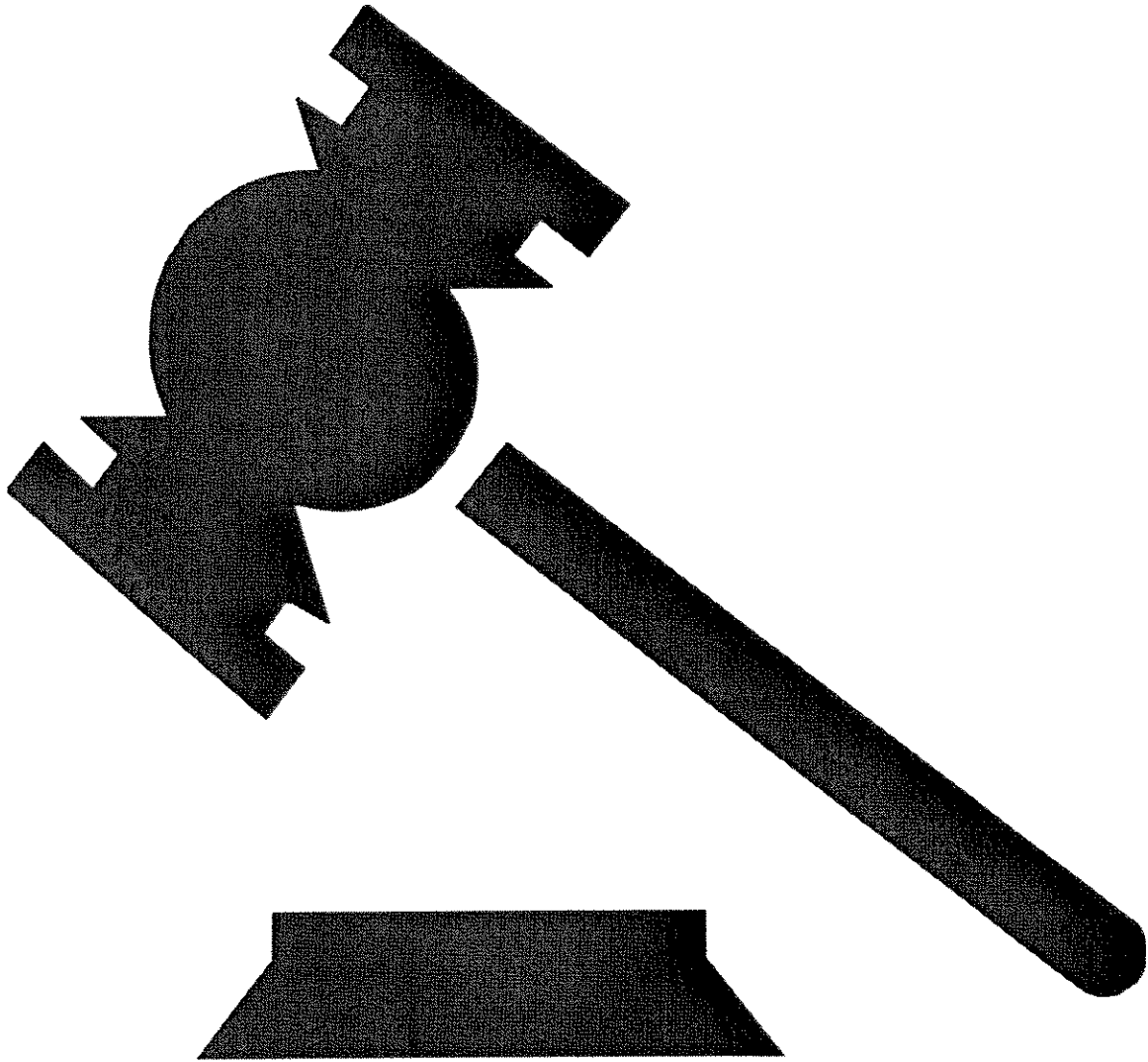




***TRANSPORTATION
CONSENT ITEMS
AGENDA ITEMS II. A-E.***

Transportation Development Act 2007/08 Surplus LTF

	LTF Surplus	STA Payable FCRTA	STA Payable FAX	STA Payable Clovis	STA Payable Total
Clovis	101,446		147,725		147,725
Coalinga	19,886	57,324			57,324
Firebaugh	7,369	10,476			10,476
Fowler	5,844	8,260			8,260
Fresno City	528,747			1,034,539	1,034,539
Huron	8,266	11,712			11,712
Kerman	14,951	42,423			42,423
Kingsburg	12,337	17,581			17,581
Mendota	10,391	14,722			14,722
Orange Cove	11,610	16,452			16,452
Parlier	14,364	36,012			36,012
Reedley	27,385	38,894			38,894
Sanger	27,370	38,834			38,834
San Joaquin	4,248	6,048			6,048
Selma	25,480	36,266			36,266
Fresno County	190,780	249,612		95,843	345,455
		11,216			11,216
Total	1,010,474	595,832	147,725	1,130,382	1,873,939

TRANSPORTATION FUNDING CLAIMS

Resolution 2008-40	City of Kerman
Resolution 2008-41	City of Orange Cove
Resolution 2008-42	City of Sanger
Resolution 2008-44	City of Clovis

BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2008-40

In the Matter of:)
)
TRANSPORTATION)
DEVELOPMENT ACT)
OF 1971)
_____)

RESOLUTION OF APPROVAL
TRANSPORTATION FUNDING
CLAIM FOR THE CITY OF
Kerman, FY 2008-09

WHEREAS, the Council of Fresno County Governments (COG) is the administrator of the Local Transportation Fund as provided by Chapter 1400 of the California Statutes of 1971, and the State Transit Assistance Fund as provided by Chapter 161 & 322 of the Statutes of 1979 and 1982, respectively, and

WHEREAS, the COG has the authority to review claims and allocate such funds in accordance with the Transportation Development Act of 1971 and Chapter 3 of Title 21 of the California Code of Regulations; and

WHEREAS, the City of Kerman has submitted a Transportation Funding Claim for its FY 2008-09 fiscal year apportionment.

NOW, THEREFORE, BE IT RESOLVED, that the Transportation Funding Claim submitted by the City of Kerman has been reviewed and the following findings are hereby made:

1. The Funding Claim submitted by the City of Kerman has been reviewed and found to be in conformance with the adopted Regional Transportation Plan.
2. That the COG finds that priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high-priority regional, countywide, or areawide public transportation needs.
3. On June 26, 2008 the COG Board approved Resolution 2008-23 which found that public transportation needs within the City of Kerman and its sphere of influence will be reasonably met in FY 2008-09.

BE IT FURTHER RESOLVED, that the COG hereby approves the Transportation Funding Claim submitted by the City of Kerman and allocates monies from the Transportation Development Act in accordance with the attached claim which is hereby made a part of this resolution.

BE IT FURTHER RESOLVED, that the Auditor-Controller of the County of Fresno cause the approved claim to be paid in the manner and time directed by the Executive Director of the Council of Fresno County Governments.

THE FOREGOING RESOLUTION was passed and adopted by the Council of Fresno County Governments this 18th day of September, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____
Trinidad M. Rodriguez, Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Council of Fresno County Governments duly adopted at a regular meeting thereof held on the 18th day of September, 2008.

Signed: _____
Tony Boren, Executive Director

Date: 8/6/08

Claimant: CITY OF KERMAN

**TRANSPORTATION FUNDING CLAIM
FOR FISCAL YEAR: 2008/09**

TO: Council of Fresno County Governments
2100 Tulare Street, Suite 619
Fresno, California 93721

FROM: Applicant: CITY OF KERMAN
Address: 850 S. MADRA AVE.
City: KERMAN Zip Code: 93630
Contact: TIM PRZYBYLA Phone: (559) 846-9382

This applicant is an eligible claimant pursuant to Section 99203 of the Public Utilities Code and certifies that the following transportation funds are available to be claimed:

Local Transportation Fund

Apportionment	\$ <u>489,693</u>
Surplus (Prior Years)	\$ _____
Unexpended, Held by Claimant	\$ _____
Other Agency	\$ _____

State Transit Assistance Fund

Estimate	\$ <u>134,856</u>
Prior Year Carryover	\$ <u>110</u>
Unexpended, Held by Claimant	\$ _____

Other

Audit Exception/Impairment (required General Fund Payback)	\$ _____
Other	\$ _____

TOTAL

	\$ <u>624,659</u>
--	-------------------

In accordance with Title 21, Chapter 3, Subchapter 2 and 2.5 of the California Code of Regulations, it is requested that an allocation be made in the total amount of

SIX HUNDRED TWENTY-FOUR THOUSAND SIX HUNDRED AND FIFTY-NINE DOLLARS
(spell out amount)

for the purposes and respective amounts specified in the attached claim be drawn from the Local Transportation Fund and State Transit Assistance Fund

Authorized Signature: _____

Title: FINANCE DIRECTOR

Date: 8/6/08

Claimant: CITY OF KERMAN

PURPOSE	AMOUNT	SUB-TOTAL
1. Bicycle & Pedestrian Facilities (Art. 3)	\$ 9,798	
(Art. 8a)	\$	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$	
		SUB-TOTAL \$ 9,798
2. Regional Transportation Planning		SUB-TOTAL \$ 13,682
3. Public Transportation (Art. 4)	\$	
(Art. 8c)	\$	
Other Agency ()	\$	
Other Agency ()	\$	
State Transit Assistance Funds	\$	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$	
Other, specify ()	\$	
		SUB-TOTAL \$
4. Community Transit Service (CTSA, Art. 4.5)		SUB-TOTAL \$
5. Streets & Roads (Art. 8a)	\$ 394,762	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$	
		SUB-TOTAL \$ 394,762
6. To Be Claimed By: (Fresno County Rural Transit Agency)	\$ 182,602	
(Consolidated Transp. Serv. Agency)	\$ 23,815	
Other ()	\$	
Other ()	\$	
Other ()	\$	
		SUB-TOTAL \$ 206,417
7. Reserved In Fund Pending Further Claiming		SUB-TOTAL \$

GRAND TOTAL \$ 629,659

(Claim Total Must Agree With Total On First Page)

Minus All Unexpended Funds Held By \$ _____

GRAND TOTAL PAYABLE TO CLAIMANT \$_____

Allocation instructions and payment by the Fresno County Auditor-Controller to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the rules and regulations of the Transportation Development Act.

Date: _____

Claimant: _____

BICYCLE AND PEDESTRIAN FACILITIES

Two percent (2%) of the claimant's Local Transportation Fund apportionment must be spent on bicycle and pedestrian facilities (PUC 99233.3 and 99234); such claims are to be filed as Article 3. Claims for projects in excess of 2% may be filed as Article 8a (PUC 99400(a)). If other funding is to be used with Local Transportation Funds to implement projects, such funding should be shown on the claim form.

Project Title and Brief Description	Project Cost
1. (Generic) Various Bicycle and Pedestrian facilities throughout the..... claimant's jurisdiction;	\$ _____
AND/OR	
1. (Specific)	 \$ _____
2. (Specific)	 \$ _____
(add sheets if necessary)	
TOTAL PROJECT COSTS	\$ _____

Revenue Source & Amount

LTF (Article 3)	\$ _____
LTF (Article 8a)	\$ _____
Other:	\$ _____
Other:	\$ _____
Audit Exception - G.F. Payback ..	\$ _____

STREETS AND ROADS CLAIM

Local Transportation Funds coming to claimants within Fresno County may be used for streets and roads improvements and maintenance pursuant to Article 8 (PUC 99400), but only after Fresno COG makes a finding that public transportation needs within the claimant's jurisdiction are reasonably met by satisfying the service requirements set forth by the Regional Transportation Plan (PUC 99401.5).

Project Title and Brief Description	Project Cost
1. (Generic) Development, Construction and Maintenance of Facilities	\$ _____
AND/OR	
1. (Specific)	 \$ _____
2. (Specific)	 \$ _____
(add sheets if necessary)	
TOTAL PROJECT COSTS	\$ _____

Revenue Source & Amount

LTF (Article 8a)	\$ _____
Other:	\$ _____
Other:	\$ _____
Audit Exception - G.F. Payback ..	\$ _____

Date: 8/6/08

Claimant: CITY OF KERMAN

CONTINGENCY PROJECT LISTING

Should additional Local Transportation Fund or State Transit Assistance Fund monies be made available during the current fiscal year, they are hereby also claimed for the following purposes:

() **ARTICLE 3, BICYCLE & PEDESTRIAN FACILITIES**

Project Title & Brief Descriptions

Project Cost

1. Various Bicycle and Pedestrian facilities throughout..... *\$ Amount of Add'l funds made available in current FY.*
the claimant's jurisdiction

AND/OR

1.

(add sheets if necessary)

TOTAL PROJECT COSTS \$ _____

() **ARTICLE 4, PUBLIC TRANSPORTATION**
OR
() **ARTICLE 8C, PUBLIC TRANSPORTATION**

Project Title & Brief Descriptions

Project Cost

1.

2.

(add sheets if necessary)

TOTAL PROJECT COSTS \$ _____

 ARTICLE 8, STREETS AND ROADS

Project Title & Brief Descriptions

Project Cost

1. Development, Construction and Maintenance of Facilities..... *\$ Amount of Add'l funds made available in current FY.*
throughout the claimant's jurisdiction

AND/OR

1.

(add sheets if necessary)

TOTAL PROJECT COSTS \$ _____

BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2008-41

In the Matter of:)
)
TRANSPORTATION)
DEVELOPMENT ACT)
OF 1971)
_____)

RESOLUTION OF APPROVAL
TRANSPORTATION FUNDING
CLAIM FOR THE CITY OF
ORANGE COVE, FY 2008-09

WHEREAS, the Council of Fresno County Governments (COG) is the administrator of the Local Transportation Fund as provided by Chapter 1400 of the California Statutes of 1971, and the State Transit Assistance Fund as provided by Chapter 161 & 322 of the Statutes of 1979 and 1982, respectively, and

WHEREAS, the COG has the authority to review claims and allocate such funds in accordance with the Transportation Development Act of 1971 and Chapter 3 of Title 21 of the California Code of Regulations; and

WHEREAS, the City of Orange Cove has submitted a Transportation Funding Claim for its FY 2008-09 fiscal year apportionment.

NOW, THEREFORE, BE IT RESOLVED, that the Transportation Funding Claim submitted by the City of Orange Cove has been reviewed and the following findings are hereby made:

1. The Funding Claim submitted by the City of Orange Cove has been reviewed and found to be in conformance with the adopted Regional Transportation Plan.
2. That the COG finds that priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high-priority regional, countywide, or areawide public transportation needs.
3. On June 26, 2008 the COG Board approved Resolution 2008-23 which found that public transportation needs within the City of Orange Cove and its sphere of influence will be reasonably met in FY 2008-09.

BE IT FURTHER RESOLVED, that the COG hereby approves the Transportation Funding Claim submitted by the City of Orange Cove and allocates monies from the Transportation Development Act in accordance with the attached claim which is hereby made a part of this resolution.

BE IT FURTHER RESOLVED, that the Auditor-Controller of the County of Fresno cause the approved claim to be paid in the manner and time directed by the Executive Director of the Council of Fresno County Governments.

THE FOREGOING RESOLUTION was passed and adopted by the Council of Fresno County Governments this 18th day of September, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____
Trinidad M. Rodriguez, Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Council of Fresno County Governments duly adopted at a regular meeting thereof held on the 18th day of September, 2008.

Signed: _____
Tony Boren, Executive Director

Date: 8/1/08

Claimant: CITY OF ORANGE COVE

RECEIVED

AUG 29 2008

BY: FRESNO COG

**TRANSPORTATION FUNDING CLAIM
FOR FISCAL YEAR: 2008/09**

TO: Council of Fresno County Governments
2100 Tulare Street, Suite 619
Fresno, California 93721

FROM: Applicant: CITY OF ORANGE COVE
Address: 633 6TH STREET
City: ORANGE COVE, CA Zip Code: 93646
Contact: JOE BECK, INTERM CITY ADMINISTRATOR Phone: 559-351-0628

This applicant is an eligible claimant pursuant to Section 99203 of the Public Utilities Code and certifies that the following transportation funds are available to be claimed:

Local Transportation Fund

Apportionment		\$ <u>380,154</u>
Surplus (Prior Years)		\$ _____
Unexpended, Held by Claimant		\$ _____
Other Agency		\$ _____

State Transit Assistance Fund

Estimate		\$ <u>104,694</u>
Prior Year Carryover		\$ <u>92</u>
Unexpended, Held by Claimant		\$ _____

Other

Audit Exception/Impairment (required General Fund Payback)		\$ _____
Other		\$ _____

TOTAL \$ 484,940

In accordance with Title 21, Chapter 3, Subchapter 2 and 2.5 of the California Code of Regulations, it is requested that an allocation be made in the total amount of

FOUR HUNDRED EIGHTY FOUR THOUSAND NINE HUNDRED FORTY
(spell out amount)

for the purposes and respective amounts specified in the attached claim be drawn from the Local Transportation Fund and State Transit Assistance Fund

Authorized Signature: _____

Title: INTERM CITY ADMINISTRATOR

Date: 8/1/08

Claimant: CITY OF ORANGE COVE

PURPOSE	AMOUNT	SUB-TOTAL
---------	--------	-----------

- | | | |
|----|---|-----------------------------|
| 1. | Bicycle & Pedestrian Facilities (Art. 3) | \$ 7,606 |
| | (Art. 8a) | \$ |
| | Audit Exceptions (General Fund Payback) | \$ |
| | Unexpended Funds Held By Claimant | \$ |
| | | SUB-TOTAL \$ 7,606 |
| 2. | Regional Transportation Planning | SUB-TOTAL \$ 10,622 |
| 3. | Public Transportation (Art. 4) | \$ |
| | (Art. 8c) | \$ |
| | Other Agency () | \$ |
| | Other Agency () | \$ |
| | State Transit Assistance Funds | \$ |
| | Audit Exceptions (General Fund Payback) | \$ |
| | Unexpended Funds Held By Claimant | \$ |
| | Other, specify () | \$ |
| | | SUB-TOTAL \$ |
| 4. | Community Transit Service (CTSA, Art. 4.5) | SUB-TOTAL \$ |
| 5. | Streets & Roads (Art. 8a) | \$ 263,789 |
| | Audit Exceptions (General Fund Payback) | \$ |
| | Unexpended Funds Held By Claimant | \$ |
| | | SUB-TOTAL \$ 263,789 |
| 6. | To Be Claimed By: (Fresno County Rural Transit Agency) | \$ 184,447 |
| | (Consolidated Transp. Serv. Agency) | \$ 18,476 |
| | Other () | \$ |
| | Other () | \$ |
| | Other () | \$ |
| | | SUB-TOTAL \$ 202,923 |
| 7. | Reserved in Fund Pending Further Claiming | SUB-TOTAL \$ |

GRAND TOTAL \$ 484,940

(Claim Total Must Agree With Total On First Page)

Minus All Unexpended Funds Held By \$ _____

GRAND TOTAL PAYABLE TO CLAIMANT \$_____

Allocation instructions and payment by the Fresno County Auditor-Controller to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the rules and regulations of the Transportation Development Act.

Date: 8/1/08

Claimant: CITY OF ORANGE COVE

BICYCLE AND PEDESTRIAN FACILITIES

Two percent (2%) of the claimant's Local Transportation Fund apportionment must be spent on bicycle and pedestrian facilities (PUC 99233.3 and 99234); such claims are to be filed as Article 3. Claims for projects in excess of 2% may be filed as Article 8a (PUC 99400(a)). If other funding is to be used with Local Transportation Funds to implement projects, such funding should be shown on the claim form.

Project Title and Brief Description		Project Cost
1. (Generic)	Various Bicycle and Pedestrian facilities throughout the..... claimant's jurisdiction;	\$ <u>7,606</u>
AND/OR		
1. (Specific)		 \$ _____
2. (Specific)		 \$ _____
(add sheets if necessary)		
TOTAL PROJECT COSTS		\$ _____

Revenue Source & Amount

LTF (Article 3) \$ _____
LTF (Article 8a) \$ _____
Other: \$ _____
Other: \$ _____
Audit Exception - G.F. Payback .. \$ _____

STREETS AND ROADS CLAIM

Local Transportation Funds coming to claimants within Fresno County may be used for streets and roads improvements and maintenance pursuant to Article 8 (PUC 99400), but only after Fresno COG makes a finding that public transportation needs within the claimant's jurisdiction are reasonably met by satisfying the service requirements set forth by the Regional Transportation Plan (PUC 99401.5).

Project Title and Brief Description		Project Cost
1. (Generic)	Development, Construction and Maintenance of Facilities	\$ <u>263,789</u>
AND/OR		
1. (Specific)		 \$ _____
2. (Specific)		 \$ _____
(add sheets if necessary)		
TOTAL PROJECT COSTS		\$ _____

Revenue Source & Amount

LTF (Article 8a) \$ _____
Other: \$ _____
Other: \$ _____
Audit Exception - G.F. Payback .. \$ _____

Date: 8/1/08

Claimant: CITY OF ORANGE COVE

CONTINGENCY PROJECT LISTING

Should additional Local Transportation Fund or State Transit Assistance Fund monies be made available during the current fiscal year, they are hereby also claimed for the following purposes:

☐ **ARTICLE 3, BICYCLE & PEDESTRIAN FACILITIES**

Project Title & Brief Descriptions

Project Cost

1. Various Bicycle and Pedestrian facilities throughout \$ Amount of Add'l
the claimant's jurisdiction funds made available
in current FY.

AND/OR

1. \$

(add sheets if necessary)

TOTAL PROJECT COSTS \$

☐ **ARTICLE 4, PUBLIC TRANSPORTATION**
OR
☐ **ARTICLE 8C, PUBLIC TRANSPORTATION**

Project Title & Brief Descriptions

Project Cost

1. \$

2. \$

(add sheets if necessary)

TOTAL PROJECT COSTS \$

☒ **ARTICLE 8, STREETS AND ROADS**

Project Title & Brief Descriptions

Project Cost

1. Development, Construction and Maintenance of Facilities \$ Amount of Add'l
throughout the claimant's jurisdiction funds made available
in current FY.

AND/OR

1. \$

(add sheets if necessary)

TOTAL PROJECT COSTS \$

BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2008-42

In the Matter of:)
)
TRANSPORTATION)
DEVELOPMENT ACT)
OF 1971)
_____)

RESOLUTION OF APPROVAL
TRANSPORTATION FUNDING
CLAIM FOR THE CITY OF
SANGER, FY 2008-09

WHEREAS, the Council of Fresno County Governments (COG) is the administrator of the Local Transportation Fund as provided by Chapter 1400 of the California Statutes of 1971, and the State Transit Assistance Fund as provided by Chapter 161 & 322 of the Statutes of 1979 and 1982, respectively, and

WHEREAS, the COG has the authority to review claims and allocate such funds in accordance with the Transportation Development Act of 1971 and Chapter 3 of Title 21 of the California Code of Regulations; and

WHEREAS, the City of Sanger has submitted a Transportation Funding Claim for its FY 2008-09 fiscal year apportionment.

NOW, THEREFORE, BE IT RESOLVED, that the Transportation Funding Claim submitted by the City of Sanger has been reviewed and the following findings are hereby made:

1. The Funding Claim submitted by the City of Sanger has been reviewed and found to be in conformance with the adopted Regional Transportation Plan.
2. That the COG finds that priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high-priority regional, countywide, or areawide public transportation needs.
3. On June 26, 2008 the COG Board approved Resolution 2008-23 which found that public transportation needs within the City of Sanger and its sphere of influence will be reasonably met in FY 2008-09.

BE IT FURTHER RESOLVED, that the COG hereby approves the Transportation Funding Claim submitted by the City of Sanger and allocates monies from the Transportation Development Act in accordance with the attached claim which is hereby made a part of this resolution.

BE IT FURTHER RESOLVED, that the Auditor-Controller of the County of Fresno cause the approved claim to be paid in the manner and time directed by the Executive Director of the Council of Fresno County Governments.

THE FOREGOING RESOLUTION was passed and adopted by the Council of Fresno County Governments this 18th day of September, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____
Trinidad M. Rodriguez, Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Council of Fresno County Governments duly adopted at a regular meeting thereof held on the 18th day of September, 2008.

Signed: _____
Tony Boren, Executive Director

Date: June 19, 2008

Claimant: City of Sanger

**TRANSPORTATION FUNDING CLAIM
FOR FISCAL YEAR: 2008/09**

TO: Council of Fresno County Governments
2100 Tulare Street, Suite 619
Fresno, California 93721

FROM: Applicant: City of Sanger
Address: 1700 7th Street
City: Sanger, CA Zip Code: 93657
Contact: Carlos Sanchez Phone: (559) 876-6300 Ext. 1150

This applicant is an eligible claimant pursuant to Section 99203 of the Public Utilities Code and certifies that the following transportation funds are available to be claimed:

Local Transportation Fund

Apportionment	\$ 884,372
Surplus (Prior Years)	\$
Unexpended, Held by Claimant	\$
Other Agency	\$

State Transit Assistance Fund

Estimate	\$ 243,378
Prior Year Carryover	\$ 201
Unexpended, Held by Claimant	\$

Other

Audit Exception/Impairment (required General Fund Payback)	\$
Other	\$

TOTAL \$ 1,127,951

In accordance with Title 21, Chapter 3, Subchapter 2 and 2.5 of the California Code of Regulations, it is requested that an allocation be made in the total amount of

(spell out amount)

for the purposes and respective amounts specified in the attached claim be drawn from the Local Transportation Fund and State Transit Assistance Fund

Authorized Signature: _____

Title: Director of Administrative Services

Date: June 19, 2008

Date: June 19, 2008

Claimant: City of Sanger

TRANSPORTATION FUNDING CLAIM DETAIL

PURPOSE	AMOUNT	SUB-TOTAL
1. Bicycle & Pedestrian Facilities (Art. 3)	\$ 17,682	
(Art. 8a)	\$	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$	SUB-TOTAL \$ 17,682
		SUB-TOTAL \$ 24,693
2. Regional Transportation Planning		
3. Public Transportation (Art. 4)	\$	
(Art. 8c)	\$	
Other Agency ()	\$	
Other Agency ()	\$	
State Transit Assistance Funds	\$	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$	
Other, specify ()	\$	SUB-TOTAL \$
		SUB-TOTAL \$
4. Community Transit Service (CTSA, Art. 4.5)		
5. Streets & Roads (Art. 8a)	\$ 730,849	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$	SUB-TOTAL \$ 730,849
6. To Be Claimed By: (Fresno County Rural Transit Agency)	\$ 311,137	
(Consolidated Transp. Serv. Agency)	\$ 43,590	
Other ()	\$	
Other ()	\$	
Other ()	\$	
		SUB-TOTAL \$ 354,727
		SUB-TOTAL \$
7. Reserved In Fund Pending Further Claiming		

GRAND TOTAL \$ 1,127,951

(Claim Total Must Agree With Total On First Page)

Minus All Unexpended Funds Held By

GRAND TOTAL PAYABLE TO CLAIMANT

Allocation instructions and payment by the Fresno County Auditor-Controller to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the rules and regulations of the Transportation Development Act.

Date: June 19, 2008

Claimant: City of Sanger

BICYCLE AND PEDESTRIAN FACILITIES

Two percent (2%) of the claimant's Local Transportation Fund apportionment must be spent on bicycle and pedestrian facilities (PUC 99233.3 and 99234); such claims are to be filed as Article 3. Claims for projects in excess of 2% may be filed as Article 8a (PUC 99400(a)). If other funding is to be used with Local Transportation Funds to implement projects, such funding should be shown on the claim form.

Project Title and Brief Description	Project Cost
1. (Generic) Various Bicycle and Pedestrian facilities throughout the..... claimant's jurisdiction;	\$ 17,682
AND/OR	 \$
1. (Specific)	 \$
2. (Specific)	 \$
(add sheets if necessary)	
TOTAL PROJECT COSTS \$	

Revenue Source & Amount

LTF (Article 3)	\$
LTF (Article 8a)	\$
Other:	\$
Other:	\$
Audit Exception - G.F. Payback ..	\$

STREETS AND ROADS CLAIM

Local Transportation Funds coming to claimants within Fresno County may be used for streets and roads improvements and maintenance pursuant to Article 8 (PUC 99400), but only after Fresno COG makes a finding that public transportation needs within the claimant's jurisdiction are reasonably met by satisfying the service requirements set forth by the Regional Transportation Plan (PUC 99401.5).

Project Title and Brief Description	Project Cost
1. (Generic) Development, Construction and Maintenance of Facilities	\$ 730,849
AND/OR	 \$
1. (Specific)	 \$
2. (Specific)	 \$
(add sheets if necessary)	
TOTAL PROJECT COSTS \$	

Revenue Source & Amount

LTF (Article 8a)	\$
Other:	\$
Other:	\$
Audit Exception - G.F. Payback ..	\$

Date: June 19, 2008

Claimant: City of Sanger

CONTINGENCY PROJECT LISTING

Should additional Local Transportation Fund or State Transit Assistance Fund monies be made available during the current fiscal year, they are hereby also claimed for the following purposes:

() **ARTICLE 3, BICYCLE & PEDESTRIAN FACILITIES**

Project Title & Brief Descriptions

Project Cost

1. Various Bicycle and Pedestrian facilities throughout..... \$ Amount of Add'l
the claimant's jurisdiction funds made available
in current FY.

AND/OR

1.

(add sheets if necessary)

TOTAL PROJECT COSTS \$ _____

() **ARTICLE 4, PUBLIC TRANSPORTATION**
OR
() **ARTICLE 8C, PUBLIC TRANSPORTATION**

Project Title & Brief Descriptions

Project Cost

1.

2.

(add sheets if necessary)

TOTAL PROJECT COSTS \$ _____

(x) **ARTICLE 8, STREETS AND ROADS**

Project Title & Brief Descriptions

Project Cost

1. Development, Construction and Maintenance of Facilities..... \$ Amount of Add'l
throughout the claimant's jurisdiction funds made available
in current FY.

AND/OR

1.

(add sheets if necessary)

TOTAL PROJECT COSTS \$ _____

BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2008-44

In the Matter of:)
)
TRANSPORTATION)
DEVELOPMENT ACT)
OF 1971)
_____)

RESOLUTION OF APPROVAL
TRANSPORTATION FUNDING
CLAIM FOR THE CITY OF
CLOVIS, FY 2008-09

WHEREAS, the Council of Fresno County Governments (COG) is the administrator of the Local Transportation Fund as provided by Chapter 1400 of the California Statutes of 1971, and the State Transit Assistance Fund as provided by Chapter 161 & 322 of the Statutes of 1979 and 1982, respectively, and

WHEREAS, the COG has the authority to review claims and allocate such funds in accordance with the Transportation Development Act of 1971 and Chapter 3 of Title 21 of the California Code of Regulations; and

WHEREAS, the City of Clovis has submitted a Transportation Funding Claim for its FY 2008-09 fiscal year apportionment.

NOW, THEREFORE, BE IT RESOLVED, that the Transportation Funding Claim submitted by the City of Clovis has been reviewed and the following findings are hereby made:

1. The Funding Claim submitted by the City of Clovis has been reviewed and found to be in conformance with the adopted Regional Transportation Plan.
2. That the COG finds that priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high-priority regional, countywide, or areawide public transportation needs.
3. On June 26, 2008 the COG Board approved Resolution 2008-23 which found that public transportation needs within the City of Clovis and its sphere of influence will be reasonably met in FY 2008-09.

BE IT FURTHER RESOLVED, that the COG hereby approves the Transportation Funding Claim submitted by the City of Clovis and allocates monies from the Transportation Development Act in accordance with the attached claim which is hereby made a part of this resolution.

BE IT FURTHER RESOLVED, that the Auditor-Controller of the County of Fresno cause the approved claim to be paid in the manner and time directed by the Executive Director of the Council of Fresno County Governments.

THE FOREGOING RESOLUTION was passed and adopted by the Council of Fresno County Governments this 18th day of September, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____
Trinidad M. Rodriguez, Chairman

I hereby certify that the foregoing is a true copy of a resolution of the Council of Fresno County Governments duly adopted at a regular meeting thereof held on the 18th day of September, 2008.

Signed: _____
Tony Boren, Executive Director

Date: 9-02-2008

Claimant: CITY OF CLOVIS

TRANSPORTATION FUNDING CLAIM
FOR FISCAL YEAR: ~~2008/08~~
2008/09

TO: Council of Fresno County Governments
2100 Tulare Street, Suite 619
Fresno, California 93721

FROM: Applicant: CITY OF CLOVIS
Address: 1033 FIFTH STREET
City: CLOVIS, CA **Zip Code:** 93612
Contact: JAMIE HUGHSON **Phone:** (559) 324-2106

This applicant is an eligible claimant pursuant to Section 99203 of the Public Utilities Code and certifies that the following transportation funds are available to be claimed:

Local Transportation Fund

Apportionment	\$	<u>3,326,545</u>
Surplus (Prior Years)	\$	<u>0</u>
Unexpended, Held by Claimant	\$	<u>459,283</u>
Other Agency	\$	<u>30,027</u>
COUNTY ART 4 CONTRACT-TARPEY RU SERV		
COUNTY ART 4.5	\$	<u>11,798</u>

State Transit Assistance Fund

Estimate	\$	<u>925,542</u>
Prior Year Carryover	\$	<u>0</u>
Unexpended, Held by Claimant	\$	<u>797,717</u>

Other

Audit Exception/Impairment (required General Fund Payback)	\$	<u>0</u>
Other	\$	<u>0</u>

TOTAL \$ 5,550,912

In accordance with Title 21, Chapter 3, Subchapter 2 and 2.5 of the California Code of Regulations, it is requested that an allocation be made in the total amount of

FIVE MILLION FIVE HUNDRED FIFTY THOUSAND NINE HUNDRED AND TWELVE DOLLARS

(spell out amount)

for the purposes and respective amounts specified in the attached claim be drawn from the Local Transportation Fund and State Transit Assistance Fund

Authorized Signature: _____

Title: _____

CITY MANAGER

Date: _____

SEPTEMBER 2, 2008

Date: 9-02-2008

Claimant: CITY OF CLOVIS

TRANSPORTATION FUNDING CLAIM DETAIL

PURPOSE	AMOUNT	SUB-TOTAL
1. Bicycle & Pedestrian Facilities (Art. 3)	\$ 66,559	
(Art. 8a)	\$	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$	66,559
	SUB-TOTAL \$	
		92,949
2. Regional Transportation Planning		SUB-TOTAL \$
3. Public Transportation (Art. 4)	\$ 1,668,243	
(Art. 8c)	\$	
Other Agency (CNTY ART 4) TARPETY RU SERVICE	\$ 30,027	
Other Agency ()	\$	
State Transit Assistance Funds	\$ 925,542	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$ 1,257,000	
Other, specify ()	\$	
	SUB-TOTAL \$	3,880,812
	SUB-TOTAL \$	173,475
4. Community Transit Service (CTSA, Art. 4.5)		
5. Streets & Roads (Art. 8a)	\$ 1,126,086	
Audit Exceptions (General Fund Payback)	\$	
Unexpended Funds Held By Claimant	\$	1,126,086
	SUB-TOTAL \$	
6. To Be Claimed By: (Fresno County Rural Transit Agency)	\$	
(Consolidated Transp. Serv. Agency)	\$	
Other (FAX CONTRACT)	\$ 211,031	
Other ()	\$	
	SUB-TOTAL \$	211,031
	SUB-TOTAL \$	0
7. Reserved in Fund Pending Further Claiming		

GRAND TOTAL	\$ 5,550,912
(Claim Total Must Agree With Total On First Page)	
Minus All Unexpended Funds Held By	\$ 1,257,000
GRAND TOTAL PAYABLE TO CLAIMANT	\$ 4,293,912

Allocation instructions and payment by the Fresno County Auditor-Controller to the applicant is subject to such monies being available for distribution, and to the provisions that such monies will be used only in accordance with the rules and regulations of the Transportation Development Act.

CITY OF CLOVIS

Claimant: _____

Two percent (2%) of the claimant's Local Transportation Fund apportionment must be spent on bicycle and pedestrian facilities (PUC 99233.3 and 99234); such claims are to be filed as Article 3. Claims for projects in excess of 2% may be filed as Article 8a (PUC 99400(a)). If other funding is to be used with Local Transportation Funds to implement projects, such funding should be shown on the claim form.

Local Transportation Funds coming to claimants within Fresno County may be used for streets and roads improvements and maintenance pursuant to Article 8 (PUC 99400), but only after Fresno COG makes a finding that public transportation needs within the claimant's jurisdiction are reasonably met by satisfying the service requirements set forth by the Regional Transportation Plan (PUC 99401.5).

Date: 9-02-2008

Claimant: CITY OF CLOVIS

PUBLIC AND SPECIALIZED TRANSPORTATION SERVICE CLAIM CLAIM FOR OPERATING AND CAPITAL EXPENSES

Project Description

Project Cost

General Transportation Service (Proposed) TOTAL \$ 2,976,182
 (Prior Year) \$ 2,615,516
 Percentage Change 14 % 08/09 Purchase of Capital
 (Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)

Revenue Source & Amounts	Operating	Capital
LTF (Article 4)	\$ 909,511	\$
LTF (Article 8)	\$	\$ 625,542
STA	\$ 113,000	\$
Fares	\$ 425,000	\$ 175,000
Other: MEASURE C	\$ 5,500	\$ 367,629
Other: INTEREST/GRANT	\$ 66,171	\$ 288,629
Other: (LTF/STA)	\$	\$
Unexpended, Held By Claimant	\$	\$
Audit Exception - G. F. Payback	\$	\$

Project Description

Project Cost

Elderly/Handicapped Service (Proposed) TOTAL \$ 2,792,835
 (Prior Year) \$ 2,285,563
 Percentage Change 22 % 08/09 Purchase of Capital
 (Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)

Revenue Source & Amounts	Operating	Capital
LTF (Article 4)	\$ 758,732	\$
LTF (Article 8)	\$	\$ 300,000
STA	\$ 57,000	\$
Fares	\$ 406,975	\$
Other: MEASURE C	\$ 500	\$ 367,628
Other: INTEREST/GRANT	\$ 289,590	\$ 612,410
Other: (LTF/STA)	\$	\$
Unexpended, Held By Claimant	\$	\$
Audit Exception - G. F. Payback	\$	\$

Project Description

Project Cost

Consolidated Trans Service Agency (Prop.) TOTAL \$ 385,500
 (Prior Year) \$ 323,793
 Percentage Change 19 %
 (Information needed per PUC 99266, which states no moneys may be allocated in excess of 15% above preceding year unless claim is accompanied by supporting documentation)

Revenue Source & Amounts	Operating	Capital
LTF (Article 4.5)	\$ 173,475	\$
LTF (Article 8c)	\$	\$
STA	\$ 19,000	\$
Fares	\$ 193,025	\$
Other: MEASURE C	\$	\$
Other:	\$	\$
Other:	\$	\$
Unexpended, Held By Claimant	\$	\$
Audit Exception - G. F. Payback	\$	\$

Date: 9-02-2008

Claimant: CITY OF CLOVIS

PUBLIC AND SPECIALIZED TRANSPORTATION SERVICE CLAIM SUMMARY SHEET

REQUIRED OPERATING/FAREBOX CALCULATIONS

General Transportation Services:

1. Total Operating Expenses Minus Exclusions*	\$ 1,519,182
(Amount Excluded \$	
2. Farebox Revenues	\$ 113,000
3. Other Local Support	\$ 425,000
4. Total Local Support (add lines 2 & 3)	\$ 538,000
5. Farebox Revenue/Operating Expense Ratio (divide line 2 by line 1)	% 7%
6. Required Minimum Ratio	% 20%
7. Total Local Support/Oper. Expense Ratio (divide line 4 by line 1)	% 35%
8. Required Minimum Ratio	% 20%

Elderly/Handicapped Service:

1. Total Operating Expenses Minus Exclusions	\$ 1,512,797
(Amount Excluded \$	
2. Farebox Revenues	\$ 57,000
3. Other Local Support	\$ 406,975
4. Total Local Support (add lines 2 & 3)	\$ 463,975
5. Farebox Revenue/Operating Expense Ratio (divide line 2 by line 1)	% 4%
6. Required Minimum Ratio	% 5%
7. Total Local Support/Oper. Expense Ratio (divide line 4 by line 1)	% 31%
8. Required Minimum Ratio	% 10%

Consolidated Transportation Service Agency Service:

1. Total Operating Expenses Minus Exclusions	\$ 385,500
(Amount Excluded (\$	
2. Farebox Revenues	\$ 19,000
3. Social Service Agency Match	\$ 193,025
4. Total Local Support (add lines 2 & 3)	\$ 212,025
5. Farebox Revenue/Operating Expense Ratio (divide line 2 by line 1)	% 5%
6. Required Minimum Ratio	% 5%
7. Total Local Support/Oper. Expense Ratio (divide line 4 by line 1)	% 55%
8. Required Minimum Ratio	% 55%

Summary Totals

1. Total of All Operating Expenses Plus Exclusions	\$ 3,417,479
(All excluded costs should be added back to the total)	
2. Total of All Capital Projects	\$ 2,737,038
3. Grand Total	\$ 6,154,517

Revenue Source and Amount

	LTF Art. 4	LTF Art. 4.5	LTF Art. 8c	STA	MEASURE C = Local = Support	UNEXPENDED FARES & Fed/State = INTEREST == Grants ==	== Other ==	TOTAL
OPERATING	1,668,243	173,475	0	0	1,025,000	355,761	195,000	3,417,479
CAPITAL	0	0	0	925,542	175,000	901,239	735,257	2,737,038
TOTAL	1,668,243	173,475	0	925,542	1,200,000	1,257,000	930,257	6,154,517

Date: 9-02-2008

Claimant: CITY OF CLOVIS

CONTINGENCY PROJECT LISTING

Should additional Local Transportation Fund or State Transit Assistance Fund monies be made available during the current fiscal year, they are hereby also claimed for the following purposes:

() **ARTICLE 3, BICYCLE & PEDESTRIAN FACILITIES**

Project Title & Brief Descriptions

Project Cost

1. Various Bicycle and Pedestrian facilities throughout..... *\$ Amount of Add'l funds made available in current FY.*
the claimant's jurisdiction

AND/OR

1. \$

(add sheets if necessary)

TOTAL PROJECT COSTS \$

() **ARTICLE 4, PUBLIC TRANSPORTATION**
OR
() **ARTICLE 8C, PUBLIC TRANSPORTATION**

Project Title & Brief Descriptions

Project Cost

1. \$

2. \$

(add sheets if necessary)

TOTAL PROJECT COSTS \$

() **ARTICLE 8, STREETS AND ROADS**

Project Title & Brief Descriptions

Project Cost

1. Development, Construction and Maintenance of Facilities..... *\$ Amount of Add'l funds made available in current FY.*
throughout the claimant's jurisdiction

AND/OR

1. \$

(add sheets if necessary)

TOTAL PROJECT COSTS \$

Date: 9-02-2008

Claimant: CITY OF CLOVIS

SUPPLEMENTAL INFORMATION REQUIRED OF TRANSIT CLAIMANTS (CCR 6632)

Attached to the claim are submitted the following documents:

- (1) Budget (or proposed budget) for the (2008/09) year
- (2) Statement for prior year revenues and expenditures (projections acceptable)
- (3) California Highway Patrol Certification pursuant to PUC 99251 (No claim may be approved unless accompanied by this certification). Date on this certification must be within 13 months of the proposed claim approval date.
- (N/A) Transit Efficiency Calculation - PUC 99314.6

ATTACHMENT 4

FAX CONTRACT



2223 "G" Street • 559-621-1393
Fresno, California 93706-1600
www.fresno.gov



Ken Hamm
Director of Transportation

May 21, 2008

Mr. Robert Ford
City of Clovis
1033 Fifth Street
Clovis, CA 93612

Dear Mr. Ford:

This Letter of Agreement represents Amendment No. 17 to the Agreement To Provide Transit Service To The City of Clovis dated December 15, 1994. In accordance with Section 3 of the original contract, Schedule A shall be updated annually, (Schedule A, as updated, is attached for your reference). Effective July 1, 2008 through June 30, 2009, the total cost to the City of Clovis for services provided by Fresno Area Express will be Two Hundred Eleven Thousand, Thirty Dollars and Sixty Cents (\$211,030.60) to be billed in accordance with the terms and conditions specified in the original Agreement.

Except as otherwise provided herein, the Agreement dated December 15, 1994, shall remain in full force and effect.

If you have any questions concerning this Letter of Agreement, or need additional information, please contact me at 621-1439 at your earliest convenience.

Sincerely,

Ken Hamm
Director of Transportation
Department of Transportation / FAX

Accepted by City of Clovis:

Kathy Millison, City Manager
City of Clovis

Accepted by City of Fresno:

Ken Hamm, Director of Transportation
City of Fresno/Fresno Area Express

Schedule A

Agreement To Provide Transit Service To The City Of Clovis

Fixed Route Annual Service Cost:

1. Direct Service Cost Calculations

Fiscal 2009 charges for fixed route service include only **direct service costs** for services provided within the City of Clovis. The **direct service costs** include driver employee services costs and vehicle operating expenses, exclusive of Fresno Area Express and City of Fresno administrative overhead, supervisory, maintenance personnel and facility maintenance expenses.

<i>Fiscal 2009 Annual Service Hour Costs</i>	<i>Number of Service Hours</i>	<i>Total Annual Cost At \$36.47/Hour</i>
<u>Weekday Service Hours From 6:15 a.m. To 8:25 p.m.</u> (28 Trips Per Day X 248 Days = 6,944 Trips Per Year X 30 Minutes Per Trip = 208,320 Minutes or 3,472 Service Hours Per Year)	3,472.0	126,623.84
<u>Weekend Service Hours From Noon To 7:11 p.m.</u> (15 Trips Per Day X 117 Days = 1,755 Trips Per Year X 26 Minutes Per Trip = 45,630 Minutes or 760.50 Service Hours Per Year)	716.3	26,123.46
Subtotal - Total Annual Service Hour Cost	4,188.3	\$152,747.30
<i>Fiscal 2009 Annual Service Mile Costs</i>	<i>Number of Service Miles</i>	<i>Total Annual Cost At \$1.34/Mile</i>
<u>Weekday Service Miles From 6:15 a.m. To 8:25 p.m.</u> (6,944 Trips Per Year X 5.0 Miles Per Trip = 34,720 Service Miles Per Year)	34,720.0	46,524.80
<u>Weekend Service Miles From Noon To 7:11 p.m.</u> (1,755 Trips Per Year X 5.0 Miles Per Trip = 8,775 Service Miles Per Year)	8,775.0	11,758.50
Subtotal - Total Annual Service Mile Cost	43,495.0	\$58,283.30
Total Direct Cost For Services For The Period From July 1, 2008 Through June 30, 2009		\$211,030.60

Assembly Bill No. 3034

CHAPTER 267

An act to add Sections 185033, 185035, and 185037 to the Public Utilities Code, to add Chapter 20 (commencing with Section 2704) to Division 3 of the Streets and Highways Code, and to repeal Sections 1, 2, 3, and 4 of Chapter 697 of the Statutes of 2002, relating to financing a high-speed passenger train system by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 26, 2008. Filed with
Secretary of State August 26, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3034, Galgiani. Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century.

Existing law, Chapter 697 of the Statutes of 2002, as amended by Chapter 71 of the Statutes of 2004 and Chapter 44 of the Statutes of 2006, provides for submission of the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to the voters for approval at the November 4, 2008, general election. Subject to voter approval, the act would provide for the issuance of \$9.95 billion of general obligation bonds, \$9 billion of which would be available in conjunction with any available federal funds for planning and construction of a high-speed train system pursuant to the business plan of the High-Speed Rail Authority, and \$950 million of which would be available for capital projects on other passenger rail lines to provide connectivity to the high-speed train system and for capacity enhancements and safety improvements to those lines.

This bill would repeal the above-referenced provisions and enact new provisions submitting a \$9.95 billion general obligation bond act to the voters for approval at the November 4, 2008, general election for the same purposes. The bill would revise and recast the previously proposed bond act. The bill would refer to construction of a high-speed train system consistent with the authority's certified environmental impact reports of November 2005 and July 9, 2008, rather than with the final business plan of June 2000. The bill would revise the descriptions of route corridors of the proposed high-speed train system. The bill would require excess revenues from operation of the high-speed train system beyond the amount needed for operating and maintenance costs and financing obligations, as determined by the authority, to be used for construction, expansion, improvement, replacement, and rehabilitation of the high-speed train system. The bill would require that not more than 10% of high-speed rail bond proceeds be

used for environmental studies, planning, and preliminary engineering activities and that not more than 2.5% of high-speed rail bond proceeds be used for administrative expenses, except as specified. The bill would generally require the authority to complete various funding plans and financial analyses, as specified, prior to submitting a request for appropriation of bond funds for eligible capital costs and prior to committing bond proceeds for expenditure for construction and real property and equipment acquisition, but would also provide that up to 7.5% of high-speed rail bond proceeds may be used for specified expenditures outside of those requirements. The bill would require the authority to give priority in selecting corridors for construction to those corridors that are expected to require the least amount of bond funds as a percentage of total cost of construction, among other considerations. The bill would provide for the bonds to have a final maturity of not more than 40 years.

This bill would require the bond measure to appear first on the November 4, 2008, general election ballot and to be designated as Proposition 1A. The bill would specify the ballot label and title and summary to be used for the measure.

Existing law creates the High-Speed Rail Authority with specified powers and duties relative to the development and implementation of a high-speed train system. Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system.

This bill would require the authority to revise its business plan by September 1, 2008, as specified, and to submit the revised plan to the Legislature. The bill would also require the authority to establish an independent peer review group for the purpose of reviewing the planning, engineering, financing, and other elements of the authority's plans and issuing an analysis of appropriateness and accuracy of the authority's assumptions and an analysis of the viability of the authority's funding plan for each corridor. This bill would, for any project along the high-speed rail network, authorize the authority to contract with the department to perform project design and engineering services, including construction inspection services, as defined.

Existing law authorizes the authority to, among other things, enter into contracts for the design, construction, and operation of high-speed trains upon approval by the voters of a specified financial plan.

This bill would provide that approval by the voters of the Safe, Reliable High-Speed Passenger Train Bond Act constitutes approval of a financial plan for purposes of that provision.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 185033 is added to the Public Utilities Code, to read:

185033. The authority shall prepare, publish, and submit to the Legislature, not later than September 1, 2008, a revised business plan that identifies all of the following: the type of service it anticipates it will develop, such as local, express, commuter, regional, or interregional; a description of the primary benefits the system will provide; a forecast of the anticipated patronage, operating costs, and capital costs for the system; an estimate and description of the total anticipated federal, state, local, and other funds the authority intends to access to fund the construction and operation of the system; and the proposed chronology for the construction of the eligible corridors of the statewide high-speed train system. The revised business plan shall also include a discussion of all reasonably foreseeable risks the project may encounter, including, but not limited to, risks associated with the project's finances, patronage, construction, equipment, and technology, and other risks associated with the project's development. The plan shall describe the authority's strategies, processes, or other actions it intends to utilize to manage those risks.

SEC. 2. Section 185035 is added to the Public Utilities Code, to read:

185035. (a) The authority shall establish an independent peer review group for the purpose of reviewing the planning, engineering, financing, and other elements of the authority's plans and issuing an analysis of appropriateness and accuracy of the authority's assumptions and an analysis of the viability of the authority's financing plan, including the funding plan for each corridor required pursuant to subdivision (b) of Section 2704.08 of the Streets and Highways Code.

(b) The peer review group shall include all of the following:

(1) Two individuals with experience in the construction or operation of high-speed trains in Europe, Asia, or both, designated by the Treasurer.

(2) Two individuals, one with experience in engineering and construction of high-speed trains and one with experience in project finance, designated by the Controller.

(3) One representative from a financial services or financial consulting firm who shall not have been a contractor or subcontractor of the authority for the previous three years, designated by the Director of Finance.

(4) One representative with experience in environmental planning, designated by the Secretary of Business, Transportation and Housing.

(5) Two expert representatives from agencies providing intercity or commuter passenger train services in California, designated by the Secretary of Business, Transportation and Housing.

(c) The peer review group shall evaluate the authority's funding plans and prepare its independent judgment as to the feasibility and reasonableness of the plans, appropriateness of assumptions, analyses, and estimates, and any other observations or evaluations it deems necessary.

(d) The authority shall provide the peer review group any and all information that the peer review group may request to carry out its responsibilities.

(e) The peer review group shall report its findings and conclusions to the Legislature no later than 60 days after receiving the plans.

SEC. 3. Section 185037 is added to the Public Utilities Code, to read:

185037. (a) Notwithstanding any other provision of law, for any project along the high-speed rail network, the authority may contract with the department to perform project design and engineering services, including construction inspection services.

(b) For purposes of this section, "project design and engineering services, including construction inspection services" means preliminary engineering, planning, prebid services, right-of-way acquisition, preparation of environmental documents, preparation of plans, specifications, and estimates, construction inspection including surveying and materials testing, quality control inspection including highway and utility relocation, and grade separations.

SEC. 4. Section 1 of Chapter 697 of the Statutes of 2002, as amended by Section 1 of Chapter 71 of the Statutes of 2004, is repealed.

SEC. 5. Section 2 of Chapter 697 of the Statutes of 2002, as amended by Sections 1 and 2 of Chapter 44 of the Statutes of 2006, is repealed.

SEC. 6. Section 3 of Chapter 697 of the Statutes of 2002, as amended by Section 3 of Chapter 44 of the Statutes of 2006, is repealed.

SEC. 7. Section 4 of Chapter 697 of the Statutes of 2002, as amended by Section 4 of Chapter 44 of the Statutes of 2006, is repealed.

SEC. 8. (a) The continuing growth in California's population and the resulting increase in traffic congestion, air pollution, greenhouse gas emissions, and the continuation of urban sprawl make it imperative that the state proceed quickly to construct a state-of-the-art high-speed passenger train system to serve major metropolitan areas.

(b) The High-Speed Rail Authority, after extensive studies and analysis, proposes the construction of a high-speed train system that serves major population centers in the state and that links regional and local transit systems to form an integrated transportation system throughout the state. The system will link all of the state's major population centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego.

(c) The high-speed train system proposed by the authority will cost about one-third of what it would cost to provide the same level of mobility and service with highway and airport improvements and will contribute significantly toward a reduction in air pollution and global warming.

(d) The high-speed train system, once it is completed and becomes operational, will contribute significantly toward the goal of reducing greenhouse gas emissions and other air pollutants and will help reduce California's dependence on foreign energy sources.

(e) The high-speed passenger train bond funds are intended to encourage the federal government and the private sector to make a significant contribution toward the construction of the high-speed train system.

(f) It is the intent of the Legislature that the entire high-speed train system shall be constructed as quickly as possible in order to maximize ridership and the mobility of Californians, and that it be completed no later than 2020,

and that all phases shall be built in a manner that yields maximum benefit consistent with available revenues.

SEC. 9. Chapter 20 (commencing with Section 2704) is added to Division 3 of the Streets and Highways Code, to read:

CHAPTER 20. SAFE, RELIABLE HIGH-SPEED PASSENGER TRAIN BOND
ACT FOR THE 21ST CENTURY

Article 1. General Provisions

2704. This chapter shall be known and may be cited as the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century.

2704.01. As used in this chapter, the following terms have the following meanings:

(a) "Committee" means the High-Speed Passenger Train Finance Committee created pursuant to Section 2704.12.

(b) "Authority" means the High-Speed Rail Authority created pursuant to Section 185020 of the Public Utilities Code, or its successor.

(c) "Fund" means the High-Speed Passenger Train Bond Fund created pursuant to Section 2704.05.

(d) "High-speed train" means a passenger train capable of sustained revenue operating speeds of at least 200 miles per hour where conditions permit those speeds.

(e) "High-speed train system" means a system with high-speed trains and includes, but is not limited to, the following components: right-of-way, track, power system, rolling stock, stations, and associated facilities.

(f) "Corridor" means a portion of the high-speed train system as described in Section 2704.04.

(g) "Usable segment" means a portion of a corridor that includes at least two stations.

Article 2. High-Speed Passenger Train Financing Program

2704.04. (a) It is the intent of the Legislature by enacting this chapter and of the people of California by approving the bond measure pursuant to this chapter to initiate the construction of a high-speed train system that connects the San Francisco Transbay Terminal to Los Angeles Union Station and Anaheim, and links the state's major population centers, including Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the Inland Empire, Orange County, and San Diego consistent with the authority's certified environmental impact reports of November 2005 and July 9, 2008.

(b) (1) Net proceeds received from the sale of nine billion dollars (\$9,000,000,000) principal amount of bonds authorized pursuant to this chapter, upon appropriation by the Legislature in the annual Budget Act,

shall be used for (A) planning and engineering for the high-speed train system and (B) capital costs, as described in subdivision (c).

(2) As adopted by the authority in May 2007, Phase 1 of the high-speed train project is the corridor of the high-speed train system between San Francisco Transbay Terminal and Los Angeles Union Station and Anaheim.

(3) Upon a finding by the authority that expenditure of bond proceeds for capital costs in corridors other than the corridor described in paragraph (2) would advance the construction of the system, would be consistent with the criteria described in subdivision (f) of Section 2704.08, and would not have an adverse impact on the construction of Phase 1 of the high-speed train project, the authority may request funding for capital costs, and the Legislature may appropriate funds described in paragraph (1) in the annual Budget Act, to be expended for any of the following high-speed train corridors:

- (A) Sacramento to Stockton to Fresno.
- (B) San Francisco Transbay Terminal to San Jose to Fresno.
- (C) Oakland to San Jose.
- (D) Fresno to Bakersfield to Palmdale to Los Angeles Union Station.
- (E) Los Angeles Union Station to Riverside to San Diego.
- (F) Los Angeles Union Station to Anaheim to Irvine.
- (G) Merced to Stockton to Oakland and San Francisco via the Altamont Corridor.

(4) Nothing in this section shall prejudice the authority's determination and selection of the alignment from the Central Valley to the San Francisco Bay Area and its certification of the environmental impact report.

(5) Revenues of the authority, generated by operations of the high-speed train system above and beyond operating and maintenance costs and financing obligations, including, but not limited to, support of revenue bonds, as determined by the authority, shall be used for construction, expansion, improvement, replacement, and rehabilitation of the high-speed train system.

(c) Capital costs payable or reimbursable from proceeds of bonds described in paragraph (1) of subdivision (b) include, with respect to the high-speed train system or any portion thereof, all activities necessary for acquisition of interests in real property and rights-of-way and improvement thereof; acquisition and construction of tracks, structures, power systems, and stations; acquisition of rolling stock and related equipment; mitigation of any direct or indirect environmental impacts of activities authorized by this chapter; relocation assistance for displaced property owners and occupants; other related capital facilities and equipment; and such other purposes related to the foregoing, for the procurement thereof, and for the financing or refinancing thereof, as may be set forth in a statute hereafter enacted. The method of acquisition of any of the foregoing may also be set forth in a statute hereafter enacted.

(d) Proceeds of bonds authorized pursuant to this chapter shall not be used for any operating or maintenance costs of trains or facilities.

(e) The State Auditor shall perform periodic audits of the authority's use of proceeds of bonds authorized pursuant to this chapter for consistency with the requirements of this chapter.

2704.05. Subject to Section 2704.18, the proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the High-Speed Passenger Train Bond Fund, which is hereby created.

2704.06. The net proceeds received from the sale of nine billion dollars (\$9,000,000,000) principal amount of bonds authorized pursuant to this chapter, upon appropriation by the Legislature in the annual Budget Act, shall be available, and subject to those conditions and criteria that the Legislature may provide by statute, for (a) planning the high-speed train system and (b) capital costs set forth in subdivision (c) of Section 2704.04, consistent with the authority's certified environmental impact reports of November 2005 and July 9, 2008, as subsequently modified pursuant to environmental studies conducted by the authority.

2704.07. The authority shall pursue and obtain other private and public funds, including, but not limited to, federal funds, funds from revenue bonds, and local funds, to augment the proceeds of this chapter.

2704.08. (a) Proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 shall not be used for more than 50 percent of the total cost of construction of each corridor or usable segment thereof of the high-speed train system, except for bond proceeds used for the purposes of subdivision (g).

(b) Not more than 10 percent of the proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 shall be used for environmental studies, planning, and preliminary engineering activities.

(c) (1) No later than 90 days prior to the submittal to the Legislature and the Governor of the initial request for appropriation of proceeds of bonds authorized by this chapter for any eligible capital costs on each corridor, or usable segment thereof, identified in subdivision (b) of Section 2704.04, other than costs described in subdivision (g), the authority shall have approved and submitted to the Director of Finance, the peer review group established pursuant to Section 185035 of the Public Utilities Code, and the policy committees with jurisdiction over transportation matters and the fiscal committees in both houses of the Legislature, a detailed funding plan for that corridor or a usable segment thereof.

(2) The plan shall include, identify, or certify to all of the following:

(A) The corridor, or usable segment thereof, in which the authority is proposing to invest bond proceeds.

(B) A description of the expected terms and conditions associated with any lease agreement or franchise agreement proposed to be entered into by the authority and any other party for the construction or operation of passenger train service along the corridor or usable segment thereof.

(C) The estimated full cost of constructing the corridor or usable segment thereof, including an estimate of cost escalation during construction and appropriate reserves for contingencies.

(D) The sources of all funds to be invested in the corridor, or usable segment thereof, and the anticipated time of receipt of those funds based on expected commitments, authorizations, agreements, allocations, or other means.

(E) The projected ridership and operating revenue estimate based on projected high-speed passenger train operations on the corridor or usable segment.

(F) All known or foreseeable risks associated with the construction and operation of high-speed passenger train service along the corridor or usable segment thereof and the process and actions the authority will undertake to manage those risks.

(G) Construction of the corridor or usable segment thereof can be completed as proposed in the plan.

(H) The corridor or usable segment thereof would be suitable and ready for high-speed train operation.

(I) One or more passenger service providers can begin using the tracks or stations for passenger train service.

(J) The planned passenger service by the authority in the corridor or usable segment thereof will not require a local, state, or federal operating subsidy.

(K) The authority has completed all necessary project level environmental clearances necessary to proceed to construction.

(d) Prior to committing any proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 for expenditure for construction and real property and equipment acquisition on each corridor, or usable segment thereof, other than for costs described in subdivision (g), the authority shall have approved and concurrently submitted to the Director of Finance and the Chairperson of the Joint Legislative Budget Committee the following: (1) a detailed funding plan for that corridor or usable segment thereof that (A) identifies the corridor or usable segment thereof, and the estimated full cost of constructing the corridor or usable segment thereof, (B) identifies the sources of all funds to be used and anticipates time of receipt thereof based on offered commitments by private parties, and authorizations, allocations, or other assurances received from governmental agencies, (C) includes a projected ridership and operating revenue report, (D) includes a construction cost projection including estimates of cost escalation during construction and appropriate reserves for contingencies, (E) includes a report describing any material changes from the plan submitted pursuant to subdivision (c) for this corridor or usable segment thereof, and (F) describes the terms and conditions associated with any agreement proposed to be entered into by the authority and any other party for the construction or operation of passenger train service along the corridor or usable segment thereof; and (2) a report or reports, prepared by one or more financial services firms, financial consulting firms, or other consultants, independent of any parties, other than the authority, involved in funding or constructing the high-speed train system, indicating that (A) construction of the corridor or usable segment thereof can be completed as proposed in

the plan submitted pursuant to paragraph (1), (B) if so completed, the corridor or usable segment thereof would be suitable and ready for high-speed train operation, (C) upon completion, one or more passenger service providers can begin using the tracks or stations for passenger train service, (D) the planned passenger train service to be provided by the authority, or pursuant to its authority, will not require operating subsidy, and (E) an assessment of risk and the risk mitigation strategies proposed to be employed. The Director of Finance shall review the plan within 60 days of its submission by the authority and, after receiving any communication from the Joint Legislative Budget Committee, if the director finds that the plan is likely to be successfully implemented as proposed, the authority may enter into commitments to expend bond funds that are subject to this subdivision and accept offered commitments from private parties.

(e) Subsequent to approval of the detailed funding plan required under subdivision (d), the authority shall promptly inform the Governor and the Legislature of any material changes in plans or project conditions that would jeopardize completion of the corridor as previously planned and shall identify means of remedying the conditions to allow completion and operation of the corridor.

(f) In selecting corridors or usable segments thereof for construction, the authority shall give priority to those corridors or usable segments thereof that are expected to require the least amount of bond funds as a percentage of total cost of construction. Among other criteria it may use for establishing priorities for initiating construction on corridors or usable segments thereof, the authority shall include the following: (1) projected ridership and revenue, (2) the need to test and certify trains operating at speeds of 220 miles per hour, (3) the utility of those corridors or usable segments thereof for passenger train services other than the high-speed train service that will not result in any unreimbursed operating or maintenance cost to the authority, and (4) the extent to which the corridors include facilities contained therein to enhance the connectivity of the high-speed train network to other modes of transit, including, but not limited to, conventional rail (intercity rail, commuter rail, light rail, or other rail transit), bus, or air transit.

(g) Nothing in this section shall limit use or expenditure of proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 up to an amount equal to 7.5 percent of the aggregate principal amount of bonds described in that paragraph for environmental studies, planning, and preliminary engineering activities, and for (1) acquisition of interests in real property and right-of-way and improvement thereof (A) for preservation for high-speed rail uses, (B) to add to third-party improvements to make them compatible with high-speed rail uses, or (C) to avoid or to mitigate incompatible improvements or uses; (2) mitigation of any direct or indirect environmental impacts resulting from the foregoing; and (3) relocation assistance for property owners and occupants who are displaced as a result of the foregoing.

(h) Not more than 2.5 percent of the proceeds of bonds described in paragraph (1) of subdivision (b) of Section 2704.04 shall be used for

administrative purposes. The amount of bond proceeds available for administrative purposes shall be appropriated in the annual Budget Act. The Legislature may, by statute, adjust the percentage set forth in this subdivision, except that the Legislature shall not increase that percentage to more than 5 percent.

(i) No failure to comply with this section shall affect the validity of the bonds issued under this chapter.

2704.09. The high-speed train system to be constructed pursuant to this chapter shall be designed to achieve the following characteristics:

(a) Electric trains that are capable of sustained maximum revenue operating speeds of no less than 200 miles per hour.

(b) Maximum nonstop service travel times for each corridor that shall not exceed the following:

(1) San Francisco-Los Angeles Union Station: two hours, 40 minutes.

(2) Oakland-Los Angeles Union Station: two hours, 40 minutes.

(3) San Francisco-San Jose: 30 minutes.

(4) San Jose-Los Angeles: two hours, 10 minutes.

(5) San Diego-Los Angeles: one hour, 20 minutes.

(6) Inland Empire-Los Angeles: 30 minutes.

(7) Sacramento-Los Angeles: two hours, 20 minutes.

(c) Achievable operating headway (time between successive trains) shall be five minutes or less.

(d) The total number of stations to be served by high-speed trains for all of the corridors described in subdivision (b) of Section 2704.04 shall not exceed 24. There shall be no station between the Gilroy station and the Merced station.

(e) Trains shall have the capability to transition intermediate stations, or to bypass those stations, at mainline operating speed.

(f) For each corridor described in subdivision (b), passengers shall have the capability of traveling from any station on that corridor to any other station on that corridor without being required to change trains.

(g) In order to reduce impacts on communities and the environment, the alignment for the high-speed train system shall follow existing transportation or utility corridors to the extent feasible and shall be financially viable, as determined by the authority.

(h) Stations shall be located in areas with good access to local mass transit or other modes of transportation.

(i) The high-speed train system shall be planned and constructed in a manner that minimizes urban sprawl and impacts on the natural environment.

(j) Preserving wildlife corridors and mitigating impacts to wildlife movement, where feasible as determined by the authority, in order to limit the extent to which the system may present an additional barrier to wildlife's natural movement.

2704.095. (a) (1) Net proceeds received from the sale of nine hundred fifty million dollars (\$950,000,000) principal amount of bonds authorized by this chapter shall be allocated to eligible recipients for capital improvements to intercity and commuter rail lines and urban rail systems

that provide direct connectivity to the high-speed train system and its facilities, or that are part of the construction of the high-speed train system as that system is described in subdivision (b) of Section 2704.04, or that provide capacity enhancements and safety improvements. Funds under this section shall be available upon appropriation by the Legislature in the annual Budget Act for the eligible purposes described in subdivision (d).

(2) Twenty percent (one hundred ninety million dollars (\$190,000,000)) of the amount authorized by this section shall be allocated for intercity rail to the Department of Transportation, for state-supported intercity rail lines that provide regularly scheduled service and use public funds to operate and maintain rail facilities, rights-of-way, and equipment. A minimum of 25 percent of the amount available under this paragraph (forty-seven million five hundred thousand dollars (\$47,500,000)) shall be allocated to each of the state's three intercity rail corridors.

The California Transportation Commission shall allocate the available funds to eligible recipients consistent with this section and shall develop guidelines, in consultation with the authority, to implement the requirements of this section. The guidelines shall include provisions for the administration of funds, including, but not limited to, the authority of the intercity corridor operators to loan these funds by mutual agreement between intercity rail corridors.

(3) Eighty percent (seven hundred sixty million dollars (\$760,000,000)) of the amount authorized by this section shall be allocated upon appropriation as set forth in this section to eligible recipients, except intercity rail, as described in subdivision (c) based upon a percentage amount calculated to incorporate all of the following:

(A) One-third of the eligible recipient's percentage share of statewide track miles.

(B) One-third of the eligible recipient's percentage share of statewide annual vehicle miles.

(C) One-third of the eligible recipient's percentage share of statewide annual passenger trips.

The California Transportation Commission shall allocate the available funds to eligible recipients consistent with this section and shall develop guidelines to implement the requirements of this section.

(b) For the purposes of this section, the following terms have the following meanings:

(1) "Track miles" means the miles of track used by a public agency or joint powers authority for regular passenger rail service.

(2) "Vehicle miles" means the total miles traveled, commencing with pullout from the maintenance depot, by all locomotives and cars operated in a train consist for passenger rail service by a public agency or joint powers authority.

(3) "Passenger trips" means the annual unlinked passenger boardings reported by a public agency or joint powers authority for regular passenger rail service.

(4) "Statewide" when used to modify the terms in subparagraphs (A), (B), and (C) of paragraph (3) of subdivision (a) means the combined total in the state of those amounts for all eligible recipients.

(c) Eligible recipients for funding under paragraph (3) of subdivision (a) shall be public agencies and joint powers authorities that operate regularly scheduled passenger rail service in the following categories:

- (1) Commuter rail.
- (2) Light rail.
- (3) Heavy rail.
- (4) Cable car.

(d) Funds allocated pursuant to this section shall be used to pay or reimburse the costs of projects to provide or improve connectivity with the high-speed train system or for the rehabilitation or modernization of, or safety improvements to, tracks utilized for public passenger rail service, signals, structures, facilities, and rolling stock.

(e) Eligible recipients may use the funds for any eligible rail element set forth in subdivision (d).

(f) In order to be eligible for funding under this section, an eligible recipient under paragraph (3) of subdivision (a) shall provide matching funds in an amount not less than the total amount allocated to the recipient under this section.

(g) An eligible recipient of funding under paragraph (3) of subdivision (a) shall certify that it has met its matching funds requirement, and all other requirements of this section, by resolution of its governing board, subject to verification by the California Transportation Commission.

(h) Funds made available to an eligible recipient under paragraph (3) of subdivision (a) shall supplement existing local, state, or federal revenues being used for maintenance or rehabilitation of the passenger rail system. Eligible recipients of funding under paragraph (3) of subdivision (a) shall maintain their existing commitment of local, state, or federal funds for these purposes in order to remain eligible for allocation and expenditure of the additional funding made available by this section.

(i) In order to receive any allocation under this section, an eligible recipient under paragraph (3) of subdivision (a) shall annually expend from existing local, state, or federal revenues being used for the maintenance or rehabilitation of the passenger rail system in an amount not less than the annual average of its expenditures from local revenues for those purposes during the 1998–99, 1999–2000, and 2000–01 fiscal years.

(j) Funds allocated pursuant to this section to the Southern California Regional Rail Authority for eligible projects within its service area shall be apportioned each fiscal year in accordance with memorandums of understanding to be executed between the Southern California Regional Rail Authority and its member agencies. The memorandum or memorandums of understanding shall take into account the passenger service needs of the Southern California Regional Rail Authority and of the member agencies, revenue attributable to member agencies, and separate contributions to the Southern California Regional Rail Authority from the member agencies.

Article 3. Fiscal Provisions

2704.10. (a) Bonds in the total amount of nine billion nine hundred fifty million dollars (\$9,950,000,000), exclusive of refunding bonds issued in accordance with Section 2704.19, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall sell the bonds authorized by the committee pursuant to this section. The bonds shall be sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

2704.11. (a) Except as provided in subdivision (b), the bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

(b) Notwithstanding any provision of the State General Obligation Bond Law, each issue of bonds authorized by the committee shall have a final maturity of not more than 40 years from the date of original issuance thereof.

2704.12. (a) Solely for the purpose of authorizing the issuance and sale of the bonds authorized by this chapter and the making of those determinations and the taking of other actions as are authorized by this chapter, pursuant to the State General Obligation Bond Law, the High-Speed Passenger Train Finance Committee is hereby created. For purposes of this chapter, the High-Speed Passenger Train Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Treasurer, the Director of Finance, the Controller, the Secretary of Business, Transportation and Housing, and the chairperson of the authority. Notwithstanding any other provision of law, any member of the committee may designate a representative to act as that member in his or her place and stead for all purposes, as though the member were personally present. The Treasurer shall serve as chairperson of the committee. A majority of the committee shall constitute a quorum of the committee, and may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the authority is designated the "board."

2704.13. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the actions specified in Sections 2704.06 and 2704.095 and, if so,

the amount of bonds to be issued and sold. Successive issues of bonds may be issued and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized be issued and sold at any one time. The committee shall consider program funding needs, revenue projections, financial market conditions, and other necessary factors in determining the term for the bonds to be issued. In addition to all other powers specifically granted in this chapter and the State General Obligation Bond Law, the committee may do all things necessary or convenient to carry out the powers and purposes of this article, including the approval of any indenture relating to the bonds, and the delegation of necessary duties to the chairperson and to the Treasurer as agent for the sale of the bonds. Any terms of any bonds issued under this chapter may be provided under an indenture instead of under a resolution, as determined by the committee.

2704.14. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which is necessary to collect that additional sum.

2704.15. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount equal to the total of the following: (a) that sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable, and (b) the sum necessary to carry out Section 2704.17, appropriated without regard to fiscal years.

2704.16. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of this chapter. The amount of the request shall not exceed the amount of the unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of this chapter, less any amount borrowed pursuant to Section 2701.17. The board shall execute such documents as required by the Pooled Money Investment Board to obtain and repay the loan. Any amount loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

2704.17. For the purpose of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of unsold bonds which have been authorized by the committee to be sold for the purpose of carrying out this chapter, less any amount borrowed pursuant to Section 2704.16. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from the sale of bonds for the purpose of carrying out this chapter.

2704.18. All money deposited in the fund which is derived from premium on bonds sold shall be available to pay costs of issuing the bonds, and to

the extent not so needed, together with accrued interest derived from sale of the bonds, shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

2704.19. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of the State General Obligation Bond Law. Approval by the electors of the state for the issuance of bonds shall include approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.

2704.20. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

2704.21. Notwithstanding any provision of this chapter or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions, the Treasurer may maintain separate accounts for the bond proceeds invested and the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law, or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

SEC. 10. Section 9 of this act shall take effect upon the adoption by the voters of the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, as set forth in Section 9 of this act.

SEC. 11. (a) Section 9 of this act shall be submitted by the Secretary of State to the voters at the November 4, 2008, general election, notwithstanding the requirements of Sections 9040, 9043, 9044, and 9061 of the Elections Code or any other provision of law.

(b) Notwithstanding Sections 13115 and 13117 of the Elections Code, the bond measure described in subdivision (a) shall be placed as the first ballot measure on the November 4, 2008, general election ballot and shall be designated as Proposition 1A.

(c) Notwithstanding any other provision of law, all ballots of the November 4, 2008, general election shall have printed thereon as the ballot label for Proposition 1A the following:

"SAFE, RELIABLE HIGH-SPEED PASSENGER TRAIN BOND ACT.
To provide Californians a safe, convenient, affordable, and reliable alternative to driving and high gas prices; to provide good-paying jobs and improve California's economy while reducing air pollution, global warming greenhouse gases, and our dependence on foreign oil, shall \$9.95 billion in bonds be issued to establish a clean, efficient high-speed train service linking Southern California, the Sacramento/San Joaquin Valley, and the San

Francisco Bay Area, with at least 90 percent of bond funds spent for specific projects, with federal and private matching funds required, and all bond funds subject to independent audits?"

At the appropriate location on the ballot, in the manner prescribed by law, there shall be provided the opportunity for voters to indicate whether they vote for or against the measure.

(d) Notwithstanding Sections 13247 and 13281 of the Elections Code, the language in subdivision (c) shall be the only language included in the ballot label for the condensed statement of the ballot title, and the Attorney General shall not supplement, subtract from, or revise that language, except that the Attorney General shall include the financial impact summary prepared pursuant to Section 9087 of the Elections Code and Section 88003 of the Government Code. The ballot label is the condensed statement of the ballot title and summary and the financial impact summary.

(e) Where the voting in the election is done by means of voting machines used pursuant to law in the manner that carries out the intent of this section, the use of the voting machines and the expression of the voters' choice by means thereof are in compliance with this section.

(f) (1) Notwithstanding any other provision of law, the Secretary of State shall use the following as the ballot title and summary for Proposition 1A:

"SAFE, RELIABLE HIGH-SPEED PASSENGER TRAIN BOND ACT.

Provides long-distance commuters with a safe, convenient, affordable, and reliable alternative to driving and high gas prices.

Reduces traffic congestion on the state's highways and at the state's airports.

Reduces California's dependence on foreign oil.

Reduces air pollution and global warming greenhouse gases.

Establishes a clean, efficient 220 MPH transportation system.

Improves existing passenger rail lines serving the state's major population centers.

Provides for California's growing population.

Provides for a bond issue of \$9.95 billion to establish high-speed train service linking Southern California counties, the Sacramento/San Joaquin Valley, and the San Francisco Bay Area.

Provides that at least 90% of these bond funds shall be spent for specific construction projects, with federal and private sector matching funds required.

Requires that use of all bond funds is subject to independent audits.

Appropriates money from the General Fund to pay bond principal and interest."

(2) Notwithstanding any other provision of law, the language in paragraph (1) shall be the only language included in the ballot title and summary, and the Attorney General shall not supplement, subtract from, or otherwise revise that language, except that the Attorney General shall include the

financial impact summary prepared pursuant to Section 9087 of the Elections Code and Section 88003 of the Government Code.

(g) The Secretary of State shall include, in the ballot pamphlets mailed pursuant to Section 9094 of the Elections Code, the information specified in Section 9084 of the Elections Code regarding the bond act described in subdivision (a). If that inclusion is not possible, the Secretary of State shall publish a supplemental ballot pamphlet regarding the bond act described in subdivision (a), to be mailed with the ballot pamphlet. If the supplemental ballot pamphlet cannot be mailed with the ballot pamphlet, the supplemental ballot pamphlet shall be mailed separately.

(h) Notwithstanding Section 9054 of the Elections Code or any other provision of law, the translations of the ballot title and the condensed statement of the ballot title required pursuant to Section 9054 may be made available for public examination at a later date than the start of the public examination period for the ballot pamphlet, provided that the translations of the ballot title and the condensed statement of the ballot title must remain available for public examination for eight days.

(i) Notwithstanding Section 13282 of the Elections Code or any other provision of law, the public shall be permitted to examine the condensed statement of the ballot title for not more than eight days. Any voter may seek a writ of mandate for the purpose of requiring any statement of the ballot title, or portion thereof, to be amended or deleted only within that eight-day period.

SEC. 12. Notwithstanding any other provision of law, the bond act proposed by Section 2 of Chapter 697 of the Statutes of 2002, as amended by Sections 2 and 3 of Chapter 71 of the Statutes of 2004 and Sections 1 and 2 of Chapter 44 of the Statutes of 2006, shall not be placed by the Secretary of State on the November 4, 2008, general election ballot, or, if already on the ballot, shall be removed therefrom.

SEC. 13. Approval by the voters of the Safe, Reliable High-Speed Passenger Train Bond Act shall constitute approval of a financial plan for purposes of Section 185036 of the Public Utilities Code.

SEC. 14. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to replace the provisions of a general obligation bond measure on the November 4, 2008, general election ballot that would authorize the issuance and sale of bonds for the financing of a high-speed passenger train system and for other related purposes with a new measure for similar purposes, it is necessary that this act take effect immediately.

