

Date of Hearing: April 22, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 335 (Eduardo Garcia) – As Amended March 27, 2019

SUBJECT: Imperial County Transportation Commission

SUMMARY: Authorizes the Imperial County Transportation Commission (ICTC) to evaluate, develop, and implement specific nontransportation programs within Imperial County. Specifically, **this bill:**

- 1) Authorizes ICTC to evaluate, develop, and implement nontransportation programs that it determines would provide local benefits by consolidating and sharing costs and resources, by facilitating cooperation, or by operating under ICTC's management, including:
 - a) Animal control services;
 - b) Waste management services;
 - c) Emergency response services; and
 - d) Multiagency communication services during countywide natural disasters.
- 2) Requires a majority vote of, and the adoption of a resolution by, ICTC's board prior to its development or implementation of a nontransportation program.
- 3) Authorizes ICTC to apply for, and receive, money and grants to carry out its functions.
- 4) Restricts the use of transportation funds for nontransportation purposes.
- 5) Authorizes ICTC to function as the service authority for freeway emergencies (SAFE) in Imperial County upon adoption of a resolution by the board and ratification of the resolution by the County Board of Supervisors and city councils of the cities having a majority of the population in the county.

EXISTING LAW:

- 1) Creates ICTC as the successor agency to the Imperial Valley Association of Governments (IVAG) and assigns all assets and liabilities of IVAG to ICTC.
- 2) Establishes a governing board consisting of up to 15 members of whom 10 will be voting members, 1 designated nonvoting member, and up to 4 nonvoting, ex-officio members. The 10 voting members include one representative from each of 7 incorporated cities in the county, 2 members of the Imperial County Board of Supervisors, and 1 member representing the Imperial Irrigation District.
- 3) Sets forth provisions governing administration of ICTC.
- 4) Provides that ICTC may use up to 3% of revenue from the Local Transportation Fund for administrative purposes.

- 5) Directs ICTC to prepare a short-range transportation plan, including a 3 to 5-year transportation improvement program (TIP) that includes all projects funded by federal, state, and local funds. The TIP is to be developed in coordination and consultation with the Southern California Association of Governments (SCAG) and must be consistent with SCAG's regional transportation plan.
- 6) Requires ICTC to consult with its member agencies, Caltrans, adjacent counties, and other public and private entities when preparing the short-range plan and the TIP.
- 7) Vests with ICTC the responsibility for administering Transportation Development Act provisions, governing the use of public transportation funds.
- 8) Authorizes a county to establish a SAFE, upon certain conditions, and generally provides that the county transportation commission may be designated the SAFE for that county.
- 9) Authorizes SAFEs to impose a \$1 annual fee on vehicles registered in the county.
- 10) Directs, with some exceptions, net revenues generated from the \$1 fee to be used for the implementation, maintenance, and operation of a call box system on state freeways and expressways, county expressways, unincorporated county roads, and on connecting state highway routes that are within the county.
- 11) Requires Caltrans and the California Highway Patrol to review and approve all call box plans proposed for state highways.
- 12) Provides that any revenue received in excess of the amount needed to fully fund a county's call box system may be used for the following:
 - a) Changeable message signs;
 - b) Lighting for call boxes;
 - c) Support for traffic operations centers; and
 - d) Freeway service patrols.

FISCAL EFFECT: Unknown.

COMMENTS: In 2009, the Legislature passed and Governor Schwarzenegger signed into law SB 607 (Ducheny), Chapter 56, which created ICTC as the successor agency to IVAG. IVAG was an organization generally referred to as a “council of government” or COG, which are general purpose regional agencies that can undertake any action in which their member cities and counties share in common. Although many COGs are formed to focus on transportation planning and programming, some COGs have been tasked by their local governments to address other nontransportation issues such as homelessness, water infrastructure, energy efficiency, and earthquake safety. ICTC is a county transportation commission, which is typically more narrowly focused on transportation planning.

As a county transportation commission, ICTC is responsible for the development of the regional transportation plan for Imperial County, as well as its regional transportation improvement program.

In addition, ICTC is responsible for the distribution and oversight of various transportation-related programs; the planning, programming and administration of regional transit services; and encouraging active citizen participation in the development and implementation of various transportation-related plans and programs.

This bill authorizes ICTC to administer nontransportation programs in ways similar to some COGs in the state. Generally, this could occur through the development of a joint powers authority and wouldn't necessarily require statutory change. What makes this situation somewhat unique is the inclusion, by statute, of the Imperial Irrigation District on ICTC's board membership. Because joint powers authorities may only exercise the powers its members have in common, the inclusion of the irrigation district could limit the range of services ICTC could provide. Without this bill, ICTC would have to choose between a potential restructuring or forming an entirely different entity just to engage in the type of actions in which similar regional entities engage.

Another aspect of this bill is that it authorizes ICTC to operate as the SAFE for Imperial County. The primary purpose of SAFEs is emergency motorist aid. Statewide, SAFEs manage the construction, maintenance, and operation of approximately 14,000 emergency call boxes on 6,000 miles of California freeways and expressways. Funding for these call boxes is provided by a \$1 annual fee imposed on registered vehicles in participating counties.

After a majority of the cities and Imperial County adopted resolutions providing for the establishment of the authority, the Board of Supervisors established the Imperial County SAFE in 1990, and began collecting the \$1 annual fee in the county in June 1992. Due to a relatively low vehicle registration and high number of miles in the county, the SAFE decided to collect revenues until such time sufficient funds were accumulated to provide call box service along the most heavily traveled routes. In January of 2000, 120 call boxes along Interstate 8 from the Arizona border to San Diego County line became operational. The system averages 250 calls per month. As additional funds become available other call boxes will be installed. This bill shifts the responsibility to operate the SAFE in Imperial County from the County to ICTC.

According to the author, "This bill will allow ICTC to serve their communities in a more efficient and consolidated manner. In addition, it will allow the local agencies of ICTC to work cooperatively to conserve funds and administrative functions for other non-transportation programs. This will also allow ICTC local communities to voluntarily add program responsibilities to ICTC as the needs of the county see fit and upon a majority vote."

Writing in support, the California Association of Council of Governments states, "The circumstances here are so unique that they require state action. ICTC is an existing regional entity created by statute to carry out specific transportation duties. Over the years, the entity has built up trust to serve as a county-wide forum for cooperation. But ICTC must adhere to the scope of authority granted to it by statute. AB 335 would expand the scope of its authority slightly so that it could undertake other programs that would serve the mutual interest of the communities of Imperial County, like any other council of governments."

Committee comment. The committee has received letters of support from most of the local governments in Imperial County and has received no opposition. Further, this bill specifically protects all transportation funding from being used for any nontransportation purposes. As long as everyone agrees, it seems reasonable for the entities in the county to be able to structure their local programs in the manner they deem best.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Council of Governments
City of Brawley
City of Calexico
City of El Centro
City of Imperial
Imperial County

Opposition

None on file.

Analysis Prepared by: Eric Thronson / TRANS. / (916) 319-2093