

CHAPTER 317

FILED WITH SECRETARY OF STATE SEPTEMBER 26, 2008

APPROVED BY GOVERNOR SEPTEMBER 26, 2008

PASSED THE SENATE AUGUST 22, 2008

PASSED THE ASSEMBLY AUGUST 29, 2008

AMENDED IN SENATE AUGUST 6, 2008

AMENDED IN SENATE JULY 1, 2008

AMENDED IN SENATE JUNE 2, 2008

AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN SENATE SEPTEMBER 4, 2007

AMENDED IN SENATE JULY 16, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN ASSEMBLY APRIL 12, 2007

INTRODUCED BY Assembly Member Leno

(Coauthor: Assembly Member Houston)

FEBRUARY 22, 2007

An act to add Chapter 9 (commencing with Section 1967) to Division 2.5 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 981, Leno. Treasure Island Transportation Management Act.

Existing law authorizes the City and County of San Francisco to designate the Treasure Island Development Authority as a redevelopment agency under the Community Redevelopment Law for the purpose of converting and redeveloping certain property that formerly constituted the Naval Station Treasure Island.

This bill would enact the Treasure Island Transportation Management Act and would authorize the Board of Supervisors of the City and County of San Francisco to designate a board or agency to act as the transportation management agency for Treasure Island, defined to also include Yerba Buena Island. The bill would authorize the transportation management agency, pursuant to the terms of a resolution or ordinance adopted by the board of supervisors, to recommend an initial fee structure for congestion pricing fees to be adopted by the board of supervisors and the San Francisco County Transportation Authority, and to adopt on-street and off-street parking fees, fines, and penalties, and other parking-related revenues and a transit pass fee structure for Treasure Island. The bill would specify the powers and duties of the agency on these and other related matters, including adoption and administration of a transportation program, collection and use of revenues generated from those fees, and coordination with the San Francisco Municipal Transportation Agency.

Existing law provides that a local agency may not impose a new tax, permit fee, or other charge for the privilege of using its streets and roads on or after June 1, 1989, except a permit fee for extra legal loads.

This bill would provide that this prohibition does not apply to the fees authorized by this bill.

The bill would make findings and declarations of the Legislature that the adoption and implementation of the transportation program for Treasure Island is a matter of statewide concern, as specified, and, therefore, no local ordinance, charter provision, or local law shall apply to Treasure Island or the transportation program.

The bill would make findings and declarations of the Legislature that because of the unique circumstances applicable to Treasure Island, a general statute cannot be made applicable, and that, therefore, enactment of a special statute is necessary.

SECTION 1. Chapter 9 (commencing with Section 1967) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 9. TREASURE ISLAND TRANSPORTATION MANAGEMENT

1967. This act shall be known and may be cited as the Treasure Island Transportation Management Act.

1967.1. The Legislature finds and declares all of the following:

(a) It is essential for the economic well-being of the state and the maintenance of a high quality of life that the people of California have efficient transportation systems that will reduce traffic congestion, vehicle miles traveled, and greenhouse gas emissions, and improve travel times and air quality.

(b) In 2006, the Legislature passed Assembly Bill 32 (Ch. 488, Stats. 2006), which enacted the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), a landmark act that establishes a first-in-the-world comprehensive program of regulatory and market mechanisms to achieve real, quantifiable, cost-effective reductions of greenhouse gases.

(c) Implementation of the California Global Warming Solutions Act of 2006 will require creative and innovative solutions, including strategies designed to integrate land use and transportation measures to reduce vehicle miles traveled and traffic congestion, improve travel times, and encourage transit use.

(d) The proposed development of Treasure Island includes an innovative and comprehensive land use and transportation program designed to discourage motor vehicle usage, reduce vehicle miles traveled, encourage public transit, and serve as a model of sustainable neighborhood development. An element of the transportation program is the use of congestion pricing.

(e) Congestion pricing is a potentially useful tool for influencing the behavior of drivers of private motor vehicles, controlling traffic congestion, and reducing vehicle miles traveled and the production of greenhouse gases. The potential of congestion pricing for this purpose is well documented and has been implemented or is under consideration in a number of prominent, high-traffic cities around the world, including London, Stockholm, and Singapore.

(f) Because Treasure Island is located adjacent to an urban area with a single point of vehicular access, but is easily served by multimodal public transit, it is an ideal candidate for a demonstration program designed to test the feasibility of congestion pricing as a tool to encourage and fund public transit use and reduce vehicle miles traveled in furtherance of the state's goals to improve regional air quality and reduce greenhouse gas emissions and traffic congestion.

(g) The proposed development of Treasure Island is a leading example of performance-based infrastructure that uses private innovation, access to financing, and management efficiencies to build infrastructure, combined with the social responsibility, environmental awareness, local knowledge, safety requirements, and job generation concerns of the public sector. The proposed transportation program for Treasure Island, including congestion pricing, will further these goals by allowing private development to advance funding and resources for construction of a public transit infrastructure and mixed-use development in a transit-oriented and sustainable manner, then generating from that development congestion pricing fees that will maximize use of public transit and generate revenues to offset the public sector's costs of public transit facilities and equipment design, construction, operation, and maintenance.

(h) The purpose of the Treasure Island transportation program is to accomplish all of the following:

(1) To facilitate the implementation of an innovative, sustainable transportation program for Treasure Island that will encourage public transit, bicycle, pedestrian, and waterborne modes of transportation, reduce vehicle miles traveled, and minimize the impact of Treasure Island development on the system of state and local roadways affected by the San Francisco-Oakland Bay Bridge, as

well as on the bridge itself, in furtherance of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(2) To develop a comprehensive set of transportation demand management programs to encourage and facilitate transit use and to minimize the environmental and other impacts of private motor vehicles traveling to, from, and on Treasure Island.

(3) To manage Treasure Island-related transportation in a sustainable manner, to the extent feasible, with the goal of reducing vehicle miles traveled and minimizing carbon emissions and impacts on air and water quality.

(4) To create a flexible institutional structure that can set parking and congestion pricing rates, monitor the performance of the transportation program, collect revenues, and direct generated revenues to transportation services and programs serving Treasure Island.

(5) To promote multimodal access to, from, and on Treasure Island by a wide range of local, regional, and statewide visitors by providing a reliable source of funding for transportation services and programs serving Treasure Island that will include bus transit service provided by the city's municipal transportation agency, or its successor agency, and ferry service.

(i) The congestion pricing demonstration program authorized by this act includes an important reporting requirement to the Legislature that will allow the Legislature to assess the success of the program in achieving its goals.

(j) The Treasure Island Development Authority and its private development partner have undertaken numerous technical and economic feasibility studies demonstrating the effectiveness of the transportation program to conserve energy, discourage motor vehicle usage, reduce vehicle miles traveled, increase transit ridership, and deliver significant public infrastructure improvements through public-private partnership.

1967.2. For purposes of this chapter, the following terms have the following meanings:

(a) "Authority" means the Treasure Island Development Authority, a nonprofit public benefit corporation established by the board of supervisors that is vested with both redevelopment authority and the power and duty to administer the public trust for commerce, navigation, and fisheries with respect to Treasure Island.

(b) "Board of supervisors" means the Board of Supervisors of the City and County of San Francisco.

(c) "City" means the City and County of San Francisco.

(d) "Congestion pricing fees" means fees that motorists pay to drive in a designated congestion pricing zone that are designed to relieve traffic congestion and promote alternative forms of transportation, and are set and adjusted to reflect traffic patterns, congestion levels, time of day, and other conditions that impact the roadway system.

(e) "Transportation authority" means the San Francisco County Transportation Authority.

(f) "Transportation management agency" means the Treasure Island Transportation Management Agency designated by the board of supervisors pursuant to Section 1967.3.

(g) "Transportation program" means a comprehensive transportation program for Treasure Island designed to achieve the goals set forth in Section 1967.1.

(h) "Treasure Island" means Treasure Island and Yerba Buena Island.

1967.3. The authority is formulating a transportation program in connection with the authority's redevelopment activities on Treasure Island. The board of supervisors directed that the transportation program ensure adequate and reliable funding for transit service for Treasure Island, including bus transit service provided by the city's municipal transportation agency, or its successor agency. In formulating the transportation program, the authority shall make recommendations for the governance structure of the transportation management agency. Based on the authority's recommendations, the board of supervisors may designate a board or agency that shall act as the transportation management agency. The board of supervisors may

designate itself as the transportation management agency. Notwithstanding Chapter 898 of the Statutes of 1997, any subsequent amendments to that chapter, but subject to Section 1967.5, the transportation management agency shall have the exclusive power to do any or all of the following pursuant to the terms of a resolution or ordinance adopted by the board of supervisors:

(a) Adopt and administer the transportation program and implementing rules and regulations.

(b) Recommend to the board of supervisors and the transportation authority an initial fee structure for the imposition of congestion pricing fees applicable to residents and other motorists as they enter or exit Treasure Island in the amount deemed necessary and proper by the transportation management agency to implement the transportation program.

(c) Adopt amendments to the congestion pricing fee structure initially adopted by the board of supervisors and the transportation authority pursuant to subdivision (a) of Section 1967.5, as the transportation management agency deems necessary and appropriate from time to time to implement the transportation program, based upon a finding that the amendments to the fee have a relationship or benefit to the motor vehicle drivers who are paying the fee.

(d) Administer and collect congestion pricing fees on Treasure Island.

(e) Adopt on-street and off-street parking regulations for Treasure Island, including regulations limiting parking, stopping, standing, or loading and establishing parking privileges and locations, parking meter zones, and other forms of parking regulation similar to those adopted for other areas of San Francisco.

(f) Adopt on-street and off-street parking fees, fines, and penalties for Treasure Island and administer and collect all on-street and off-street parking fees, fines, penalties, and other parking-related revenues on Treasure Island.

(g) Adopt a transit pass fee structure applicable to residents and other users of Treasure Island and administer and collect all Treasure Island transit pass fees.

(h) Fix the rates and charges for services provided or functions performed by the transportation management agency and administer and collect those rates and charges.

(i) Apply for, accept, and administer state, federal, local agency, or other public or private grant funds for transportation purposes.

(j) Administer and collect all other revenues generated by the transportation program.

(k) Undertake studies, performance evaluations, and other mechanisms as it deems necessary and proper to adopt and amend the transportation program with the purpose of relieving transportation-related impacts.

(l) Expend its revenues for any purpose related to the transportation program, including costs of implementation, operation, collection and enforcement, maintenance, construction, and administration under the transportation program.

(m) Enter into contracts, cooperative agreements, and direct funding agreements with private parties and governmental agencies, including city departments, to the extent deemed necessary and proper by the transportation management agency to implement the transportation program, including for any of the following:

(1) The construction and maintenance of transportation facilities serving Treasure Island that are directly related to the transportation program, including design, preconstruction, and other related costs.

(2) Transit capital improvements and operations for services that directly serve Treasure Island.

(3) Notwithstanding Section 40717.9 of the Health and Safety Code, implementation of transportation impact mitigation measures as adopted from time to time to improve or encourage the use of transit and other nonmotor vehicle means of access to Treasure Island.

(n) Adopt rules and regulations governing high-occupancy vehicles pursuant to subdivision (d) of Section 1967.5.

(o) Take all other steps as the transportation management agency deems necessary and proper to implement the transportation program.

1967.4. Except as specifically provided in Section 1967.5, to the extent that the transportation management agency is granted exclusive powers to adopt regulations and adopt, fix, administer, and collect fees, rates, charges, and other revenues with respect to the transportation program under Section 1967.3, the city and its departments, boards, and commissions shall be prohibited from exercising those powers with respect to Treasure Island and the transportation program.

1967.5. (a) The board of supervisors and the transportation authority, by a two-thirds majority vote of both bodies, shall have the authority to adopt a program imposing congestion pricing fees for motor vehicles exiting and entering Treasure Island from the San Francisco-Oakland Bay Bridge and an initial congestion pricing fee structure after consideration of the recommendation of the transportation management agency. The congestion pricing fees shall not be imposed on local trips on Treasure Island streets that do not exit to the San Francisco-Oakland Bay Bridge. Once adopted, the congestion pricing program may only be terminated by the recommendation of both the authority and the transportation management agency, followed by a two-thirds majority vote of both the board of supervisors and the transportation authority.

(b) (1) Prior to imposing the initial congestion pricing fees, the board of supervisors and the transportation authority shall each make a finding of fact by a two-thirds majority vote that the congestion pricing fees have a relationship or benefit to the motor vehicle drivers who are paying the fee.

(2) In order to ensure that congestion pricing fees are not instituted prior to new residents establishing residence on Treasure Island, initial congestion pricing fees shall not be imposed prior to the effective date of the disposition and development agreement for the redevelopment of Treasure Island.

(3) All fees, rates, and charges adopted in furtherance of the transportation program, including congestion pricing fees, on-street and off-street parking fees, fines and penalties, transit pass fees, and any other rates and charges that are adopted by the transportation management agency from time to time, be collected and used by the transportation management agency to implement the transportation program.

(c) While congestion pricing fees remain in effect, the transferor of any sale or lease agreement of real property on Treasure Island shall be required to include a written disclosure to the potential purchaser or lessee that use of a motor vehicle to and from Treasure Island may be subject to congestion pricing fees.

(d) At all periods of the day, whether or not the congestion pricing fees are in effect, high-occupancy vehicles shall be able to exit or enter Treasure Island free of charge.

1967.6. The transportation program shall ensure that public access to waterfront, recreational, and open-space areas on Treasure Island is sufficient to support public trust activities by ensuring all of the following:

(a) Public access to areas subject to the public trust is facilitated in part by transportation program elements, such as (1) an on-island shuttle, (2) secure bicycle parking, and (3) limitations on long-term parking on streets that are subject to the public trust following a land exchange authorized by Chapter 543 of the Statutes of 2004, as amended (hereafter public trust streets), that will discourage residential use of public trust streets for parking but allow appropriate time for recreational and visitor activities.

(b) Program elements shall not interfere with the provision of public access to public trust lands consistent with the beneficial use of those lands, including, but not limited to, roadway access to serve the public along the western shoreline of Treasure Island.

(c) There shall be no preference for residents in parking rates, parking passes, or the duration of parking on public trust streets or on other public trust lands.

(d) Parking revenues from public trust streets or other public trust lands shall be used for transportation facilities and services benefiting the public trust in accordance with the transportation program, with any surplus revenues to be used for other trust-related purposes.

1967.7. Meetings of the transportation management agency shall be held pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

1967.8. Section 9400.8 of the Vehicle Code shall not apply to any fee imposed by this chapter.

1967.9. The city may bring an action pursuant to Sections 860 to 870, inclusive, of the Code of Civil Procedure to confirm the validity of any resolution adopted by the board of supervisors or the transportation management agency.

1967.10. Not later than three years and no sooner than one year after the transportation management agency first collects revenues from the congestion pricing fees authorized under Section 1967.5, the authority shall conduct a public opinion survey regarding the congestion pricing demonstration program and provide a report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing Committee on its findings, conclusions, and recommendations concerning the congestion pricing demonstration program authorized by this act. The report shall include an analysis of the success of the congestion pricing demonstration program on minimizing vehicle miles traveled and motor vehicle trips on the San Francisco-Oakland Bay Bridge and increasing public transit use, as well as an economic analysis of the program's impact on funding public transportation improvements and operations.

1967.11. Nothing in this chapter shall affect the authority granted to the Bay Area Toll Authority granted in Article 1 (commencing with Section 30600) of Chapter 2 of Division 17 relating to the San Francisco-Oakland Bay Bridge.

SEC. 2. (a) The Legislature finds and declares that the adoption and implementation of the transportation program under this act, including the use of the congestion pricing, parking, and transit pass fees in accordance with this act, will provide substantial benefit to (1) the public trust for commerce, navigation, and fisheries by promoting access to Treasure Island by a wide range of local, regional, and statewide visitors, and (2) the people of California and the state highway and regional transportation system by reducing the amount of project-related traffic and vehicle miles traveled on the San Francisco-Oakland Bay Bridge and related system of state and local roadways, reducing congestion and greenhouse gas emissions, improving regional air quality, and increasing ridership on regional multimodal public transit, and is therefore a matter of statewide concern.

(b) (1) Subject to the requirements of this act, the transportation management agency shall be the sole entity or jurisdiction authorized to impose any transportation-related revenue measures on Treasure Island, including congestion pricing fees, on-street and off-street parking fees, fines, penalties, other parking-related revenues, and transit pass fees. No ordinance, charter provision, or other provision of local law purporting to impose any similar revenue measure, whether now existing or enacted in the future, shall apply to Treasure Island or the transportation program, and the city and its departments, boards, and commissions are prohibited from exercising in the city's own right any powers that have been granted to the transportation management agency or the board of supervisors under this act.

(2) The transportation management agency, in implementing the transportation program, shall coordinate with the San Francisco Municipal Transportation Agency (SFMTA) in decisions regarding transit service, parking enforcement, traffic signaling, and all other operational responsibilities for which SFMTA is mutually determined to have operational responsibilities and, consistent with direction from the board of supervisors under Resolution No. 699-06, the transportation management agency shall work with SFMTA to identify adequate and reliable funding as necessary for SFMTA to carry out these responsibilities. This provision is not intended to interfere with the jurisdiction of SFMTA or any successor agency over the real, personal, and financial assets of SFMTA, the authority of SFMTA over contracting, leasing, and purchasing, or the authority of SFMTA to set fares for the San Francisco Municipal Railway.

SEC. 3. The Legislature finds and declares that because of the

unique circumstances applicable to Treasure Island that necessitate an innovative, sustainable transportation program, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.