. Any of these cities or counties may provide comments on*
24 *these plans to the authority.*

25 66540.34. The authority shall refer for recommendation the
26 plans of routes, rights of way, terminals, yards, and related facilities
27 and improvements to the city councils and boards of supervisors
28 within whose jurisdiction those facilities and improvements lie
29 and to any other state, regional, and local agencies and
30 commissions as may be deemed appropriate by the authority. The
31 authority shall give due consideration to all recommendations
32 submitted.

33

34 Article 3. Facilities, Equipment, and Services

35

36 66540.34. The authority may enter into agreements for the
37 joint use or joint development of any property rights, including air
38 rights, owned or controlled by the authority.

39 66540.35. The authority may acquire, own, lease, construct,
40 and operate water transportation vessels and equipment, including,

1 but not limited to, real and personal property, equipment, and any
2 facilities of the authority, except those facilities providing access
3 to national parks.

4 66540.36. The authority may select private or public franchisees
5 for those operating elements of the water transportation services
6 system and related facilities of the authority.

7 66540.37. The authority may accept, through purchase of fee,
8 conveyance of title, long-term lease, or other means deemed
9 appropriate, the vessels, terminals, maintenance and support
10 facilities, and other assets of public water transportation services
11 providers.

12 66540.38. The authority may lease or contract for the use of
13 its facilities, or any portion thereof, to any operator, and may
14 provide for subleases by that operator upon the terms and
15 conditions that it deems in the public interest. The word “operator,”
16 as used in this section, means any city or public agency or any
17 person, firm, or private corporation.

18 66540.39. The air emission standard for new vessels purchased
19 by the authority shall exceed the federal Environmental Protection
20 Agency’s air quality standards for Tier II 2007 marine engines by
21 at least 85 percent.

22 66540.40. The authority shall dedicate at least one new vessel,
23 subject to engine manufacturers’ warranties, to employ biodiesel
24 fuel (B20) to assess the practical application of using renewable
25 fuels. If further funding becomes available for this application
26 from regional, state, or federal funding sources, the authority shall
27 consider increasing the use of biodiesel fuel to demonstrate
28 reduction in greenhouse gas emissions. The air emission standards
29 set by the authority pursuant to this title shall apply to the use of
30 biodiesel fuel.

31
32 Article 4. Funding
33

34 66540.41. The authority shall prepare and implement annual
35 operating budgets for the operation of the San Francisco Bay Area
36 water transportation services system, associated terminals, and
37 related feeder transportation and support services.

38 66540.42. The authority shall set fares for travel on the water
39 transportation services system that it operates, and define and set

1 other fares and fees for services related to the water transportation
2 system.

3 66540.43. (a) The authority may issue bonds, from time to
4 time, payable from revenue of any facility or enterprise operated,
5 acquired, or constructed by the authority, for any of the purposes
6 authorized by this title in accordance with the Revenue Bond Law
7 of 1941 (Chapter 6 (commencing with Section 54300) of Part 1
8 of Division 2 of Title 5), excluding Article 3 (commencing with
9 Section 54380) of Chapter 6 of Part 1 of Division 2 of Title 5 and
10 the limitations set forth in subdivision (b) of Section 54402 which
11 shall not apply to the issuance and sale of bonds pursuant to this
12 section.

13 (b) The authority is a local agency within the meaning of Section
14 54307. The water transportation services system or any or all
15 facilities and all additions and improvements that the authority's
16 governing board authorizes to be acquired or constructed and any
17 purpose, operation, facility, system, improvement, or undertaking
18 of the authority from which revenues are derived or otherwise
19 allocable, which revenues are, or may by resolution or ordinance
20 be, required to be separately accounted for from other revenues of
21 the authority, shall constitute an enterprise within the meaning of
22 Section 54309.

23 (c) The board shall authorize the issuance of bonds pursuant to
24 this section by resolution, which resolution shall be adopted by a
25 majority vote and shall specify all of the following:

26 (1) The purposes for which the bonds are to be issued, which
27 may include one or more purposes permitted by this title.

28 (2) The maximum principal amount of bonds.

29 (3) The maximum term of bonds.

30 (4) The maximum rate of interest, fixed or variable, to be
31 payable upon the bonds.

32 (5) The maximum discount or premium payable on sale of the
33 bonds.

34 (d) For purposes of the issuance and sale of bonds pursuant to
35 this section, the following definitions shall be applicable to the
36 Revenue Bond Law of 1941:

37 (1) "Fiscal agent" means any fiscal agent, trustee, paying agent,
38 depository, or other fiduciary provided for in the resolution
39 providing the terms and conditions for the issuance of the bonds,
40 which fiscal agent may be located within or without the state.

1 (2) “Resolution” means, unless the context otherwise requires,
2 the instrument providing the terms and conditions for the issuance
3 of bonds, which instrument may be an indenture, trust agreement,
4 installment sale agreement, lease, ordinance, or other instrument
5 in writing.

6 (e) Each resolution shall provide for the issuance of bonds in
7 the amounts as may be necessary, until the full amount of bonds
8 authorized has been issued. The full amount of bonds may be
9 divided into two or more series with different dates of payment
10 fixed for bonds of each series. A bond need not mature on its
11 anniversary date.

12 (f) The authority may issue refunding bonds to redeem or retire
13 any bonds issued by the authority upon the terms, at the times, and
14 in the manner which the authority’s governing body determines
15 by resolution. Refunding bonds may be issued in a principal
16 amount sufficient to pay all, or any part of, the principal of the
17 outstanding bonds, the premium, if any due upon call redemption
18 thereof prior to maturity, all expenses of redemption, and either
19 of the following:

20 (1) The interest upon the refunding bonds from the date of sale
21 thereof to the date of payment of the bonds to be refunded out of
22 the sale of the refunding bonds or to the date upon which the bonds
23 to be refunded will be paid pursuant to call or agreement with the
24 holders of the bonds.

25 (2) The interest upon the bonds to be refunded from the date of
26 sale of the refunding bonds to the date of payment of the bonds to
27 be refunded or to the date upon which the bonds to be refunded
28 will be paid pursuant to call or agreement with the holders of the
29 bonds.

30 (g) The authority may enter into any liquidity or credit
31 agreement it may deem necessary in connection with the issuance
32 of bonds authorized by this section.

33 (h) This section provides a complete, additional, and alternative
34 method of performing the acts authorized by this section, and the
35 issuance of bonds, including refunding bonds, need not comply
36 with any other law applicable to borrowing or the issuance of
37 bonds. Any provision of the Revenue Bond Law of 1941 which is
38 inconsistent with this section or this title shall not be applicable.

39 (i) Nothing in this section prohibits the authority from availing
40 itself of any procedure provided in this chapter for the issuance of

1 bonds of any type or character for any of the authorized water
2 transportation facilities. All bond proceedings may be carried on
3 simultaneously or, in the alternative, as the authority may
4 determine.

5 66540.44. The authority may levy special benefit assessments
6 consistent with the requirements of Article XIID of the California
7 Constitution for operating expenses and to finance capital
8 improvements, including, but not limited to, special benefit
9 assessments levied pursuant to any of the following:

10 (a) The Improvement Act of 1911 (Division 7 (commencing
11 with Section 5000) of the Streets and Highways Code).

12 (b) The Improvement Bond Act of 1915 (Division 15
13 (commencing with Section 8500) of the Streets and Highways
14 Code).

15 (c) The Municipal Improvement Act of 1913 (Division 12
16 (commencing with Section 10000) of the Streets and Highways
17 Code).

18 (d) The Landscaping and Lighting Act of 1972 (Part 2
19 (commencing with Section 22500) of Division 15 of the Streets
20 and Highways Code).

21 66540.45. The authority may borrow money in accordance
22 with Article 7 (commencing with Section 53820) of, Article 7.6
23 (commencing with Section 53850) of, or Article 7.7 (commencing
24 with Section 53859) of, Chapter 4 of Part 1 of Division 2 of Title
25 5.

26 66540.46. (a) The authority may borrow money in anticipation
27 of the sale of any bonds that have been authorized to be issued,
28 but have not been sold and delivered, and may issue negotiable
29 bond anticipation notes therefor, and may renew the bond
30 anticipation notes from time to time, but the maximum maturity
31 of any bond anticipation notes, including the renewals thereof,
32 may not exceed five years from the date of delivery of the original
33 bond anticipation notes. The bond anticipation notes may be paid
34 from any money of the authority available therefor and not
35 otherwise pledged.

36 (b) If not previously otherwise paid, the bond anticipation notes
37 shall be paid from the proceeds of the next sale of the bonds of the
38 authority in anticipation of which they were issued. The bond
39 anticipation notes may not be issued in any amount in excess of
40 the aggregate amount of bonds that the authority has been

1 authorized to issue, less the amount of any bonds of the authorized
2 issue previously sold, and also less the amount of other bond
3 anticipation notes therefore issued and then outstanding. The bond
4 anticipation notes shall be issued and sold in the same manner as
5 the bonds. The bond anticipation notes and the resolution or
6 resolutions authorizing them may contain any provisions,
7 conditions, or limitations that a resolution of the authority
8 authorizing the issuance of bonds may contain.

9 (c) Exclusively for the purpose of securing financing or
10 refinancing for any of the purposes permitted by this title through
11 the issuance of bonds, notes, or other obligations, including
12 certificates of participation, by a joint powers authority, and,
13 notwithstanding any other provision contained in this title or any
14 other law, the authority may borrow money or purchase or lease
15 property from a joint powers authority and, in connection therewith,
16 may sell or lease property to the joint powers authority, in each
17 case at the interest rate or rates, maturity date or dates, installment
18 payment or rental provisions, security, pledge of revenues and
19 other assets, covenants to increase rates and charges, default,
20 remedy, and other terms or provisions as may be specified in the
21 installment sale, lease, loan, loan purchase, or other agreement or
22 agreements between the authority and the joint powers authority.
23 The authority may enter into any liquidity or credit agreement it
24 may deem necessary or appropriate in connection with any
25 financing or refinancing authorized by this section. This section
26 provides a complete, additional, and alternative method of
27 performing the acts authorized by this section, and the borrowing
28 of money, incurring indebtedness, sale, purchase, or lease of
29 property from or to a joint powers authority, and any agreement
30 for liquidity or credit enhancement entered into in connection
31 therewith, pursuant to this section, need not comply with the
32 requirements of any other law applicable to borrowing, incurring
33 indebtedness, sale, purchase, lease, or credit except for compliance
34 with this section.

35 66540.47. The authority may bring an action to determine the
36 validity of any of its bonds, equipment trust certificates, warrants,
37 notes, or other evidences of indebtedness or any of its revenues,
38 rates, or charges pursuant to Chapter 9 (commencing with Section
39 860) of Title 10 of Part 2 of the Code of Civil Procedure.

1 66540.48. (a) Notwithstanding any other provisions of this
2 title or any other law, the provisions of all ordinances, resolutions,
3 and other proceedings in the issuance by the authority of any bonds,
4 bonds with a pledge of revenues, bonds for improvement districts,
5 revenue bonds, equipment trust certificates, notes, or any and all
6 evidences of indebtedness or liability constitute a contract between
7 the authority and the holders of the bonds, equipment trust
8 certificates, notes, or evidences of indebtedness or liability, and
9 the provisions thereof are enforceable against the authority or any
10 or all of its successors or assigns, by mandamus or any other
11 appropriate suit, action, or proceeding in law or in equity in any
12 court of competent jurisdiction.

13 (b) Nothing in this title or in any other law shall be held to
14 relieve the authority or the territory included within it from any
15 bonded or other debt or liability contracted by the authority.

16 (c) Upon dissolution of the authority or upon withdrawal of
17 territory therefrom, that territory formerly included within the
18 authority, or withdrawn therefrom, shall continue to be liable for
19 the payment of all bonded and other indebtedness or liabilities
20 outstanding at the time of the dissolution or withdrawal as if the
21 authority had not been so dissolved nor the territory withdrawn
22 therefrom, and it shall be the duty of the successors or assigns to
23 provide for the payment of the bonded and other indebtedness and
24 liabilities.

25 (d) To the extent provided in the proceedings for the
26 authorization, issuance, and sale of any revenue bonds, bonds
27 secured by a pledge of revenues, or bonds for improvement districts
28 secured by a pledge of revenues, revenues of any kind or nature
29 derived from any revenue-producing improvements, works,
30 facilities, or property owned, operated, or controlled by the
31 authority may be pledged, charged, assigned, and have a lien
32 thereon for the payment of the bonds as long as the same are
33 outstanding, regardless of any change in ownership, operation, or
34 control of the revenue-producing improvements, works, facilities,
35 or property and it shall, in any later event or events, be the duty
36 of the successors or assigns to continue to maintain and operate
37 the revenue-producing improvements, works, facilities, or property
38 as long as bonds are outstanding.

39 66540.49. The authority may apply for and receive grants from
40 any and all state and federal agencies.

1 66540.50. The authority may deposit or invest any moneys of
2 the authority in banks or financial institutions in the state in
3 accordance with state law.

4 66540.51. The authority may insure against any accident to or
5 destruction of the public transportation ferry system or any part
6 thereof.

7 66540.52. The authority may insure against loss of revenues
8 from any cause whatsoever.

9 66540.53. The authority may insure against public liability or
10 property damage, or both. It may provide in the proceedings
11 authorizing the issuance of any bonds for the carrying of such or
12 any other insurance, in such amount and of such character as may
13 be specified, and for the payment of the premiums thereon.

14 66540.54. (a) The authority shall maintain accounting records
15 and shall report accounting transactions in accordance with
16 generally accepted accounting principles as adopted by the
17 Government Accounting Standards Board (GASB) of the Financial
18 Accounting Foundation for both public reporting purposes and for
19 reporting of activities to the Controller.

20 (b) The authority shall contract with an independent certified
21 public account for an annual audit of the financial records ~~and~~,
22 books, *and performance* of the authority. The accountant shall
23 submit a report of the audit to the board and the board shall make
24 copies of the report available to the public *and the appropriate*
25 *policy and fiscal committees of the Legislature.*

26

27 Article 5. Employee Benefits and Retirement System

28

29 66540.55. The authority shall prescribe a method of securing
30 employees, shall adopt rules and regulations governing the
31 employment of employees, and shall prescribe the compensation
32 to be paid to employees, including the provision of compensation
33 based upon successful accomplishment of goals and objectives
34 specified in advance.

35 66540.56. Represented employees of the San Francisco Bay
36 Area Water Transit Authority shall become employees of the
37 authority and shall suffer no loss of employment or reduction in
38 wages, health and welfare benefits, seniority, retirement benefits
39 or contributions made to retirement plans, or any other term or
40 condition of employment solely as a result of the enactment of this

1 title. No represented employee of the San Francisco Bay Area
2 Water Transit Authority shall suffer loss of employment or
3 reduction in wages or benefits solely as a result of the enactment
4 of this title.

5 66540.57. The authority may establish a retirement system for
6 the officers and employees of the authority and provide for the
7 payment of annuities, pensions, retirement allowances, disability
8 payments, and death benefits or any of them.

9 66540.58. The authority may maintain its own retirement fund
10 or may provide for benefits to eligible officers and employees, or
11 their beneficiaries, by means of group insurance or other insurance,
12 or by those means that in the opinion of the board will satisfactorily
13 provide an adequate and sure method of meeting the payments
14 contemplated by the retirement system.

15 66540.59. Before establishing any retirement system, the
16 authority shall secure a report from a qualified actuary, which shall
17 show the cost of the benefits provided by the system, and the
18 prospective assets and liabilities of the system.

19 66540.60. The board may adopt all ordinances and resolutions
20 and perform all acts necessary or convenient to the initiation,
21 maintenance, and administration of the retirement system.

22 66540.61. As an alternative method of providing a retirement
23 system, the board may contract with the Board of Administration
24 of the Public Employees' Retirement System and enter all or any
25 portion of its employees under that system pursuant to law and
26 under the terms and conditions of that contract, or may contract
27 with the Board of Administration of the Public Employees'
28 Retirement System for reciprocal benefits between the Public
29 Employees' System, or a city, or city and county, or any other
30 public agency contracting with the Public Employees' Retirement
31 System and the authority's retirement system as authorized by
32 Section 20042, and may perform all acts necessary or convenient
33 to provide for those reciprocal benefits.

34 66540.62. The board may also contract with the Board of
35 Administration of the Public Employees' Retirement System for
36 participation in the Federal Social Security Act and may perform
37 all acts necessary or convenient for that participation.

38 66540.63. The board may classify and determine the officers
39 and employees who shall be included as members in the retirement
40 system and may change the classification from time to time.

1 Membership of all officers and employees so classified and
2 included in the retirement system is compulsory.

3 66540.64. The board may prescribe the terms and conditions
4 upon which the officers and employees of the authority or their
5 beneficiaries shall be entitled to benefits and the amounts thereof.

6 66540.65. Any pension or retirement system adopted by the
7 board shall be on a sound actuarial basis and provide for
8 contributions by both the authority and the employee members of
9 the system which shall be based on percentage of payroll to be
10 changed only by adjustments on account of experience under the
11 system.

12 66540.66. Contributions shall be in amounts that shall
13 accumulate at retirement a fund sufficient to carry out the promise
14 to pay benefits to the individual on account of his or her service
15 as a member of the system, without further contributions from any
16 source.

17 66540.67. Nothing in any pension or retirement system or plan
18 shall prevent the board from, at any time, amending, changing,
19 modifying or terminating any provision for benefits, participation,
20 or contributions thereto or thereunder.

21 66540.68. (a) This article does not apply to any employees of
22 the authority in a bargaining unit that is represented by a labor
23 organization, except as to the protection of the rights of those
24 employees that were employees of the San Francisco Bay Area
25 Water Transit Authority as specifically provided in Section
26 66540.56.

27 (b) The adoption, terms, and conditions of the retirement systems
28 covering employees of the authority in a bargaining unit
29 represented by a labor organization shall be pursuant to a collective
30 bargaining agreement between that labor organization and the
31 authority. Any such retirement system adopted pursuant to a
32 collective bargaining agreement shall be on a sound actuarial basis.
33 The authority and the labor organization representing the
34 authority's employees in a bargaining unit shall be equally
35 represented in the administration of that retirement system.

36 (c) The authority shall assume and be bound by the terms and
37 conditions of employment set forth in any collective bargaining
38 agreement or employment contract between the San Francisco Bay
39 Area Water Transit Authority and any labor organization or
40 employee affected by the creation of that authority, as well as the

1 duties, obligations, and liabilities arising from, or relating to, labor
2 obligations imposed by state or federal law upon the San Francisco
3 Bay Area Water Transit Authority.

4
5 CHAPTER 6. SEVERABILITY
6

7 66540.69. If any chapter, article, section, subdivision,
8 subsection, sentence, clause, or phrase in this title, or the
9 application thereof to any person or circumstances, is for any reason
10 held invalid, the validity of the remainder of the title, or the
11 application of such provision to other persons or circumstances,
12 shall not be affected thereby. The Legislature hereby declares that
13 it would have passed this title and each chapter, article, section,
14 subdivision, subsection, sentence, clause, or phrase thereof,
15 irrespective of the fact that one or more sections, subdivisions,
16 subsections, sentences, clauses, or phrases, or the application
17 thereof to any person or circumstance, be held invalid.

18 SEC. 3. Section 30913 of the Streets and Highways Code is
19 amended to read:

20 30913. (a) In addition to any other authorized expenditure of
21 toll bridge revenues, the following major projects may be funded
22 from toll revenues:

- 23 (1) Benicia-Martinez Bridge: Widening of the existing bridge.
- 24 (2) Benicia-Martinez Bridge: Construction of an additional span
25 parallel to the existing bridge.
- 26 (3) Carquinez Bridge: Replacement of the existing western span.
- 27 (4) Richmond-San Rafael Bridge: Major rehabilitation of the
28 bridge, and development of a new easterly approach between the
29 toll plaza and Route 80, near Pinole, known as the Richmond
30 Parkway.

31 (b) The toll increase approved in 1988, which authorized a
32 uniform toll of one dollar (\$1) for two-axle vehicles on the bridges
33 and corresponding increases for multi-axle vehicles, resulted in
34 the following toll increases for two-axle vehicles on the bridges:

	1988 Increase
Bridge	(Two-axle vehicles)
38 Antioch Bridge	\$0.50
39 Benicia-Martinez Bridge	.60
40 Carquinez Bridge	.60

1		1988 Increase
2	Bridge	(Two-axle vehicles)
3	Dumbarton Bridge	.25
4	Richmond-San Rafael Bridge	.00
5	San Francisco-Oakland Bay Bridge	.25
6	San Mateo-Hayward Bridge	.25

7
8 Portions of the 1988 toll increase were dedicated to transit
9 purposes, and these amounts shall be calculated as up to 2 percent
10 of the revenue generated each year by the collection on all bridges
11 of the base toll at the level established by the 1988 toll increase.
12 The Metropolitan Transportation Commission shall allocate
13 two-thirds of these amounts to the ~~San Francisco Bay Area Water~~
14 ~~Emergency Transportation Authority~~ for transportation projects,
15 other than those specified in Sections 30912 and 30913 and in
16 subdivision (a) of Section 30914, which are designed to reduce
17 vehicular traffic congestion and improve bridge operations on any
18 bridge, including, but not limited to, bicycle facilities and for the
19 planning, construction, operation, and acquisition of rapid water
20 transit systems. The commission shall allocate the remaining
21 one-third to the ~~San Francisco Bay Area Water Emergency~~
22 ~~Transportation Authority~~ solely for the planning, construction,
23 operation, and acquisition of rapid water transit systems. The plans
24 for the projects may also be funded by these moneys. *Funds made*
25 *available for rapid water transit systems pursuant to this*
26 *subdivision shall be allocated to the San Francisco Bay Area Water*
27 *Emergency Transportation Authority.*

28 (c) The department shall not include, in the plans for the new
29 Benicia-Martinez Bridge, toll plazas, highways, or other facilities
30 leading to or from the Benicia-Martinez Bridge, any construction
31 that would result in the net loss of any wetland acreage.

32 (d) With respect to the Benicia-Martinez and Carquinez Bridges,
33 the department shall consider the potential for rail transit as part
34 of the plans for the new structures specified in paragraphs (2) and
35 (3) of subdivision (a).

36 (e) At the time the first of the new bridges specified in
37 paragraphs (2) and (3) of subdivision (a) is opened to the public,
38 there shall be a lane for the exclusive use of pedestrians and
39 bicycles available on at least, but not limited to, the original span
40 at Benicia or Carquinez, or the additional or replacement spans

1 planned for those bridges. The design of these bridges shall not
2 preclude the subsequent addition of a lane for the exclusive use of
3 pedestrians and bicycles.

4 SEC. 4. Section 30914 of the Streets and Highways Code is
5 amended to read:

6 30914. (a) In addition to any other authorized expenditures of
7 toll bridge revenues, the following major projects may be funded
8 from toll revenues of all bridges:

9 (1) Dumbarton Bridge: Improvement of the western approaches
10 from Route 101 if affected local governments are involved in the
11 planning.

12 (2) San Mateo-Hayward Bridge and approaches: Widening of
13 the bridge to six lanes, construction of rail transit capital
14 improvements on the bridge structure, and improvements to the
15 Route 92/Route 880 interchange.

16 (3) Construction of West Grand connector or an alternate project
17 designed to provide comparable benefit by reducing vehicular
18 traffic congestion on the eastern approaches to the San
19 Francisco-Oakland Bay Bridge. Affected local governments shall
20 be involved in the planning.

21 (4) Not less than 90 percent of the revenues determined by the
22 authority as derived from the toll increase approved in 1988 for
23 class I vehicles on the San Francisco-Oakland Bay Bridge
24 authorized by Section 30917 shall be used exclusively for rail
25 transit capital improvements designed to reduce vehicular traffic
26 congestion on that bridge. This amount shall be calculated as 21
27 percent of the revenue generated each year by the collection of the
28 base toll at the level established by the 1988 increase on the San
29 Francisco-Oakland Bay Bridge.

30 (b) Notwithstanding any funding request for the transbay bus
31 terminal pursuant to Section 31015, the Metropolitan
32 Transportation Commission shall allocate toll bridge revenues in
33 an annual amount not to exceed three million dollars (\$3,000,000),
34 plus a 3.5-percent annual increase, to the department or to the
35 Transbay Joint Powers Authority after the department transfers
36 the title of the Transbay Terminal Building to that entity, for
37 operation and maintenance expenditures. This allocation shall be
38 payable from funds transferred by the Bay Area Toll Authority.
39 This transfer of funds is subordinate to any obligations of the
40 authority, now or hereafter existing, having a statutory or first

1 priority lien against the toll bridge revenues. The first annual
2 3.5-percent increase shall be made on July 1, 2004. The transfer
3 is further subject to annual certification by the department or the
4 Transbay Joint Powers Authority that the total Transbay Terminal
5 Building operating revenue is insufficient to pay the cost of
6 operation and maintenance without the requested funding.

7 (c) If the voters approve a toll increase in 2004 pursuant to
8 Section 30921, the authority shall, consistent with the provisions
9 of subdivisions (d) and (f), fund the projects described in this
10 subdivision and in subdivision (d) that shall collectively be known
11 as the Regional Traffic Relief Plan by bonding or transfers to the
12 Metropolitan Transportation Commission. These projects have
13 been determined to reduce congestion or to make improvements
14 to travel in the toll bridge corridors, from toll revenues of all
15 bridges:

16 (1) BART/MUNI Connection at Embarcadero and Civic Center
17 Stations. Provide direct access from the BART platform to the
18 MUNI platform at the above stations and equip new fare gates that
19 are TransLink ready. Three million dollars (\$3,000,000). The
20 project sponsor is BART.

21 (2) MUNI Metro Third Street Light Rail Line. Provide funding
22 for the surface and light rail transit and maintenance facility to
23 support MUNI Metro Third Street Light Rail service connecting
24 to Caltrain stations and the E-Line waterfront line. Thirty million
25 dollars (\$30,000,000). The project sponsor is MUNI.

26 (3) MUNI Waterfront Historic Streetcar Expansion. Provide
27 funding to rehabilitate historic streetcars and construct trackage
28 and terminal facilities to support service from the Caltrain
29 Terminal, the Transbay Terminal, and the Ferry Building, and
30 connecting the Fisherman's Wharf and northern waterfront. Ten
31 million dollars (\$10,000,000). The project sponsor is MUNI.

32 (4) East to West Bay Commuter Rail Service over the
33 Dumbarton Rail Bridge. Provide funding for the necessary track
34 and station improvements and rolling stock to interconnect the
35 BART and Capitol Corridor at Union City with Caltrain service
36 over the Dumbarton Rail Bridge, and interconnect and provide
37 track improvements for the ACE line with the same Caltrain service
38 at Centerville. Provide a new station at Sun Microsystems in Menlo
39 Park. One hundred thirty-five million dollars (\$135,000,000). The
40 project is jointly sponsored by the San Mateo County

1 Transportation Authority, Capitol Corridor, the Alameda County
2 Congestion Management Agency, and the Alameda County
3 Transportation Improvement Authority.

4 (5) Vallejo Station. Construct intermodal transportation hub for
5 bus and ferry service, including parking structure, at site of
6 Vallejo's current ferry terminal. Twenty-eight million dollars
7 (\$28,000,000). The project sponsor is the City of Vallejo.

8 (6) Solano County Express Bus Intermodal Facilities. Provide
9 competitive grant fund source, to be administered by the
10 Metropolitan Transportation Commission. Eligible projects are
11 Curtola Park and Ride, Benicia Intermodal Facility, Fairfield
12 Transportation Center and Vacaville Intermodal Station. Priority
13 to be given to projects that are fully funded, ready for construction,
14 and serving transit service that operates primarily on existing or
15 fully funded high-occupancy vehicle lanes. Twenty million dollars
16 (\$20,000,000). The project sponsor is Solano Transportation
17 Authority.

18 (7) Solano County Corridor Improvements near Interstate
19 80/Interstate 680 Interchange. Provide funding for improved
20 mobility in corridor based on recommendations of joint study
21 conducted by the Department of Transportation and the Solano
22 Transportation Authority. Cost-effective transit infrastructure
23 investment or service identified in the study shall be considered a
24 high priority. One hundred million dollars (\$100,000,000). The
25 project sponsor is Solano Transportation Authority.

26 (8) Interstate 80: Eastbound High-Occupancy Vehicle (HOV)
27 Lane Extension from Route 4 to Carquinez Bridge. Construct
28 HOV-lane extension. Fifty million dollars (\$50,000,000). The
29 project sponsor is the Department of Transportation.

30 (9) Richmond Parkway Transit Center. Construct parking
31 structure and associated improvements to expand bus capacity.
32 Sixteen million dollars (\$16,000,000). The project sponsor is
33 Alameda-Contra Costa Transit District, in coordination with West
34 Contra Costa Transportation Advisory Committee, Western Contra
35 Costa Transit Authority, City of Richmond, and the Department
36 of Transportation.

37 (10) Sonoma-Marin Area Rail Transit District (SMART)
38 Extension to Larkspur or San Quentin. Extend rail line from San
39 Rafael to a ferry terminal at Larkspur or San Quentin. Thirty-five
40 million dollars (\$35,000,000). Up to five million dollars

1 (\$5,000,000) may be used to study, in collaboration with the Water
2 Transit Authority, the potential use of San Quentin property as an
3 intermodal water transit terminal. The project sponsor is SMART.

4 (11) Greenbrae Interchange/Larkspur Ferry Access
5 Improvements. Provide enhanced regional and local access around
6 the Greenbrae Interchange to reduce traffic congestion and provide
7 multimodal access to the Richmond-San Rafael Bridge and
8 Larkspur Ferry Terminal by constructing a new full service
9 diamond interchange at Wornum Drive south of the Greenbrae
10 Interchange, extending a multiuse pathway from the new
11 interchange at Wornum Drive to East Sir Francis Drake Boulevard
12 and the Cal Park Hill rail right-of-way, adding a new lane to East
13 Sir Francis Drake Boulevard and rehabilitating the Cal Park Hill
14 Rail Tunnel and right-of-way approaches for bicycle and pedestrian
15 access to connect the San Rafael Transit Center with the Larkspur
16 Ferry Terminal. Sixty-five million dollars (\$65,000,000). The
17 project sponsor is Marin County Congestion Management Agency.

18 (12) Direct High-Occupancy Vehicle (HOV) lane connector
19 from Interstate 680 to the Pleasant Hill or Walnut Creek BART
20 stations or in close proximity to either station or as an extension
21 of the southbound Interstate 680 High-Occupancy Vehicle Lane
22 through the Interstate 680/State Highway Route 4 interchange
23 from North Main in Walnut Creek to Livorna Road. The County
24 Connection shall utilize up to one million dollars (\$1,000,000) of
25 the funds described in this paragraph to develop options and
26 recommendations for providing express bus service on the
27 Interstate 680 High-Occupancy Vehicle Lane south of the Benicia
28 Bridge in order to connect to BART. Upon completion of the plan,
29 the Contra Costa Transportation Authority shall adopt a preferred
30 alternative provided by the County Connection plan for future
31 funding. Following adoption of the preferred alternative, the
32 remaining funds may be expended either to fund the preferred
33 alternative or to extend the high-occupancy vehicle lane as
34 described in this paragraph. Fifteen million dollars (\$15,000,000).
35 The project is sponsored by the Contra Costa Transportation
36 Authority.

37 (13) Rail Extension to East Contra Costa/E-BART. Extend
38 BART from Pittsburg/Bay Point Station to Byron in East Contra
39 Costa County. Ninety-six million dollars (\$96,000,000). Project
40 funds may only be used if the project is in compliance with adopted

1 BART policies with respect to appropriate land use zoning in
2 vicinity of proposed stations. The project is jointly sponsored by
3 BART and Contra Costa Transportation Authority.

4 (14) Capitol Corridor Improvements in Interstate 80/Interstate
5 680 Corridor. Fund track and station improvements, including the
6 Suisun Third Main Track and new Fairfield Station. Twenty-five
7 million dollars (\$25,000,000). The project sponsor is Capitol
8 Corridor Joint Powers Authority and the Solano Transportation
9 Authority.

10 (15) Central Contra Costa Bay Area Rapid Transit (BART)
11 Crossover. Add new track before Pleasant Hill BART Station to
12 permit BART trains to cross to return track towards San Francisco.
13 Twenty-five million dollars (\$25,000,000). The project sponsor is
14 BART.

15 (16) Benicia-Martinez Bridge: New Span. Provide partial
16 funding for completion of new five-lane span between Benicia
17 and Martinez to significantly increase capacity in the I-680
18 corridor. Fifty million dollars (\$50,000,000). The project sponsor
19 is the Bay Area Toll Authority.

20 (17) Regional Express Bus North. Competitive grant program
21 for bus service in Richmond-San Rafael Bridge, Carquinez,
22 Benicia-Martinez and Antioch Bridge corridors. Provide funding
23 for park and ride lots, infrastructure improvements, and rolling
24 stock. Eligible recipients include Golden Gate Bridge Highway
25 and Transportation District, Vallejo Transit, Napa VINE,
26 Fairfield-Suisun Transit, Western Contra Costa Transit Authority,
27 Eastern Contra Costa Transit Authority, and Central Contra Costa
28 Transit Authority. The Golden Gate Bridge Highway and
29 Transportation District shall receive a minimum of one million six
30 hundred thousand dollars (\$1,600,000). Napa VINE shall receive
31 a minimum of two million four hundred thousand dollars
32 (\$2,400,000). Twenty million dollars (\$20,000,000). The project
33 sponsor is the Metropolitan Transportation Commission.

34 (18) TransLink. Integrate the Bay Area's regional smart card
35 technology, TransLink, with operator fare collection equipment
36 and expand system to new transit services. Twenty-two million
37 dollars (\$22,000,000). The project sponsor is the Metropolitan
38 Transportation Commission.

39 (19) Real-Time Transit Information. Provide a competitive grant
40 program for transit operators for assistance with implementation

1 of high-technology systems to provide real-time transit information
2 to riders at transit stops or via telephone, wireless, or Internet
3 communication. Priority shall be given to projects identified in the
4 commission's connectivity plan adopted pursuant to subdivision
5 (d) of Section 30914.5. Twenty million dollars (\$20,000,000). The
6 funds shall be administered by the Metropolitan Transportation
7 Commission.

8 (20) Safe Routes to Transit: Plan and construct bicycle and
9 pedestrian access improvements in close proximity to transit
10 facilities. Priority shall be given to those projects that best provide
11 access to regional transit services. Twenty-two million five hundred
12 thousand dollars (\$22,500,000). City Car Share shall receive two
13 million five hundred thousand dollars (\$2,500,000) to expand its
14 program within approximately one-quarter mile of transbay
15 regional transit terminals or stations. The City Car Share project
16 is sponsored by City Car Share and the Safe Routes to Transit
17 project is jointly sponsored by the East Bay Bicycle Coalition and
18 the Transportation and Land Use Coalition. These sponsors must
19 identify a public agency cosponsor for purposes of specific project
20 fund allocations.

21 (21) BART Tube Seismic Strengthening. Add seismic capacity
22 to existing BART tube connecting the east bay with San Francisco.
23 One hundred forty-three million dollars (\$143,000,000). The
24 project sponsor is BART.

25 (22) Transbay Terminal/Downtown Caltrain Extension. A new
26 Transbay Terminal at First and Mission Streets in San Francisco
27 providing added capacity for transbay, regional, local, and intercity
28 bus services, the extension of Caltrain rail services into the
29 terminal, and accommodation of a future high-speed passenger
30 rail line to the terminal and eventual rail connection to the east
31 bay. Eligible expenses include project planning, design and
32 engineering, construction of a new terminal and its associated
33 ramps and tunnels, demolition of existing structures, design and
34 development of a temporary terminal, property and right-of-way
35 acquisitions required for the project, and associated project-related
36 administrative expenses. A bus- and train-ready terminal facility,
37 including purchase and acquisition of necessary rights-of-way for
38 the terminal, ramps, and rail extension, is the first priority for toll
39 funds for the Transbay Terminal/Downtown Caltrain Extension
40 Project. The temporary terminal operation shall not exceed five

1 years. One hundred fifty million dollars (\$150,000,000). The
2 project sponsor is the Transbay Joint Powers Authority.

3 (23) Oakland Airport Connector. New transit connection to link
4 BART, Capitol Corridor and AC Transit with Oakland Airport.
5 The Port of Oakland shall provide a full funding plan for the
6 connector. Thirty million dollars (\$30,000,000). The project
7 sponsors are the Port of Oakland and BART.

8 (24) AC Transit Enhanced Bus-Phase 1 on Telegraph Avenue,
9 International Boulevard, and East 14th Street
10 (Berkeley-Oakland-San Leandro). Develop enhanced bus service
11 on these corridors, including bus bulbs, signal prioritization, new
12 buses, and other improvements. Priority of investment shall
13 improve the AC connection to BART on these corridors. Sixty-five
14 million dollars (\$65,000,000). The project sponsor is AC Transit.

15 (25) Transbay Commute Ferry Service. Purchase two vessels
16 for transbay ferry services. Second vessel funds to be released
17 upon demonstration of appropriate terminal locations, new
18 transit-oriented development, adequate parking, and sufficient
19 landside feeder connections to support ridership projections.
20 Twelve million dollars (\$12,000,000). The project sponsor is San
21 Francisco Bay Area Water Emergency Transportation Authority.
22 If the San Francisco Bay Area Water Emergency ~~transportation~~
23 *Transportation* Authority demonstrates to the Metropolitan
24 Transportation Commission that it has secured alternative funding
25 for the two vessel purchases described in this paragraph, the funds
26 may be used for terminal improvements or for consolidation of
27 existing ferry operations.

28 (26) Commute Ferry Service for Berkeley/Albany. Purchase
29 two vessels for ferry services between the Berkeley/Albany
30 Terminal and San Francisco. Parking access and landside feeder
31 connections must be sufficient to support ridership projections.
32 Twelve million dollars (\$12,000,000). The project sponsor is the
33 San Francisco Bay Area Water Emergency Transportation
34 Authority. If the San Francisco Bay Area Water Emergency
35 Transportation Authority demonstrates to the Metropolitan
36 Transportation Commission that it has secured alternative funding
37 for the two vessel purchases described in this paragraph, the funds
38 may be used for terminal improvements. If the San Francisco Bay
39 Area Water Emergency Transportation Authority does not have
40 an entitled terminal site within the Berkeley/Albany catchment

1 area by 2010 that meets its requirements, the funds described in
2 this paragraph and the operating funds described in paragraph (7)
3 of subdivision (d) shall be transferred to another site in the East
4 Bay. The City of Richmond shall be given first priority to receive
5 this transfer of funds if it has met the planning milestones identified
6 in its special study developed pursuant to paragraph (28).

7 (27) Commute Ferry Service for South San Francisco. Purchase
8 two vessels for ferry services to the Peninsula. Parking access and
9 landside feeder connections must be sufficient to support ridership
10 projections. Twelve million dollars (\$12,000,000). The project
11 sponsor is the San Francisco Bay Area Water Emergency
12 Transportation Authority. If the San Francisco Bay Area Water
13 Emergency Transportation Authority demonstrates to the
14 Metropolitan Transportation Commission that it has secured
15 alternative funding for the two vessel purchases described in this
16 paragraph, the funds may be used for terminal improvements.

17 (28) Water Transit Facility Improvements, Spare Vessels, and
18 Environmental Review Costs. Provide two backup vessels for
19 water transit services, expand berthing capacity *at the Port of San*
20 *Francisco*, and expand environmental studies and design for
21 eligible locations. Forty-eight million dollars (\$48,000,000). The
22 project sponsor is San Francisco Bay Area Water Emergency
23 Transportation Authority. Up to one million dollars (\$1,000,000)
24 of the funds described in this paragraph shall be made available
25 for the San Francisco Bay Area Water Emergency Transportation
26 Authority to study accelerating development and other milestones
27 that would potentially increase ridership at the City of Richmond
28 ferry terminal.

29 (29) Regional Express Bus Service for San Mateo, Dumbarton,
30 and Bay Bridge Corridors. Expand park and ride lots, improve
31 HOV access, construct ramp improvements, and purchase rolling
32 stock. Twenty-two million dollars (\$22,000,000). The project
33 sponsors are AC Transit and Alameda County Congestion
34 Management Agency.

35 (30) I-880 North Safety Improvements. Reconfigure various
36 ramps on I-880 and provide appropriate mitigations between 29th
37 Avenue and 16th Avenue. Ten million dollars (\$10,000,000). The
38 project sponsors are Alameda County Congestion Management
39 Agency, City of Oakland, and the Department of Transportation.

1 (31) BART Warm Springs Extension. Extension of the existing
2 BART system from Fremont to Warm Springs in southern Alameda
3 County. Ninety-five million dollars (\$95,000,000). Up to ten
4 million dollars (\$10,000,000) shall be used for grade separation
5 work in the City of Fremont necessary to extend BART. The
6 project would facilitate a future rail service extension to the Silicon
7 Valley. The project sponsor is BART.

8 (32) I-580 (Tri Valley) Rapid Transit Corridor Improvements.
9 Provide rail or High-Occupancy Vehicle lane direct connector to
10 Dublin BART and other improvements on I-580 in Alameda
11 County for use by express buses. Sixty-five million dollars
12 (\$65,000,000). The project sponsor is Alameda County Congestion
13 Management Agency.

14 (33) Regional Rail Master Plan. Provide planning funds for
15 integrated regional rail study pursuant to subdivision (f) of Section
16 30914.5. Six million five hundred thousand dollars (\$6,500,000).
17 The project sponsors are Caltrain and BART.

18 (34) Integrated Fare Structure Program. Provide planning funds
19 for the development of zonal monthly transit passes pursuant to
20 subdivision (e) of Section 30914.5. One million five hundred
21 thousand dollars (\$1,500,000). The project sponsor is the Translink
22 Consortium.

23 (35) Transit Commuter Benefits Promotion. Marketing program
24 to promote tax-saving opportunities for employers and employees
25 as specified in Section 132(f)(3) or 162(a) of the Internal Revenue
26 Code. Goal is to increase the participation rate of employers
27 offering employees a tax-free benefit to commute to work by
28 transit. The project sponsor is the Metropolitan Transportation
29 Commission. Five million dollars (\$5,000,000).

30 (36) Caldecott Tunnel Improvements. Provide funds to plan and
31 construct a fourth bore at the Caldecott Tunnel between Contra
32 Costa and Alameda Counties. The fourth bore will be a two-lane
33 bore with a shoulder or shoulders north of the current three bores.
34 The County Connection shall study all feasible alternatives to
35 increase transit capacity in the westbound corridor of State
36 Highway Route 24 between State Highway Route 680 and the
37 Caldecott Tunnel, including the study of the use of an express lane,
38 high-occupancy vehicle lane, and an auxiliary lane. The cost of
39 the study shall not exceed five hundred thousand dollars (\$500,000)
40 and shall be completed not later than January 15, 2006. Fifty

1 million five hundred thousand dollars (\$50,500,000). The project
2 sponsor is the Contra Costa Transportation Authority.

3 (d) Not more than 38 percent of the revenues generated from
4 the toll increase shall be made available annually for the purpose
5 of providing operating assistance for transit services as set forth
6 in the authority's annual budget resolution. The funds shall be
7 made available to the provider of the transit services subject to the
8 performance measures described in Section 30914.5. If the funds
9 cannot be obligated for operating assistance consistent with the
10 performance measures, these funds shall be obligated for other
11 operations consistent with this chapter.

12 Except for operating programs that do not have planned funding
13 increases and subject to the 38-percent limit on total operating cost
14 funding in any single year, following the first year of scheduled
15 operations, an escalation factor, not to exceed 1.5 percent per year,
16 shall be added to the operating cost funding through fiscal year
17 2015–16, to partially offset increased operating costs. The
18 escalation factors shall be contained in the operating agreements
19 described in Section 30914.5. Subject to the limitations of this
20 paragraph, the Metropolitan Transportation Commission may
21 annually fund the following operating programs as another
22 component of the Regional Traffic Relief Plan:

23 (1) Golden Gate Express Bus Service over the Richmond Bridge
24 (Route 40). Two million one hundred thousand dollars
25 (\$2,100,000).

26 (2) Napa Vine Service terminating at the Vallejo Intermodal
27 Terminal. Three hundred ninety thousand dollars (\$390,000).

28 (3) Regional Express Bus North Pool serving the Carquinez and
29 Benicia Bridge Corridors. Three million four hundred thousand
30 dollars (\$3,400,000).

31 (4) Regional Express Bus South Pool serving the Bay Bridge,
32 San Mateo Bridge, and Dumbarton Bridge Corridors. Six million
33 five hundred thousand dollars (\$6,500,000).

34 (5) Dumbarton Rail. Five million five hundred thousand dollars
35 (\$5,500,000).

36 (6) San Francisco Bay Area Water Emergency Transportation
37 Authority, Alameda/Oakland/Harbor Bay, Berkeley/Albany, South
38 San Francisco, Vallejo, or other transbay ferry service. A portion
39 of the operating funds may be dedicated to landside transit

1 operations. Fifteen million three hundred thousand dollars
2 (\$15,300,000).

3 (7) Owl Bus Service on BART Corridor. One million eight
4 hundred thousand dollars (\$1,800,000).

5 (8) MUNI Metro Third Street Light Rail Line. Two million five
6 hundred thousand dollars (\$2,500,000) without escalation.

7 (9) AC Transit Enhanced Bus Service on Telegraph Avenue,
8 International Boulevard, and East 14th Street in
9 Berkeley-Oakland-San Leandro. Three million dollars (\$3,000,000)
10 without escalation.

11 (10) TransLink, three-year operating program. Twenty million
12 dollars (\$20,000,000) without escalation.

13 (11) San Francisco Bay Area Water Emergency Transportation
14 Authority, regional planning and operations. Three million dollars
15 (\$3,000,000) without escalation.

16 (e) For all projects authorized under subdivision (c), the project
17 sponsor shall submit an initial project report to the Metropolitan
18 Transportation Commission before July 1, 2004. This report shall
19 include all information required to describe the project in detail,
20 including the status of any environmental documents relevant to
21 the project, additional funds required to fully fund the project, the
22 amount, if any, of funds expended to date, and a summary of any
23 impediments to the completion of the project. This report, or an
24 updated report, shall include a detailed financial plan and shall
25 notify the commission if the project sponsor will request toll
26 revenue within the subsequent 12 months. The project sponsor
27 shall update this report as needed or requested by the commission.
28 No funds shall be allocated by the commission for any project
29 authorized by subdivision (c) until the project sponsor submits the
30 initial project report, and the report is reviewed and approved by
31 the commission.

32 If multiple project sponsors are listed for projects listed in
33 subdivision (c), the commission shall identify a lead sponsor in
34 coordination with all identified sponsors, for purposes of allocating
35 funds. For any projects authorized under subdivision (c), the
36 commission shall have the option of requiring a memorandum of
37 understanding between itself and the project sponsor or sponsors
38 that shall include any specific requirements that must be met prior
39 to the allocation of funds provided under subdivision (c).

1 (f) The Metropolitan Transportation Commission shall annually
2 assess the status of programs and projects and shall allocate a
3 portion of funding made available under Section 30921 or 30958
4 for public information and advertising to support the services and
5 projects identified in subdivisions (c) and (d). If a program or
6 project identified in subdivision (c) has cost savings after
7 completion, taking into account construction costs and an estimate
8 of future settlement claims, or cannot be completed or cannot
9 continue due to delivery or financing obstacles making the
10 completion or continuation of the program or project unrealistic,
11 the commission shall consult with the program or project sponsor.
12 After consulting with the sponsor, the commission shall hold a
13 public hearing concerning the program or project. After the hearing,
14 the commission may vote to modify the program or the project's
15 scope, decrease its level of funding, or reassign some or all of the
16 funds to another project within the same bridge corridor. If a
17 program or project identified in subdivision (c) is to be
18 implemented with other funds not derived from tolls, the
19 commission shall follow the same consultation and hearing process
20 described above and may vote thereafter to reassign the funds to
21 another project consistent with the intent of this chapter. If an
22 operating program or project as identified in subdivision (d) cannot
23 achieve its performance objectives described in subdivision (a) of
24 Section 30914.5 or cannot continue due to delivery or financing
25 obstacles making the completion or continuation of the program
26 or project unrealistic, the commission shall consult with the
27 program or the project sponsor. After consulting with the sponsor,
28 the commission shall hold a public hearing concerning the program
29 or project. After the hearing, the commission may vote to modify
30 the program or the project's scope, decrease its level of funding,
31 or to reassign some or all of the funds to another or an additional
32 regional transit program or project within the same corridor. If a
33 program or project does not meet the required performance
34 measures, the commission shall give the sponsor a time certain to
35 achieve the performance measures before reassigning its funding.

36 (g) If the voters approve a toll increase pursuant to Section
37 30921, the authority shall within 24 months of the election date,
38 include the projects in a long-range plan that are consistent with
39 the commission's findings required by this section and Section
40 30914.5. The authority shall update its long-range plan as required

1 to maintain its viability as a strategic plan for funding projects
2 authorized by this section. The authority shall by January 1, 2007,
3 submit its updated long-range plan to the transportation policy
4 committee of each house of the Legislature for review.

5 (h) If the voters approve a toll increase pursuant to Section
6 30921, and if additional funds from this toll increase are available
7 following the funding obligations of subdivisions (c) and (d), the
8 authority may set aside a reserve to fund future rolling stock
9 replacement to enhance the sustainability of the services
10 enumerated in subdivision (d). The authority shall, by January 1,
11 2020, submit a 20-year toll bridge expenditure plan to the
12 Legislature for adoption. This expenditure plan shall have, as its
13 highest priority, replacement of transit vehicles purchased pursuant
14 to subdivision (c).

15 SEC. 5. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 a local agency or school district has the authority to levy service
18 charges, fees, or assessments sufficient to pay for the program or
19 level of service mandated by this act, within the meaning of Section
20 17556 of the Government Code.