

**ASSEMBLY BILL**

**No. 2558**

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**Introduced by Assembly Member Feuer**

February 22, 2008

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An act to add Article 6.5 (commencing with Section 130356) to Chapter 4 of Division 12 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2558, as introduced, Feuer. Los Angeles County Metropolitan Transportation Authority: climate change mitigation and adaptation fee.

Existing law creates the Los Angeles County Metropolitan Transportation Authority, with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles.

This bill would authorize the authority to impose a climate change mitigation and adaptation fee in the County of Los Angeles, subject to approval of an ordinance by a majority of the board of the authority and majority voter approval of a ballot measure containing the fee and an expenditure plan. The bill would specify 2 alternative options for imposing the fee, which would be either a motor vehicle fuel tax or a vehicle fee, subject to specified maximum amounts. Revenues from the fee would be used for public transit and congestion management projects and programs.

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

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

1 SECTION 1. Article 6.5 (commencing with Section 130356)  
2 is added to Chapter 4 of Division 12 of the Public Utilities Code,  
3 to read:

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5 Article 6.5. CLIMATE CHANGE MITIGATION AND  
6 ADAPTATION FEE  
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8 130356. (a) Subject to approval of an ordinance pursuant to  
9 Section 130357 and majority voter approval pursuant to Section  
10 130358, the Los Angeles County Metropolitan Transportation  
11 Authority may impose a countywide climate change mitigation  
12 and adaptation fee. The fee shall be in addition to any other levies  
13 that the authority is authorized to impose. In implementing the fee,  
14 the authority shall utilize one of the following mechanisms:

15 (1) A fee on all motor vehicle fuels sold in the County of Los  
16 Angeles. As used in this paragraph, “motor vehicle” does not  
17 include aircraft. The fee shall be established by the authority at a  
18 rate determined by the authority, but not to exceed 3 percent of  
19 the retail sales price of motor vehicle fuel.

20 (2) An annual per-vehicle fee for each vehicle registered in the  
21 County of Los Angeles that would vary based on the emissions  
22 produced by the vehicle. If the authority imposes the fee under  
23 this mechanism, the authority shall consult with the Department  
24 of Motor Vehicles and other appropriate state or federal agencies  
25 for applicable data to determine the amount of the fee for each  
26 vehicle. The rate of the fee shall not exceed ninety dollars (\$90).

27 (b) As part of the ordinance under Section 130357, the authority  
28 shall adopt a climate change mitigation and adaptation expenditure  
29 plan. The expenditure plan shall describe the specific projects and  
30 programs that would be eligible for the revenues from the fee,  
31 consistent with subdivision (e). The expenditure plan shall also  
32 describe funds other than revenues from the fee that the authority  
33 anticipates will be expended on those projects and programs, and  
34 a schedule for anticipated availability of funds for the projects and  
35 programs.

36 (c) The authority shall use no more than 2 percent of fee  
37 revenues to administer the fee and the projects and programs  
38 funded by fee revenues.

1 (d) Fee revenues shall be deposited in the Climate Change  
2 Mitigation and Adaptation Fund, to be created by the authority.  
3 Revenues in the fund shall be available to the authority to fund  
4 projects and programs that advance the goals of the expenditure  
5 plan. Fee revenues may be used in conjunction with other funds  
6 available to the authority for these purposes. The authority may  
7 distribute a portion of revenues through a competitive grant  
8 program for the county and cities within the jurisdiction of the  
9 authority through the authority's existing call for projects program.

10 (e) (1) Net fee revenues, after administrative costs as described  
11 in subdivision (c), shall be used to fund both of the following:

12 (A) Public transit projects and programs.

13 (B) Congestion management projects and programs.

14 (2) A minimum of two-thirds of net fee revenues shall be used  
15 for the purposes in subparagraph (A) of paragraph (1).

16 (f) The authority may issue bonds payable from fee revenues.  
17 Proceeds from the bonds shall be used for the purposes in  
18 subdivision (e).

19 130357. To impose the fee authorized under this article, both  
20 of the following shall be required:

21 (a) An ordinance proposing the fee and the expenditure plan  
22 and submitting the fee and the expenditure plan to the voters for  
23 approval is approved by a majority vote of the board.

24 (b) A majority of the voters in the County of Los Angeles  
25 approve a ballot measure pursuant to Section 130358.

26 130358. The authority may call a special election for the  
27 purposes of submitting the ordinance containing the fee and the  
28 expenditure plan to the voters of the County of Los Angeles. The  
29 election shall be consolidated with a statewide primary or general  
30 election specified by the authority.