

CITY OF OAKLAND

BILL ANALYSIS



Date: March 27, 2007

Bill Number: AB 444

Bill Author: Assembly Member Hancock

DEPARTMENT INFORMATION

Contact: Shanna O'Hare

Department: Public Works Agency

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RECOMMENDED POSITION: Support

Summary of the Bill:

AB 444 (Hancock): This bill is similar to (AB 2444 Klehs), which Oakland supported but the governor vetoed last year. AB 444 would authorize county congestion management agencies in Alameda and Contra Costa County to submit to the voters a measure to increase the motor vehicle registration fee. This fee increase could be up to \$10 per vehicle per year. If approved by voters, revenues would fund transportation projects and programs that benefit persons paying the fee. Projects eligible for funding include those that manage traffic congestion, mitigate environmental impacts of motor vehicles, repair local streets and roads, build new transportation infrastructure, and expand public transit service.

Because this bill requires voter approval to impose a fee increase, rather than simply allowing an elected board to raise fees, the governor is not expected to oppose AB 444.

Positive Factors for Oakland:

Oakland's proportional share of Alameda County's annual revenues from AB 2444, based on our population, would be approximately 28% (or roughly \$2.8 million per year with a \$10 fee). Under AB 2444, these funds could be used to defray the cost of implementing and maintaining projects in Oakland that smooth traffic flow. Some examples include interconnecting traffic signals to allow timing coordination, installing video cameras to detect traffic congestion and message boards to redirect traffic to less congested streets. Improving pedestrian and bicycle access to key transit hubs would also be an eligible use of these funds. Also funds could be used to defray a portion of Oakland's local roadway maintenance needs.

Negative Factors for Oakland: None.

Item: _____
Rules & Legislation Comte.
April 19, 2007

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

Critical (top priority for City lobbyist, city position required ASAP)

Very Important (priority for City lobbyist, city position necessary)

Somewhat Important (City position desirable if time and resources are available)

Minimal or **None** (do not review with City Council, position not required)

Known support:

AB 444: Alameda County Congestion Management Agency (Sponsor)

Known Opposition:

AB 444: None

Attach bill text and state/federal legislative committee analysis, if available.
(Available 4/6/07)

Respectfully Submitted,



Raul A. Godinez II, P.E.
Director, Public Works Agency

Approved for Forwarding to
Rules Committee



Office of City Administrator

Item: _____
Rules & Legislation Comte.
April 19, 2007

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 444

Introduced by Assembly Member Hancock

February 16, 2007

An act to add Section 65089.12 to the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to traffic congestion.

LEGISLATIVE COUNSEL'S DIGEST

AB 444, as amended, Hancock. Congestion management: motor vehicle registration fees.

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

The bill would authorize the county congestion management agency in Alameda County and in Contra Costa County, by a majority vote of the agency's board, to impose an annual fee of up to \$10 on motor vehicles registered within the county for a program for the management of traffic congestion. The bill would require voter approval of the measure. The bill would require the department, if requested, to collect the additional fee and distribute the net revenues to the agency, after deduction of specified costs. The bill would require that the fees collected may only be used to pay for programs *and projects* bearing a relationship or benefit to the owners of motor vehicles paying the fee, and would require the agency's board to make a specified finding of fact in that regard. *The bill would require the governing board of the congestion management agency to adopt a specified expenditure plan.*

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

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

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

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

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

11 (3) There are measures available to lessen the impact of motor
12 vehicle-related pollution, including congestion management
13 programs, storm water runoff best management practices, and
14 transportation control measures aimed at reducing air pollution.

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

21 SEC. 2. Section 65089.12 is added to the Government Code,
22 to read:

23 65089.12. (a) Each agency in the Counties of Alameda and
24 Contra Costa may place a majority vote ballot measure before the
25 voters of its respective county to authorize an increase in the fees
26 of motor vehicle registration in the county for transportation-related
27 projects and programs described in this chapter. The agency may
28 *impose an additional fee of up to ten dollars (\$10) on each motor*
29 *vehicle registered within the county.* The ballot measure resolution
30 shall be adopted by a majority vote of the governing board of a
31 county congestion management agency at a noticed public hearing.
32 The resolution shall also contain a finding of fact that the projects
33 and programs to be funded by the fee increase has a relationship
34 or benefit to the persons who will be paying the fee. The finding

1 of fact shall require a majority vote of the governing board at a
2 noticed public hearing.

3 (b) The ballot measure described in subdivision (a) shall be
4 submitted to the voters of the county and if approved by the voters
5 in the county, the increased fee shall apply to the original vehicle
6 registration occurring on or after the January 1 following the
7 adoption of the measure by the voters and to any renewal of
8 registration with an expiration date on or after that January 1.

9 (c) (1) *The governing board of the congestion management*
10 *agency shall adopt an expenditure plan programming the revenue*
11 *to transportation-related programs and projects that have a*
12 *relationship or benefit to the persons that pay the fee. The*
13 *transportation-related programs and projects include, but are not*
14 *limited to, programs and projects that have the following purposes:*

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

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

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

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

24 (A) *“Congestion mitigation programs and projects” include,*
25 *but are not limited to, programs and projects identified in an*
26 *adopted congestion management program or county transportation*
27 *plan; projects and programs to manage congestion, including, for*
28 *example, high-occupancy vehicle or high-occupancy toll lanes;*
29 *improved transit services through the use of technology, bicycle*
30 *and pedestrian improvements; improved signal coordination,*
31 *traveler information systems, highway operational improvements,*
32 *and local street and road rehabilitation; and transit service*
33 *expansion.*

34 (B) *“Pollution mitigation programs and projects” include, but*
35 *are not limited to, programs and projects carried out by a*
36 *congestion management agency, a regional water quality control*
37 *board, an air pollution control district, an air quality management*
38 *district, or another public agency that is carrying out the adopted*
39 *plan of a congestion management agency, a regional water control*

1 *board, an air pollution control district, or an air quality*
2 *management district.*

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

4 9250.4. (a) The department shall, if requested by a county
5 congestion management agency, collect the fee imposed pursuant
6 to Section 65089.12 of the Government Code upon the registration
7 or renewal of registration of a motor vehicle registered in the
8 county, except those vehicles that are expressly exempted under
9 this code from the payment of registration fees.

10 (b) The county congestion management agency shall pay for
11 *the initial setup and programming costs identified by the*
12 *department through a direct contract with the department. Any*
13 *direct contract payment by the board shall be repaid, with no*
14 *restriction on the funds, to the county congestion management*
15 *agency as part of the initial revenues available for distribution.*

16 (c) After deducting all costs incurred pursuant to this section,
17 the department shall distribute the net revenues pursuant to
18 subdivision (a) of Section 65089.12 of the Government Code.

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

OAKLAND CITY COUNCIL

2007 APR -5 PM 4:40



City Attorney

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION DECLARING THE CITY OF OAKLAND'S SUPPORT FOR AB 444 (HANCOCK) – VEHICLE REGISTRATION FEE FOR CONGESTION MANAGEMENT AND TRANSPORTATION IMPROVEMENTS

WHEREAS, traffic congestion and wear and tear on freeways and local roads continues to be a significant problem for residents and employees in Alameda County; and

WHEREAS, traffic congestion and deferred street maintenance impact the local economy and the ability of employers in Alameda County to attract and keep employees; and

WHEREAS, improvements in the operation of local arterials, in transit operations, and freeway operations can provide relief from congestion; and

WHEREAS, transportation improvements and maintenance projects can have environmental impacts that require mitigation; and

WHEREAS, the Alameda County Congestion Management Agency (CMA) was created in 1991 by a joint powers agreement among the cities of Alameda County and the County of Alameda to provide a forum for addressing congestion and other transportation issues; and

WHEREAS, State Assembly Member Loni Hancock, at the request of the CMA, introduced AB 444 in the 2007 session of the California Legislature that would authorize the congestion management agencies in Alameda and Contra Costa County to submit to voters a measure to increase the motor vehicle registration fee by up to \$10 per year; and

WHEREAS, a proportional share (based on population) of the revenues generated by the registration fee increase in Alameda County would be earmarked for projects in Oakland that improve the flow of traffic, repair local streets and roads, expand public transit, and/or address the environmental impacts of transportation improvements; now, therefore be it

RESOLVED: That the Oakland City Council supports AB 444 (Hancock) which could result in an increase of up to \$10 in the annual motor vehicle registration fee to fund congestion management projects, roadway maintenance, transit expansion, and environmental mitigation of transportation projects.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California