OHMVR COMMISSION MEETING
Holtville, CA 92250

November 4, 2016

STAFF REPORT: Legislative Update

STAFF: Marivel Barajas, Deputy Director, Legislative Affairs

SUBJECT: November 2016 California and Federal Legislation Summary Report

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Summary

This report provides summary excerpts and status of bills that may affect the Off-Highway Motor Vehicle Recreation (OHMVR) Program. Information contained in this report is accurate as of October 15, 2016.

2015 – 2016 CALIFORNIA LEGISLATION UPDATE

SBX1-1 (Beall) Transportation Funding: Environmental Mitigation: Oversight.

Note: This summary will only address Section 20 of this bill which amends Revenue and Taxation Code §8352.6 regarding the Off-Highway Vehicle Trust Fund.

This bill would redirect funding from the Motor Vehicle Fuel Account *(which has been diverted from the OHV Trust Fund to the General Fund since 2012)* to the Highway Users Tax Account. The purpose of this bill is to address the state's deferred maintenance on roads and highways and also to fund the state's transportation infrastructure.

Latest Major Action: Amended 8/29/16 Re-referred to Senate Appropriations Committee

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SB 1111 (Pavley): State Park Operating Agreements

Summary: This bill authorizes the Department to enter into an agreement with a nonprofit support organization which will assist the Department in implementing recommendations from the Parks Forward Commission Report, released in 2015. Additionally, this bill requires the Department and the support organization to collaborate in developing an annual list of strategic initiatives and projects, that are statewide priorities, and which the support organization will undertake in partnership with the Department. This bill also authorizes the Department to lease park property and provide funding to the support entity, and provides exemptions from Public Contract Code, as defined.

Latest Major Action: 9/23/16 – Approved by Governor, Chapter 540, Statutes of 2016

SB 1333 (Block): Smoking Ban on State Beaches and Parks

Summary: This bill would prohibit smoking or disposing of cigar or cigarette waste on a State Beach or in a unit of the State Park System. This bill would also establish a maximum fine of $250 for a violation of this law, and would require the Department of Parks and Recreation to post signs indicating that smoking is prohibited. Additionally, this bill would have allowed the Director to exempt any portion of the State Park System from the smoking prohibition.

Latest Major Action: 9/28/16 – Vetoed by the Governor

ABX1-26 (Frazier) Transportation Funding

Note: This summary will only address Section 20 of this bill which amends Revenue and Taxation Code §8352.6 regarding the Off-Highway Vehicle Trust Fund.

This bill would redirect funding from the Motor Vehicle Fuel Account *(which has been diverted from the OHV Trust Fund to the General Fund since 2012)* to the Highway Users Tax Account. The purpose of this bill is to address the state's deferred maintenance on roads and highways and also to fund the state's transportation infrastructure.

Latest Major Action: 8/31/2016 - Re-refer to Committee on Transformation & Infrastructure Development

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AB 2249 (Cooley): Concessions Contracts in State Parks

Summary: This bill establishes the California Heritage Protection Act, prohibiting Department concession contracts from providing any basis for a concessionaire to claim a trademark right, or other ownership interest, in any name associated with a State Park venue, as defined. Any concessionaire making such a claim will be disqualified from bidding on future contracts within the state.

Latest Major Action: 9/21/16 – Approved by the Governor, Chapter 413, Statutes of 2016

2015 - 2016 114th US CONGRESS FEDERAL LEGISLATION UPDATE

S. 414 (Feinstein): California Desert Conservation and Recreation Act of 2015

Summary: This bill is an attempt to achieve consensus on the various uses of desert land. This is the result of years of engagement with a range of stakeholders including environmental groups, local and state government officials, off-highway recreation enthusiasts, cattle ranchers, mining interests, the Department of Defense, wind and solar energy companies, California's public utility companies and many others. The legislation also directs the Secretary of the Interior to complete several studies that would include stakeholders and state and local government input.

The bill's key off-highway vehicle provisions:

Designate five existing Bureau of Land Management Off-Highway Vehicle areas (covering approximately 143,000 acres of California desert) as permanent Off-Highway Vehicle recreation areas, providing off-highway enthusiasts certainty that these uses of the desert will be protected in a manner similar to conservation areas. (Details contained in Title XVIII, Off-Highway Recreation Areas located on pages 86-100 of the Act.)

Latest Major Action: 10/08/15 – Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. Hearings held.

S. 1040 (Heller) Off-Highway Consumer Product Safety Commission and the National Academy of Sciences Study

Summary: This bill would, among other purposes, direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

Latest Major Action: 9/22/16 – Placed on Senate Legislative Calendar under General Orders. Calendar No. 642.

H.R. 792 (Griffith): No Net Increase in Lands. "Acre In, Acre Out Act."

Summary: This bill would, among other purposes, provide for no net increase in the total acreage of certain federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, or the Forest Service.

Latest Major Action: 3/16/15 – Referred to the House Natural Resources Subcommittee on Federal Lands.

H.R. 999 (Pompeo): The ROV In-Depth Examination Act

Summary: The Consumer Product Safety Commission shall have no authority to: 1) establish recreational off-highway vehicle (ROV) performance or configuration standards until the study required by this Act is completed; or 2) require ROV manufacturers to provide performance and technical data to prospective purchasers and to the first purchaser of an ROV for purposes other than resale.

The Commission shall contract with the National Academy of Sciences to determine:

- the technical validity of the lateral stability and vehicle handling requirements proposed by the Commission for purposes of reducing the risk of ROV off-road rollovers
- the number of ROV rollovers that have would be prevented if the proposed requirements were adopted
- whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a vehicle's rollover resistance on a progressive scale; and

- the effect on the utility of ROVs used by the Armed Forces if the proposed requirements were adopted

Latest Major Action: 2/20/15 – Referred to the Subcommittee on Commerce, Manufacturing, and Trade.

H.R. 1838 (Farr): Clear Creek National Recreation Area and Conservation Act

Summary: This bill would establish the Clear Creek National Recreation Area in California to promote and facilitate environmentally responsible off-highway vehicle recreation. This bill would also require the Department of the Interior to reopen this area for other public recreational uses including: hunting, hiking, gem collecting, motorized vehicles, mountain bikes, and horses.

This bill also directs the Department of the Interior to use the 2006 Clear Creek Management Area Travel Management Plan, as modified by this bill or by the Department of the Interior, to incorporate natural resource protection information, unavailable in 2006, as the basis for an interim management plan to govern off-highway vehicle recreation in this Recreation Area.

The bill would also require the Department of the Interior to create a comprehensive management plan for the Recreation Area, which shall include: 1) a hazards education program to inform people entering the Recreation Area of asbestos-related risks associated with various activities within the Recreation Area, including off-highway vehicle recreation; 2) a user fee program for motorized vehicle use; and 3) guidelines for the use of the funds collected for the management and improvement of the Recreation Area.

This bill would allow for the continuation of livestock grazing in certain designated areas within the Recreation Area, and would designate approximately 21,000 acres of federal land in Fresno and San Benito counties as the Joaquin Rocks Wilderness, a component of the National Wilderness Preservation System.

Latest Major Action: 09/22/16 – Senate Committee on Energy and Natural Resources. Hearings held.

H.R. 3668 (Cook) California Minerals, Off-Road Recreation, and Conservation Act

Summary: The purpose of this bill is to designate in law certain off-highway vehicle recreation areas currently designated administratively by the Secretary of the Interior as National Off-Highway Vehicle Recreation Areas in order to preserve and enhance recreational opportunities within the California Desert Conservation Area, including opportunities for off-highway vehicle recreation, while conserving the wildlife and other natural resources of the Conservation Area.

The bill's key off-highway vehicle provisions are:

Designation and expansion of several National Off-Highway Vehicle Recreation Areas including: Dumont Dunes (7,630 acres), El Mirage (15,610 acres), Rasor (23,910 acres),

Spangler Hills (93,610 acres), Stoddard Valley (40,110 acres), and the redesignation and expansion of Johnson Valley.

Latest Major Action: 12/09/15 – House Natural Resources Subcommittee on Federal Lands. Hearings held.

H.R. 4060 (Vargas): Imperial Valley Desert Conservation and Recreation Act

Summary: This bill would direct the Department of the Interior to convey to the State of California, approximately 934 acres of public lands, administered by the Bureau of Land Management in San Diego County, in order to allow California to include it as part of Anza-Borrego Desert State Park.

The bill would also establish the Vinagre Wash Special Management Area, approximately 81,000 acres in Imperial County, for eventual inclusion in the National Wilderness Preservation System.

Latest Major Action: 11/30/15 – Referred to the Subcommittee on Federal Lands.

H.R. 5129 (LaMalfa): Guides and Outfitters Act

Summary: This bill would amend the Federal Lands Recreation Enhancement Act to allow the Secretary of the Interior and the Secretary of Agriculture (USDA) to issue special recreation permits and fees for off-highway vehicle use on certain federal recreational lands, as defined.

Latest Major Action: 5/20/2016 – Referred to the Subcommittee on Conservation and Forestry

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Commission Action

For information only

Attachments

SBX1-1 (Amended)
SB 1111 (Chaptered)
SB 1333 (Vetoed)
ABX1-26 (Amended)
AB 2249 (Chaptered)
S. 414 (pages 86-100)
S. 1040
H.R. 792
H.R. 999
H.R. 1838
H.R. 3668
H.R. 4060
H.R. 5129

AMENDED IN SENATE AUGUST 29, 2016

AMENDED IN SENATE AUGUST 24, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE AUGUST 25, 2015

AMENDED IN SENATE JULY 14, 2015

CALIFORNIA LEGISLATURE—2015–16 FIRST EXTRAORDINARY SESSION

SENATE BILL No. 1

Introduced by Senator Beall
(Principal coauthor: Assembly Member Frazier)
(Coauthors: Senators Allen, Hall, Hertzberg, McGuire, and Mendoza)

June 22, 2015

An act to amend Sections 13975, 14500, 14526.5, and 16965 of, to add Sections 14033, 14526.7, and 16321 to, to add Part 5.1 (commencing with Section 14460) to Division 3 of Title 2 of, and to repeal Section 14534.1 of, the Government Code, to amend Section 39719 of the Health and Safety Code, to amend Section 21080.37 of, and to add Division 13.6 (commencing with Section 21200) to, the Public Resources Code, to amend Section 99312.1 of the Public Utilities Code, to amend Sections 6051.8, 6201.8, 7360, 8352.4, 8352.5, 8352.6, and 60050 of the Revenue and Taxation Code, to amend Sections 183.1, 820.1, 2192, 2192.1, and 2192.2 of, to add Sections 2103.1 and 2192.4 to, and to add Chapter 2 (commencing with Section 2030) to Division 3 of, the Streets and Highways Code, and to add Sections 9250.3, 9250.6, and 9400.5 to the Vehicle Code, relating to transportation, making an

appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Beall. Transportation funding.

(1) Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain registration fees on vehicles, with revenues from these fees deposited in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account.

This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund, including revenues attributable to a $0.17 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment, as provided, an increase of $38 in the annual vehicle registration fee with an inflation adjustment, as provided, a new $165 annual vehicle registration fee with an inflation adjustment, as provided, applicable to zero-emission motor vehicles, as defined, and certain miscellaneous revenues described in (7) below that are not restricted as to expenditure by Article XIX of the California Constitution.

This bill would annually set aside $200,000,000 of the funds available for the program to fund road maintenance and rehabilitation purposes in counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees, as defined, which taxes or fees are dedicated solely to transportation improvements. These funds would be continuously appropriated for allocation pursuant to guidelines to be developed by the California Transportation

Commission in consultation with local agencies. The bill would require $80,000,000 of the funds available for the program to be annually transferred to the State Highway Account for expenditure on the Active Transportation Program. The bill would require $30,000,000 of the funds available for the program in each of 4 fiscal years beginning in 2017–18 to be transferred to the Advance Mitigation Fund created by the bill pursuant to (12) below. The bill would continuously appropriate $2,000,000 annually of the funds available for the program to the California State University for the purpose of conducting transportation research and transportation-related workforce education, training, and development. The bill would require the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% to cities and counties pursuant to a specified formula. The bill would impose various requirements on the department and agencies receiving these funds. The bill would authorize a city or county to spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to the program if the city's or county's average Pavement Condition Index meets or exceeds 80.

The bill would also require the department to annually identify savings achieved through efficiencies implemented at the department and to propose, from the identified savings, an appropriation to be included in the annual Budget Act of up to $70,000,000 from the State Highway Account for expenditure on the Active Transportation Program.

(2) Existing law establishes in state government the Transportation Agency, which includes various departments and state entities, including the California Transportation Commission. Existing law vests the California Transportation Commission with specified powers, duties, and functions relative to transportation matters. Existing law requires the commission to retain independent authority to perform the duties and functions prescribed to it under any provision of law.

This bill would exclude the California Transportation Commission from the Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role. The bill would also make conforming changes.

(3) Existing law creates various state agencies, including the Department of Transportation, the High-Speed Rail Authority, the Department of the California Highway Patrol, the Department of Motor Vehicles, and the State Air Resources Board, with specified powers

and duties. Existing law provides for the allocation of state transportation funds to various transportation purposes.

This bill would create the Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that all of the above-referenced state agencies and all other state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would provide for the Governor to appoint the Transportation Inspector General for a 6-year term, subject to confirmation by the Senate, and would provide that the Transportation Inspector General may not be removed from office during the term except for good cause. The bill would specify the duties and responsibilities of the Transportation Inspector General and would require an annual report to the Legislature and Governor.

This bill would require the department to update the Highway Design Manual to incorporate the "complete streets" design concept by January 1, 2017.

(4) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified.

This bill would require the Department of Finance, on or before September 1, 2016, to compute the amount of outstanding loans made from specified transportation funds. The bill would require the Department of Transportation to prepare a loan repayment schedule and would require the outstanding loans to be repaid pursuant to that schedule, as prescribed. The bill would appropriate funds for that purpose from the Budget Stabilization Account. The bill would require the repaid funds to be transferred, pursuant to a specified formula, to cities and counties and to the department for maintenance of the state highway system and for purposes of the state highway operation and protection program.

(5) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of $2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement and for specified categories of projects eligible to receive these funds. Existing law continues the Trade Corridors

Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes.

This bill would deposit the revenues attributable to a $0.30 per gallon increase in the diesel fuel excise tax imposed by the bill into the Trade Corridors Improvement Fund. The bill would require revenues apportioned to the state from the national highway freight program established by the federal Fixing America's Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions.

Existing law requires the commission, in determining projects eligible for funding, to consult various state freight and regional infrastructure and goods movement plans and the statewide port master plan.

This bill would delete consideration of the State Air Resources Board's Sustainable Freight Strategy and the statewide port master plan and would instead include consideration of the applicable port master plan when determining eligible projects for funding. The bill would also expand eligible projects to include rail landside access improvements, landside freight access improvements to airports, and certain capital and operational improvements.

(6) Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 10% of the annual proceeds of the fund to the Transit and Intercity Rail Capital Program and 5% of the annual proceeds of the fund to the Low Carbon Transit Operations Program.

This bill would, beginning in the 2016–17 fiscal year, instead continuously appropriate 20% of those annual proceeds to the Transit and Intercity Rail Capital Program and 10% of those annual proceeds to the Low Carbon Transit Operations Program, thereby making an appropriation.

(7) Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. Existing law requires certain miscellaneous revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and requires the Controller

to transfer from the fund to the General Fund an amount of those revenues necessary to offset the current year debt service made from the General Fund on general obligation transportation bonds issued pursuant to Proposition 116 of 1990.

This bill would delete the transfer of these miscellaneous revenues to the Transportation Debt Service Fund, thereby eliminating the offsetting transfer to the General Fund for debt service on general obligation transportation bonds issued pursuant to Proposition 116 of 1990. The bill, subject to a specified exception, would instead require the miscellaneous revenues to be retained in the State Highway Account and to be deposited in the Road Maintenance and Rehabilitation Account.

(8) Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes associated with those other modes, except that a specified portion of these gasoline excise tax revenues is deposited in the General Fund. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution.

This bill, commencing July 1, 2016, would instead transfer to the Highway Users Tax Account for allocation to state and local transportation purposes under a specified formula the portion of gasoline excise tax revenues currently being deposited in the General Fund that are attributable to boats, agricultural vehicles, and off-highway vehicles. Because that account is continuously appropriated, the bill would make an appropriation.

(9) Existing law, as of July 1, 2011, increases the sales and use tax on diesel and decreases the excise tax, as provided. Existing law requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the various changes in the taxes imposed on gasoline and diesel are revenue neutral.

This bill would eliminate the annual rate adjustment to maintain revenue neutrality for the gasoline and diesel excise tax rates and would reimpose the higher gasoline excise tax rate that was in effect on July

1, 2010, in addition to the increase in the rate described in paragraph (1).

Existing law, beyond the sales and use tax rate generally applicable, imposes an additional sales and use tax on diesel fuel at the rate of 1.75%, subject to certain exemptions, and provides for the net revenues collected from the additional tax to be transferred to the Public Transportation Account. Existing law continuously appropriates these revenues to the Controller for allocation by formula to transportation agencies for public transit purposes.

This bill would increase the additional sales and use tax on diesel fuel by an additional 3.5%. By increasing the revenues deposited in a continuously appropriated fund, the bill would thereby make an appropriation. The bill would restrict expenditures of revenues from this increase in the sales and use tax on diesel fuel to transit capital purposes and certain transit services and would require a recipient transit agency to comply with certain requirements, including submitting a list of proposed projects to the Department of Transportation, as a condition of receiving a portion of these funds. The bill would require an existing required audit of transit operator finances to verify that these new revenues have been expended in conformance with these specific restrictions and all other generally applicable requirements.

This bill would, beginning July 1, 2019, and every 3rd year thereafter, require the State Board of Equalization to recompute the gasoline and diesel excise tax rates and the additional sales and use tax rate on diesel fuel based upon the percentage change in the California Consumer Price Index transmitted to the board by the Department of Finance, as prescribed.

(10) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. The program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it determines that the program is not sufficiently consistent with the asset management plan.

This bill would add to the program capital projects relative to the operation of those state highways and bridges. The bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval.

This bill, on and after February 1, 2017, would also require the commission to make an allocation of all capital and support costs for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines to provide exceptions to the requirement for a supplemental project allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

(11) Existing law imposes weight fees on the registration of commercial motor vehicles and provides for the deposit of net weight fee revenues into the State Highway Account. Existing law provides for the transfer of certain weight fee revenues from the State Highway Account to the Transportation Debt Service Fund to reimburse the General Fund for payment of debt service on general obligation bonds issued for transportation purposes. Existing law also provides for the transfer of certain weight fee revenues to the Transportation Bond Direct Payment Account for direct payment of debt service on designated bonds, which are defined to be certain transportation general obligation bonds issued pursuant to Proposition 1B of 2006. Existing law also provides for loans of weight fee revenues to the General Fund to the extent the revenues are not needed for bond debt service purposes, with the loans to be repaid when the revenues are later needed for those purposes, as specified.

This bill, notwithstanding these provisions or any other law, would only authorize specified percentages of weight fee revenues to be transferred from the State Highway Account to the Transportation Debt Service Fund, the Transportation Bond Direct Payment Account, or any other fund or account for the purpose of payment of the debt service on transportation general obligation bonds in accordance with a prescribed schedule and would prohibit the transfer of weight fee revenues from the State Highway Account after the 2020–21 fiscal year.

The bill would also prohibit loans of weight fee revenues to the General Fund.

(12) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA, until January 1, 2020, exempts a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined, other than a state roadway, if the project or activity is carried out by a city or county with a population of less than 100,000 persons to improve public safety and meets other specified requirements.

This bill would extend the above-referenced exemption indefinitely and delete the limitation of the exemption to projects or activities in cities and counties with a population of less than 100,000 persons. The bill would also expand the exemption to include state roadways.

This bill would also establish the Advance Mitigation Program in the Department of Transportation. The bill would authorize the department to undertake mitigation measures in advance of construction of a planned transportation project. The bill would require the department to establish a steering committee to advise the department on advance mitigation measures and related matters. The bill would create the Advance Mitigation Fund as a continuously appropriated revolving fund, to be funded initially from the Road Maintenance and Rehabilitation Program pursuant to (1) above. The bill would provide for reimbursement of the revolving fund at the time a planned transportation project benefiting from advance mitigation is constructed.

(13) Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law, until January 1, 2017, provides that the State of California consents to the jurisdiction of the federal courts with regard

to the compliance, discharge, or enforcement of the responsibilities the Department of Transportation assumed as a participant in this program.

This bill would delete the January 1, 2017, repeal date, thereby extending these provisions indefinitely.

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

Vote: ⅔. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Over the next 10 years, the state faces a $59 billion shortfall to adequately maintain the existing state highway system in order to keep it in a basic state of good repair.

(b) Similarly, cities and counties face a $78 billion shortfall over the next decade to adequately maintain the existing network of local streets and roads.

(c) Statewide taxes and fees dedicated to the maintenance of the system have not been increased in more than 20 years, with those revenues losing more than 55 percent of their purchasing power, while costs to maintain the system have steadily increased and much of the underlying infrastructure has aged past its expected useful life.

(d) California motorists are spending $17 billion annually in extra maintenance and car repair bills, which is more than $700 per driver, due to the state's poorly maintained roads.

(e) Failing to act now to address this growing problem means that more drastic measures will be required to maintain our system in the future, essentially passing the burden on to future generations instead of doing our job today.

(f) A funding program will help address a portion of the maintenance backlog on the state's road system and will stop the growth of the problem.

(g) Modestly increasing various fees can spread the cost of road repairs broadly to all users and beneficiaries of the road network without overburdening any one group.

(h) Improving the condition of the state's road system will have a positive impact on the economy as it lowers the transportation

costs of doing business, reduces congestion impacts for employees, and protects property values in the state.

(i) The federal government estimates that increased spending on infrastructure creates more than 13,000 jobs per $1 billion spent.

(j) Well-maintained roads benefit all users, not just drivers, as roads are used for all modes of transport, whether motor vehicles, transit, bicycles, or pedestrians.

(k) Well-maintained roads additionally provide significant health benefits and prevent injuries and death due to crashes caused by poorly maintained infrastructure.

(*l*) A comprehensive, reasonable transportation funding package will do all of the following:

(1) Ensure these transportation needs are addressed.

(2) Fairly distribute the economic impact of increased funding.

(3) Restore the gas tax rate previously reduced by the State Board of Equalization pursuant to the gas tax swap.

(4) Direct increased revenue to the state's highest transportation needs.

SEC. 2. Section 13975 of the Government Code is amended to read:

13975. There is in the state government the Transportation Agency. The agency consists of the Department of the California Highway Patrol, the Department of Motor Vehicles, the Department of Transportation, the High-Speed Rail Authority, and the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun.

SEC. 3. Section 14033 is added to the Government Code, to read:

14033. On or before January 1, 2017, the department shall update the Highway Design Manual to incorporate the "complete streets" design concept.

SEC. 4. Part 5.1 (commencing with Section 14460) is added to Division 3 of Title 2 of the Government Code, to read:

PART 5.1. OFFICE OF THE TRANSPORTATION INSPECTOR GENERAL

14460. (a) There is hereby created in state government the independent Office of the Transportation Inspector General, which shall not be a subdivision of any other governmental entity, to

ensure that the Department of Transportation, the High-Speed Rail Authority, the Department of the California Highway Patrol, the Department of Motor Vehicles, the State Air Resources Board, and all other state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with applicable federal and state laws.

(b) The Governor shall appoint, subject to confirmation by the Senate, the Transportation Inspector General to a six-year term. The Transportation Inspector General may not be removed from office during that term, except for good cause. A finding of good cause may include substantial neglect of duty, gross misconduct, or conviction of a crime. The reasons for removal of the Transportation Inspector General shall be stated in writing and shall include the basis for removal. The writing shall be sent to the Secretary of the Senate and the Chief Clerk of the Assembly at the time of the removal and shall be deemed to be a public document.

14461. The Transportation Inspector General shall review policies, practices, and procedures and conduct audits and investigations of activities involving state transportation funds in consultation with all affected state agencies. Specifically, the Transportation Inspector General's duties and responsibilities shall include, but not be limited to, all of the following:

(a) To examine the operating practices of all state agencies expending state transportation funds to identify fraud and waste, opportunities for efficiencies, and opportunities to improve the data used to determine appropriate project resource allocations.

(b) To identify best practices in the delivery of transportation projects and develop policies or recommend proposed legislation enabling state agencies to adopt these practices when practicable.

(c) To provide objective analysis of and, when possible, offer solutions to concerns raised by the public or generated within agencies involving the state's transportation infrastructure and project delivery methods.

(d) To conduct, supervise, and coordinate audits and investigations relating to the programs and operations of all state transportation agencies with state-funded transportation projects.

(e) To recommend policies promoting economy and efficiency in the administration of programs and operations of all state agencies with state-funded transportation projects.

(f) To ensure that the Secretary of Transportation and the Legislature are fully and currently informed concerning fraud or other serious abuses or deficiencies relating to the expenditure of funds or administration of programs and operations.

14462. The Transportation Inspector General shall report at least annually to the Governor and Legislature with a summary of his or her findings, investigations, and audits. The summary shall be posted on the Transportation Inspector General's Internet Web site and shall otherwise be made available to the public upon its release to the Governor and Legislature. The summary shall include, but need not be limited to, significant problems discovered by the Transportation Inspector General and whether recommendations of the Transportation Inspector General relative to investigations and audits have been implemented by the affected agencies. The report shall be submitted to the Legislature in compliance with Section 9795.

SEC. 5. Section 14500 of the Government Code is amended to read:

14500. There is in state government a California Transportation Commission. The commission shall act in an independent oversight role.

SEC. 6. Section 14526.5 of the Government Code is amended to read:

14526.5. (a) Based on the asset management plan prepared and approved pursuant to Section 14526.4, the department shall prepare a state highway operation and protection program for the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system. Projects included in the program shall be limited to improvements relative to maintenance, safety, rehabilitation, and operation of state highways and bridges that do not add a new traffic lane to the system.

(b) The program shall include projects that are expected to be advertised prior to July 1 of the year following submission of the program, but which have not yet been funded. The program shall include those projects for which construction is to begin within four fiscal years, starting July 1 of the year following the year the program is submitted.

(c) (1) The department, at a minimum, shall specify, for each project in the state highway operation and protection program, the

capital and support budget for each of the following project components:

(A) Project approval and environmental documents.

(B) Plans, specifications, and estimates.

(C) Rights-of-way.

(D) Construction.

(2) The department shall specify, for each project in the state highway operation and protection program, a projected delivery date for each of the following components:

(A) Environmental document completion.

(B) Plans, specifications, and estimate completion.

(C) Right-of-way certification.

(D) Start of construction.

(d) The department shall submit its proposed program to the commission not later than January 31 of each even-numbered year. Prior to submitting its proposed program, the department shall make a draft of its proposed program available to transportation planning agencies for review and comment and shall include the comments in its submittal to the commission. The department shall provide the commission with detailed information for all programmed projects, including, but not limited to, cost, scope, schedule, and performance metrics as determined by the commission.

(e) The commission shall review the proposed program relative to its overall adequacy, consistency with the asset management plan prepared and approved pursuant to Section 14526.4 and funding priorities established in Section 167 of the Streets and Highways Code, the level of annual funding needed to implement the program, and the impact of those expenditures on the state transportation improvement program. The commission shall adopt the program and submit it to the Legislature and the Governor not later than April 1 of each even-numbered year. The commission may decline to adopt the program if the commission determines that the program is not sufficiently consistent with the asset management plan prepared and approved pursuant to Section 14526.4.

(f) As part of the commission's review of the program required pursuant to subdivision (a), the commission shall hold at least one hearing in northern California and one hearing in southern California regarding the proposed program.

(g) Expenditures for these projects shall not be subject to Sections 188 and 188.8 of the Streets and Highways Code.

(h) Following adoption of the state highway operation and protection program by the commission, any change to a programmed project shall be submitted as an amendment by the department to the commission for its approval before the change may be implemented.

SEC. 7. Section 14526.7 is added to the Government Code, to read:

14526.7. (a) On and after February 1, 2017, an allocation by the commission of all capital and support costs for each project in the state highway operation and protection program shall be required.

(b) For a project that experiences increases in capital or support costs above the amounts in the commission's allocation pursuant to subdivision (a), a supplemental project allocation request shall be submitted by the department to the commission for approval.

(c) The commission shall establish guidelines to provide exceptions to the requirement of subdivision (b) that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

SEC. 8. Section 14534.1 of the Government Code is repealed.

SEC. 9. Section 16321 is added to the Government Code, to read:

16321. (a) Notwithstanding any other law, on or before September 1, 2016, the Department of Finance shall compute the amount of outstanding loans made from the State Highway Account, the Motor Vehicle Fuel Account, the Highway Users Tax Account, and the Motor Vehicle Account to the General Fund. The department shall prepare a loan repayment schedule, pursuant to which the outstanding loans shall be repaid, as follows:

(1) On or before June 30, 2017, 50 percent of the outstanding loan amounts.

(2) On or before June 30, 2018, the remainder of the outstanding loan amounts.

(b) Notwithstanding any other law, as the loans are repaid pursuant to this section, the repaid funds shall be transferred in the following manner:

(1) Fifty percent to cities and counties pursuant to clauses (i) and (ii) of subparagraph (C) of paragraph (3) of subdivision (a) of Section 2103 of the Streets and Highways Code.

(2) Fifty percent to the department for maintenance of the state highway system and for purposes of the state highway operation and protection program.

(c) Funds for loan repayments pursuant to this section are hereby appropriated from the Budget Stabilization Account pursuant to subclause (II) of clause (ii) of subparagraph (B) of paragraph (1) of subdivision (c) of Section 20 of Article XVI of the California Constitution.

SEC. 10. Section 16965 of the Government Code is amended to read:

16965. (a) (1) The Transportation Debt Service Fund is hereby created in the State Treasury. Moneys in the fund shall be dedicated to all of the following purposes:

(A) Payment of debt service with respect to designated bonds, as defined in subdivision (c) of Section 16773, and as further provided in paragraph (3) and subdivision (b).

(B) To reimburse the General Fund for debt service with respect to bonds.

(C) To redeem or retire bonds, pursuant to Section 16774, maturing in a subsequent fiscal year.

(2) The bonds eligible under subparagraph (B) or (C) of paragraph (1) include bonds issued pursuant to the Passenger Rail and Clean Air Bond Act of 1990 (Chapter 17 (commencing with Section 2701) of Division 3 of the Streets and Highways Code), the Seismic Retrofit Bond Act of 1996 (Chapter 12.48 (commencing with Section 8879) of Division 1 of Title 2), and the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Chapter 20 (commencing with Section 2704) of Division 3 of the Streets and Highways Code), and nondesignated bonds under Proposition 1B, as defined in subdivision (c) of Section 16773.

(3) (A) The Transportation Bond Direct Payment Account is hereby created in the State Treasury, as a subaccount within the Transportation Debt Service Fund, for the purpose of directly paying the debt service, as defined in paragraph (4), of designated bonds of Proposition 1B, as defined in subdivision (c) of Section 16773. Notwithstanding Section 13340, moneys in the

Transportation Bond Direct Payment Account are continuously appropriated for payment of debt service with respect to designated bonds as provided in subdivision (c) of Section 16773. So long as any designated bonds remain outstanding, the moneys in the Transportation Bond Direct Payment Account may not be used for any other purpose, and may not be borrowed by or available for transfer to the General Fund pursuant to Section 16310 or any similar law, or to the General Cash Revolving Fund pursuant to Section 16381 or any similar law.

(B) Once the Treasurer makes a certification that payment of debt service with respect to all designated bonds has been paid or provided for, any remaining moneys in the Transportation Bond Direct Payment Account shall be transferred back to the Transportation Debt Service Fund.

(C) The moneys in the Transportation Bond Direct Payment Account shall be invested in the Surplus Money Investment Fund, and all investment earnings shall accrue to the account.

(D) The Controller may establish subaccounts within the Transportation Bond Direct Payment Account as may be required by the resolution, indenture, or other documents governing any designated bonds.

(4) For purposes of this subdivision and subdivision (b), and subdivision (c) of Section 16773, “debt service” means payment of all of the following costs and expenses with respect to any designated bond:

(A) The principal of and interest on the bonds.

(B) Amounts payable as the result of tender on any bonds, as described in clause (iv) of subparagraph (B) of paragraph (1) of subdivision (d) of Section 16731.

(C) Amounts payable under any contractual obligation of the state to repay advances and pay interest thereon under a credit enhancement or liquidity agreement as described in clause (iv) of subparagraph (B) of paragraph (1) of subdivision (d) of Section 16731.

(D) Any amount owed by the state to a counterparty after any offset for payments owed to the state on any hedging contract as described in subparagraph (A) of paragraph (2) of subdivision (d) of Section 16731.

(b) From the moneys transferred to the fund pursuant to paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the

Vehicle Code, there shall first be deposited into the Transportation Bond Direct Payment Account in each month sufficient funds to equal the amount designated in a certificate submitted by the Treasurer to the Controller and the Director of Finance at the start of each fiscal year, and as may be modified by the Treasurer thereafter upon issuance of any new issue of designated bonds or upon change in circumstances that requires such a modification. This certificate shall be calculated by the Treasurer to identify, for each month, the amount necessary to fund all of the debt service with respect to all designated bonds. This calculation shall be done in a manner provided in the resolution, indenture, or other documents governing the designated bonds. In the event that transfers to the Transportation Bond Direct Payment Account in any month are less than the amounts required in the Treasurer's certificate, the shortfall shall carry over to be part of the required payment in the succeeding month or months.

(c) The state hereby covenants with the holders from time to time of any designated bonds that it will not alter, amend, or restrict the provisions of subdivision (c) of Section 16773 of the Government Code, or Sections 9400, 9400.1, 9400.4, and 42205 of the Vehicle Code, which provide directly or indirectly for the transfer of weight fees to the Transportation Debt Service Fund or the Transportation Bond Direct Payment Account, or subdivisions (a) and (b) of this section, or reduce the rate of imposition of vehicle weight fees under Sections 9400 and 9400.1 of the Vehicle Code as they existed on the date of the first issuance of any designated bonds, if that alteration, amendment, restriction, or reduction would result in projected weight fees for the next fiscal year determined by the Director of Finance being less than two times the maximum annual debt service with respect to all outstanding designated bonds, as such calculation is determined pursuant to the resolution, indenture, or other documents governing the designated bonds. The state may include this covenant in the resolution, indenture, or other documents governing the designated bonds.

(d) Once the required monthly deposit, including makeup of any shortfalls from any prior month, has been made pursuant to subdivision (b), from moneys transferred to the fund pursuant to paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the

Controller shall transfer as an expenditure reduction to the General Fund any amount necessary to offset the cost of current year debt service payments made from the General Fund with respect to any bonds issued pursuant to Proposition 192 (1996) and three-quarters of the amount of current year debt service payments made from the General Fund with respect to any nondesignated bonds, as defined in subdivision (c) of Section 16773, issued pursuant to Proposition 1B (2006). In the alternative, these funds may also be used to redeem or retire the applicable bonds, pursuant to Section 16774, maturing in a subsequent fiscal year as directed by the Director of Finance.

(e) Once the required monthly deposit, including makeup of any shortfalls from any prior month, has been made pursuant to subdivision (b), from moneys transferred to the fund pursuant to paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the Controller shall transfer as an expenditure reduction to the General Fund any amount necessary to offset the eligible cost of current year debt service payments made from the General Fund with respect to any bonds issued pursuant to Proposition 108 (1990) and Proposition 1A (2008), and one-quarter of the amount of current year debt service payments made from the General Fund with respect to any nondesignated bonds, as defined in subdivision (c) of Section 16773, issued pursuant to Proposition 1B (2006). The Department of Finance shall notify the Controller by July 30 of every year of the percentage of debt service that is expected to be paid in that fiscal year with respect to bond-funded projects that qualify as eligible guideway projects consistent with the requirements applicable to the expenditure of revenues under Article XIX of the California Constitution, and the Controller shall make payments only for those eligible projects. In the alternative, these funds may also be used to redeem or retire the applicable bonds, pursuant to Section 16774, maturing in a subsequent fiscal year as directed by the Director of Finance.

(f) On or before the second business day following the date on which transfers are made to the Transportation Debt Service Fund, and after the required monthly deposits for that month, including makeup of any shortfalls from any prior month, have been made to the Transportation Bond Direct Payment Account, the Controller shall transfer the funds designated for reimbursement of bond debt

service with respect to nondesignated bonds, as defined in subdivision (c) of Section 16773, and other bonds identified in subdivisions (d) and (e) in that month from the fund to the General Fund pursuant to this section.

SEC. 11. Section 39719 of the Health and Safety Code is amended to read:

39719. (a) The Legislature shall appropriate the annual proceeds of the fund for the purpose of reducing greenhouse gas emissions in this state in accordance with the requirements of Section 39712.

(b) To carry out a portion of the requirements of subdivision (a), annual proceeds are continuously appropriated for the following:

(1) Beginning in the 2016–17 fiscal year, and notwithstanding Section 13340 of the Government Code, 50 percent of annual proceeds are continuously appropriated, without regard to fiscal years, for transit, affordable housing, and sustainable communities programs as following:

(A) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(B) Ten percent of the annual proceeds of the fund is hereby continuously appropriated to the Low Carbon Transit Operations Program created by Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code. Moneys shall be allocated by the Controller, according to requirements of the program, and pursuant to the distribution formula in subdivision (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of, the Public Utilities Code.

(C) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program created by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code. Of the amount appropriated in this subparagraph, no less than 10 percent of the annual proceeds shall be expended for affordable housing, consistent with the provisions of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

(A) Acquisition and construction costs of the project.

(B) Environmental review and design costs of the project.

(C) Other capital costs of the project.

(D) Repayment of any loans made to the authority to fund the project.

(c) In determining the amount of annual proceeds of the fund for purposes of the calculation in subdivision (b), the funds subject to Section 39719.1 shall not be included.

SEC. 12. Section 21080.37 of the Public Resources Code is amended to read:

21080.37. (a) This division does not apply to a project or an activity to repair, maintain, or make minor alterations to an existing roadway if all of the following conditions are met:

(1) (A) The project does not cross a waterway.

(B) For purposes of this paragraph, "waterway" means a bay, estuary, lake, pond, river, slough, or a perennial, intermittent, or ephemeral stream, lake, or estuarine-marine shoreline.

(2) The project involves negligible or no expansion of an existing use beyond that existing at the time of the lead agency's determination.

(3) (A) The site of the project does not contain wetlands or riparian areas and does not have significant value as a wildlife habitat, and the project does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance.

(B) For the purposes of this paragraph:

(i) "Riparian areas" mean those areas transitional between terrestrial and aquatic ecosystems and that are distinguished by

gradients in biophysical conditions, ecological processes, and biota. A riparian area is an area through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. A riparian area includes those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems. A riparian area is adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines.

(ii) "Significant value as a wildlife habitat" includes wildlife habitat of national, statewide, regional, or local importance; habitat for species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code); habitat identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies; or habitat essential to the movement of resident or migratory wildlife.

(iii) "Wetlands" has the same meaning as in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(iv) "Wildlife habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.

(4) The project does not impact cultural resources.

(5) The roadway does not affect scenic resources, as provided pursuant to subdivision (c) of Section 21084.

(b) Prior to determining that a project is exempt pursuant to this section, the lead agency shall do both of the following:

(1) Include measures in the project to mitigate potential vehicular traffic and safety impacts and bicycle and pedestrian safety impacts.

(2) Hold a noticed public hearing on the project to hear and respond to public comments. The hearing on the project may be conducted with another noticed lead agency public hearing. Publication of the notice shall be no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area.

(c) For purposes of this section, "roadway" means a roadway as defined pursuant to Section 530 of the Vehicle Code and the previously graded and maintained shoulder that is within a roadway

right-of-way of no more than five feet from the edge of the roadway.

(d) (1) If a state agency determines that a project is not subject to this division pursuant to this section and it approves or determines to carry out that project, it shall file a notice with the Office of Planning and Research in the manner specified in subdivisions (b) and (c) of Section 21108.

(2) If a local agency determines that a project is not subject to this division pursuant to this section and it approves or determines to carry out that project, it shall file a notice with the Office of Planning and Research, and with the county clerk in the county in which the project will be located in the manner specified in subdivisions (b) and (c) of Section 21152.

SEC. 13. Division 13.6 (commencing with Section 21200) is added to the Public Resources Code, to read:

DIVISION 13.6. ADVANCE MITIGATION PROGRAM ACT

Chapter 1. General

21200. This division shall be known, and may be cited, as the Advance Mitigation Program Act.

21201. (a) The purpose of this division is to improve the success and effectiveness of actions implemented to mitigate the natural resource impacts of future transportation projects by establishing the means to implement those actions well before the transportation projects are constructed. The advance identification and implementation of mitigation actions also will streamline the delivery of transportation projects by anticipating mitigation requirements for planned transportation projects and avoiding or reducing delays associated with environmental permitting. By identifying regional or statewide conservation priorities and by anticipating the impacts of planned transportation projects on a regional or statewide basis, mitigation actions can be designed to protect and restore California's most valuable natural resources and also facilitate environmental compliance for planned transportation projects on a regional scale.

(b) This division is not intended to create a new environmental permitting or regulatory program or to modify existing environmental laws or regulations, nor is it expected that all

mitigation requirements will be addressed for planned transportation projects. Instead, it is intended to provide a methodology with which to anticipate and fulfill the requirements of existing state and federal environmental laws that protect fish, wildlife, plant species, and other natural resources more efficiently and effectively.

21202. The Legislature finds and declares all of the following:

(a) The minimization and mitigation of environmental impacts is ordinarily handled on a project-by-project basis, usually near the end of a project's timeline and often without guidance regarding regional or statewide conservation priorities.

(b) The cost of critical transportation projects often escalates because of permitting delays that occur when appropriate conservation and mitigation measures cannot easily be identified and because the cost of these measures often increases between the time a project is planned and funded and the time mitigation is implemented.

(c) Addressing conservation and mitigation needs early in a project's timeline, during the project design and development phase, can reduce costs, allow natural resources conservation to be integrated with project siting and design, and result in the establishment of more valuable and productive habitat mitigation.

(d) When the Department of Transportation is able to anticipate the mitigation needs for planned transportation projects, it can meet those needs in a more timely and cost-effective way by using advance mitigation planning.

(e) Working with state and federal resource protection agencies, the department can identify, conserve, and, where appropriate, restore lands for mitigation of numerous projects early in the projects' timelines, thereby allowing public funds to stretch further by acquiring habitat at a lower cost and avoiding environmental permitting delays.

(f) Advance mitigation can provide an effective means of facilitating delivery of transportation projects while ensuring more effective natural resource conservation.

(g) Advance mitigation is needed to direct mitigation funding for transportation projects to agreed-upon conservation priorities and to the creation of habitat reserves and recreation areas that enhance the sustainability of human and natural systems by

protecting or restoring connectivity of natural communities and the delivery of ecosystem services.

(h) Advance mitigation can facilitate the implementation of climate change adaptation strategies both for ecosystems and California's economy.

(i) Advance mitigation can enable the state to protect, restore, and recover its natural resources as it strengthens and improves its transportation systems.

21203. The Legislature intends to do all of the following by enacting this division:

(a) Facilitate delivery of transportation projects while ensuring more effective natural resource conservation.

(b) Develop effective strategies to improve the state's ability to meet mounting demands for transportation improvements and to maximize conservation and other public benefits.

(c) Achieve conservation objectives of statewide and regional importance by coordinating local, state, and federally funded natural resource conservation efforts with mitigation actions required for impacts from transportation projects.

(d) Create administrative, governance, and financial incentives and mechanisms necessary to ensure that measures required to minimize or mitigate impacts from transportation projects will serve to achieve regional or statewide natural resource conservation objectives.

Chapter 2. Definitions

21204. For purposes of this division, the following terms have the following meanings:

(a) "Acquire" and "acquisition" mean, with respect to land or a waterway, acquisition of fee title or purchase of a conservation easement, that protects conservation and mitigation values on the land or waterway in perpetuity.

(b) "Advance mitigation" means mitigation implemented before, and in anticipation of, environmental effects of planned transportation projects.

(c) "Commission" means the California Transportation Commission.

(d) "Department" means the Department of Transportation.

(e) "Transportation agency" means the department, the High-Speed Rail Authority, a metropolitan planning organization, a regional transportation planning agency, or another public agency that implements transportation projects.

(f) "Transportation project" means a transportation capital improvement project.

(g) "Planned transportation project" means a transportation project that a transportation agency has concluded is reasonably likely to be constructed within 20 years and that has been identified to the agency for purposes of this division. A planned transportation project may include, but is not limited to, a transportation project that has been proposed for approval or that has been approved.

(h) "Program" means the Advance Mitigation Program implemented pursuant to this division.

(i) "Regulatory agency" means a state or federal natural resource protection agency with regulatory authority over planned transportation projects. A regulatory agency includes, but is not limited to, the Natural Resources Agency, the Department of Fish and Wildlife, California regional water quality control boards, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Environmental Protection Agency, and the United States Army Corps of Engineers.

Chapter 3. Advance Mitigation Program

21205. (a) The Advance Mitigation Program is hereby created in the department to accelerate project delivery and improve environmental outcomes of environmental mitigation for planned transportation projects.

(b) The program may utilize mitigation instruments, including, but not limited to, mitigation banks, in lieu of fee programs, and conservation easements as defined in Section 815.1 of the Civil Code.

(c) The department shall track all implemented advance mitigation projects to use as credits for environmental mitigation for state-sponsored transportation projects.

(d) The department may use advance mitigation credits to fulfill mitigation requirements of any environmental law for a transportation project eligible for the State Transportation

Improvement Program or the State Highway Operation and Protection Program.

21206. No later than February 1, 2017, the department shall establish an interagency transportation advance mitigation steering committee consisting of the department and appropriate state and federal regulatory agencies to support the program so that advance mitigation can be used as required mitigation for planned transportation projects and can provide improved environmental outcomes. The committee shall advise the department of opportunities to carry out advance mitigation projects, provide the best available science, and actively participate in mitigation instrument reviews and approvals. The committee shall seek to develop streamlining opportunities, including those related to landscape scale mitigation planning and alignment of federal and state regulations and procedures related to mitigation requirements and implementation. The committee shall also provide input on crediting, using, and tracking of advance mitigation investments.

21207. The Advance Mitigation Fund is hereby created in the State Transportation Fund as a revolving fund. Notwithstanding Section 13340 of the Government Code, the fund shall be continuously appropriated without regard to fiscal years. The moneys in the fund shall be programmed by the commission for the planning and implementation of advance mitigation projects consistent with the purposes of this chapter. After the transfer of moneys to the fund for four fiscal years pursuant to subdivision (c) of Section 2032 of the Streets and Highways Code, commencing in the 2017–18 fiscal year, the program is intended to be self-sustaining. Advance expenditures from the fund shall later be reimbursed from project funding available at the time a planned transportation project is constructed. A maximum of 5 percent of available funds may be used for administrative purposes.

21208. The program is intended to improve the efficiency and efficacy of mitigation only and is not intended to supplant the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000)) or any other environmental law. The identification of planned transportation projects and of mitigation projects or measures for planned transportation projects under this division does not imply or require approval of those projects for purposes of the California Environmental Quality Act

(Division 13 (commencing with Section 21000)) or any other environmental law.

SEC. 14. Section 99312.1 of the Public Utilities Code is amended to read:

99312.1. (a) Revenues transferred to the Public Transportation Account pursuant to Sections 6051.8 and 6201.8 of the Revenue and Taxation Code are hereby continuously appropriated to the Controller for allocation as follows:

(1) Fifty percent for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board pursuant to Section 99314.

(2) Fifty percent for allocation to transportation agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board for purposes of Section 99313.

(b) For purposes of this chapter, the revenues allocated pursuant to this section shall be subject to the same requirements as revenues allocated pursuant to subdivisions (b) and (c), as applicable, of Section 99312.

(c) The revenues transferred to the Public Transportation Account that are attributable to the increase in the sales and use tax on diesel fuel pursuant to subdivision (b) of Section 6051.8 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, and subdivision (b) of Section 6201.8 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, upon allocation pursuant to Sections 99313 and 99314, shall only be expended on the following:

(1) Transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or existing transit facilities, including rehabilitation or modernization of existing vehicles or facilities.

(2) The design, acquisition, and construction of new vehicles or facilities that improve existing transit services.

(3) Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

(d) (1) Prior to receiving an apportionment of funds pursuant to subdivision (c) from the Controller in a fiscal year, a recipient transit agency shall submit to the Department of Transportation a list of projects proposed to be funded with these funds. The list of

projects proposed to be funded with these funds shall include a description and location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of a recipient transit agency to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (c).

(2) The department shall report to the Controller the recipient transit agencies that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds for the applicable fiscal year. The Controller, upon receipt of the report, shall apportion funds pursuant to Sections 99313 and 99314.

(e) For each fiscal year, each recipient transit agency receiving an apportionment of funds pursuant to subdivision (c) shall, upon expending those funds, submit documentation to the department that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement.

(f) The audit of transit operator finances required pursuant to Section 99245 shall verify that the revenues identified in subdivision (c) have been expended in conformance with these specific requirements and all other generally applicable requirements.

SEC. 15. Section 6051.8 of the Revenue and Taxation Code is amended to read:

6051.8. (a) Except as provided by Section 6357.3, in addition to the taxes imposed by this part, for the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 1.75 percent of the gross receipts of any retailer from the sale of all diesel fuel.

(b) Except as provided by Section 6357.3, in addition to the taxes imposed by this part and by subdivision (a), for the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 3.5 percent of the gross receipts of any retailer from the sale of all diesel fuel, as defined in Section 60022, sold at retail in this state. The tax imposed under this subdivision shall be imposed on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act adding this subdivision.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

(d) Notwithstanding subdivision (b) of Section 7102, all of the revenues, less refunds, collected pursuant to this section shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation pursuant to Section 99312.1 of the Public Utilities Code.

SEC. 16. Section 6201.8 of the Revenue and Taxation Code is amended to read:

6201.8. (a) Except as provided by Section 6357.3, in addition to the taxes imposed by this part, an excise tax is hereby imposed on the storage, use, or other consumption in this state of diesel fuel, as defined in Section 60022, at the rate of 1.75 percent of the sales price of the diesel fuel.

(b) Except as provided by Section 6357.3, in addition to the taxes imposed by this part and by subdivision (a), an excise tax is hereby imposed on the storage, use, or other consumption in this state of diesel fuel, as defined in Section 60022, at the rate of 3.5 percent of the sales price of the diesel fuel. The tax imposed under this subdivision shall be imposed on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act adding this subdivision.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

(d) Notwithstanding subdivision (b) of Section 7102, all of the revenues, less refunds, collected pursuant to this section shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation pursuant to Section 99312.1 of the Public Utilities Code.

SEC. 17. Section 7360 of the Revenue and Taxation Code is amended to read:

7360. (a) (1) (A) A tax of eighteen cents ($0.18) is hereby imposed upon each gallon of fuel subject to the tax in Sections 7362, 7363, and 7364.

(B) In addition to the tax imposed pursuant to subparagraph (A), on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act adding this subparagraph, a tax of seventeen cents ($0.17) is hereby imposed upon each gallon of fuel, other than aviation gasoline, subject to the tax in Sections 7362, 7363, and 7364.

(2) If the federal fuel tax is reduced below the rate of nine cents ($0.09) per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, the tax rate imposed by

subparagraph (A) of paragraph (1), on and after the date of the reduction, shall be recalculated by an amount so that the combined state rate under subparagraph (A) of paragraph (1) and the federal tax rate per gallon equal twenty-seven cents ($0.27).

(3) If any person or entity is exempt or partially exempt from the federal fuel tax at the time of a reduction, the person or entity shall continue to be so exempt under this section.

(b) On and after July 1, 2010, in addition to the tax imposed by subdivision (a), a tax is hereby imposed upon each gallon of motor vehicle fuel, other than aviation gasoline, subject to the tax in Sections 7362, 7363, and 7364 in an amount equal to seventeen and three-tenths cents ($0.173) per gallon.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

SEC. 18. Section 8352.4 of the Revenue and Taxation Code is amended to read:

8352.4. (a) Subject to Sections 8352 and 8352.1, and except as otherwise provided in subdivision (b), there shall be transferred from the money deposited to the credit of the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund, for expenditure in accordance with Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of six million six hundred thousand dollars ($6,600,000) per annum, representing the amount of money in the Motor Vehicle Fuel

Account attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. The actual amount shall be calculated using the annual reports of registered boats prepared by the Department of Motor Vehicles for the United States Coast Guard and the formula and method of the December 1972 report prepared for this purpose and submitted to the Legislature on December 26, 1972, by the Director of Transportation. If the amount transferred during each fiscal year is in excess of the calculated amount, the excess shall be retransferred from the Harbors and Watercraft Revolving Fund to the Motor Vehicle Fuel Account. If the amount transferred is less than the amount calculated, the difference shall be transferred from the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund. No adjustment shall be made if the computed difference is less than fifty thousand dollars ($50,000), and the amount shall be adjusted to reflect any temporary or permanent increase or decrease that may be made in the rate under the Motor Vehicle Fuel Tax Law. Payments pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(b) Commencing July 1, 2016, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Harbors and Watercraft Revolving Fund pursuant to subdivision (a) shall instead be transferred to the Highway Users Tax Account for distribution pursuant to Section 2103.1 of the Streets and Highways Code.

SEC. 19. Section 8352.5 of the Revenue and Taxation Code is amended to read:

8352.5. (a) (1) Subject to Sections 8352 and 8352.1, and except as otherwise provided in subdivision (b), there shall be transferred from the money deposited to the credit of the Motor Vehicle Fuel Account to the Department of Food and Agriculture Fund, during the second quarter of each fiscal year, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

(2) The amounts are not subject to Section 6357 with respect to the collection of sales and use taxes thereon, and represent the portion of receipts in the Motor Vehicle Fuel Account during a calendar year that were attributable to agricultural off-highway use of motor vehicle fuel which is subject to refund pursuant to Section 8101, less gross refunds allowed by the Controller during

the fiscal year ending June 30 following the calendar year to persons entitled to refunds for agricultural off-highway use pursuant to Section 8101. Payments pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(b) Commencing July 1, 2016, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Department of Food and Agriculture Fund pursuant to subdivision (a) shall instead be transferred to the Highway Users Tax Account for distribution pursuant to Section 2103.1 of the Streets and Highways Code.

(c) On or before September 30, 2012, and on or before September 30 of each even-numbered year thereafter, the Director of Transportation and the Director of Food and Agriculture shall jointly prepare, or cause to be prepared, a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Account attributable to agricultural off-highway use of motor vehicle fuel, which is subject to refund pursuant to Section 8101 less gross refunds allowed by the Controller to persons entitled to refunds for agricultural off-highway use pursuant to Section 8101; and they shall submit a copy of the report to the Legislature.

SEC. 20. Section 8352.6 of the Revenue and Taxation Code is amended to read:

8352.6. (a) (1) Subject to Section 8352.1, and except as otherwise provided in paragraphs (2) and (3), on the first day of every month, there shall be transferred from moneys deposited to the credit of the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund created by Section 38225 of the Vehicle Code an amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. Transfers made pursuant to this section shall be made prior to transfers pursuant to Section 8352.2.

(2) Commencing July 1, 2016, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) shall instead be transferred to the Highway Users Tax Account for distribution pursuant to Section 2103.1 of the Streets and Highways Code.

(3) The Controller shall withhold eight hundred thirty-three thousand dollars ($833,000) from the monthly transfer to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and transfer that amount to the General Fund.

(b) The amount transferred to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) of subdivision (a), as a percentage of the Motor Vehicle Fuel Account, shall be equal to the percentage transferred in the 2006–07 fiscal year. Every five years, starting in the 2013–14 fiscal year, the percentage transferred may be adjusted by the Department of Transportation in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles. Adjustments shall be based on, but not limited to, the changes in the following factors since the 2006–07 fiscal year or the last adjustment, whichever is more recent:

(1) The number of vehicles registered as off-highway motor vehicles as required by Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(2) The number of registered street-legal vehicles that are anticipated to be used off highway, including four-wheel drive vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

(3) Attendance at the state vehicular recreation areas.

(4) Off-highway recreation use on federal lands as indicated by the United States Forest Service's National Visitor Use Monitoring and the United States Bureau of Land Management's Recreation Management Information System.

(c) It is the intent of the Legislature that transfers from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund should reflect the full range of motorized vehicle use off highway for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of

Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

(e) In the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, shall undertake a study to determine the appropriate adjustment to the amount transferred pursuant to subdivision (b) and to update the estimate of the amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. The department shall provide a copy of this study to the Legislature no later than January 1, 2016.

SEC. 21. Section 60050 of the Revenue and Taxation Code is amended to read:

60050. (a) (1) A tax of thirteen cents ($0.13) is hereby imposed upon each gallon of diesel fuel subject to the tax in Sections 60051, 60052, and 60058.

(2) If the federal fuel tax is reduced below the rate of fifteen cents ($0.15) per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, the tax rate imposed by paragraph (1) shall be increased by an amount so that the combined state rate under paragraph (1) and the federal tax rate per gallon equal what it would have been in the absence of the federal reduction.

(3) If any person or entity is exempt or partially exempt from the federal fuel tax at the time of a reduction, the person or entity shall continue to be exempt under this section.

(b) In addition to the tax imposed pursuant to subdivision (a), on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act amending this subdivision in the 2015 First Extraordinary Session, an additional tax of thirty cents ($0.30) is hereby imposed upon each gallon of diesel fuel subject to the tax in Sections 60051, 60052, and 60058.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes

imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

SEC. 22. Section 183.1 of the Streets and Highways Code is amended to read:

183.1. Except as otherwise provided in Section 54237.7 of the Government Code, money deposited into the account that is not subject to Article XIX of the California Constitution, including, but not limited to, money that is derived from the sale of documents, charges for miscellaneous services to the public, condemnation deposits fund investments, rental of state property, or any other miscellaneous uses of property or money, shall be deposited in the Road Maintenance and Rehabilitation Account created pursuant to Section 2031.

SEC. 23. Section 820.1 of the Streets and Highways Code is amended to read:

820.1. (a) The State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities assumed by the department pursuant to Section 326 of, and subsection (a) of Section 327 of, Title 23 of the United States Code.

(b) In any action brought pursuant to the federal laws described in subdivision (a), no immunity from suit may be asserted by the department pursuant to the Eleventh Amendment to the United States Constitution, and any immunity is hereby waived.

(c) The department shall not delegate any of its responsibilities assumed pursuant to the federal laws described in subdivision (a) to any political subdivision of the state or its instrumentalities.

(d) Nothing in this section affects the obligation of the department to comply with state and federal law.

SEC. 24. Chapter 2 (commencing with Section 2030) is added to Division 3 of the Streets and Highways Code, to read:

Chapter 2. Road Maintenance and Rehabilitation Program

2030. (a) The Road Maintenance and Rehabilitation Program is hereby created to address deferred maintenance on the state highway system and the local street and road system. Funds made available by the program shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects. For funds appropriated pursuant to paragraph (1) of subdivision (d) of Section 2032, the California Transportation Commission shall adopt performance criteria, consistent with the asset management plan required pursuant to 14526.4 of the Government Code, to ensure efficient use of the funds available for these purposes in the program.

(b) (1) Funds made available by the program shall be used for projects that include, but are not limited to, the following:

(A) Road maintenance and rehabilitation.

(B) Safety projects.

(C) Railroad grade separations.

(D) Complete street components, including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project.

(E) Traffic control devices.

(2) Funds made available by the program may also be used to satisfy a match requirement in order to obtain state or federal funds for projects authorized by this subdivision.

2031. The following revenues shall be deposited in the Road Maintenance and Rehabilitation Account, which is hereby created in the State Transportation Fund:

(a) Notwithstanding subdivision (b) of Section 2103, the portion of the revenues in the Highway Users Tax Account attributable to

the increase in the motor vehicle fuel excise tax by seventeen cents ($0.17) per gallon pursuant to subdivision (a) of Section 7360 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section.

(b) The revenues from the increase in the vehicle registration fee pursuant to Section 9250.3 of the Vehicle Code.

(c) The revenues from the increase in the vehicle registration fee pursuant to Section 9250.6 of the Vehicle Code.

(d) The revenues deposited in the account pursuant to Section 183.1 of the Streets and Highways Code.

(e) Any other revenues designated for the program.

2031.5. Each fiscal year the annual Budget Act shall contain an appropriation from the Road Maintenance and Rehabilitation Account to the Controller for the costs of carrying out his or her duties pursuant to this chapter and to the California Transportation Commission for the costs of carrying out its duties pursuant to this chapter and Section 14526.7 of the Government Code.

2032. (a) (1) After deducting the amounts appropriated in the annual Budget Act, as provided in Section 2031.5, two hundred million dollars ($200,000,000) of the remaining revenues deposited in the Road Maintenance and Rehabilitation Account shall be set aside annually for counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees as defined by subdivision (b) of Section 8879.67 of the Government Code, which taxes or fees are dedicated solely to transportation improvements. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of two hundred million dollars ($200,000,000) in each fiscal year.

(2) Notwithstanding Section 13340 of the Government Code, the funds available under this subdivision in each fiscal year are hereby continuously appropriated for allocation to each eligible county and each city in the county for road maintenance and rehabilitation purposes pursuant to Section 2033.

(b) (1) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amount allocated in subdivision (a), beginning in the 2017–18 fiscal year, eighty million dollars ($80,000,000) of the remaining revenues shall be transferred annually to the State Highway Account for expenditure, upon appropriation by the Legislature, on the Active Transportation Program created pursuant to Chapter 8 (commencing with Section

2380) of Division 3 to be allocated by the California Transportation Commission pursuant to Section 2381.

(2) In addition to the funds transferred in paragraph (1), the department shall annually identify savings achieved through efficiencies implemented at the department. The department, through the annual budget process, shall propose, from the identified savings, an appropriation to be included in the annual Budget Act of up to seventy million dollars ($70,000,000), but not to exceed the total annual identified savings, from the State Highway Account for expenditure on the Active Transportation Program.

(c) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5, the amount allocated in subdivision (a) and the amount transferred in paragraph (1) of subdivision (b), in the 2017–18, 2018–19, 2019–20, and 2020–21 fiscal years, the sum of thirty million dollars ($30,000,000) in each fiscal year from the remaining revenues shall be transferred to the Advance Mitigation Fund in the State Transportation Fund created pursuant to Section 21207 of the Public Resources Code.

(d) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5, the amount allocated in subdivision (a), and the amounts transferred in paragraph (1) of subdivision (b) and in subdivision (c), beginning in the 2017–18 fiscal year and each fiscal year thereafter, and notwithstanding Section 13340 of the Government Code, there is hereby continuously appropriated to the California State University the sum of two million dollars ($2,000,000) from the remaining revenues for the purpose of conducting transportation research and transportation-related workforce education, training, and development. Prior to the start of each fiscal year, the chairs of the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing shall confer and set out a recommended priority list of research components to be addressed in the upcoming fiscal year.

(e) Notwithstanding Section 13340 of the Government Code, the balance of the revenues deposited in the Road Maintenance and Rehabilitation Account are hereby continuously appropriated as follows:

(1) Fifty percent for allocation to the department for maintenance of the state highway system or for purposes of the state highway operation and protection program.

(2) Fifty percent for apportionment to cities and counties by the Controller pursuant to the formula in clauses (i) and (ii) of subparagraph (C) of paragraph (3) of subdivision (a) of Section 2103 for the purposes authorized by this chapter.

2033. (a) On or before January 1, 2017, the commission, in cooperation with the department, transportation planning agencies, county transportation commissions, and other local agencies, shall develop guidelines for the allocation of funds pursuant to subdivision (a) of Section 2032.

(b) The guidelines shall be the complete and full statement of the policy, standards, and criteria that the commission intends to use to determine how these funds will be allocated.

(c) The commission may amend the adopted guidelines after conducting at least one public hearing.

2034. (a) (1) Prior to receiving an apportionment of funds under the program pursuant to paragraph (2) of subdivision (d) of Section 2032 from the Controller in a fiscal year, an eligible city or county shall submit to the commission a list of projects proposed to be funded with these funds pursuant to an adopted city or county budget. All projects proposed to receive funding shall be included in a city or county budget that is adopted by the applicable city council or county board of supervisors at a regular public meeting. The list of projects proposed to be funded with these funds shall include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (b) of Section 2030.

(2) The commission shall report to the Controller the cities and counties that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds under the program for the applicable fiscal year. The Controller, upon receipt of the report, shall apportion funds to eligible cities and counties.

(b) For each fiscal year, each city or county receiving an apportionment of funds shall, upon expending program funds,

submit documentation to the commission that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement.

2036. (a) Cities and counties shall maintain their existing commitment of local funds for street, road, and highway purposes in order to remain eligible for an allocation or apportionment of funds pursuant to Section 2032.

(b) In order to receive an allocation or apportionment pursuant to Section 2032, the city or county shall annually expend from its general fund for street, road, and highway purposes an amount not less than the annual average of its expenditures from its general fund during the 2009–10, 2010–11, and 2011–12 fiscal years, as reported to the Controller pursuant to Section 2151. For purposes of this subdivision, in calculating a city's or county's annual general fund expenditures and its average general fund expenditures for the 2009–10, 2010–11, and 2011–12 fiscal years, any unrestricted funds that the city or county may expend at its discretion, including vehicle in-lieu tax revenues and revenues from fines and forfeitures, expended for street, road, and highway purposes shall be considered expenditures from the general fund. One-time allocations that have been expended for street and highway purposes, but which may not be available on an ongoing basis, including revenue provided under the Teeter Plan Bond Law of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code), may not be considered when calculating a city's or county's annual general fund expenditures.

(c) For any city incorporated after July 1, 2009, the Controller shall calculate an annual average expenditure for the period between July 1, 2009, and December 31, 2015, inclusive, that the city was incorporated.

(d) For purposes of subdivision (b), the Controller may request fiscal data from cities and counties in addition to data provided pursuant to Section 2151, for the 2009–10, 2010–11, and 2011–12 fiscal years. Each city and county shall furnish the data to the Controller not later than 120 days after receiving the request. The Controller may withhold payment to cities and counties that do not comply with the request for information or that provide incomplete data.

(e) The Controller may perform audits to ensure compliance with subdivision (b) when deemed necessary. Any city or county that has not complied with subdivision (b) shall reimburse the state for the funds it received during that fiscal year. Any funds withheld or returned as a result of a failure to comply with subdivision (b) shall be reapportioned to the other counties and cities whose expenditures are in compliance.

(f) If a city or county fails to comply with the requirements of subdivision (b) in a particular fiscal year, the city or county may expend during that fiscal year and the following fiscal year a total amount that is not less than the total amount required to be expended for those fiscal years for purposes of complying with subdivision (b).

2037. A city or county may spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to this chapter if the city's or county's average Pavement Condition Index meets or exceeds 80.

2038. (a) The department and local agencies, as a condition of receiving funds from the program, shall adopt and implement a program designed to promote and advance construction employment and training opportunities through preapprenticeship opportunities, either by the public agency itself or through contractors engaged by the public agencies to do work funded in whole or in part by funds made available by the program.

(b) The department and local agencies, as a condition of receiving funds from the program, shall ensure the involvement of the California Conservation Corps and certified community conservation corps in the delivery of projects and services funded in whole or in part by funds made available by the program.

SEC. 25. Section 2103.1 is added to the Streets and Highways Code, to read:

2103.1. (a) Notwithstanding Section 2103, the revenues transferred to the Highway Users Tax Account pursuant to Sections 8352.4, 8352.5, and 8352.6 of the Revenue and Taxation Code shall be distributed pursuant to the formula in paragraph (3) of subdivision (a) of Section 2103.

(b) Notwithstanding subdivision (b) of Section 2103, the portion of revenues in the Highway Users Tax Account attributable to the increase in the motor vehicle fuel excise tax by seventeen cents ($0.17) per gallon pursuant to subdivision (a) of Section 7360 of

the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, shall be transferred to the Road Maintenance and Rehabilitation Account pursuant to Section 2031.

(c) Notwithstanding subdivision (b) of Section 2103, the portion of revenues in the Highway Users Tax Account attributable to the increase in the diesel fuel excise tax by thirty cents ($0.30) per gallon pursuant to subdivision (b) of Section 60050 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, shall be transferred to the Trade Corridors Improvement Fund pursuant to Section 2192.4.

SEC. 26. Section 2192 of the Streets and Highways Code is amended to read:

2192. (a) (1) The Trade Corridors Improvement Fund, created pursuant to subdivision (c) of Section 8879.23 of the Government Code, is hereby continued in existence to receive revenues from state sources other than the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.

(2) Revenues apportioned to the state under Section 167 of Title 23 of the United States Code from the national highway freight program, pursuant to the federal Fixing America's Surface Transportation Act ("FAST Act," Public Law 114-94) shall be allocated for projects approved pursuant to this chapter.

(b) This chapter shall govern the expenditure of those state and federal revenues described in subdivision (a).

(c) The funding described in subdivision (a) shall be available upon appropriation for allocation by the California Transportation Commission for infrastructure improvements in this state on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have a high volume of freight movement, as determined by the commission. In determining the projects eligible for funding, the commission shall consult the Transportation Agency's state freight plan as described in Section 13978.8 of the Government Code and the trade infrastructure and goods movement plan submitted to the commission by the Secretary of Transportation and the Secretary for Environmental Protection. The commission shall also consult trade infrastructure and goods movement plans adopted by regional transportation planning agencies, adopted regional transportation plans required by state and federal law, and the applicable port master plan when

determining eligible projects for funding. Eligible projects for these funds include, but are not limited to, all of the following:

(1) Highway capacity improvements, rail landside access improvements, landside freight access improvements to airports, and operational improvements to more efficiently accommodate the movement of freight, particularly for ingress and egress to and from the state's land ports of entry, rail terminals, and seaports, including navigable inland waterways used to transport freight between seaports, land ports of entry, and airports, and to relieve traffic congestion along major trade or goods movement corridors.

(2) Freight rail system improvements to enhance the ability to move goods from seaports, land ports of entry, and airports to warehousing and distribution centers throughout California, including projects that separate rail lines from highway or local road traffic, improve freight rail mobility through mountainous regions, relocate rail switching yards, and other projects that improve the efficiency and capacity of the rail freight system.

(3) Projects to enhance the capacity and efficiency of ports.

(4) Truck corridor and capital and operational improvements, including dedicated truck facilities or truck toll facilities.

(5) Border capital and operational improvements that enhance goods movement between California and Mexico and that maximize the state's ability to access funds made available to the state by federal law.

(6) Surface transportation and connector road improvements to effectively facilitate the movement of goods, particularly for ingress and egress to and from the state's land ports of entry, airports, and seaports, to relieve traffic congestion along major trade or goods movement corridors.

(d) (1) Except as provided in paragraph (2), the commission shall allocate the funding described in subdivision (a) for trade infrastructure improvements consistent with Section 8879.52 of the Government Code and the Trade Corridors Improvement Fund (TCIF) Guidelines adopted by the commission on November 27, 2007, or as amended by the commission, and in a manner that (A) addresses the state's most urgent needs, (B) balances the demands of various land ports of entry, seaports, and airports, (C) provides reasonable geographic balance between the state's regions, (D) places emphasis on projects that improve trade corridor mobility and safety while reducing emissions of diesel particulate and other

pollutant emissions and reducing other negative community impacts, and (E) makes a significant contribution to the state's economy.

(2) The commission shall allocate the federal freight funding, specifically, pursuant to the original TCIF Guidelines, as adopted by the commission on November 27, 2007, and in the manner described in (A) to (E), inclusive, of paragraph (1).

(3) In addition, the commission shall also consider the following factors when allocating these funds:

(A) "Velocity," which means the speed by which large cargo would travel from the land port of entry or seaport through the distribution system.

(B) "Throughput," which means the volume of cargo that would move from the land port of entry or seaport through the distribution system.

(C) "Reliability," which means a reasonably consistent and predictable amount of time for cargo to travel from one point to another on any given day or at any given time in California.

(D) "Congestion reduction," which means the reduction in recurrent daily hours of delay to be achieved.

SEC. 27. Section 2192.1 of the Streets and Highways Code is amended to read:

2192.1. (a) To the extent moneys from the Greenhouse Gas Reduction Fund, attributable to the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions, are transferred to the Trade Corridors Improvement Fund, projects funded with those moneys shall be subject to all of the requirements of existing law applicable to the expenditure of moneys appropriated from the Greenhouse Gas Reduction Fund, including, but not limited to, all of the following:

(1) Projects shall further the regulatory purposes of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), including reducing emissions from greenhouse gases in the state, directing public and private investment toward disadvantaged communities, increasing the diversity of energy sources, or creating opportunities for businesses, public agencies, nonprofits, and other community institutions to participate in and benefit from statewide efforts to reduce emissions of greenhouse gases.

(2) Projects shall be consistent with the guidance developed by the State Air Resources Board pursuant to Section 39715 of the Health and Safety Code.

(3) Projects shall be consistent with the required benefits to disadvantaged communities pursuant to Section 39713 of the Health and Safety Code.

(b) All allocations of funds made by the commission pursuant to this section shall be made in a manner consistent with the criteria expressed in Section 39712 of the Health and Safety Code and with the investment plan developed by the Department of Finance pursuant to Section 39716 of the Health and Safety Code.

(c) For purposes of this section, "disadvantaged community" means a community with any of the following characteristics:

(1) An area with a median household income less than 80 percent of the statewide median household income based on the most current census tract-level data from the American Community Survey.

(2) An area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(3) An area where at least 75 percent of public school students are eligible to receive free or reduced-price meals under the National School Lunch Program.

SEC. 28. Section 2192.2 of the Streets and Highways Code is amended to read:

2192.2. The commission shall allocate funds made available by this chapter to projects that have identified and committed supplemental funding from appropriate local, federal, or private sources. The commission shall determine the appropriate amount of supplemental funding each project should have to be eligible for moneys based on a project-by-project review and an assessment of the project's benefit to the state and the program. Funded improvements shall have supplemental funding that is at least equal to the amount of the contribution under this chapter. The commission may give priority for funding to projects with higher levels of committed supplemental funding.

SEC. 29. Section 2192.4 is added to the Streets and Highways Code, to read:

2192.4. Notwithstanding subdivision (b) of Section 2103, the portion of the revenues in the Highway Users Tax Account

attributable to the increase in the diesel fuel excise tax by thirty cents ($0.30) per gallon pursuant to subdivision (b) of Section 60050 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, shall be deposited in the Trade Corridors Improvement Fund.

SEC. 30. Section 9250.3 is added to the Vehicle Code, to read:

9250.3. (a) In addition to any other fees specified in this code or the Revenue and Taxation Code, commencing 120 days after the effective date of the act adding this section, a registration fee of thirty-eight dollars ($38) shall be paid to the department for registration or renewal of registration of every vehicle subject to registration under this code, except those vehicles that are expressly exempted under this code from payment of registration fees.

(b) Beginning July 1, 2019, and every third year thereafter, the Department of Motor Vehicles shall adjust the fee imposed under this section for inflation in an amount equal to the change in the California Consumer Price Index for the prior three-year period, as calculated by the Department of Finance, with amounts equal to or greater than fifty cents ($0.50) rounded to the next highest whole dollar.

(c) Revenues from the fee, after the deduction of the department's administrative costs related to this section, shall be deposited in the Road Maintenance and Rehabilitation Account created pursuant to Section 2031 of the Streets and Highways Code.

SEC. 31. Section 9250.6 is added to the Vehicle Code, to read:

9250.6. (a) In addition to any other fees specified in this code, or the Revenue and Taxation Code, commencing 120 days after the effective date of the act adding this section, a registration fee of one hundred and sixty-five dollars ($165) shall be paid to the department for registration or renewal of registration of every zero-emission motor vehicle subject to registration under this code, except those motor vehicles that are expressly exempted under this code from payment of registration fees.

(b) Beginning July 1, 2019, and every third year thereafter, the Department of Motor Vehicles shall adjust the fee imposed under this section for inflation in an amount equal to the change in the California Consumer Price Index for the prior three-year period, as calculated by the Department of Finance, with amounts equal

to or greater than fifty cents ($0.50) rounded to the next highest whole dollar.

(c) Revenues from the fee, after deduction of the department's administrative costs related to this section, shall be deposited in the Road Maintenance and Rehabilitation Account created pursuant to Section 2031 of the Streets and Highways Code.

(d) This section does not apply to a commercial motor vehicle subject to Section 9400.1.

(e) The registration fee required pursuant to this section does not apply to the initial registration after the purchase of a new zero-emission motor vehicle.

(f) For purposes of this section, "zero-emission motor vehicle" means a motor vehicle as described in subdivisions (c) and (d) of Section 44258 of the Health and Safety Code, or any other motor vehicle that is able to operate on any fuel other than gasoline or diesel fuel.

SEC. 32. Section 9400.5 is added to the Vehicle Code, to read:

9400.5. (a) Notwithstanding Sections 9400.1, 9400.4, and 42205 of this code, Sections 16773 and 16965 of the Government Code, Section 2103 of the Streets and Highways Code, or any other law, weight fee revenues shall only be transferred consistent with the schedule provided in subdivision (b) from the State Highway Account to the Transportation Debt Service Fund, the Transportation Bond Direct Payment Account, or any other fund or account for the purpose of payment of the debt service on transportation general obligation bonds and shall not be loaned to the General Fund.

(b) (1) The transfer of weight fee revenues, after deduction of collection costs, from the State Highway Account pursuant to subdivision (a) shall not exceed:

(A) 80 percent of the total weight fees in the 2017–18 fiscal year.

(B) 60 percent of the total weight fees in the 2018–19 fiscal year.

(C) 40 percent of the total weight fees in the 2019–20 fiscal year.

(D) 20 percent of the total weight fees in the 2020–2021 fiscal year.

(2) No weight fees, after deduction of collection costs, shall be transferred from the State Highway Account after the 2020–21 fiscal year.

SEC. 33. 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 provide additional funding for road maintenance and rehabilitation purposes as quickly as possible, it is necessary for this act to take effect immediately.

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Senate Bill No. 1111

CHAPTER 540

An act to amend Sections 5003.17 and 5080.40 of, to amend and repeal Section 5080.42 of, and to add Article 1.5 (commencing with Section 520) to Chapter 1 of Division 1 of, the Public Resources Code, relating to state parks.

[Approved by Governor September 23, 2016. Filed with Secretary of State September 23, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1111, Pavley. State parks: operating agreements.

Existing law vests control of the state park system with the Department of Parks and Recreation and authorizes the department to enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system, subject to certain conditions and requirements.

This bill would repeal those provisions on January 1, 2025. The bill would also provide that an operating agreement may not eliminate jobs maintained under a memorandum of understanding.

This bill would authorize the department to enter into a statewide agreement with a park support organization, as defined, to facilitate the implementation of reforms recommended by the Parks Forward Commission and to develop and secure expertise, services, resources, and projects that are not readily available to the state park system for specified purposes relating to the funding, visitation, use, facilities, and staffing of state parks, as provided. The bill would require the department to take specified actions relating to the development and implementation of such an agreement and would authorize the Director of Parks and Recreation and the Director of Finance, or their designees, to serve as ex officio, nonvoting members of the park support organization's board of directors. The bill would require the department, if it enters into an agreement with a park support organization, to collaborate with the park support organization to develop an annual list of strategic initiatives and projects that are statewide priorities for the state park system and the park support organization and that the park support organization will undertake in partnership with the department. The bill would authorize the department to enter into supplementary agreements and leases, as provided, with the park support organization and receive donations of projects, services, and funds to be used for the support of the state park system, subject to the review and approval of the statewide agreement or substantial amendment of such an agreement by the Director of Finance.

Existing law authorizes the department to lease, for any use, all or any portion of any parcel of real property acquired for state park system purposes, if the director finds that the use would be compatible with the use of the real property as a unit or part of a unit and with the sound management and conservation of resources within the unit, but prohibits the department from entering into a lease that extends beyond 10 years unless certain conditions for the review and approval of a proposed lease as part of the annual budget process are met. Existing law imposes similar review and approval requirements of operating leases or agreements that are expected to generate over $500,000 in annual gross revenues.

This bill would revise certain of those conditions for the review and approval of a proposed lease or operating lease or agreement by the Joint Legislative Budget Committee, as specified. The bill would make those conditions applicable only to operating leases or agreements that are expected to generate over $1,000,000 in annual gross revenues.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Changes to existing law are necessary to facilitate implementation of reforms that have been recommended by the Parks Forward Commission to ensure vibrant and sustainable parks for all Californians and for present and future generations.

(b) There are numerous existing local, regional, and statewide park support organizations collaborating with the Department of Parks and Recreation, managing and operating state parks, and providing resources and services to state parks.

(c) The Department of Parks and Recreation needs to establish a new strategic partnership with a nonprofit park support organization that would complement and support the work of the department and other park partners by bringing new resources, expertise, and flexibility to assist the department in accomplishing its mission.

SEC. 2. Article 1.5 (commencing with Section 520) is added to Chapter 1 of Division 1 of the Public Resources Code, to read:

Article 1.5. Park Support Organization

520. For purposes of this article, the following terms shall have the following meanings:

(a) "Park support organization" means a nonprofit organization that meets all of the following requirements:

(1) Is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

(2) Is established for the principal purposes of increasing park access and visitation in ways that serve all Californians and visitors to the state, promoting healthy lifestyles and community engagement, and supporting

the protection and stewardship of California's natural, cultural, and historical lands, sites, and resources.

(3) Complies with the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code).

(b) "Priority list" means the annual list of strategic initiatives and projects developed by the department and the park support organization pursuant to Section 523.

521. (a) The department may enter into a statewide agreement with a park support organization to facilitate the implementation of reforms recommended by the Parks Forward Commission and to develop and secure expertise, services, resources, and projects that are not readily available to the state park system, for all of the following purposes:

(1) To develop and engage new sources of public and private funding for the state park system, including philanthropic sources and enterprise and revenue generation activities, where appropriate.

(2) To support marketing and communications activities that promote the programs, amenities, and resources of the state park system, the department, and its partners.

(3) To support projects and programs that facilitate park access and visitation and enhance educational opportunities, particularly among younger and more diverse audiences.

(4) To promote the health and well-being of the state's residents.

(5) To establish or improve, and support the completion of projects that establish or improve, state park visitor amenities and facilities.

(6) To recruit more diverse staffing and improve capacity for state park programs.

(7) To advance the protection and stewardship of natural, cultural, and historic lands, sites, and resources.

(b) If the department enters into an agreement with a park support organization, the park support organization, in consultation with the department, shall do all of the following:

(1) Communicate and coordinate with park agencies, partners, friends, and volunteers to ensure that activities undertaken pursuant to the agreement complement, support, facilitate, and amplify ongoing partnerships, programs, and projects in support of the state park system.

(2) Engage with public agencies and organizations that manage, operate, and support other parks and protected lands in the state.

522. The director and the Director of Finance, or their respective designees, may serve as ex officio, nonvoting members of the park support organization's board of directors in order to provide for effective communication and coordination of efforts between the departments and the park support organization.

522.5. The park support organization is not a state agency or state body.

523. (a) If the department enters into an agreement with a park support organization pursuant to Section 521, the department and the park support organization shall collaborate to develop an annual list of strategic initiatives

and projects that are statewide priorities for the state park system and for the park support organization and that the park support organization will undertake in partnership with the department.

(b) (1) Any initiative or project included on the priority list shall be consistent with the purposes specified in subdivision (a) of Section 521.

(2) For the first three years of an agreement entered into pursuant to subdivision (a) of Section 521, the park support organization and the department shall prioritize a limited subset of focus areas and projects from the list of purposes specified in subdivision (a) of Section 521, consistent with paragraph (2) of subdivision (b) of Section 521.

(c) Any initiative or project included on the priority list shall be consistent with Sections 5001.2 and 5019.53 regarding protection of the natural, scenic, cultural, and ecological values of the state park system.

(d) The department shall post a copy of the priority list on its Internet Web site, and shall provide copies of the list to the chairpersons of the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, the Senate Committee on Natural Resources and Water, and the Assembly Committee on Water, Parks, and Wildlife.

524. (a) In order to advance the purposes described in subdivision (a) of Section 521, an agreement between the department and the park support organization pursuant to Section 521 shall, at a minimum, include and specify all of the following:

(1) Clear goals and objectives.

(2) Any commitments of oversight, staffing, and coordination that are needed to accomplish the goals and objectives.

(3) The process for developing the priority list pursuant to Section 523.

(b) (1) The department may develop and enter into supplementary agreements with the park support organization for the purposes of securing any expertise, capacity, or financial resources that may be needed to identify, plan, develop, or implement strategic initiatives and projects on the priority list. Any such agreement may include, but not be limited to, grants, contracts, memoranda of understanding, staff-sharing agreements, leases, and rights of entry onto state park property.

(2) Notwithstanding Section 5003.17, the department may lease to the park support organization, for a minimum rental of one dollar ($1.00) per year, real property that is owned by the state and included in any unit of the state park system, if the lease agreement requires the park support organization to construct, or provide for the construction of, a structure or improvement on the leased property and specifies that title to the structure or improvement shall vest in the state at the expiration of the lease term. The agreement may provide for the means or method by which title to the structure or improvement shall vest in the state before the expiration of that term.

(3) Notwithstanding Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, any agreements entered into by the department pursuant to this subdivision shall be under the control of the department

and shall not be subject to any advertising or competitive bidding requirements applicable to public works or other public projects.

(4) Any construction, alteration, demolition, installation, or repair work undertaken by or on behalf of a park support organization on property owned by the state pursuant to this section shall constitute a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(c) The director may receive donations of projects, services, and funds from the park support organization as authorized by Sections 5005, 5009.1, 5009.2, and 5009.3.

(d) The Director of Finance shall have 60 days to review and approve or disapprove any agreement or any substantial amendment to such an agreement, proposed under subdivision (a). Upon approval of the agreement, or substantial amendment, the director may accept donations and enter into supplementary agreements as authorized under subdivisions (b) and (c).

525. Nothing in this article shall be interpreted as a limitation on the ability of the park support organization to apply for, receive, or administer grants, loans, or other funds from public entities other than the department. The park support organization shall consult with the department if the department may also be applying for those funds.

SEC. 3. Section 5003.17 of the Public Resources Code is amended to read:

5003.17. (a) The department may lease, for any use, all or any portion of any parcel of real property acquired for state park system purposes, if the director finds that the use would be compatible with the use of the real property as a unit or part of a unit and with the sound management and conservation of resources within the unit.

(b) Rent shall be based on the fair market value of the property when used for the purpose for which it is leased. All rent shall be deposited pursuant to Section 5010.

(c) The lease term shall not exceed 10 years. All leases are subject to the approval of the Department of General Services.

(d) No lease shall be entered into that extends beyond the 10-year period unless both of the following conditions are met:

(1) At least 30 days' prior written notice of the proposed lease, including a copy of the proposed lease, has been provided by the director to the Joint Legislative Budget Committee.

(2) The director has included with the proposed lease sufficient documentation to enable the Joint Legislative Budget Committee to determine whether the lease conforms to the requirements of this article and to evaluate fully all terms upon which the lease is proposed to be let, including the amount of the rent and other revenues that may be generated under the lease.

SEC. 4. Section 5080.40 of the Public Resources Code is amended to read:

5080.40. (a) No operating lease or agreement shall be entered into, or amended, pursuant to this article unless at least 30 days' written notice and

a copy of the proposed operating lease or agreement, or amendment, has been provided by the director to the Joint Legislative Budget Committee.

(b) The director shall include with the proposed lease or agreement or amendment sufficient documentation to enable the Joint Legislative Budget Committee to evaluate fully the estimated operating costs and revenues and all terms upon which the lease or agreement or amendment is proposed to be entered into. Specifically, the documentation shall identify both of the following:

(1) Any anticipated costs to the state for operation or development under the lease or agreement or amendment and the anticipated state share of total operation and development costs.

(2) The anticipated annual revenues, net of operation costs, for the unit and the state's share of these revenues.

(c) Leases or agreements shall be exempt from subdivisions (a) and (b) when all of the following conditions exist:

(1) The lease or agreement involves operation of only a portion of a unit of the state park system.

(2) The term of the lease or agreement is for a period of 20 years or less.

(3) The lease's or agreement's impact to the unit, including concessions revenue, will not exceed one million dollars ($1,000,000) in annual gross revenue generated on the property.

(4) The lease or agreement involves no significant change in state operational funding or staffing levels, and does not include present or future state expenditures for development of the unit.

(d) Amendments to existing leases or agreements shall be exempt from subdivisions (a) and (b) when all of the following conditions exist:

(1) The amendment involves operation of only a portion of a unit of the state park system.

(2) The amendment's impact to the unit will not exceed one million dollars ($1,000,000) in annual gross revenue generated on the property.

(3) The amendment involves no significant change in state operational funding or staffing levels, and does not include present or future state expenditures for development of the unit.

SEC. 5. Section 5080.42 of the Public Resources Code is amended to read:

5080.42. (a) Notwithstanding any other provision of this article, the department may enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system, as agreed to by the director. The prohibition on park closures, pursuant to subdivision (a) of Section 541.5, does not limit the department's authority to enter into an operating agreement pursuant to this section, as provided in subdivision (e) of Section 541.5. The department may only enter into an operating agreement that involves the operation of the entirety of a park unit for no more than 20 park units. An operating agreement with a qualified nonprofit organization shall include, but shall not be limited to, the following conditions:

(1) The district superintendent for the department shall provide liaison with the department, the nonprofit organization, and the public.

(2) The nonprofit organization shall annually submit a written report to the department regarding its operating activities during the prior year and shall make copies of the report available to the public upon request. The report shall be available on the Internet Web sites of both the department and the nonprofit organization. The report shall include a full accounting of all revenues and expenditures for each unit of the state park system that the nonprofit organization operates pursuant to an operating agreement.

(3) (A) Except as provided in subparagraph (B), all revenues that the qualified nonprofit organization receives from a unit shall be expended only for the care, maintenance, operation, administration, improvement, or development of the unit. The qualified nonprofit organization may additionally contribute in-kind services and funds raised from outside entities for the care, maintenance, operation, administration, improvement, or development of the unit.

(B) If the qualified nonprofit organization determines that the revenues it has received from a unit are in excess of the revenues that are needed for the care, maintenance, operation, administration, improvement, or development of that unit, and that these funds are not already specified for or committed to specific purposes pursuant to an existing agreement or contract restricting the use of those funds, the qualified nonprofit organization may dedicate those excess revenues to another state park unit for that unit's care, maintenance, operation, administration, improvement, or development.

(4) General Fund moneys shall not be provided to a nonprofit organization to subsidize the operation or maintenance of a park unit. This paragraph applies to state parks, the full operation of which are turned over to a nonprofit organization, but does not apply to or preclude the department from entering into agreements with nonprofit organizations to operate a portion of a state park unit, or from entering into comanagement agreements with nonprofit organizations that involve the sharing of operational and financial responsibilities for the park unit and that have the effect of reducing state costs. This paragraph does not apply to park entrance fees, concession revenues, or any other revenues generated within a park operated by a nonprofit organization pursuant to this section.

(5) Jobs maintained under a memorandum of understanding between the state and the represented bargaining units shall not be eliminated pursuant to the agreement and shall continue to be state employment.

(b) An operating agreement entered into pursuant to subdivision (a) shall honor the existing term of a current concession contract for the state park unit subject to the operating agreement.

(c) An operating agreement entered into pursuant to subdivision (a) shall specify the duties that the nonprofit organization shall be responsible for carrying out relative to management and protection of natural, historical, and cultural resources, and shall identify those management duties that shall continue to be conducted by the department, so that all core operations of

the park are delineated. Scientific, architectural, and engineering functions that require special expertise or professional training shall only be conducted by or under the supervision of qualified persons with applicable expertise or training and subject to oversight by the department.

(d) This section does not supersede the requirements of Section 5019.53 regarding the protection of natural, scenic, cultural, and ecological values.

(e) The nonprofit organization and the district superintendent for the department shall, following submittal of the annual report pursuant to subdivision (a), hold a joint public meeting for discussion of the report.

(f) If the department intends to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or a portion of a unit, the department shall notify the Member of the Legislature in whose district the unit is located, the Chair of the Senate Committee on Natural Resources and Water, the Chair of the Assembly Committee on Water, Parks, and Wildlife, and the chairs of the Assembly and Senate budget committees of that intention. The notification shall include estimated operating costs and revenues and core duties and responsibilities that are likely to be assigned to the nonprofit organization and the department.

(g) For purposes of this section, a qualified nonprofit organization is an organization that is all of the following:

(1) An organization that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

(2) An organization that has as its principal purpose and activity to provide visitor services in state parks, facilitate public access to park resources, improve park facilities, provide interpretive and educational services, or provide direct protection or stewardship of natural, cultural, or historical lands, or resources.

(3) An organization that is in compliance with the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code).

(h) (1) Notwithstanding Section 10231.5 of the Government Code, the department shall provide a report to the Legislature, on a biennial basis, of the status of operating agreements it has entered into pursuant to this section. The report shall include a list of units of the state park system with operating agreements, discussion of the management and operations of each unit subject to an operating agreement, an accounting of the revenues and expenditures incurred under each operating agreement, and an assessment of the benefit to the state from operating agreements entered into pursuant to this section.

(2) A report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(i) This section shall remain in effect until January 1, 2025, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2025, deletes or extends that date.

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Senate Bill No. 1333

Passed the Senate August 30, 2016

_____

Secretary of the Senate

Passed the Assembly August 25, 2016

_____

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of _____, 2016, at _____ o'clock ____M.

_____

Private Secretary of the Governor

CHAPTER _____

An act to add Section 5008.9 to the Public Resources Code, relating to state beaches and parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 1333, Block. State beaches and parks: smoking ban.

Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction for a person to smoke, as defined, on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system. The bill would establish a state-mandated local program by creating a new crime.

This bill would require the Department of Parks and Recreation to develop and post signs at state coastal beaches and units of the state park system to provide notice of the smoking prohibition. The bill would require the smoking prohibition to be enforced only after signs have been posted. The bill would authorize the Director of Parks and Recreation to designate, by posted order, areas within units of the state park system as exempt from these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 5008.9 is added to the Public Resources Code, to read:

5008.9. (a) For purposes of this section, the following definitions apply:

(1) "Cigar" has the same meaning as defined in Section 104550 of the Health and Safety Code and, for purposes of this section,

may contain any other weed or plant as an alternative or supplement to tobacco or nicotine.

(2) “Cigarette” has the same meaning as defined in Section 104556 of the Health and Safety Code and, for purposes of this section, may contain any other weed or plant as an alternative or supplement to tobacco or nicotine.

(3) “Smoke” or “smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoke” or “smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing a prohibition on smoking. “Smoke” or “smoking” does not include the use of a cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product used as a prop in a motion picture, television program, or similar filmed audiovisual work, provided filming is properly permitted by the California Film Commission, the active film set is closed to the general public, and any waste is immediately removed from the beach or park.

(4) “State coastal beach” means an area that is owned, operated, or under the jurisdiction of the state, an agency of the state, or a department of the state and that adjoins the ocean, a bay, or an estuary.

(5) “Unit of the state park system” means an area specified in Section 5002.

(b) A person shall not smoke on a state coastal beach or in a unit of the state park system.

(c) A person shall not dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system.

(d) A person who violates this section is guilty of an infraction and shall be punished by a fine of up to two hundred fifty dollars ($250).

(e) The department shall develop and post signs at state coastal beaches and units of the state park system to provide notice of the smoking prohibition set forth in subdivision (b). Subdivision (b) shall be enforced on state coastal beaches or in units of the state park system only after signs have been posted.

(f) Notwithstanding any other provision of this section, the director may designate, by posted order, areas within units of the state park system as exempt from the provisions of this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2016

_____

Governor

AMENDED IN ASSEMBLY AUGUST 30, 2016

CALIFORNIA LEGISLATURE—2015–16 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL No. 26

Introduced by Assembly Member Frazier
(Principal coauthor: Senator Beall)

August 24, 2016

An act to amend Sections 13975, 14500, 14526.5, and 16965 of, to add Sections 14033, 14526.7, and 16321 to, to add Part 5.1 (commencing with Section 14460) to Division 3 of Title 2 of, and to repeal Section 14534.1 of, the Government Code, to amend Section 39719 of the Health and Safety Code, to amend Section 21080.37 of, and to add Division 13.6 (commencing with Section 21200) to, the Public Resources Code, to amend Section 99312.1 of the Public Utilities Code, to amend Sections 6051.8, 6201.8, 7360, 8352.4, 8352.5, 8352.6, and 60050 of the Revenue and Taxation Code, to amend Sections 183.1, 820.1, 2192, 2192.1, and 2192.2 of, to add Sections 2103.1 and 2192.4 to, and to add Chapter 2 (commencing with Section 2030) to Division 3 of, the Streets and Highways Code, and to add Sections 9250.3, 9250.6, and 9400.5 to the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 26, as amended, Frazier. Transportation funding.

(1) Existing law provides various sources of funding for transportation purposes, including funding for the state highway system and the local street and road system. These funding sources include, among others, fuel excise taxes, commercial vehicle weight fees, local transactions and use taxes, and federal funds. Existing law imposes certain

registration fees on vehicles, with revenues from these fees deposited in the Motor Vehicle Account and used to fund the Department of Motor Vehicles and the Department of the California Highway Patrol. Existing law provides for the monthly transfer of excess balances in the Motor Vehicle Account to the State Highway Account.

This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria, consistent with a specified asset management plan, to ensure efficient use of certain funds available for the program. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund, including revenues attributable to a $0.17 per gallon increase in the motor vehicle fuel (gasoline) tax imposed by the bill with an inflation adjustment, as provided, an increase of $38 in the annual vehicle registration fee with an inflation adjustment, as provided, a new $165 annual vehicle registration fee with an inflation adjustment, as provided, applicable to zero-emission motor vehicles, as defined, and certain miscellaneous revenues described in (7) below that are not restricted as to expenditure by Article XIX of the California Constitution.

This bill would annually set aside $200,000,000 of the funds available for the program to fund road maintenance and rehabilitation purposes in counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees, as defined, which taxes or fees are dedicated solely to transportation improvements. These funds would be continuously appropriated for allocation pursuant to guidelines to be developed by the California Transportation Commission in consultation with local agencies. The bill would require $80,000,000 of the funds available for the program to be annually transferred to the State Highway Account for expenditure on the Active Transportation Program. The bill would require $30,000,000 of the funds available for the program in each of 4 fiscal years beginning in 2017–18 to be transferred to the Advance Mitigation Fund created by the bill pursuant to (12) below. The bill would continuously appropriate $2,000,000 annually of the funds available for the program to the California State University for the purpose of conducting transportation research and transportation-related workforce education, training, and development. The bill would require the remaining funds available for

the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% to cities and counties pursuant to a specified formula. The bill would impose various requirements on the department and agencies receiving these funds. The bill would authorize a city or county to spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to the program if the city's or county's average Pavement Condition Index meets or exceeds 80.

The bill would also require the department to annually identify savings achieved through efficiencies implemented at the department and to propose, from the identified savings, an appropriation to be included in the annual Budget Act of up to $70,000,000 from the State Highway Account for expenditure on the Active Transportation Program.

(2) Existing law establishes in state government the Transportation Agency, which includes various departments and state entities, including the California Transportation Commission. Existing law vests the California Transportation Commission with specified powers, duties, and functions relative to transportation matters. Existing law requires the commission to retain independent authority to perform the duties and functions prescribed to it under any provision of law.

This bill would exclude the California Transportation Commission from the Transportation Agency, establish it as an entity in state government, and require it to act in an independent oversight role. The bill would also make conforming changes.

(3) Existing law creates various state agencies, including the Department of Transportation, the High-Speed Rail Authority, the Department of the California Highway Patrol, the Department of Motor Vehicles, and the State Air Resources Board, with specified powers and duties. Existing law provides for the allocation of state transportation funds to various transportation purposes.

This bill would create the Office of the Transportation Inspector General in state government, as an independent office that would not be a subdivision of any other government entity, to ensure that all of the above-referenced state agencies and all other state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. The bill would provide for the Governor to appoint the Transportation Inspector General for a 6-year term, subject to confirmation by the Senate, and would provide that the Transportation Inspector General may not be removed from office during the term except for good cause. The bill

would specify the duties and responsibilities of the Transportation Inspector General and would require an annual report to the Legislature and Governor.

This bill would require the department to update the Highway Design Manual to incorporate the "complete streets" design concept by January 1, 2017.

(4) Existing law provides for loans of revenues from various transportation funds and accounts to the General Fund, with various repayment dates specified.

This bill would require the Department of Finance, on or before September 1, 2016, to compute the amount of outstanding loans made from specified transportation funds. The bill would require the Department of Transportation to prepare a loan repayment schedule and would require the outstanding loans to be repaid pursuant to that schedule, as prescribed. The bill would appropriate funds for that purpose from the Budget Stabilization Account. The bill would require the repaid funds to be transferred, pursuant to a specified formula, to cities and counties and to the department for maintenance of the state highway system and for purposes of the state highway operation and protection program.

(5) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of $2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement and for specified categories of projects eligible to receive these funds. Existing law continues the Trade Corridors Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes.

This bill would deposit the revenues attributable to a $0.30 per gallon increase in the diesel fuel excise tax imposed by the bill into the Trade Corridors Improvement Fund. The bill would require revenues apportioned to the state from the national highway freight program established by the federal Fixing America's Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions.

Existing law requires the commission, in determining projects eligible for funding, to consult various state freight and regional infrastructure and goods movement plans and the statewide port master plan.

This bill would delete consideration of the State Air Resources Board's Sustainable Freight Strategy and the statewide port master plan and would instead include consideration of the applicable port master plan when determining eligible projects for funding. The bill would also expand eligible projects to include rail landside access improvements, landside freight access improvements to airports, and certain capital and operational improvements.

(6) Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions to be deposited in the Greenhouse Gas Reduction Fund. Existing law continuously appropriates 10% of the annual proceeds of the fund to the Transit and Intercity Rail Capital Program and 5% of the annual proceeds of the fund to the Low Carbon Transit Operations Program.

This bill would, beginning in the 2016–17 fiscal year, instead continuously appropriate 20% of those annual proceeds to the Transit and Intercity Rail Capital Program and 10% of those annual proceeds to the Low Carbon Transit Operations Program, thereby making an appropriation.

(7) Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. Existing law requires certain miscellaneous revenues deposited in the State Highway Account that are not restricted as to expenditure by Article XIX of the California Constitution to be transferred to the Transportation Debt Service Fund in the State Transportation Fund, as specified, and requires the Controller to transfer from the fund to the General Fund an amount of those revenues necessary to offset the current year debt service made from the General Fund on general obligation transportation bonds issued pursuant to Proposition 116 of 1990.

This bill would delete the transfer of these miscellaneous revenues to the Transportation Debt Service Fund, thereby eliminating the offsetting transfer to the General Fund for debt service on general obligation transportation bonds issued pursuant to Proposition 116 of 1990. The bill, subject to a specified exception, would instead require the miscellaneous revenues to be retained in the State Highway Account and to be deposited in the Road Maintenance and Rehabilitation Account.

(8) Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Existing law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes associated with those other modes, except that a specified portion of these gasoline excise tax revenues is deposited in the General Fund. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution.

This bill, commencing July 1, 2016, would instead transfer to the Highway Users Tax Account for allocation to state and local transportation purposes under a specified formula the portion of gasoline excise tax revenues currently being deposited in the General Fund that are attributable to boats, agricultural vehicles, and off-highway vehicles. Because that account is continuously appropriated, the bill would make an appropriation.

(9) Existing law, as of July 1, 2011, increases the sales and use tax on diesel and decreases the excise tax, as provided. Existing law requires the State Board of Equalization to annually modify both the gasoline and diesel excise tax rates on a going-forward basis so that the various changes in the taxes imposed on gasoline and diesel are revenue neutral.

This bill would eliminate the annual rate adjustment to maintain revenue neutrality for the gasoline and diesel excise tax rates and would reimpose the higher gasoline excise tax rate that was in effect on July 1, 2010, in addition to the increase in the rate described in paragraph (1).

Existing law, beyond the sales and use tax rate generally applicable, imposes an additional sales and use tax on diesel fuel at the rate of 1.75%, subject to certain exemptions, and provides for the net revenues collected from the additional tax to be transferred to the Public Transportation Account. Existing law continuously appropriates these revenues to the Controller for allocation by formula to transportation agencies for public transit purposes.

This bill would increase the additional sales and use tax on diesel fuel by an additional 3.5%. By increasing the revenues deposited in a continuously appropriated fund, the bill would thereby make an appropriation. The bill would restrict expenditures of revenues from

this increase in the sales and use tax on diesel fuel to transit capital purposes and certain transit services and would require a recipient transit agency to comply with certain requirements, including submitting a list of proposed projects to the Department of Transportation, as a condition of receiving a portion of these funds. The bill would require an existing required audit of transit operator finances to verify that these new revenues have been expended in conformance with these specific restrictions and all other generally applicable requirements.

This bill would, beginning July 1, 2019, and every 3rd year thereafter, require the State Board of Equalization to recompute the gasoline and diesel excise tax rates and the additional sales and use tax rate on diesel fuel based upon the percentage change in the California Consumer Price Index transmitted to the board by the Department of Finance, as prescribed.

(10) Existing law requires the Department of Transportation to prepare a state highway operation and protection program every other year for the expenditure of transportation capital improvement funds for projects that are necessary to preserve and protect the state highway system, excluding projects that add new traffic lanes. The program is required to be based on an asset management plan, as specified. Existing law requires the department to specify, for each project in the program the capital and support budget and projected delivery date for various components of the project. Existing law provides for the California Transportation Commission to review and adopt the program, and authorizes the commission to decline and adopt the program if it determines that the program is not sufficiently consistent with the asset management plan.

This bill would add to the program capital projects relative to the operation of those state highways and bridges. The bill would require the commission, as part of its review of the program, to hold at least one hearing in northern California and one hearing in southern California regarding the proposed program. The bill would require the department to submit any change to a programmed project as an amendment to the commission for its approval.

This bill, on and after February 1, 2017, would also require the commission to make an allocation of all capital and support costs for each project in the program, and would require the department to submit a supplemental project allocation request to the commission for each project that experiences cost increases above the amounts in its allocation. The bill would require the commission to establish guidelines

to provide exceptions to the requirement for a supplemental project allocation requirement that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

(11) Existing law imposes weight fees on the registration of commercial motor vehicles and provides for the deposit of net weight fee revenues into the State Highway Account. Existing law provides for the transfer of certain weight fee revenues from the State Highway Account to the Transportation Debt Service Fund to reimburse the General Fund for payment of debt service on general obligation bonds issued for transportation purposes. Existing law also provides for the transfer of certain weight fee revenues to the Transportation Bond Direct Payment Account for direct payment of debt service on designated bonds, which are defined to be certain transportation general obligation bonds issued pursuant to Proposition 1B of 2006. Existing law also provides for loans of weight fee revenues to the General Fund to the extent the revenues are not needed for bond debt service purposes, with the loans to be repaid when the revenues are later needed for those purposes, as specified.

This bill, notwithstanding these provisions or any other law, would only authorize specified percentages of weight fee revenues to be transferred from the State Highway Account to the Transportation Debt Service Fund, the Transportation Bond Direct Payment Account, or any other fund or account for the purpose of payment of the debt service on transportation general obligation bonds in accordance with a prescribed schedule and would prohibit the transfer of weight fee revenues from the State Highway Account after the 2020–21 fiscal year. The bill would also prohibit loans of weight fee revenues to the General Fund.

(12) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA, until January 1, 2020, exempts a project or an activity to repair, maintain, or make minor alterations to an existing roadway, as defined, other than a state roadway, if the project or activity is carried out by a city or county with a population of less than 100,000 persons to improve public safety and meets other specified requirements.

This bill would extend the above-referenced exemption indefinitely and delete the limitation of the exemption to projects or activities in cities and counties with a population of less than 100,000 persons. The bill would also expand the exemption to include state roadways.

This bill would also establish the Advance Mitigation Program in the Department of Transportation. The bill would authorize the department to undertake mitigation measures in advance of construction of a planned transportation project. The bill would require the department to establish a steering committee to advise the department on advance mitigation measures and related matters. The bill would create the Advance Mitigation Fund as a continuously appropriated revolving fund, to be funded initially from the Road Maintenance and Rehabilitation Program pursuant to (1) above. The bill would provide for reimbursement of the revolving fund at the time a planned transportation project benefiting from advance mitigation is constructed.

(13) Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law, until January 1, 2017, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities the Department of Transportation assumed as a participant in this program.

This bill would delete the January 1, 2017, repeal date, thereby extending these provisions indefinitely.

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

Vote: ⅔. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

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

(a) Over the next 10 years, the state faces a $59 billion shortfall to adequately maintain the existing state highway system in order to keep it in a basic state of good repair.

(b) Similarly, cities and counties face a $78 billion shortfall over the next decade to adequately maintain the existing network of local streets and roads.

(c) Statewide taxes and fees dedicated to the maintenance of the system have not been increased in more than 20 years, with those revenues losing more than 55 percent of their purchasing power, while costs to maintain the system have steadily increased and much of the underlying infrastructure has aged past its expected useful life.

(d) California motorists are spending $17 billion annually in extra maintenance and car repair bills, which is more than $700 per driver, due to the state's poorly maintained roads.

(e) Failing to act now to address this growing problem means that more drastic measures will be required to maintain our system in the future, essentially passing the burden on to future generations instead of doing our job today.

(f) A funding program will help address a portion of the maintenance backlog on the state's road system and will stop the growth of the problem.

(g) Modestly increasing various fees can spread the cost of road repairs broadly to all users and beneficiaries of the road network without overburdening any one group.

(h) Improving the condition of the state's road system will have a positive impact on the economy as it lowers the transportation costs of doing business, reduces congestion impacts for employees, and protects property values in the state.

(i) The federal government estimates that increased spending on infrastructure creates more than 13,000 jobs per $1 billion spent.

(j) Well-maintained roads benefit all users, not just drivers, as roads are used for all modes of transport, whether motor vehicles, transit, bicycles, or pedestrians.

(k) Well-maintained roads additionally provide significant health benefits and prevent injuries and death due to crashes caused by poorly maintained infrastructure.

(*l*) A comprehensive, reasonable transportation funding package will do all of the following:

(1) Ensure these transportation needs are addressed.

(2) Fairly distribute the economic impact of increased funding.

(3) Restore the gas tax rate previously reduced by the State Board of Equalization pursuant to the gas tax swap.

(4) Direct increased revenue to the state's highest transportation needs.

SEC. 2. Section 13975 of the Government Code is amended to read:

13975. There is in the state government the Transportation Agency. The agency consists of the Department of the California Highway Patrol, the Department of Motor Vehicles, the Department of Transportation, the High-Speed Rail Authority, and the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun.

SEC. 3. Section 14033 is added to the Government Code, to read:

14033. On or before January 1, 2017, the department shall update the Highway Design Manual to incorporate the "complete streets" design concept.

SEC. 4. Part 5.1 (commencing with Section 14460) is added to Division 3 of Title 2 of the Government Code, to read:

PART 5.1. OFFICE OF THE TRANSPORTATION INSPECTOR GENERAL

14460. (a) There is hereby created in state government the independent Office of the Transportation Inspector General, which shall not be a subdivision of any other governmental entity, to ensure that the Department of Transportation, the High-Speed Rail Authority, the Department of the California Highway Patrol, the Department of Motor Vehicles, the State Air Resources Board, and all other state agencies expending state transportation funds are operating efficiently, effectively, and in compliance with applicable federal and state laws.

(b) The Governor shall appoint, subject to confirmation by the Senate, the Transportation Inspector General to a six-year term. The Transportation Inspector General may not be removed from office during that term, except for good cause. A finding of good cause may include substantial neglect of duty, gross misconduct, or conviction of a crime. The reasons for removal of the Transportation Inspector General shall be stated in writing and

shall include the basis for removal. The writing shall be sent to the Secretary of the Senate and the Chief Clerk of the Assembly at the time of the removal and shall be deemed to be a public document.

14461. The Transportation Inspector General shall review policies, practices, and procedures and conduct audits and investigations of activities involving state transportation funds in consultation with all affected state agencies. Specifically, the Transportation Inspector General's duties and responsibilities shall include, but not be limited to, all of the following:

(a) To examine the operating practices of all state agencies expending state transportation funds to identify fraud and waste, opportunities for efficiencies, and opportunities to improve the data used to determine appropriate project resource allocations.

(b) To identify best practices in the delivery of transportation projects and develop policies or recommend proposed legislation enabling state agencies to adopt these practices when practicable.

(c) To provide objective analysis of and, when possible, offer solutions to concerns raised by the public or generated within agencies involving the state's transportation infrastructure and project delivery methods.

(d) To conduct, supervise, and coordinate audits and investigations relating to the programs and operations of all state transportation agencies with state-funded transportation projects.

(e) To recommend policies promoting economy and efficiency in the administration of programs and operations of all state agencies with state-funded transportation projects.

(f) To ensure that the Secretary of Transportation and the Legislature are fully and currently informed concerning fraud or other serious abuses or deficiencies relating to the expenditure of funds or administration of programs and operations.

14462. The Transportation Inspector General shall report at least annually to the Governor and Legislature with a summary of his or her findings, investigations, and audits. The summary shall be posted on the Transportation Inspector General's Internet Web site and shall otherwise be made available to the public upon its release to the Governor and Legislature. The summary shall include, but need not be limited to, significant problems discovered by the Transportation Inspector General and whether recommendations of the Transportation Inspector General relative

to investigations and audits have been implemented by the affected agencies. The report shall be submitted to the Legislature in compliance with Section 9795.

SEC. 5. Section 14500 of the Government Code is amended to read:

14500. There is in state government a California Transportation Commission. The commission shall act in an independent oversight role.

SEC. 6. Section 14526.5 of the Government Code is amended to read:

14526.5. (a) Based on the asset management plan prepared and approved pursuant to Section 14526.4, the department shall prepare a state highway operation and protection program for the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system. Projects included in the program shall be limited to improvements relative to maintenance, safety, rehabilitation, and operation of state highways and bridges that do not add a new traffic lane to the system.

(b) The program shall include projects that are expected to be advertised prior to July 1 of the year following submission of the program, but which have not yet been funded. The program shall include those projects for which construction is to begin within four fiscal years, starting July 1 of the year following the year the program is submitted.

(c) (1) The department, at a minimum, shall specify, for each project in the state highway operation and protection program, the capital and support budget for each of the following project components:

(A) Project approval and environmental documents.

(B) Plans, specifications, and estimates.

(C) Rights-of-way.

(D) Construction.

(2) The department shall specify, for each project in the state highway operation and protection program, a projected delivery date for each of the following components:

(A) Environmental document completion.

(B) Plans, specifications, and estimate completion.

(C) Right-of-way certification.

(D) Start of construction.

(d) The department shall submit its proposed program to the commission not later than January 31 of each even-numbered year. Prior to submitting its proposed program, the department shall make a draft of its proposed program available to transportation planning agencies for review and comment and shall include the comments in its submittal to the commission. The department shall provide the commission with detailed information for all programmed projects, including, but not limited to, cost, scope, schedule, and performance metrics as determined by the commission.

(e) The commission shall review the proposed program relative to its overall adequacy, consistency with the asset management plan prepared and approved pursuant to Section 14526.4 and funding priorities established in Section 167 of the Streets and Highways Code, the level of annual funding needed to implement the program, and the impact of those expenditures on the state transportation improvement program. The commission shall adopt the program and submit it to the Legislature and the Governor not later than April 1 of each even-numbered year. The commission may decline to adopt the program if the commission determines that the program is not sufficiently consistent with the asset management plan prepared and approved pursuant to Section 14526.4.

(f) As part of the commission's review of the program required pursuant to subdivision (a), the commission shall hold at least one hearing in northern California and one hearing in southern California regarding the proposed program.

(g) Expenditures for these projects shall not be subject to Sections 188 and 188.8 of the Streets and Highways Code.

(h) Following adoption of the state highway operation and protection program by the commission, any change to a programmed project shall be submitted as an amendment by the department to the commission for its approval before the change may be implemented.

SEC. 7. Section 14526.7 is added to the Government Code, to read:

14526.7. (a) On and after February 1, 2017, an allocation by the commission of all capital and support costs for each project in the state highway operation and protection program shall be required.

(b) For a project that experiences increases in capital or support costs above the amounts in the commission's allocation pursuant to subdivision (a), a supplemental project allocation request shall be submitted by the department to the commission for approval.

(c) The commission shall establish guidelines to provide exceptions to the requirement of subdivision (b) that the commission determines are necessary to ensure that projects are not unnecessarily delayed.

SEC. 8. Section 14534.1 of the Government Code is repealed.

SEC. 9. Section 16321 is added to the Government Code, to read:

16321. (a) Notwithstanding any other law, on or before September 1, 2016, the Department of Finance shall compute the amount of outstanding loans made from the State Highway Account, the Motor Vehicle Fuel Account, the Highway Users Tax Account, and the Motor Vehicle Account to the General Fund. The department shall prepare a loan repayment schedule, pursuant to which the outstanding loans shall be repaid, as follows:

(1) On or before June 30, 2017, 50 percent of the outstanding loan amounts.

(2) On or before June 30, 2018, the remainder of the outstanding loan amounts.

(b) Notwithstanding any other law, as the loans are repaid pursuant to this section, the repaid funds shall be transferred in the following manner:

(1) Fifty percent to cities and counties pursuant to clauses (i) and (ii) of subparagraph (C) of paragraph (3) of subdivision (a) of Section 2103 of the Streets and Highways Code.

(2) Fifty percent to the department for maintenance of the state highway system and for purposes of the state highway operation and protection program.

(c) Funds for loan repayments pursuant to this section are hereby appropriated from the Budget Stabilization Account pursuant to subclause (II) of clause (ii) of subparagraph (B) of paragraph (1) of subdivision (c) of Section 20 of Article XVI of the California Constitution.

SEC. 10. Section 16965 of the Government Code is amended to read:

16965. (a) (1) The Transportation Debt Service Fund is hereby created in the State Treasury. Moneys in the fund shall be dedicated to all of the following purposes:

(A) Payment of debt service with respect to designated bonds, as defined in subdivision (c) of Section 16773, and as further provided in paragraph (3) and subdivision (b).

(B) To reimburse the General Fund for debt service with respect to bonds.

(C) To redeem or retire bonds, pursuant to Section 16774, maturing in a subsequent fiscal year.

(2) The bonds eligible under subparagraph (B) or (C) of paragraph (1) include bonds issued pursuant to the Passenger Rail and Clean Air Bond Act of 1990 (Chapter 17 (commencing with Section 2701) of Division 3 of the Streets and Highways Code), the Seismic Retrofit Bond Act of 1996 (Chapter 12.48 (commencing with Section 8879) of Division 1 of Title 2), and the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Chapter 20 (commencing with Section 2704) of Division 3 of the Streets and Highways Code), and nondesignated bonds under Proposition 1B, as defined in subdivision (c) of Section 16773.

(3) (A) The Transportation Bond Direct Payment Account is hereby created in the State Treasury, as a subaccount within the Transportation Debt Service Fund, for the purpose of directly paying the debt service, as defined in paragraph (4), of designated bonds of Proposition 1B, as defined in subdivision (c) of Section 16773. Notwithstanding Section 13340, moneys in the Transportation Bond Direct Payment Account are continuously appropriated for payment of debt service with respect to designated bonds as provided in subdivision (c) of Section 16773. So long as any designated bonds remain outstanding, the moneys in the Transportation Bond Direct Payment Account may not be used for any other purpose, and may not be borrowed by or available for transfer to the General Fund pursuant to Section 16310 or any similar law, or to the General Cash Revolving Fund pursuant to Section 16381 or any similar law.

(B) Once the Treasurer makes a certification that payment of debt service with respect to all designated bonds has been paid or provided for, any remaining moneys in the Transportation Bond

Direct Payment Account shall be transferred back to the Transportation Debt Service Fund.

(C) The moneys in the Transportation Bond Direct Payment Account shall be invested in the Surplus Money Investment Fund, and all investment earnings shall accrue to the account.

(D) The Controller may establish subaccounts within the Transportation Bond Direct Payment Account as may be required by the resolution, indenture, or other documents governing any designated bonds.

(4) For purposes of this subdivision and subdivision (b), and subdivision (c) of Section 16773, "debt service" means payment of all of the following costs and expenses with respect to any designated bond:

(A) The principal of and interest on the bonds.

(B) Amounts payable as the result of tender on any bonds, as described in clause (iv) of subparagraph (B) of paragraph (1) of subdivision (d) of Section 16731.

(C) Amounts payable under any contractual obligation of the state to repay advances and pay interest thereon under a credit enhancement or liquidity agreement as described in clause (iv) of subparagraph (B) of paragraph (1) of subdivision (d) of Section 16731.

(D) Any amount owed by the state to a counterparty after any offset for payments owed to the state on any hedging contract as described in subparagraph (A) of paragraph (2) of subdivision (d) of Section 16731.

(b) From the moneys transferred to the fund pursuant to paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the Vehicle Code, there shall first be deposited into the Transportation Bond Direct Payment Account in each month sufficient funds to equal the amount designated in a certificate submitted by the Treasurer to the Controller and the Director of Finance at the start of each fiscal year, and as may be modified by the Treasurer thereafter upon issuance of any new issue of designated bonds or upon change in circumstances that requires such a modification. This certificate shall be calculated by the Treasurer to identify, for each month, the amount necessary to fund all of the debt service with respect to all designated bonds. This calculation shall be done in a manner provided in the resolution, indenture, or other documents governing the designated bonds. In the event that

transfers to the Transportation Bond Direct Payment Account in any month are less than the amounts required in the Treasurer's certificate, the shortfall shall carry over to be part of the required payment in the succeeding month or months.

(c) The state hereby covenants with the holders from time to time of any designated bonds that it will not alter, amend, or restrict the provisions of subdivision (c) of Section 16773 of the Government Code, or Sections 9400, 9400.1, 9400.4, and 42205 of the Vehicle Code, which provide directly or indirectly for the transfer of weight fees to the Transportation Debt Service Fund or the Transportation Bond Direct Payment Account, or subdivisions (a) and (b) of this section, or reduce the rate of imposition of vehicle weight fees under Sections 9400 and 9400.1 of the Vehicle Code as they existed on the date of the first issuance of any designated bonds, if that alteration, amendment, restriction, or reduction would result in projected weight fees for the next fiscal year determined by the Director of Finance being less than two times the maximum annual debt service with respect to all outstanding designated bonds, as such calculation is determined pursuant to the resolution, indenture, or other documents governing the designated bonds. The state may include this covenant in the resolution, indenture, or other documents governing the designated bonds.

(d) Once the required monthly deposit, including makeup of any shortfalls from any prior month, has been made pursuant to subdivision (b), from moneys transferred to the fund pursuant to paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the Controller shall transfer as an expenditure reduction to the General Fund any amount necessary to offset the cost of current year debt service payments made from the General Fund with respect to any bonds issued pursuant to Proposition 192 (1996) and three-quarters of the amount of current year debt service payments made from the General Fund with respect to any nondesignated bonds, as defined in subdivision (c) of Section 16773, issued pursuant to Proposition 1B (2006). In the alternative, these funds may also be used to redeem or retire the applicable bonds, pursuant to Section 16774, maturing in a subsequent fiscal year as directed by the Director of Finance.

(e) Once the required monthly deposit, including makeup of any shortfalls from any prior month, has been made pursuant to subdivision (b), from moneys transferred to the fund pursuant to paragraph (2) or (3) of subdivision (c) of Section 9400.4 of the Vehicle Code, or pursuant to Section 16965.1 or 63048.67, the Controller shall transfer as an expenditure reduction to the General Fund any amount necessary to offset the eligible cost of current year debt service payments made from the General Fund with respect to any bonds issued pursuant to Proposition 108 (1990) and Proposition 1A (2008), and one-quarter of the amount of current year debt service payments made from the General Fund with respect to any nondesignated bonds, as defined in subdivision (c) of Section 16773, issued pursuant to Proposition 1B (2006). The Department of Finance shall notify the Controller by July 30 of every year of the percentage of debt service that is expected to be paid in that fiscal year with respect to bond-funded projects that qualify as eligible guideway projects consistent with the requirements applicable to the expenditure of revenues under Article XIX of the California Constitution, and the Controller shall make payments only for those eligible projects. In the alternative, these funds may also be used to redeem or retire the applicable bonds, pursuant to Section 16774, maturing in a subsequent fiscal year as directed by the Director of Finance.

(f) On or before the second business day following the date on which transfers are made to the Transportation Debt Service Fund, and after the required monthly deposits for that month, including makeup of any shortfalls from any prior month, have been made to the Transportation Bond Direct Payment Account, the Controller shall transfer the funds designated for reimbursement of bond debt service with respect to nondesignated bonds, as defined in subdivision (c) of Section 16773, and other bonds identified in subdivisions (d) and (e) in that month from the fund to the General Fund pursuant to this section.

SEC. 11. Section 39719 of the Health and Safety Code is amended to read:

39719. (a) The Legislature shall appropriate the annual proceeds of the fund for the purpose of reducing greenhouse gas emissions in this state in accordance with the requirements of Section 39712.

(b) To carry out a portion of the requirements of subdivision (a), annual proceeds are continuously appropriated for the following:

(1) Beginning in the 2016–17 fiscal year, and notwithstanding Section 13340 of the Government Code, 50 percent of annual proceeds are continuously appropriated, without regard to fiscal years, for transit, affordable housing, and sustainable communities programs as following:

(A) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Transportation Agency for the Transit and Intercity Rail Capital Program created by Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code.

(B) Ten percent of the annual proceeds of the fund is hereby continuously appropriated to the Low Carbon Transit Operations Program created by Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code. Moneys shall be allocated by the Controller, according to requirements of the program, and pursuant to the distribution formula in subdivision (b) or (c) of Section 99312 of, and Sections 99313 and 99314 of, the Public Utilities Code.

(C) Twenty percent of the annual proceeds of the fund is hereby continuously appropriated to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program created by Part 1 (commencing with Section 75200) of Division 44 of the Public Resources Code. Of the amount appropriated in this subparagraph, no less than 10 percent of the annual proceeds shall be expended for affordable housing, consistent with the provisions of that program.

(2) Beginning in the 2015–16 fiscal year, notwithstanding Section 13340 of the Government Code, 25 percent of the annual proceeds of the fund is hereby continuously appropriated to the High-Speed Rail Authority for the following components of the initial operating segment and Phase I Blended System as described in the 2012 business plan adopted pursuant to Section 185033 of the Public Utilities Code:

(A) Acquisition and construction costs of the project.

(B) Environmental review and design costs of the project.

(C) Other capital costs of the project.

(D) Repayment of any loans made to the authority to fund the project.

(c) In determining the amount of annual proceeds of the fund for purposes of the calculation in subdivision (b), the funds subject to Section 39719.1 shall not be included.

SEC. 12. Section 21080.37 of the Public Resources Code is amended to read:

21080.37. (a) This division does not apply to a project or an activity to repair, maintain, or make minor alterations to an existing roadway if all of the following conditions are met:

(1) (A) The project does not cross a waterway.

(B) For purposes of this paragraph, "waterway" means a bay, estuary, lake, pond, river, slough, or a perennial, intermittent, or ephemeral stream, lake, or estuarine-marine shoreline.

(2) The project involves negligible or no expansion of an existing use beyond that existing at the time of the lead agency's determination.

(3) (A) The site of the project does not contain wetlands or riparian areas and does not have significant value as a wildlife habitat, and the project does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), and the project does not cause the destruction or removal of any species protected by a local ordinance.

(B) For the purposes of this paragraph:

(i) "Riparian areas" mean those areas transitional between terrestrial and aquatic ecosystems and that are distinguished by gradients in biophysical conditions, ecological processes, and biota. A riparian area is an area through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. A riparian area includes those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems. A riparian area is adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines.

(ii) "Significant value as a wildlife habitat" includes wildlife habitat of national, statewide, regional, or local importance; habitat for species protected by the federal Endangered Species Act of

1973 (16 U.S.C. Sec. 1531, et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code); habitat identified as candidate, fully protected, sensitive, or species of special status by local, state, or federal agencies; or habitat essential to the movement of resident or migratory wildlife.

(iii) "Wetlands" has the same meaning as in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(iv) "Wildlife habitat" means the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.

(4) The project does not impact cultural resources.

(5) The roadway does not affect scenic resources, as provided pursuant to subdivision (c) of Section 21084.

(b) Prior to determining that a project is exempt pursuant to this section, the lead agency shall do both of the following:

(1) Include measures in the project to mitigate potential vehicular traffic and safety impacts and bicycle and pedestrian safety impacts.

(2) Hold a noticed public hearing on the project to hear and respond to public comments. The hearing on the project may be conducted with another noticed lead agency public hearing. Publication of the notice shall be no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area.

(c) For purposes of this section, "roadway" means a roadway as defined pursuant to Section 530 of the Vehicle Code and the previously graded and maintained shoulder that is within a roadway right-of-way of no more than five feet from the edge of the roadway.

(d) (1) If a state agency determines that a project is not subject to this division pursuant to this section and it approves or determines to carry out that project, it shall file a notice with the Office of Planning and Research in the manner specified in subdivisions (b) and (c) of Section 21108.

(2) If a local agency determines that a project is not subject to this division pursuant to this section and it approves or determines to carry out that project, it shall file a notice with the Office of

Planning and Research, and with the county clerk in the county in which the project will be located in the manner specified in subdivisions (b) and (c) of Section 21152.

SEC. 13. Division 13.6 (commencing with Section 21200) is added to the Public Resources Code, to read:

DIVISION 13.6. ADVANCE MITIGATION PROGRAM ACT

Chapter 1. General

21200. This division shall be known, and may be cited, as the Advance Mitigation Program Act.

21201. (a) The purpose of this division is to improve the success and effectiveness of actions implemented to mitigate the natural resource impacts of future transportation projects by establishing the means to implement those actions well before the transportation projects are constructed. The advance identification and implementation of mitigation actions also will streamline the delivery of transportation projects by anticipating mitigation requirements for planned transportation projects and avoiding or reducing delays associated with environmental permitting. By identifying regional or statewide conservation priorities and by anticipating the impacts of planned transportation projects on a regional or statewide basis, mitigation actions can be designed to protect and restore California's most valuable natural resources and also facilitate environmental compliance for planned transportation projects on a regional scale.

(b) This division is not intended to create a new environmental permitting or regulatory program or to modify existing environmental laws or regulations, nor is it expected that all mitigation requirements will be addressed for planned transportation projects. Instead, it is intended to provide a methodology with which to anticipate and fulfill the requirements of existing state and federal environmental laws that protect fish, wildlife, plant species, and other natural resources more efficiently and effectively.

21202. The Legislature finds and declares all of the following:

(a) The minimization and mitigation of environmental impacts is ordinarily handled on a project-by-project basis, usually near

the end of a project's timeline and often without guidance regarding regional or statewide conservation priorities.

(b) The cost of critical transportation projects often escalates because of permitting delays that occur when appropriate conservation and mitigation measures cannot easily be identified and because the cost of these measures often increases between the time a project is planned and funded and the time mitigation is implemented.

(c) Addressing conservation and mitigation needs early in a project's timeline, during the project design and development phase, can reduce costs, allow natural resources conservation to be integrated with project siting and design, and result in the establishment of more valuable and productive habitat mitigation.

(d) When the Department of Transportation is able to anticipate the mitigation needs for planned transportation projects, it can meet those needs in a more timely and cost-effective way by using advance mitigation planning.

(e) Working with state and federal resource protection agencies, the department can identify, conserve, and, where appropriate, restore lands for mitigation of numerous projects early in the projects' timelines, thereby allowing public funds to stretch further by acquiring habitat at a lower cost and avoiding environmental permitting delays.

(f) Advance mitigation can provide an effective means of facilitating delivery of transportation projects while ensuring more effective natural resource conservation.

(g) Advance mitigation is needed to direct mitigation funding for transportation projects to agreed-upon conservation priorities and to the creation of habitat reserves and recreation areas that enhance the sustainability of human and natural systems by protecting or restoring connectivity of natural communities and the delivery of ecosystem services.

(h) Advance mitigation can facilitate the implementation of climate change adaptation strategies both for ecosystems and California's economy.

(i) Advance mitigation can enable the state to protect, restore, and recover its natural resources as it strengthens and improves its transportation systems.

21203. The Legislature intends to do all of the following by enacting this division:

(a) Facilitate delivery of transportation projects while ensuring more effective natural resource conservation.

(b) Develop effective strategies to improve the state's ability to meet mounting demands for transportation improvements and to maximize conservation and other public benefits.

(c) Achieve conservation objectives of statewide and regional importance by coordinating local, state, and federally funded natural resource conservation efforts with mitigation actions required for impacts from transportation projects.

(d) Create administrative, governance, and financial incentives and mechanisms necessary to ensure that measures required to minimize or mitigate impacts from transportation projects will serve to achieve regional or statewide natural resource conservation objectives.

Chapter 2. Definitions

21204. For purposes of this division, the following terms have the following meanings:

(a) "Acquire" and "acquisition" mean, with respect to land or a waterway, acquisition of fee title or purchase of a conservation easement, that protects conservation and mitigation values on the land or waterway in perpetuity.

(b) "Advance mitigation" means mitigation implemented before, and in anticipation of, environmental effects of planned transportation projects.

(c) "Commission" means the California Transportation Commission.

(d) "Department" means the Department of Transportation.

(e) "Transportation agency" means the department, the High-Speed Rail Authority, a metropolitan planning organization, a regional transportation planning agency, or another public agency that implements transportation projects.

(f) "Transportation project" means a transportation capital improvement project.

(g) "Planned transportation project" means a transportation project that a transportation agency has concluded is reasonably likely to be constructed within 20 years and that has been identified to the agency for purposes of this division. A planned transportation

project may include, but is not limited to, a transportation project that has been proposed for approval or that has been approved.

(h) "Program" means the Advance Mitigation Program implemented pursuant to this division.

(i) "Regulatory agency" means a state or federal natural resource protection agency with regulatory authority over planned transportation projects. A regulatory agency includes, but is not limited to, the Natural Resources Agency, the Department of Fish and Wildlife, California regional water quality control boards, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Environmental Protection Agency, and the United States Army Corps of Engineers.

Chapter 3. Advance Mitigation Program

21205. (a) The Advance Mitigation Program is hereby created in the department to accelerate project delivery and improve environmental outcomes of environmental mitigation for planned transportation projects.

(b) The program may utilize mitigation instruments, including, but not limited to, mitigation banks, in lieu of fee programs, and conservation easements as defined in Section 815.1 of the Civil Code.

(c) The department shall track all implemented advance mitigation projects to use as credits for environmental mitigation for state-sponsored transportation projects.

(d) The department may use advance mitigation credits to fulfill mitigation requirements of any environmental law for a transportation project eligible for the State Transportation Improvement Program or the State Highway Operation and Protection Program.

21206. No later than February 1, 2017, the department shall establish an interagency transportation advance mitigation steering committee consisting of the department and appropriate state and federal regulatory agencies to support the program so that advance mitigation can be used as required mitigation for planned transportation projects and can provide improved environmental outcomes. The committee shall advise the department of opportunities to carry out advance mitigation projects, provide the best available science, and actively participate in mitigation

instrument reviews and approvals. The committee shall seek to develop streamlining opportunities, including those related to landscape scale mitigation planning and alignment of federal and state regulations and procedures related to mitigation requirements and implementation. The committee shall also provide input on crediting, using, and tracking of advance mitigation investments.

21207. The Advance Mitigation Fund is hereby created in the State Transportation Fund as a revolving fund. Notwithstanding Section 13340 of the Government Code, the fund shall be continuously appropriated without regard to fiscal years. The moneys in the fund shall be programmed by the commission for the planning and implementation of advance mitigation projects consistent with the purposes of this chapter. After the transfer of moneys to the fund for four fiscal years pursuant to subdivision (c) of Section 2032 of the Streets and Highways Code, commencing in the 2017–18 fiscal year, the program is intended to be self-sustaining. Advance expenditures from the fund shall later be reimbursed from project funding available at the time a planned transportation project is constructed. A maximum of 5 percent of available funds may be used for administrative purposes.

21208. The program is intended to improve the efficiency and efficacy of mitigation only and is not intended to supplant the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) or any other environmental law. The identification of planned transportation projects and of mitigation projects or measures for planned transportation projects under this division does not imply or require approval of those projects for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) or any other environmental law.

SEC. 14. Section 99312.1 of the Public Utilities Code is amended to read:

99312.1. (a) Revenues transferred to the Public Transportation Account pursuant to Sections 6051.8 and 6201.8 of the Revenue and Taxation Code are hereby continuously appropriated to the Controller for allocation as follows:

(1) Fifty percent for allocation to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board pursuant to Section 99314.

(2) Fifty percent for allocation to transportation agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board for purposes of Section 99313.

(b) For purposes of this chapter, the revenues allocated pursuant to this section shall be subject to the same requirements as revenues allocated pursuant to subdivisions (b) and (c), as applicable, of Section 99312.

(c) The revenues transferred to the Public Transportation Account that are attributable to the increase in the sales and use tax on diesel fuel pursuant to subdivision (b) of Section 6051.8 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, and subdivision (b) of Section 6201.8 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, upon allocation pursuant to Sections 99313 and 99314, shall only be expended on the following:

(1) Transit capital projects or services to maintain or repair a transit operator's existing transit vehicle fleet or existing transit facilities, including rehabilitation or modernization of existing vehicles or facilities.

(2) The design, acquisition, and construction of new vehicles or facilities that improve existing transit services.

(3) Transit services that complement local efforts for repair and improvement of local transportation infrastructure.

(d) (1) Prior to receiving an apportionment of funds pursuant to subdivision (c) from the Controller in a fiscal year, a recipient transit agency shall submit to the Department of Transportation a list of projects proposed to be funded with these funds. The list of projects proposed to be funded with these funds shall include a description and location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of a recipient transit agency to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (c).

(2) The department shall report to the Controller the recipient transit agencies that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds for the applicable fiscal year. The

Controller, upon receipt of the report, shall apportion funds pursuant to Sections 99313 and 99314.

(e) For each fiscal year, each recipient transit agency receiving an apportionment of funds pursuant to subdivision (c) shall, upon expending those funds, submit documentation to the department that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement.

(f) The audit of transit operator finances required pursuant to Section 99245 shall verify that the revenues identified in subdivision (c) have been expended in conformance with these specific requirements and all other generally applicable requirements.

SEC. 15. Section 6051.8 of the Revenue and Taxation Code is amended to read:

6051.8. (a) Except as provided by Section 6357.3, in addition to the taxes imposed by this part, for the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 1.75 percent of the gross receipts of any retailer from the sale of all diesel fuel.

(b) Except as provided by Section 6357.3, in addition to the taxes imposed by this part and by subdivision (a), for the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of 3.5 percent of the gross receipts of any retailer from the sale of all diesel fuel, as defined in Section 60022, sold at retail in this state. The tax imposed under this subdivision shall be imposed on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act adding this subdivision.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

(d) Notwithstanding subdivision (b) of Section 7102, all of the revenues, less refunds, collected pursuant to this section shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation pursuant to Section 99312.1 of the Public Utilities Code.

SEC. 16. Section 6201.8 of the Revenue and Taxation Code is amended to read:

6201.8. (a) Except as provided by Section 6357.3, in addition to the taxes imposed by this part, an excise tax is hereby imposed on the storage, use, or other consumption in this state of diesel fuel, as defined in Section 60022, at the rate of 1.75 percent of the sales price of the diesel fuel.

(b) Except as provided by Section 6357.3, in addition to the taxes imposed by this part and by subdivision (a), an excise tax is hereby imposed on the storage, use, or other consumption in this state of diesel fuel, as defined in Section 60022, at the rate of 3.5 percent of the sales price of the diesel fuel. The tax imposed under this subdivision shall be imposed on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act adding this subdivision.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

(d) Notwithstanding subdivision (b) of Section 7102, all of the revenues, less refunds, collected pursuant to this section shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Public Transportation Account in the State Transportation Fund for allocation pursuant to Section 99312.1 of the Public Utilities Code.

SEC. 17. Section 7360 of the Revenue and Taxation Code is amended to read:

7360. (a) (1) (A) A tax of eighteen cents ($0.18) is hereby imposed upon each gallon of fuel subject to the tax in Sections 7362, 7363, and 7364.

(B) In addition to the tax imposed pursuant to subparagraph (A), on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act adding this subparagraph, a tax of seventeen cents ($0.17) is hereby imposed upon each gallon of fuel, other than aviation gasoline, subject to the tax in Sections 7362, 7363, and 7364.

(2) If the federal fuel tax is reduced below the rate of nine cents ($0.09) per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, the tax rate imposed by subparagraph (A) of paragraph (1), on and after the date of the reduction, shall be recalculated by an amount so that the combined state rate under subparagraph (A) of paragraph (1) and the federal tax rate per gallon equal twenty-seven cents ($0.27).

(3) If any person or entity is exempt or partially exempt from the federal fuel tax at the time of a reduction, the person or entity shall continue to be so exempt under this section.

(b) On and after July 1, 2010, in addition to the tax imposed by subdivision (a), a tax is hereby imposed upon each gallon of motor vehicle fuel, other than aviation gasoline, subject to the tax in

Sections 7362, 7363, and 7364 in an amount equal to seventeen and three-tenths cents ($0.173) per gallon.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

SEC. 18. Section 8352.4 of the Revenue and Taxation Code is amended to read:

8352.4. (a) Subject to Sections 8352 and 8352.1, and except as otherwise provided in subdivision (b), there shall be transferred from the money deposited to the credit of the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund, for expenditure in accordance with Division 1 (commencing with Section 30) of the Harbors and Navigation Code, the sum of six million six hundred thousand dollars ($6,600,000) per annum, representing the amount of money in the Motor Vehicle Fuel Account attributable to taxes imposed on distributions of motor vehicle fuel used or usable in propelling vessels. The actual amount shall be calculated using the annual reports of registered boats prepared by the Department of Motor Vehicles for the United States Coast Guard and the formula and method of the December 1972 report prepared for this purpose and submitted to the Legislature on December 26, 1972, by the Director of Transportation. If the amount transferred during each fiscal year is in excess of the calculated amount, the excess shall be retransferred from the Harbors and Watercraft Revolving Fund to

the Motor Vehicle Fuel Account. If the amount transferred is less than the amount calculated, the difference shall be transferred from the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund. No adjustment shall be made if the computed difference is less than fifty thousand dollars ($50,000), and the amount shall be adjusted to reflect any temporary or permanent increase or decrease that may be made in the rate under the Motor Vehicle Fuel Tax Law. Payments pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(b) Commencing July 1, 2016, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Harbors and Watercraft Revolving Fund pursuant to subdivision (a) shall instead be transferred to the Highway Users Tax Account for distribution pursuant to Section 2103.1 of the Streets and Highways Code.

SEC. 19. Section 8352.5 of the Revenue and Taxation Code is amended to read:

8352.5. (a) (1) Subject to Sections 8352 and 8352.1, and except as otherwise provided in subdivision (b), there shall be transferred from the money deposited to the credit of the Motor Vehicle Fuel Account to the Department of Food and Agriculture Fund, during the second quarter of each fiscal year, an amount equal to the estimate contained in the most recent report prepared pursuant to this section.

(2) The amounts are not subject to Section 6357 with respect to the collection of sales and use taxes thereon, and represent the portion of receipts in the Motor Vehicle Fuel Account during a calendar year that were attributable to agricultural off-highway use of motor vehicle fuel which is subject to refund pursuant to Section 8101, less gross refunds allowed by the Controller during the fiscal year ending June 30 following the calendar year to persons entitled to refunds for agricultural off-highway use pursuant to Section 8101. Payments pursuant to this section shall be made prior to payments pursuant to Section 8352.2.

(b) Commencing July 1, 2016, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Department of Food and Agriculture Fund pursuant to subdivision (a) shall instead be transferred to the Highway Users Tax Account for

distribution pursuant to Section 2103.1 of the Streets and Highways Code.

(c) On or before September 30, 2012, and on or before September 30 of each even-numbered year thereafter, the Director of Transportation and the Director of Food and Agriculture shall jointly prepare, or cause to be prepared, a report setting forth the current estimate of the amount of money in the Motor Vehicle Fuel Account attributable to agricultural off-highway use of motor vehicle fuel, which is subject to refund pursuant to Section 8101 less gross refunds allowed by the Controller to persons entitled to refunds for agricultural off-highway use pursuant to Section 8101; and they shall submit a copy of the report to the Legislature.

SEC. 20. Section 8352.6 of the Revenue and Taxation Code is amended to read:

8352.6. (a) (1) Subject to Section 8352.1, and except as otherwise provided in paragraphs (2) and (3), on the first day of every month, there shall be transferred from moneys deposited to the credit of the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund created by Section 38225 of the Vehicle Code an amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. Transfers made pursuant to this section shall be made prior to transfers pursuant to Section 8352.2.

(2) Commencing July 1, 2016, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) shall instead be transferred to the Highway Users Tax Account for distribution pursuant to Section 2103.1 of the Streets and Highways Code.

(3) The Controller shall withhold eight hundred thirty-three thousand dollars ($833,000) from the monthly transfer to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and transfer that amount to the General Fund.

(b) The amount transferred to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) of subdivision (a), as a percentage of the Motor Vehicle Fuel Account, shall be equal to the percentage transferred in the 2006–07 fiscal year. Every five years, starting in the 2013–14 fiscal year, the percentage transferred may be adjusted by the Department of Transportation in cooperation with

the Department of Parks and Recreation and the Department of Motor Vehicles. Adjustments shall be based on, but not limited to, the changes in the following factors since the 2006–07 fiscal year or the last adjustment, whichever is more recent:

(1) The number of vehicles registered as off-highway motor vehicles as required by Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(2) The number of registered street-legal vehicles that are anticipated to be used off highway, including four-wheel drive vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

(3) Attendance at the state vehicular recreation areas.

(4) Off-highway recreation use on federal lands as indicated by the United States Forest Service's National Visitor Use Monitoring and the United States Bureau of Land Management's Recreation Management Information System.

(c) It is the intent of the Legislature that transfers from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund should reflect the full range of motorized vehicle use off highway for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

(e) In the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, shall undertake a study to determine the appropriate adjustment to the amount transferred

pursuant to subdivision (b) and to update the estimate of the amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. The department shall provide a copy of this study to the Legislature no later than January 1, 2016.

SEC. 21. Section 60050 of the Revenue and Taxation Code is amended to read:

60050. (a) (1) A tax of thirteen cents ($0.13) is hereby imposed upon each gallon of diesel fuel subject to the tax in Sections 60051, 60052, and 60058.

(2) If the federal fuel tax is reduced below the rate of fifteen cents ($0.15) per gallon and federal financial allocations to this state for highway and exclusive public mass transit guideway purposes are reduced or eliminated correspondingly, the tax rate imposed by paragraph (1) shall be increased by an amount so that the combined state rate under paragraph (1) and the federal tax rate per gallon equal what it would have been in the absence of the federal reduction.

(3) If any person or entity is exempt or partially exempt from the federal fuel tax at the time of a reduction, the person or entity shall continue to be exempt under this section.

(b) In addition to the tax imposed pursuant to subdivision (a), on and after the first day of the first calendar quarter that occurs 90 days after the effective date of the act amending this subdivision in the 2015 First Extraordinary Session, an additional tax of thirty cents ($0.30) is hereby imposed upon each gallon of diesel fuel subject to the tax in Sections 60051, 60052, and 60058.

(c) Beginning July 1, 2019, and every third year thereafter, the State Board of Equalization shall recompute the rates of the taxes imposed by this section. That computation shall be made as follows:

(1) The Department of Finance shall transmit to the State Board of Equalization the percentage change in the California Consumer Price Index for all items from November of three calendar years prior to November of the prior calendar year, no later than January 31, 2019, and January 31 of every third year thereafter.

(2) The State Board of Equalization shall do all of the following:

(A) Compute an inflation adjustment factor by adding 100 percent to the percentage change figure that is furnished pursuant to paragraph (1) and dividing the result by 100.

(B) Multiply the preceding tax rate per gallon by the inflation adjustment factor determined in subparagraph (A) and round off the resulting product to the nearest tenth of a cent.

(C) Make its determination of the new rate no later than March 1 of the same year as the effective date of the new rate.

SEC. 22. Section 183.1 of the Streets and Highways Code is amended to read:

183.1. Except as otherwise provided in Section 54237.7 of the Government Code, money deposited into the account that is not subject to Article XIX of the California Constitution, including, but not limited to, money that is derived from the sale of documents, charges for miscellaneous services to the public, condemnation deposits fund investments, rental of state property, or any other miscellaneous uses of property or money, shall be deposited in the Road Maintenance and Rehabilitation Account created pursuant to Section 2031.

SEC. 23. Section 820.1 of the Streets and Highways Code is amended to read:

820.1. (a) The State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities assumed by the department pursuant to Section 326 of, and subsection (a) of Section 327 of, Title 23 of the United States Code.

(b) In any action brought pursuant to the federal laws described in subdivision (a), no immunity from suit may be asserted by the department pursuant to the Eleventh Amendment to the United States Constitution, and any immunity is hereby waived.

(c) The department shall not delegate any of its responsibilities assumed pursuant to the federal laws described in subdivision (a) to any political subdivision of the state or its instrumentalities.

(d) Nothing in this section affects the obligation of the department to comply with state and federal law.

SEC. 24. Chapter 2 (commencing with Section 2030) is added to Division 3 of the Streets and Highways Code, to read:

Chapter 2. Road Maintenance and Rehabilitation Program

2030. (a) The Road Maintenance and Rehabilitation Program is hereby created to address deferred maintenance on the state highway system and the local street and road system. Funds made available by the program shall be prioritized for expenditure on basic road maintenance and road rehabilitation projects, and on critical safety projects. For funds appropriated pursuant to paragraph (1) of subdivision (d) of Section 2032, the California Transportation Commission shall adopt performance criteria, consistent with the asset management plan required pursuant to 14526.4 of the Government Code, to ensure efficient use of the funds available for these purposes in the program.

(b) (1) Funds made available by the program shall be used for projects that include, but are not limited to, the following:

(A) Road maintenance and rehabilitation.

(B) Safety projects.

(C) Railroad grade separations.

(D) Complete street components, including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and stormwater capture projects in conjunction with any other allowable project.

(E) Traffic control devices.

(2) Funds made available by the program may also be used to satisfy a match requirement in order to obtain state or federal funds for projects authorized by this subdivision.

2031. The following revenues shall be deposited in the Road Maintenance and Rehabilitation Account, which is hereby created in the State Transportation Fund:

(a) Notwithstanding subdivision (b) of Section 2103, the portion of the revenues in the Highway Users Tax Account attributable to the increase in the motor vehicle fuel excise tax by seventeen cents ($0.17) per gallon pursuant to subdivision (a) of Section 7360 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section.

(b) The revenues from the increase in the vehicle registration fee pursuant to Section 9250.3 of the Vehicle Code.

(c) The revenues from the increase in the vehicle registration fee pursuant to Section 9250.6 of the Vehicle Code.

(d) The revenues deposited in the account pursuant to Section 183.1 of the Streets and Highways Code.

(e) Any other revenues designated for the program.

2031.5. Each fiscal year the annual Budget Act shall contain an appropriation from the Road Maintenance and Rehabilitation Account to the Controller for the costs of carrying out his or her duties pursuant to this chapter and to the California Transportation Commission for the costs of carrying out its duties pursuant to this chapter and Section 14526.7 of the Government Code.

2032. (a) (1) After deducting the amounts appropriated in the annual Budget Act, as provided in Section 2031.5, two hundred million dollars ($200,000,000) of the remaining revenues deposited in the Road Maintenance and Rehabilitation Account shall be set aside annually for counties that have sought and received voter approval of taxes or that have imposed fees, including uniform developer fees as defined by subdivision (b) of Section 8879.67 of the Government Code, which taxes or fees are dedicated solely to transportation improvements. The Controller shall each month set aside one-twelfth of this amount, to accumulate a total of two hundred million dollars ($200,000,000) in each fiscal year.

(2) Notwithstanding Section 13340 of the Government Code, the funds available under this subdivision in each fiscal year are hereby continuously appropriated for allocation to each eligible county and each city in the county for road maintenance and rehabilitation purposes pursuant to Section 2033.

(b) (1) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5 and the amount allocated in subdivision (a), beginning in the 2017–18 fiscal year, eighty million dollars ($80,000,000) of the remaining revenues shall be transferred annually to the State Highway Account for expenditure, upon appropriation by the Legislature, on the Active Transportation Program created pursuant to Chapter 8 (commencing with Section 2380) of Division 3 to be allocated by the California Transportation Commission pursuant to Section 2381.

(2) In addition to the funds transferred in paragraph (1), the department shall annually identify savings achieved through efficiencies implemented at the department. The department, through the annual budget process, shall propose, from the identified savings, an appropriation to be included in the annual Budget Act of up to seventy million dollars ($70,000,000), but not

to exceed the total annual identified savings, from the State Highway Account for expenditure on the Active Transportation Program.

(c) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5, the amount allocated in subdivision (a) and the amount transferred in paragraph (1) of subdivision (b), in the 2017–18, 2018–19, 2019–20, and 2020–21 fiscal years, the sum of thirty million dollars ($30,000,000) in each fiscal year from the remaining revenues shall be transferred to the Advance Mitigation Fund in the State Transportation Fund created pursuant to Section 21207 of the Public Resources Code.

(d) After deducting the amounts appropriated in the annual Budget Act pursuant to Section 2031.5, the amount allocated in subdivision (a), and the amounts transferred in paragraph (1) of subdivision (b) and in subdivision (c), beginning in the 2017–18 fiscal year and each fiscal year thereafter, and notwithstanding Section 13340 of the Government Code, there is hereby continuously appropriated to the California State University the sum of two million dollars ($2,000,000) from the remaining revenues for the purpose of conducting transportation research and transportation-related workforce education, training, and development. Prior to the start of each fiscal year, the chairs of the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing shall confer and set out a recommended priority list of research components to be addressed in the upcoming fiscal year.

(e) Notwithstanding Section 13340 of the Government Code, the balance of the revenues deposited in the Road Maintenance and Rehabilitation Account are hereby continuously appropriated as follows:

(1) Fifty percent for allocation to the department for maintenance of the state highway system or for purposes of the state highway operation and protection program.

(2) Fifty percent for apportionment to cities and counties by the Controller pursuant to the formula in clauses (i) and (ii) of subparagraph (C) of paragraph (3) of subdivision (a) of Section 2103 for the purposes authorized by this chapter.

2033. (a) On or before January 1, 2017, the commission, in cooperation with the department, transportation planning agencies, county transportation commissions, and other local agencies, shall

develop guidelines for the allocation of funds pursuant to subdivision (a) of Section 2032.

(b) The guidelines shall be the complete and full statement of the policy, standards, and criteria that the commission intends to use to determine how these funds will be allocated.

(c) The commission may amend the adopted guidelines after conducting at least one public hearing.

2034. (a) (1) Prior to receiving an apportionment of funds under the program pursuant to paragraph (2) of subdivision (d) of Section 2032 from the Controller in a fiscal year, an eligible city or county shall submit to the commission a list of projects proposed to be funded with these funds pursuant to an adopted city or county budget. All projects proposed to receive funding shall be included in a city or county budget that is adopted by the applicable city council or county board of supervisors at a regular public meeting. The list of projects proposed to be funded with these funds shall include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement. The project list shall not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with subdivision (b) of Section 2030.

(2) The commission shall report to the Controller the cities and counties that have submitted a list of projects as described in this subdivision and that are therefore eligible to receive an apportionment of funds under the program for the applicable fiscal year. The Controller, upon receipt of the report, shall apportion funds to eligible cities and counties.

(b) For each fiscal year, each city or county receiving an apportionment of funds shall, upon expending program funds, submit documentation to the commission that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement.

2036. (a) Cities and counties shall maintain their existing commitment of local funds for street, road, and highway purposes in order to remain eligible for an allocation or apportionment of funds pursuant to Section 2032.

(b) In order to receive an allocation or apportionment pursuant to Section 2032, the city or county shall annually expend from its

general fund for street, road, and highway purposes an amount not less than the annual average of its expenditures from its general fund during the 2009–10, 2010–11, and 2011–12 fiscal years, as reported to the Controller pursuant to Section 2151. For purposes of this subdivision, in calculating a city's or county's annual general fund expenditures and its average general fund expenditures for the 2009–10, 2010–11, and 2011–12 fiscal years, any unrestricted funds that the city or county may expend at its discretion, including vehicle in-lieu tax revenues and revenues from fines and forfeitures, expended for street, road, and highway purposes shall be considered expenditures from the general fund. One-time allocations that have been expended for street and highway purposes, but which may not be available on an ongoing basis, including revenue provided under the Teeter Plan Bond Law of 1994 (Chapter 6.6 (commencing with Section 54773) of Part 1 of Division 2 of Title 5 of the Government Code), may not be considered when calculating a city's or county's annual general fund expenditures.

(c) For any city incorporated after July 1, 2009, the Controller shall calculate an annual average expenditure for the period between July 1, 2009, and December 31, 2015, inclusive, that the city was incorporated.

(d) For purposes of subdivision (b), the Controller may request fiscal data from cities and counties in addition to data provided pursuant to Section 2151, for the 2009–10, 2010–11, and 2011–12 fiscal years. Each city and county shall furnish the data to the Controller not later than 120 days after receiving the request. The Controller may withhold payment to cities and counties that do not comply with the request for information or that provide incomplete data.

(e) The Controller may perform audits to ensure compliance with subdivision (b) when deemed necessary. Any city or county that has not complied with subdivision (b) shall reimburse the state for the funds it received during that fiscal year. Any funds withheld or returned as a result of a failure to comply with subdivision (b) shall be reapportioned to the other counties and cities whose expenditures are in compliance.

(f) If a city or county fails to comply with the requirements of subdivision (b) in a particular fiscal year, the city or county may expend during that fiscal year and the following fiscal year a total

amount that is not less than the total amount required to be expended for those fiscal years for purposes of complying with subdivision (b).

2037. A city or county may spend its apportionment of funds under the program on transportation priorities other than those allowable pursuant to this chapter if the city's or county's average Pavement Condition Index meets or exceeds 80.

2038. (a) The department and local agencies, as a condition of receiving funds from the program, shall adopt and implement a program designed to promote and advance construction employment and training opportunities through preapprenticeship opportunities, either by the public agency itself or through contractors engaged by the public agencies to do work funded in whole or in part by funds made available by the program.

(b) The department and local agencies, as a condition of receiving funds from the program, shall ensure the involvement of the California Conservation Corps and certified community conservation corps in the delivery of projects and services funded in whole or in part by funds made available by the program.

SEC. 25. Section 2103.1 is added to the Streets and Highways Code, to read:

2103.1. (a) Notwithstanding Section 2103, the revenues transferred to the Highway Users Tax Account pursuant to Sections 8352.4, 8352.5, and 8352.6 of the Revenue and Taxation Code shall be distributed pursuant to the formula in paragraph (3) of subdivision (a) of Section 2103.

(b) Notwithstanding subdivision (b) of Section 2103, the portion of revenues in the Highway Users Tax Account attributable to the increase in the motor vehicle fuel excise tax by seventeen cents ($0.17) per gallon pursuant to subdivision (a) of Section 7360 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, shall be transferred to the Road Maintenance and Rehabilitation Account pursuant to Section 2031.

(c) Notwithstanding subdivision (b) of Section 2103, the portion of revenues in the Highway Users Tax Account attributable to the increase in the diesel fuel excise tax by thirty cents ($0.30) per gallon pursuant to subdivision (b) of Section 60050 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, shall be transferred to the Trade Corridors Improvement Fund pursuant to Section 2192.4.

SEC. 26. Section 2192 of the Streets and Highways Code is amended to read:

2192. (a) (1) The Trade Corridors Improvement Fund, created pursuant to subdivision (c) of Section 8879.23 of the Government Code, is hereby continued in existence to receive revenues from state sources other than the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.

(2) Revenues apportioned to the state under Section 167 of Title 23 of the United States Code from the national highway freight program, pursuant to the federal Fixing America's Surface Transportation Act ("FAST Act," Public Law 114-94) shall be allocated for projects approved pursuant to this chapter.

(b) This chapter shall govern the expenditure of those state and federal revenues described in subdivision (a).

(c) The funding described in subdivision (a) shall be available upon appropriation for allocation by the California Transportation Commission for infrastructure improvements in this state on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have a high volume of freight movement, as determined by the commission. In determining the projects eligible for funding, the commission shall consult the Transportation Agency's state freight plan as described in Section 13978.8 of the Government Code and the trade infrastructure and goods movement plan submitted to the commission by the Secretary of Transportation and the Secretary for Environmental Protection. The commission shall also consult trade infrastructure and goods movement plans adopted by regional transportation planning agencies, adopted regional transportation plans required by state and federal law, and the applicable port master plan when determining eligible projects for funding. Eligible projects for these funds include, but are not limited to, all of the following:

(1) Highway capacity improvements, rail landside access improvements, landside freight access improvements to airports, and operational improvements to more efficiently accommodate the movement of freight, particularly for ingress and egress to and from the state's land ports of entry, rail terminals, and seaports, including navigable inland waterways used to transport freight between seaports, land ports of entry, and airports, and to relieve traffic congestion along major trade or goods movement corridors.

(2) Freight rail system improvements to enhance the ability to move goods from seaports, land ports of entry, and airports to warehousing and distribution centers throughout California, including projects that separate rail lines from highway or local road traffic, improve freight rail mobility through mountainous regions, relocate rail switching yards, and other projects that improve the efficiency and capacity of the rail freight system.

(3) Projects to enhance the capacity and efficiency of ports.

(4) Truck corridor and capital and operational improvements, including dedicated truck facilities or truck toll facilities.

(5) Border capital and operational improvements that enhance goods movement between California and Mexico and that maximize the state's ability to access funds made available to the state by federal law.

(6) Surface transportation and connector road improvements to effectively facilitate the movement of goods, particularly for ingress and egress to and from the state's land ports of entry, airports, and seaports, to relieve traffic congestion along major trade or goods movement corridors.

(d) (1) Except as provided in paragraph (2), the commission shall allocate the funding described in subdivision (a) for trade infrastructure improvements consistent with Section 8879.52 of the Government Code and the Trade Corridors Improvement Fund (TCIF) Guidelines adopted by the commission on November 27, 2007, or as amended by the commission, and in a manner that (A) addresses the state's most urgent needs, (B) balances the demands of various land ports of entry, seaports, and airports, (C) provides reasonable geographic balance between the state's regions, (D) places emphasis on projects that improve trade corridor mobility and safety while reducing emissions of diesel particulate and other pollutant emissions and reducing other negative community impacts, and (E) makes a significant contribution to the state's economy.

(2) The commission shall allocate the federal freight funding, specifically, pursuant to the original TCIF Guidelines, as adopted by the commission on November 27, 2007, and in the manner described in (A) to (E), inclusive, of paragraph (1).

(3) In addition, the commission shall also consider the following factors when allocating these funds:

(A) "Velocity," which means the speed by which large cargo would travel from the land port of entry or seaport through the distribution system.

(B) "Throughput," which means the volume of cargo that would move from the land port of entry or seaport through the distribution system.

(C) "Reliability," which means a reasonably consistent and predictable amount of time for cargo to travel from one point to another on any given day or at any given time in California.

(D) "Congestion reduction," which means the reduction in recurrent daily hours of delay to be achieved.

SEC. 27. Section 2192.1 of the Streets and Highways Code is amended to read:

2192.1. (a) To the extent moneys from the Greenhouse Gas Reduction Fund, attributable to the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions, are transferred to the Trade Corridors Improvement Fund, projects funded with those moneys shall be subject to all of the requirements of existing law applicable to the expenditure of moneys appropriated from the Greenhouse Gas Reduction Fund, including, but not limited to, all of the following:

(1) Projects shall further the regulatory purposes of the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), including reducing emissions from greenhouse gases in the state, directing public and private investment toward disadvantaged communities, increasing the diversity of energy sources, or creating opportunities for businesses, public agencies, nonprofits, and other community institutions to participate in and benefit from statewide efforts to reduce emissions of greenhouse gases.

(2) Projects shall be consistent with the guidance developed by the State Air Resources Board pursuant to Section 39715 of the Health and Safety Code.

(3) Projects shall be consistent with the required benefits to disadvantaged communities pursuant to Section 39713 of the Health and Safety Code.

(b) All allocations of funds made by the commission pursuant to this section shall be made in a manner consistent with the criteria expressed in Section 39712 of the Health and Safety Code and

with the investment plan developed by the Department of Finance pursuant to Section 39716 of the Health and Safety Code.

(c) For purposes of this section, "disadvantaged community" means a community with any of the following characteristics:

(1) An area with a median household income less than 80 percent of the statewide median household income based on the most current census tract-level data from the American Community Survey.

(2) An area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(3) An area where at least 75 percent of public school students are eligible to receive free or reduced-price meals under the National School Lunch Program.

SEC. 28. Section 2192.2 of the Streets and Highways Code is amended to read:

2192.2. The commission shall allocate funds made available by this chapter to projects that have identified and committed supplemental funding from appropriate local, federal, or private sources. The commission shall determine the appropriate amount of supplemental funding each project should have to be eligible for moneys based on a project-by-project review and an assessment of the project's benefit to the state and the program. Funded improvements shall have supplemental funding that is at least equal to the amount of the contribution under this chapter. The commission may give priority for funding to projects with higher levels of committed supplemental funding.

SEC. 29. Section 2192.4 is added to the Streets and Highways Code, to read:

2192.4. Notwithstanding subdivision (b) of Section 2103, the portion of the revenues in the Highway Users Tax Account attributable to the increase in the diesel fuel excise tax by thirty cents ($0.30) per gallon pursuant to subdivision (b) of Section 60050 of the Revenue and Taxation Code, as adjusted pursuant to subdivision (c) of that section, shall be deposited in the Trade Corridors Improvement Fund.

SEC. 30. Section 9250.3 is added to the Vehicle Code, to read:

9250.3. (a) In addition to any other fees specified in this code or the Revenue and Taxation Code, commencing 120 days after the effective date of the act adding this section, a registration fee

of thirty-eight dollars ($38) shall be paid to the department for registration or renewal of registration of every vehicle subject to registration under this code, except those vehicles that are expressly exempted under this code from payment of registration fees.

(b) Beginning July 1, 2019, and every third year thereafter, the Department of Motor Vehicles shall adjust the fee imposed under this section for inflation in an amount equal to the change in the California Consumer Price Index for the prior three-year period, as calculated by the Department of Finance, with amounts equal to or greater than fifty cents ($0.50) rounded to the next highest whole dollar.

(c) Revenues from the fee, after the deduction of the department's administrative costs related to this section, shall be deposited in the Road Maintenance and Rehabilitation Account created pursuant to Section 2031 of the Streets and Highways Code.

SEC. 31. Section 9250.6 is added to the Vehicle Code, to read:

9250.6. (a) In addition to any other fees specified in this code, or the Revenue and Taxation Code, commencing 120 days after the effective date of the act adding this section, a registration fee of one hundred and sixty-five dollars ($165) shall be paid to the department for registration or renewal of registration of every zero-emission motor vehicle subject to registration under this code, except those motor vehicles that are expressly exempted under this code from payment of registration fees.

(b) Beginning July 1, 2019, and every third year thereafter, the Department of Motor Vehicles shall adjust the fee imposed under this section for inflation in an amount equal to the change in the California Consumer Price Index for the prior three-year period, as calculated by the Department of Finance, with amounts equal to or greater than fifty cents ($0.50) rounded to the next highest whole dollar.

(c) Revenues from the fee, after deduction of the department's administrative costs related to this section, shall be deposited in the Road Maintenance and Rehabilitation Account created pursuant to Section 2031 of the Streets and Highways Code.

(d) This section does not apply to a commercial motor vehicle subject to Section 9400.1.

(e) The registration fee required pursuant to this section does not apply to the initial registration after the purchase of a new zero-emission motor vehicle.

(f) For purposes of this section, "zero-emission motor vehicle" means a motor vehicle as described in subdivisions (c) and (d) of Section 44258 of the Health and Safety Code, or any other motor vehicle that is able to operate on any fuel other than gasoline or diesel fuel.

SEC. 32. Section 9400.5 is added to the Vehicle Code, to read:

9400.5. (a) Notwithstanding Sections 9400.1, 9400.4, and 42205 of this code, Sections 16773 and 16965 of the Government Code, Section 2103 of the Streets and Highways Code, or any other law, weight fee revenues shall only be transferred consistent with the schedule provided in subdivision (b) from the State Highway Account to the Transportation Debt Service Fund, the Transportation Bond Direct Payment Account, or any other fund or account for the purpose of payment of the debt service on transportation general obligation bonds and shall not be loaned to the General Fund.

(b) (1) The transfer of weight fee revenues, after deduction of collection costs, from the State Highway Account pursuant to subdivision (a) shall not exceed:

(A) 80 percent of the total weight fees in the 2017–18 fiscal year.

(B) 60 percent of the total weight fees in the 2018–19 fiscal year.

(C) 40 percent of the total weight fees in the 2019–20 fiscal year.

(D) 20 percent of the total weight fees in the 2020–2021 fiscal year.

(2) No weight fees, after deduction of collection costs, shall be transferred from the State Highway Account after the 2020–21 fiscal year.

SEC. 33. 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 provide additional funding for road maintenance and rehabilitation purposes as quickly as possible, it is necessary for this act to take effect immediately.

O

Assembly Bill No. 2249

CHAPTER 413

An act to amend Sections 5080.05 and 5080.18 of, and to add Section 5080.22 to, the Public Resources Code, relating to state parks.

[Approved by Governor September 21, 2016. Filed with Secretary of State September 21, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2249, Cooley. State parks.

Existing law establishes the Department of Parks and Recreation and vests the department with the control of the state park system. Existing law authorizes the Director of Parks and Recreation to negotiate or renegotiate a concession contract within state parks if specified conditions exist and generally requires that a concession contract within state parks for a period of more than 2 years be awarded to the best responsible bidder.

This bill would enact the California Heritage Protection Act, which would make various changes to the process for negotiating or renegotiating state parks concession contracts. The bill would modify the definition of a best responsible bidder to include that the bidder, among other things, will operate the concession in a manner that protects the state's trademark and service mark interest in the names associated with a state park venue and its historical, cultural, and recreational resources.

This bill would prohibit a concession contract from providing a contracting party with a trademark or service mark interest in the name or names associated with a state park venue, or its historical, cultural, or recreational resources, and would prohibit a concession contract from serving as the basis for any legal claim that the contracting party has that interest. The bill would declare that these provisions do not constitute a change in, but are declaratory of, existing law. The bill would prohibit a bidder who makes that legal claim or assertion, and a bidder who a court has determined has made that legal claim or assertion with respect to a state or federal park venue without reasonable cause and in bad faith, from being awarded a concession contract within state parks. The bill would require the department to adopt regulations to provide a bidder who is denied a contract award based on these reasons with written notice and an opportunity to rebut the basis of the contract denial at a formal hearing. The bill would render a provision of a concession contract that, on and after January 1, 2017, provides a contracting party with a trademark or service mark interest in the name or names associated with a state park venue, or its historical, cultural, or recreational resources, void and unenforceable.

This bill would require a concession contract to contain provisions requiring the concessionaire to forfeit the right to bid on future state park

concession contracts if the concessionaire makes the above-described legal claim or assertion and requiring a concessionaire to be responsible for the state's attorney fees, costs, and expenses if the concessionaire in bad faith files a federal or state trademark or service mark application for a trademark or service mark that incorporates or implies association with a state park venue, or its historical, cultural, or recreational resources, and the state files a successful opposition or cancellation of the trademark or service mark application.

This bill would incorporate additional changes to Section 5080.18 of the Public Resources Code proposed by SB 1473 to be operative only if SB 1473 and this bill are chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

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

SECTION 1. This act shall be known, and may be cited, as the California Heritage Protection Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) National, state, and regional parks serve the public interest, benefit California, and very often reflect historic significance that earlier generations of Californians have attached to these sites.

(b) Yosemite National Park, located in California, is one of the most important and majestic parks in the United States and is filled with historic landmarks built several decades ago. The historic nature of these landmarks as California heirloom destinations is demonstrated by topographic maps of the Yosemite Valley, dating back to the 1950s, which include these venues.

(c) The Ahwahnee Hotel was built in the 1920s with a backdrop of Half Dome. It was placed on the National Register of Historic Places in 1977.

(d) Curry Village, in the Yosemite Valley, is named after a San Francisco Bay area couple who established a summer camp there in 1899. It was placed on the National Register of Historic Places in 1979.

(e) The Wawona Hotel is a complex of seven buildings in the southwest corner of Yosemite National Park. The first building, then named "Long White," was originally constructed in 1876. The main hotel building originally opened in 1879. It was placed on the National Register of Historic Places in 1975.

(f) California state park venues are held in public trust for the people of California. A legal claim by an individual to have a trademark right to a name or names associated with a venue within a state park derogates the interests of California and the shared history of Californians, and it is indicative of a lack of the individual's fitness to serve as a steward of the state's cherished cultural heritage and places.

(g) An agreement entered into by any California state agency that compromises the interests of Californians is "ultra vires" and therefore beyond that agency's legal authority to enter.

(h) It is important that the Legislature clarify that an awarded concession contract within California's state parks does not give the concessionaire a trademark right to the name or names associated with a state park venue or its historical, cultural, or recreational resources. Furthermore, a concessionaire who makes a legal claim to have that trademark right should be disqualified from further consideration as a bidder.

SEC. 3. Section 5080.05 of the Public Resources Code is amended to read:

5080.05. (a) Except as provided in Section 5080.16, all contracts authorizing occupancy of any portion of the state park system for a period of more than two years shall be awarded to the best responsible bidder.

(b) "Best responsible bidder" means the bidder, as determined by specific standards established by the department, that, as determined by the department, will operate the concession (1) consistent with the contract, (2) in a manner fully compatible with, and complementary to, the characteristics, features, and theme of the unit in which the concession will be operated, (3) in the best interests of the state and public, and (4) in a manner that protects the state's trademark and service mark rights in the names associated with a state park venue and its historical, cultural, and recreational resources. For purposes of this section, a bidder who would be subject to subdivision (b) of Section 5080.22 is not a best responsible bidder.

SEC. 4. Section 5080.18 of the Public Resources Code is amended to read:

5080.18. A concession contract entered into pursuant to this article shall contain, but is not limited to, all of the following provisions:

(a) (1) The maximum term shall be 10 years, except that a term of more than 10 years may be provided if the director determines that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire, to facilitate the full utilization of a structure that is scheduled by the department for replacement or redevelopment, or to serve the best interests of the state. The term shall not exceed 20 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(2) The maximum term shall be 50 years if the concession contract is for the construction, development, and operation of multiple-unit lodging facilities equipped with full amenities, including plumbing and electrical, that is anticipated to exceed an initial cost of one million five hundred thousand dollars ($1,500,000) in capital improvements in order to begin operation. The term for a concession contract described in this paragraph shall not exceed 50 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(3) Notwithstanding paragraph (1), a concession agreement at Will Rogers State Beach executed prior to December 31, 1997, including, but not limited to, an agreement signed pursuant to Section 25907 of the Government Code, may be extended to exceed 20 years in total length without specific

authorization by statute, upon approval by the director and pursuant to a determination by the director that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire that are anticipated to exceed one million five hundred thousand dollars ($1,500,000) in capital improvements. Any extensions granted pursuant to this paragraph shall not be for more than 15 years.

(b) Every concessionaire shall submit to the department all sales and use tax returns and, at the request of the department, provide an annual financial statement prepared or audited by a certified public accountant.

(c) Every concession shall be subject to audit by the department.

(d) A performance bond shall be obtained and maintained by the concessionaire. In lieu of a bond, the concessionaire may substitute a deposit of funds acceptable to the department. Interest on the deposit shall accrue to the concessionaire.

(e) The concessionaire shall obtain and maintain in force at all times a policy of liability insurance in an amount adequate for the nature and extent of public usage of the concession and naming the state as an additional insured.

(f) Any discrimination by the concessionaire or his or her agents or employees against any person because of the marital status or ancestry of that person or any characteristic listed or defined in Section 11135 of the Government Code is prohibited.

(g) To be effective, any modification of the concession contract shall be evidenced in writing.

(h) Whenever a concession contract is terminated for substantial breach, there shall be no obligation on the part of the state to purchase any improvements made by the concessionaire.

(i) If a concessionaire makes a legal claim or assertion to have a trademark or service mark interest in violation of subdivision (a) of Section 5080.22, the concessionaire shall forfeit the right to bid on future state park concession contracts to the extent authorized by federal law.

(j) If a current or former concessionaire in bad faith files a federal or state trademark or service mark application for a trademark or service mark that incorporates or implies an association with a state park venue, or its historical, cultural, or recreational resources, and the state files a successful opposition or cancellation with respect to that trademark or service mark application, the concessionaire shall be responsible for the state's attorney fees, costs, and expenses associated with that opposition or cancellation.

SEC. 4.5. Section 5080.18 of the Public Resources Code is amended to read:

5080.18. A concession contract entered into pursuant to this article shall contain, but is not limited to, all of the following provisions:

(a) (1) The maximum term shall be 10 years, except that a term of more than 10 years may be provided if the director determines that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire, to facilitate the full utilization of a structure that is scheduled by the department for replacement or redevelopment, or

to serve the best interests of the state. The term shall not exceed 20 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(2) The maximum term shall be 50 years if the concession contract is for the construction, development, and operation of multiple-unit lodging facilities equipped with full amenities, including plumbing and electrical, that is anticipated to exceed an initial cost of one million five hundred thousand dollars ($1,500,000) in capital improvements in order to begin operation. The term for a concession contract described in this paragraph shall not exceed 50 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(3) Notwithstanding paragraph (1), a concession agreement at Will Rogers State Beach may be may be awarded for up to 50 years in length without specific authorization by statute, upon approval by the director and pursuant to a determination by the director that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire that are anticipated to exceed one million five hundred thousand dollars ($1,500,000) in capital improvements.

(b) Every concessionaire shall submit to the department all sales and use tax returns and, at the request of the department, provide an annual financial statement prepared or audited by a certified public accountant.

(c) Every concession shall be subject to audit by the department.

(d) A performance bond shall be obtained and maintained by the concessionaire. In lieu of a bond, the concessionaire may substitute a deposit of funds acceptable to the department. Interest on the deposit shall accrue to the concessionaire.

(e) The concessionaire shall obtain and maintain in force at all times a policy of liability insurance in an amount adequate for the nature and extent of public usage of the concession and naming the state as an additional insured.

(f) Any discrimination by the concessionaire or his or her agents or employees against any person because of the marital status or ancestry of that person or any characteristic listed or defined in Section 11135 of the Government Code is prohibited.

(g) To be effective, any modification of the concession contract shall be evidenced in writing.

(h) Whenever a concession contract is terminated for substantial breach, there shall be no obligation on the part of the state to purchase any improvements made by the concessionaire.

(i) If a concessionaire makes a legal claim or assertion to have a trademark or service mark interest in violation of subdivision (a) of Section 5080.22, the concessionaire shall forfeit the right to bid on future state park concession contracts to the extent authorized by federal law.

(j) If a current or former concessionaire in bad faith files a federal or state trademark or service mark application for a trademark or service mark

that incorporates or implies an association with a state park venue, or its historical, cultural, or recreational resources, and the state files a successful opposition or cancellation with respect to that trademark or service mark application, the concessionaire shall be responsible for the state's attorney fees, costs, and expenses associated with that opposition or cancellation.

SEC. 5. Section 5080.22 is added to the Public Resources Code, to read:

5080.22. (a) (1) A concession contract awarded pursuant to Section 5080.05, 5080.16, or 5080.23 shall not provide the contracting party with a trademark or service mark interest in the name or names associated with a state park venue, or its historical, cultural, or recreational resources, and shall not serve as the basis for any legal claim that the contracting party has that interest.

(2) This subdivision does not constitute a change in, but is declaratory of, existing law.

(b) To the extent consistent with federal law, a bidder shall not be awarded a contract pursuant to Section 5080.05, 5080.16, or 5080.23 if either of the following applies:

(1) The bidder has made a legal claim or assertion to have a trademark or service mark interest in violation of subdivision (a).

(2) A court has determined that the bidder has made a legal claim or assertion to have a trademark or service mark interest in the name or names associated with a state or federal park venue, or its historical, cultural, or recreational resources, without reasonable cause and in bad faith.

(c) The department shall adopt regulations to provide a bidder who is denied a contract award based on subdivision (b) with written notice of that denial and an opportunity to rebut the basis for the contract denial at a formal hearing.

(d) Commencing January 1, 2017, a provision of a contract or other agreement entered into pursuant to Section 5080.05, 5080.16, or 5080.23 that violates subdivision (a) shall be void and unenforceable.

(e) This section shall not be construed to impact a contracting party's valid trademark or service mark rights that were held before the concession contract was awarded.

SEC. 6. Section 4.5 of this bill incorporates amendments to Section 5080.18 of the Public Resources Code proposed by both this bill and Senate Bill 1473. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 5080.18 of the Public Resources Code, and (3) this bill is enacted after Senate Bill 1473, in which case Section 4 of this bill shall not become operative.

O

"SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this title.

"TITLE XVIII—OFF-HIGHWAY VEHICLE RECREATION AREAS

"SEC. 1801. DESIGNATION OF OFF-HIGHWAY VEHICLE RECREATION AREAS.

''(a) DESIGNATION.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and resource management plans developed under this title and subject to valid rights, the following land within the Conservation Area in San Bernardino County, California, is designated as Off-Highway Vehicle Recreation Areas:

''(1) DUMONT DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 7,630 acres, as generally depicted on the map entitled 'Dumont Dunes Proposed National OHV Recreation Area' and dated January 5, 2015, which shall be known as the 'Dumont Dunes Off-Highway Vehicle Recreation Area'.

''(2) EL MIRAGE OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 14,930 acres, as generally depicted on

the map entitled 'El Mirage Proposed National OHV Recreation Area' and dated July 15, 2009, which shall be known as the 'El Mirage Off-Highway Vehicle Recreation Area'.

"(3) RASOR OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 23,910 acres, as generally depicted on the map entitled 'Rasor Proposed National OHV Recreation Area' and dated July 15, 2009, which shall be known as the 'Rasor Off-Highway Vehicle Recreation Area'.

"(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 56,140 acres, as generally depicted on the map entitled 'Spangler Hills Proposed National OHV Recreation Area' and dated July 16, 2009, which shall be known as the 'Spangler Off-Highway Vehicle Recreation Area'.

"(5) STODDARD VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain Bureau of Land Management land in the Conservation Area, comprising approximately 40,110 acres, as generally depicted on the map entitled 'Stoddard Valley Pro-

posed National OHV Recreation Area' and dated July 16, 2009, which shall be known as the 'Stoddard Valley Off-Highway Vehicle Recreation Area'.

"(b) PURPOSE.—The purpose of the off-highway vehicle recreation areas designated under subsection (a) is to preserve and enhance the recreational opportunities within the Conservation Area (including opportunities for off-highway vehicle recreation), while conserving the wildlife and other natural resource values of the Conservation Area.

"(c) MAPS AND DESCRIPTIONS.—

"(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of enactment of this title, the Secretary shall file a map and legal description of each off-highway vehicle recreation area designated by subsection (a) with—

"(A) the Committee on Natural Resources of the House of Representatives; and

"(B) the Committee on Energy and Natural Resources of the Senate.

"(2) LEGAL EFFECT.—The map and legal descriptions of the off-highway vehicle recreation areas filed under paragraph (1) shall have the same force and effect as if included in this title, except that the

Secretary may correct errors in the map and legal descriptions.

"(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Bureau of Land Management.

"(d) USE OF THE LAND.—

"(1) RECREATIONAL ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall continue to authorize, maintain, and enhance the recreational uses of the off-highway vehicle recreation areas designated by subsection (a), including off-highway recreation, hiking, camping, hunting, mountain biking, sightseeing, rockhounding, and horseback riding, as long as the recreational use is consistent with this section and any other applicable law.

"(B) OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY RECREATION.—To the extent consistent with applicable Federal law (including regulations) and this section, any authorized recreation activities and use designations in effect on the date of enactment of this title and applicable to the off-highway vehicle recreation

areas designated by subsection (a) shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

"(2) WILDLIFE GUZZLERS.—Wildlife guzzlers shall be allowed in the off-highway vehicle recreation areas designated by subsection (a) in accordance with—

"(A) applicable Bureau of Land Management guidelines; and

"(B) State law.

"(3) PROHIBITED USES.—Commercial development (including development of mining and energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the off-highway vehicle recreation areas designated by subsection (a) if the Secretary determines that the development is incompatible with the purpose described in subsection (b).

"(e) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary shall administer the off-highway vehicle recreation areas designated by subsection (a) in accordance with—

"(A) this title;

"(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

"(C) any other applicable laws (including regulations).

"(2) MANAGEMENT PLAN.—

"(A) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this title, the Secretary shall—

"(i) amend existing resource management plans applicable to the land designated as off-highway vehicle recreation areas under subsection (a); or

"(ii) develop new management plans for each off-highway vehicle recreation area designated under that subsection.

"(B) REQUIREMENTS.—All new or amended plans under subparagraph (A) shall be designed to preserve and enhance safe off-highway vehicle and other recreational opportunities within the applicable recreation area consistent with—

"(i) the purpose described in subsection (b); and

"(ii) any applicable laws (including regulations).

"(C) INTERIM PLANS.—Pending completion of a new management plan under subparagraph (A), the existing resource management plans shall govern the use of the applicable off-highway vehicle recreation area.

"(f) STUDY.—

"(1) IN GENERAL.—As soon as practicable, but not later than 2 years, after the date of enactment of this title, the Secretary shall complete a study to identify Bureau of Land Management land within the Conservation Area that is suitable for addition to—

"(A) the national off-highway vehicle recreation areas designated by subsection (a); or

"(B) the Johnson Valley Off-Highway Vehicle Recreation Area designated by section 2945 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1038).

"(2) STUDY AREAS.—The study required under paragraph (1) shall include—

"(A) certain Bureau of Land Management land in the Conservation Area, comprising ap-

proximately 41,000 acres, as generally depicted on the map entitled 'Spangler Hills Proposed Expansion Study Area' and dated January 23, 2015; and

"(B) certain Bureau of Land Management land in the Conservation Area, comprising approximately 680 acres, as generally depicted on the map entitled 'El Mirage Proposed Expansion Study Area' and dated January 21, 2015.

"(3) REQUIREMENTS.—In preparing the study under paragraph (1), the Secretary shall—

"(A) seek input from stakeholders, including—

"(i) the State, including—

"(I) the California Public Utilities Commission; and

"(II) the California Energy Commission;

"(ii) San Bernardino County, California;

"(iii) the public;

"(iv) recreational user groups;

"(v) conservation organizations;

"(vi) the Southern California Edison Company; and

"(vii) the Pacific Gas and Electric Company;

"(B) explore the feasibility of expanding the southern boundary of the off-highway vehicle recreation area described in subsection (a)(3) to include previously disturbed land;

"(C) identify and exclude from consideration any land that—

"(i) is managed for conservation purposes;

"(ii) may be suitable for renewable energy development; or

"(iii) may be necessary for energy transmission; and

"(D) not recommend or approve expansion of national off-highway recreation areas within the Conservation Area that collectively would exceed the total acres administratively designated for off-highway recreation within the Conservation Area as of the day before the date of enactment of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 672).

"(4) APPLICABLE LAW.—The Secretary shall consider the information and recommendations of

the study completed under paragraph (1) to determine the impacts of expanding off-highway vehicle recreation areas designated by subsection (a) on the Conservation Area, in accordance with—

"(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

"(C) any other applicable law.

"(5) SUBMISSION TO CONGRESS.—On completion of the study under paragraph (1), the Secretary shall submit the study to—

"(A) the Committee on Natural Resources of the House of Representatives; and

"(B) the Committee on Energy and Natural Resources of the Senate.

"(6) AUTHORIZATION FOR EXPANSION.—

"(A) IN GENERAL.—On completion of the study under paragraph (1) and in accordance with all applicable laws (including regulations), the Secretary shall authorize the expansion of the off-highway vehicle recreation areas recommended under the study.

"(B) MANAGEMENT.—Any land within the expanded areas under subparagraph (A) shall be managed in accordance with this section.

"(g) SOUTHERN CALIFORNIA EDISON COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.—

"(1) EFFECT OF TITLE.—Nothing in this title—

"(A) terminates any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way issued, granted, or permitted to Southern California Edison Company (including any predecessor or successor in interest or assign) that is located on land included in—

"(i) the El Mirage Off-Highway Vehicle Recreation Area;

"(ii) the Spangler Hills National Off-Highway Vehicle Recreation Area; or

"(iii) the Stoddard Valley National Off Highway Vehicle Recreation Area;

"(B) affects the application, siting, route selection, right-of-way acquisition, or construction of the Coolwater-Lugo transmission project, as may be approved by the California Public Utilities Commission and the Bureau of Land Management; or

"(C) prohibits the upgrading or replacement of any Southern California Edison Company—

"(i) utility facility, including such a utility facility known on the date of enactment of this title as—

"(I) 'Gale-PS 512 transmission lines or rights-of-way'; or

"(II) 'Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way'; or

"(ii) energy transport facility in a right-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in clause (i).

"(2) PLANS FOR ACCESS.—The Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison

Company to the rights-of-way of the Company by the date that is 1 year after the later of—

"(A) the date of enactment of this title; and

"(B) the date of issuance of a new energy transport facility right-of-way within—

"(i) the El Mirage Off-Highway Vehicle Recreation Area;

"(ii) the Spangler Hills National Off-Highway Vehicle Recreation Area; or

"(iii) the Stoddard Valley National Off Highway Vehicle Recreation Area.

"(h) PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.—

"(1) EFFECT OF TITLE.—Nothing in this title—

"(A) terminates any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized activity (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way issued, granted, or permitted to Pacific Gas and Electric Company (including any predecessor or successor in interest or as-

sign) that is located on land included in the Spangler Hills National Off-Highway Vehicle Recreation Area; or

"(B) prohibits the upgrading or replacement of any—

"(i) utility facilities of the Pacific Gas and Electric Company, including those utility facilities known on the date of enactment of this title as—

"(I) 'Gas Transmission Line 311 or rights-of-way'; or

"(II) 'Gas Transmission Line 372 or rights-of-way'; or

"(ii) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in clause (i).

"(2) PLANS FOR ACCESS.—Not later than 1 year after the date of enactment of this title or the issuance of a new utility facility right-of-way within the Spangler Hills National Off-Highway Vehicle Recreation Area, whichever is later, the Secretary, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency

access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

"TITLE XIX—ALABAMA HILLS NATIONAL SCENIC AREA

"SEC. 1901. DEFINITIONS.

''In this title:

''(1) ENERGY TRANSPORT FACILITY.—

''(A) IN GENERAL.—The term 'energy transport facility' means any facility used for the operation and maintenance, transmission, distribution, or transportation of electricity or natural gas.

''(B) INCLUSIONS.—The term 'energy transport facility' includes—

''(i) an electric or gas transmission or distribution facility;

''(ii) a telecommunications facility; and

''(iii) any appurtenant equipment owned or used by a public or municipal utility company or water district.

''(2) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the National Scenic Area developed under section 1903(a).

114TH CONGRESS
1ST SESSION

S. 1040

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. HELLER (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ROV In-Depth Examination Act of 2015''.

SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STANDARDS STUDY.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) RECREATIONAL OFF-HIGHWAY VEHICLE AND ROV.—

(A) IN GENERAL.—The term ''recreational off-highway vehicle'' or ''ROV'' means a motorized off-highway vehicle designed to travel on four or more tires, intended by the manufacturer for recreational use by one or more persons and having the following characteristics:

(i) A steering wheel for steering control.

(ii) Foot controls for throttle and service brake.

(iii) Non-straddle seating.

(iv) Maximum speed capability greater than 30 miles per hour.

(v) Gross vehicle weight rating no greater than 3,750 pounds.

(vi) Less than 80 inches in overall width, exclusive of accessories.

(vii) Engine displacement equal to or less than 61 cubic inches for gasoline fueled engines.

(viii) Identification by means of a 17-character personal or vehicle information number.

(B) EXCLUSION.—Such term does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

(b) NO MANDATORY STANDARDS REGARDING PERFORMANCE OR CONFIGURATION OF ROVS.—

(1) IN GENERAL.—The Consumer Product Safety Commission shall have no authority to establish any standards concerning the performance or configuration of recreational off-highway vehicles until after the completion of the study required by subsection (c). This prohibition includes a prohibition on the exercise of any authority pursuant to section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076(e)) to require ROV manufacturers to provide performance and technical data to pro-

spective purchasers and to the first purchaser of an ROV for purposes other than resale.

(2) VOLUNTARY STANDARDS.—Nothing in this section shall be construed as suggesting that ROVs shall not be manufactured in compliance with applicable voluntary standards.

(c) STUDY ON PROPOSED LATERAL STABILITY AND VEHICLE HANDLING REQUIREMENTS.—

(1) AGREEMENT.—

(A) IN GENERAL.—The Commission shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this subsection.

(B) TIMING.—The Commission shall seek to enter into the agreement described in subparagraph (A) not later than the latest date by which the Commission considers reasonable for the National Academy of Sciences to begin performing the services covered by this subsection and complete them before the date described in paragraph (2)(D).

(2) STUDY.—

(A) IN GENERAL.—Under an agreement between the Commission and the National Academy of Sciences under this subsection, the

National Academy of Sciences shall conduct a study on matters concerning the lateral stability and vehicle handling requirements proposed by the Commission in a notice of proposed rulemaking published in the Federal Register November 19, 2014 (79 Fed. Reg. 68964).

(B) ELEMENTS.—The study carried under subparagraph (A) shall determine—

(i) the technical validity of the lateral stability and vehicle handling requirements described in subparagraph (A), for purposes of reducing the risk of ROV rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(ii) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(iii) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a vehicle's rollover resistance on a progressive scale; and

(iv) the effect on the utility of ROVs used by the Armed Forces if the proposed requirements were adopted.

(C) CONSULTATION.—In carrying out the study pursuant to subparagraph (A), the National Academy of Sciences shall consult with the Administrator of the National Highway Traffic Safety Administration and the Secretary of Defense.

(D) DEADLINE AND REPORT.—In carrying out the study pursuant to subparagraph (A), the National Academy of Sciences shall complete and transmit to the Commission a report containing the findings of the study not later than 2 years after the date of the enactment of this Act.

(3) REPORT TO CONGRESS.—Not later than 5 days after receiving the report described in paragraph (2)(D) from the National Academy of Sciences, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives such report, along with such comments as the Commission may have concerning the report.

(4) CONSIDERATION.—The Commission shall consider the results of the study conducted under this subsection in any subsequent rulemaking regarding the performance or configuration of ROVs, or the provision of point-of-sale information regarding ROV performance.

(5) ALTERNATE CONTRACT ORGANIZATION.—

(A) IN GENERAL.—If the Commission is unable within the period prescribed in paragraph (1)(B) to enter into an agreement described in paragraph (1)(A) with the National Academy of Sciences on terms acceptable to the Commission, the Commission shall seek to enter into such an agreement with another appropriate organization that—

(i) is not part of the Government;

(ii) operates as a not-for-profit entity; and

(iii) has expertise and objectivity comparable to that of the National Academy of Sciences.

(B) TREATMENT.—If the Commission enters into an agreement with another organization as described in subparagraph (A), any reference in this section to the National Academy

of Sciences shall be treated as a reference to the other organization.

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114TH CONGRESS
1ST SESSION

H. R. 792

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Acre In, Acre Out Act''.

SEC. 2. NO NET INCREASE IN CERTAIN FEDERAL LANDS.

(a) IN GENERAL.—For acquisition of land by the Secretary of the Interior or the Secretary of Agriculture that would result in a net increase of total land acreage under the jurisdiction of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, or the Forest Service, the Secretary concerned shall offer for sale an equal number of acres of Federal land that is under the same jurisdictional status.

(b) EXEMPTIONS.—Subsection (a) shall not apply to easements acquired—

(1) by the Secretary of the Interior to facilitate management of Federal lands; or

(2) by the Secretary of Agriculture to facilitate management of Federal lands.

(c) CONSIDERATION.—

(1) IN GENERAL.—Land sold pursuant to subsection (a) shall be offered for sale—

(A) at fair market value (based on local comparable sales); and

(B) at a price that is reduced by 10 percent each month if the land is not sold or under contract to be sold by the date that is 6 months after the land was first offered for sale.

(2) EXCEPTION.—Time periods during which land is under contract for sale or withdrawn from the market shall not be counted for the purposes of price reduction under paragraph (1)(B).

(d) EXISTING RIGHTS.—The sale of Federal lands pursuant to this section shall be subject to valid existing rights.

(e) PROCEEDS OF SALE OF LANDS.—All net proceeds from the sale of Federal lands pursuant to this section shall be deposited directly into the Treasury for reduction of the public debt.

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114TH CONGRESS
1ST SESSION

H. R. 999

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2015

Mr. POMPEO (for himself, Mr. PETERSON, Mr. PAULSEN, Mr. HARPER, Mr. DUFFY, Mr. STEWART, Mr. KING of Iowa, Mr. SIMPSON, Mr. BENISHEK, Mr. KLINE, Mr. ZINKE, Mr. OLSON, Mrs. NOEM, Mr. AMODEI, and Mr. STIVERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''ROV In-Depth Examination Act''.

SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STANDARDS STUDY.

(a) NO MANDATORY STANDARDS REGARDING PERFORMANCE OR CONFIGURATION OF ROVS.—

(1) IN GENERAL.—The Consumer Product Safety Commission shall have no authority to establish any standards concerning the performance or configuration of recreational off-highway vehicles until after the completion of the study required by subsection (b). This prohibition includes a prohibition on the exercise of any authority pursuant to section 27(e) of the Consumer Product Safety Act (15 U.S.C. 2076(e)) to require ROV manufacturers to provide performance and technical data to prospective purchasers and to the first purchaser of an ROV for purposes other than resale.

(2) VOLUNTARY STANDARDS.—Nothing in this section shall be construed as suggesting that ROVs shall not be manufactured in compliance with applicable voluntary standards.

(b) STUDY.—

(1) IN GENERAL.—The Commission shall contract with the National Academy of Sciences to determine—

(A) the technical validity of the lateral stability and vehicle handling requirements pro-

posed by the Commission in a notice of proposed rulemaking published in the Federal Register November 19, 2014 (79 Fed. Reg. 68964), for purposes of reducing the risk of ROV rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

(B) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;

(C) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a vehicle's rollover resistance on a progressive scale; and

(D) the effect on the utility of ROVs used by the Armed Forces if the proposed requirements were adopted.

(2) CONSULTATION AND DEADLINE FOR REPORT.—The National Academy of Sciences shall consult with the National Highway Traffic Safety Administration and the Department of Defense in carrying out the study required by this subsection. The National Academy of Sciences shall complete and transmit to the Commission a report containing

the findings of the study not later than two years after the date of enactment of this Act.

(3) REPORT TO CONGRESS.—Within five days of receiving the report described in paragraph (2) from the National Academy of Sciences, the Commission shall transmit the report, along with any comments of the Commission, to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Commerce, Science and Transportation of the Senate.

(4) CONSIDERATION.—The Commission shall consider the results of the study in any subsequent rulemaking regarding the performance or configuration of ROVs, or the provision of point-of-sale information regarding ROV performance.

(c) DEFINITIONS.—As used in this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) RECREATIONAL OFF-HIGHWAY VEHICLE.—The term ''recreational off-highway vehicle'' or ''ROV'' means a motorized off-highway vehicle designed to travel on four or more tires, intended by the manufacturer for recreational use by one or more persons and having the following characteristics:

(A) A steering wheel for steering control.

(B) Foot controls for throttle and service brake.

(C) Non-straddle seating.

(D) Maximum speed capability greater than 30 miles per hour.

(E) Gross vehicle weight rating no greater than 3,750 pounds.

(F) Less than 80 inches in overall width, exclusive of accessories.

(G) Engine displacement equal to or less than 61 cubic inches for gasoline fueled engines.

(H) Identification by means of a 17-character personal or vehicle information number.

(3) EXCLUSION.—Such term does not include a prototype of a motorized, off-highway, all-terrain vehicle or other motorized, off-highway, all-terrain vehicle that is intended exclusively for research and development purposes unless the vehicle is offered for sale.

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114th CONGRESS
2d Session

H. R. 1838

IN THE SENATE OF THE UNITED STATES

July 6, 2016
Received; read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, California, to designate the Joaquin Rocks Wilderness in such counties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clear Creek National Recreation Area and Conservation Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MANAGEMENT PLAN.—The term ''management plan'' means the Plan for the Recreation Area prepared under section 4(c).

(2) RECREATION AREA.—The term ''Recreation Area'' means the Clear Creek National Recreation Area.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of California.

(5) OFF HIGHWAY VEHICLE.—The term ''off highway vehicle'' means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, or other natural terrain and not intended for use on public roads.

SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL RECREATION AREA.

(a) IN GENERAL.—To promote environmentally responsible off highway vehicle recreation, the area generally depicted as ''Proposed Clear Creek National Recreation Area'' on the map titled ''Proposed Clear Creek National

Recreation Area'' and dated December 15, 2015, is established as the ''Clear Creek National Recreation Area'', to be managed by the Secretary.

(b) OTHER PURPOSES.—The Recreation Area shall also support other public recreational uses, such as hunting, hiking, and rock and gem collecting.

(c) MAP ON FILE.—Copies of the map referred to in subsection (a) shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management; and

(2) the appropriate office of the Bureau of Land Management in California.

SEC. 4. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage the Recreation Area to further the purposes described in section 3(a), in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) any other applicable law.

(b) USES.—The Secretary shall—

(1) prioritize environmentally responsible off highway vehicle recreation and also facilitate hunting, hiking, gem collecting, and the use of motorized

vehicles, mountain bikes, and horses in accordance with the management plan described in subsection (c);

(2) issue special recreation permits for motorized and non-motorized events; and

(3) reopen the Clear Creek Management Area to the uses described in this subsection as soon as practicable following the enactment of this Act and in accordance with the management guidelines outlined in this Act and other applicable law.

(c) INTERIM MANAGEMENT PLAN.—The Secretary shall use the 2006 Clear Creek Management Area Resource Management Plan Amendment and Route Designation Record of Decision as modified by this Act or the Secretary to incorporate natural resource protection information not available in 2006, as the basis of an interim management plan to govern off highway vehicle recreation within the Recreation Area pending the completion of the long-term management plan required in subsection (d).

(d) PERMANENT MANAGEMENT PLAN.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall create a comprehensive management plan for the Clear Creek Recreation Area that—

(1) shall describe the appropriate uses and management of the Recreation Area in accordance with this Act;

(2) shall be prepared in consultation with—

(A) appropriate Federal, State, and local agencies (including San Benito, Monterey, and Fresno Counties);

(B) adjacent land owners;

(C) other stakeholders (including conservation and recreational organizations); and

(D) holders of any easements, rights-of-way, and other valid rights in the Recreation Area;

(3) shall include a hazards education program to inform people entering the Recreation Area of the asbestos related risks associated with various activities within the Recreation Area, including off-highway vehicle recreation;

(4) shall include a user fee program for motorized vehicle use within the Recreational Area and guidelines for the use of the funds collected for the management and improvement of the Recreation Area;

(5) shall designate as many previously used trails, roads, and other areas for off highway vehicle

recreation as feasible in accordance with this in order to provide a substantially similar recreational experience, except that nothing in this paragraph shall be construed as precluding the Secretary from closing any area, trail, or route from use for the purposes of public safety or resource protection;

(6) may incorporate any appropriate decisions, as determined by the Secretary, in accordance with this Act, that are contained in any management or activity plan for the area completed before the date of the enactment of this Act;

(7) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Recreation Area before the date of the enactment of this Act, in accordance with this Act;

(8) may use information developed under any studies of land within or adjacent to the Recreation Area carried out before the date of enactment of this Act; and

(9) may include cooperative agreements with State or local government agencies to manage all or a portion of the recreational activities within the Recreation Area in accordance with an approved management plan and the requirements of this Act.

(e) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary may acquire land adjacent to the National Recreation Area by purchase from willing sellers, donation, or exchange.

(2) MANAGEMENT.—Any land acquired under paragraph (1) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this Act; and

(C) any other applicable law (including regulations).

(3) IMPROVED ACCESS.—The Secretary may acquire by purchase from willing sellers, donation, exchange, or easement, land, or interest in land to improve public safety in providing access to the Recreation Area.

(f) PRIVATE PROPERTY.—

(1) ACCESS TO PRIVATE PROPERTY.—

(A) IN GENERAL.—The Secretary shall provide landowners adequate access to inholdings within the Recreation Area.

(B) INHOLDINGS.—For access purposes, private land adjacent to the Recreation Area to which there is no other practicable access ex-

cept through the Recreation Area shall be managed as an inholding.

(2) USE OF PRIVATE PROPERTY.—Nothing in this Act affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

(3) BUFFER ZONES.—Nothing in this Act creates a protective perimeter or buffer zone around the Recreation Area.

(4) VALID RIGHTS.—Nothing in this Act affects any easements, rights-of-way, and other valid rights in existence on the date of the enactment of this Act.

(g) WATER RIGHT EXCLUSION.—Nothing in this Act—

(1) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the Recreation Area; or

(2) shall affect any water rights existing on the date of the enactment of this Act.

(h) HUNTING AND FISHING.—Nothing in this Act—

(1) limits hunting or fishing; or

(2) affects the authority, jurisdiction, or responsibility of the State to manage, control, or regulate

fish and resident wildlife under State law (including regulations), including the regulation of hunting or fishing on public land managed by the Bureau of Land Management.

(i) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes or to respond to an emergency, the use of motorized vehicles on public land in the Recreation Area shall be permitted only on roads, trails, and areas designated by the management plan for the use by motorized vehicles.

(j) GRAZING.—In the Recreation Area, the grazing of livestock in areas in which grazing is allowed as of the date of the enactment of this Act shall be allowed to continue, consistent with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) any regulations promulgated by the Secretary, acting through the Director of the Bureau of Land Management.

(k) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patenting under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(l) FEES.—Amounts received by the Secretary under the fee structure required by subsection (d)(4) shall be—

(1) deposited in a special account in the Treasury of the United States; and

(2) made available until expended to the Secretary for use in the Recreation Area.

(m) RISK STANDARD.—The National Oil and Hazardous Substances Pollution Contingency Plan (section 300 of title 40, Code of Federal Regulations), published pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605), shall not apply to the Secretary's management of asbestos exposure risks faced by the public when recreating within the Clear Creek Recreation Area described in section 3(b).

SEC. 5. JOAQUIN ROCKS WILDERNESS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 21,000 acres of Federal lands located in Fresno County and San Benito County, California, and generally depicted on a map entitled ''Proposed Joaquin Rocks Wilderness'' and dated January 14,

2015, is designated as wilderness and as a component of the National Wilderness Preservation System and shall be known as the ''Joaquin Rocks Wilderness''.

SEC. 6. RELEASE OF SAN BENITO MOUNTAIN WILDERNESS STUDY AREA.

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the San Benito Mountain wilderness study area has been adequately studied for wilderness designation.

(b) RELEASE.—The San Benito Mountain wilderness study area is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 7. CLARIFICATION REGARDING FUNDING.

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

Passed the House of Representatives July 5, 2016.

Attest: KAREN L. HAAS,

Clerk.

114TH CONGRESS
1ST SESSION

H. R. 3668

To codify in law and expand certain off-highway vehicle recreation areas in the State of California, to designate as wilderness certain public lands in the State of California administered by the Bureau of Land Management, to expand the Death Valley National Park Wilderness and the San Gorgonio Wilderness in San Bernardino National Forest, to ensure the conservation and necessary management of wildlife in these wilderness areas, to establish the Mojave Trails Special Management Area in the State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2015

Mr. COOK (for himself and Mr. KNIGHT) introduced the following bill; which was referred to the Committee on Natural Resources

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A BILL

To codify in law and expand certain off-highway vehicle recreation areas in the State of California, to designate as wilderness certain public lands in the State of California administered by the Bureau of Land Management, to expand the Death Valley National Park Wilderness and the San Gorgonio Wilderness in San Bernardino National Forest, to ensure the conservation and necessary management of wildlife in these wilderness areas, to establish the Mojave Trails Special Management Area in the State, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''California Minerals, Off-Road Recreation, and Conservation Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—OFF-HIGHWAY VEHICLE RECREATION AREAS

Sec. 101. Purpose.
Sec. 102. Statutory designation and expansion of off-highway vehicle recreation areas, San Bernardino County, California.
Sec. 103. Administration.
Sec. 104. Southern California Edison Company energy transport facilities and rights-of-way.
Sec. 105. Pacific Gas and Electric Company utility facilities and rights-of-way.

TITLE II—WILDERNESS

Sec. 201. Purpose.
Sec. 202. Designation or expansion of wilderness areas in the State of California.
Sec. 203. Management.
Sec. 204. Release of wilderness study areas.
Sec. 205. Treatment of cherry-stemmed roads.

TITLE III—NATIONAL PARK SYSTEM ADDITIONS

Sec. 301. Death Valley National Park boundary revision.
Sec. 302. Joshua Tree National Park boundary revision, visitor center, and sale of Federal land.
Sec. 303. Mojave National Preserve boundary revision and related provisions.

TITLE IV—DESIGNATION OF WILD, SCENIC, AND RECREATIONAL RIVERS

Sec. 401. Designation of wild, scenic, and recreational rivers.

TITLE V—BLACK LAVA BUTTE AND FLAT TOP MESA

Sec. 501. Black Lava Butte and Flat Top Mesa Area of Critical Environmental Concern.

TITLE VI—MOJAVE TRAILS SPECIAL MANAGEMENT AREA

Sec. 601. Definitions.

Sec. 602. Mojave trails special management area.
Sec. 603. Management.
Sec. 604. Acquisition of land.
Sec. 605. Renewable energy right-of-way applications.
Sec. 606. Expedited environmental review process to facilitate route 66 bridge repair and replacement within management area.

TITLE VII—SAND TO SNOW NATIONAL MONUMENT

Sec. 701. Definitions.
Sec. 702. Sand to Snow National Monument.
Sec. 703. Management of Monument.
Sec. 704. Uses of Monument.
Sec. 705. Acquisition of land.
Sec. 706. Advisory committee.
Sec. 707. Wireless communications facilities.

TITLE VIII—LAND CONVEYANCES, WITHDRAWALS, AND RELATED PROVISIONS

Sec. 801. Release of Federal reversionary land interests.
Sec. 802. California State School land.
Sec. 803. Juniper Flats.
Sec. 804. Land exchange, San Gorgonio Wilderness, California Desert Conservation Area, Bureau of Land Management, and San Bernardino National Forest, California.
Sec. 805. Conveyance for Apple Valley Off-Highway Vehicle Recreation Area.
Sec. 806. Conveyance to City of Twentynine Palms, California.
Sec. 807. Conversion of valid, existing rights.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Tribal uses and interests.
Sec. 902. Military activities.
Sec. 903. Deed restrictions on donated land within the California Desert Conservation Area.
Sec. 904. Wildlife management.
Sec. 905. Limitation on extension or establishment of national monuments.
Sec. 906. Categorical exclusion for eastern Inyo County broadband corridor.

TITLE I—OFF-HIGHWAY VEHICLE RECREATION AREAS

SEC. 101. PURPOSE.

The purpose of this title is to designate in law certain off-highway vehicle recreation areas currently designated administratively by the Secretary of the Interior as National Off-Highway Vehicle Recreation Areas in order to preserve and enhance the recreational opportunities within

the California Desert Conservation Area, including opportunities for off-highway vehicle recreation, while conserving the wildlife and other natural resources of the Conservation Area.

SEC. 102. STATUTORY DESIGNATION AND EXPANSION OF OFF-HIGHWAY VEHICLE RECREATION AREAS, SAN BERNARDINO COUNTY, CALIFORNIA.

(a) STATUTORY DESIGNATION.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and resource management plans developed under this title, and subject to valid rights, the following public lands within the California Desert Conservation Area in San Bernardino County, California, are designated as National Off-Highway Vehicle Recreation Areas:

(1) DUMONT DUNES OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 7,630 acres, as generally depicted on the map entitled ''Dumont Dunes Proposed National OHV Recreation Area'' and dated June 29, 2015, which corresponds to the boundaries of an administratively designated off-highway vehicle recreation area and shall be known as the Dumont Dunes National Off-Highway Vehicle Recreation Area.

(2) EL MIRAGE OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 15,610 acres, as generally depicted on the map entitled ''El Mirage Proposed National OHV Recreation Area'' and dated January 8, 2015, which expands the boundaries of an administratively designated off-highway vehicle recreation area and shall be known as the El Mirage National Off-Highway Vehicle Recreation Area.

(3) RASOR OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 23,910 acres, as generally depicted on the map entitled ''Rasor Proposed National OHV Recreation Area'' and dated February 15, 2015, which corresponds to the boundaries of an administratively designated off-highway vehicle recreation area and shall be known as the Rasor National Off-Highway Vehicle Recreation Area.

(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 93,610 acres, as generally depicted on the map entitled ''Spangler Hills Proposed National OHV Recreation Area'' and dated May 27, 2015, which expands the boundaries of an administratively designated off-highway vehicle recreation

area and shall be known as the Spangler Hills National Off-Highway Vehicle Recreation Area.

(5) STODDARD VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—Certain public lands comprising approximately 40,110 acres, as generally depicted on the map entitled ''Stoddard Valley Proposed National OHV Recreation Area'' and dated February 18, 2015, which corresponds to the boundaries of an administratively designated off-highway vehicle recreation area and shall be known as the Stoddard Valley National Off-Highway Vehicle Recreation Area.

(b) REDESIGNATION AND EXPANSION OF JOHNSON VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—

(1) IN GENERAL.—The Johnson Valley Off-Highway Vehicle Recreation Area designated by section 2945 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1038)—

(A) is hereby redesignated as the Johnson Valley National Off-Highway Vehicle Recreation Area; and

(B) is expanded to include all of the land depicted as the ''Proposed National Off Highway Vehicle Recreation Area Additions'' on the

map entitled ''Johnson Valley Proposed National OHV Recreation Area'' and dated April 23, 2015.

(2) CONFORMING AMENDMENTS.—

(A) DESIGNATION.—Section 2945 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1038) is amended—

(i) in the section heading, by inserting ''**NATIONAL**'' after ''**VALLEY**'';

(ii) in subsection (a), by inserting ''National'' after ''Valley'' in the matter preceding paragraph (1); and

(iii) in subsections (b), (c), and (d), by inserting ''National'' after ''Valley'' each place it appears.

(B) CROSS REFERENCE.—Section 2942(c)(3) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1037) is amended by inserting ''National'' after ''Valley''.

(3) RELATION TO AUTHORIZED NAVY USE.—The redesignation of the Johnson Valley Off-Highway Vehicle Recreation Area as the Johnson Valley National Off-Highway Vehicle Recreation Area does

not alter or interfere with the rights and obligations of the Navy regarding the use of portions of the Recreation Area as provided in subtitle C of title XXIX of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1034).

(4) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the Johnson Valley Off-Highway Vehicle Recreation Area is deemed to be a reference to the Johnson Valley National Off-Highway Vehicle Recreation Area.

(c) MAPS AND DESCRIPTIONS.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the National Off-Highway Vehicle Recreation Areas designated by subsection (a) and (b) with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) LEGAL EFFECT.—The map and legal descriptions of the National Off-Highway Vehicle

Recreation Areas filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 103. ADMINISTRATION.

(a) APPLICABLE LAWS.—The Secretary of the Interior shall administer the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 in accordance with—

(1) this title;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) any other applicable laws (including regulations).

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—As soon as practicable, but not later than three years after the date of enactment of this Act, the Secretary of the Interior shall—

(A) amend existing resource management plans applicable to the land designated as a National Off-Highway Vehicle Recreation Areas under subsection (a) or (b) of section 102; or

(B) develop new management plans for such National Off-Highway Vehicle Recreation Areas.

(2) REQUIREMENTS.—All new or amended plans under paragraph (1) shall be designed to preserve and enhance safe off-highway vehicle and other recreational opportunities within the applicable National Off-Highway Vehicle Recreation Area consistent with—

(A) the purpose of this title; and

(B) any applicable laws (including regulations).

(3) INTERIM PLANS.—Pending completion of a new management plan under subsection (b)(2), the existing resource management plans shall govern the use of the applicable National Off-Highway Vehicle Recreation Area.

(c) USE OF THE LAND.—

(1) IN GENERAL.—The Secretary of the Interior shall continue to authorize, maintain, and enhance the recreational uses of the National Off-

Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102, including off-highway recreation, hiking, camping, hunting, mountain biking, sightseeing, rockhounding, and horseback riding, as long as the recreational use is consistent with this title and any other applicable law.

(2) OFF-HIGHWAY VEHICLE AND OFF-HIGHWAY RECREATION.—To the extent consistent with applicable Federal law (including regulations) and this title, any authorized recreation activities and use designations in effect on the date of enactment of this Act and applicable to the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 shall continue, including casual off-highway vehicular use, racing, competitive events, rock crawling, training, and other forms of off-highway recreation.

(3) WILDLIFE GUZZLERS.—Wildlife guzzlers shall be allowed in the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 in accordance with—

(A) applicable Bureau of Land Management guidelines; and

(B) the laws of the State of California.

(4) PROHIBITED USES.—

(A) IN GENERAL.—Commercial development (including development of energy facilities, but excluding energy transport facilities, rights-of-way, and related telecommunication facilities) shall be prohibited in the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102 if the Secretary determines that the development is incompatible with the purpose of this title.

(B) EXCEPTION FOR TEMPORARY PERMITTED VENDORS.—Subparagraph (A) does not prohibit a commercial vendor from establishing, pursuant to a temporary permit, a site in the National Off-Highway Vehicle Recreation Areas for the purpose of providing accessories and other support for off-highway vehicles and vehicles used for accessing the area.

SEC. 104. SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.

(a) EFFECT OF TITLE.—Nothing in this title—

(1) terminates—

(A) any right-of-way issued, granted, or permitted to Southern California Edison Com-

pany (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land included in the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102; or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) within such a right-of-way;

(2) affects the application, siting, route selection, right-of-way acquisition, or construction of the Coolwater-Lugo transmission project, as may be approved by the California Public Utilities Commission and the Bureau of Land Management; or

(3) prohibits the upgrading or replacement of any Southern California Edison Company—

(A) energy transport facility, including such an energy transport facility known on the date of enactment of this Act as—

(i) Gale-PS 512, Inyokern-McGen-Searles, Downs-Inyokern-McGen-Searles, Lugo-Mohave, Eldorado-Lugo, Lugo-Pis-

gah No. 1, and Lugo-Pisgah No. 2 transmission lines or rights-of-way; or

(ii) Patio, Jack Ranch, and Kenworth distribution circuits or rights-of-way; or

(B) energy transport facility in a right-of-way issued, granted, or permitted by the Secretary of the Interior adjacent to the energy transport facility referred to in subparagraph (A).

(b) PLANS FOR ACCESS.—The Secretary of the Interior, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Company by the date that is one year after the later of—

(1) the date of enactment of this Act; and

(2) the date of issuance of a new energy transport facility right-of-way within the National Off-Highway Vehicle Recreation Areas designated by subsections (a) and (b) of section 102.

SEC. 105. PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.

(a) EFFECT OF TITLE.—Nothing in this title—

(1) terminates—

(A) any right-of-way issued, granted, or permitted to Pacific Gas and Electric Company (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land included in the Spangler Hills National Off-Highway Vehicle Recreation Area; or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized activities (including the use of any mechanized vehicle, helicopter, and other aerial device) within such a right-of-way; or

(2) prohibits the upgrading or replacement of any—

(A) utility facilities of the Pacific Gas and Electric Company, including those utility facilities known on the date of enactment of this Act as—

(i) Gas Transmission Line 311 or rights-of-way; or

(ii) Gas Transmission Line 372 or rights-of-way; or

(B) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued,

granted, or permitted by the Secretary of the Interior adjacent to a utility facility referred to in subparagraph (A).

(b) PLANS FOR ACCESS.—Not later than one year after the date of enactment of this Act or the issuance of a new utility facility right-of-way within the Spangler Hills National Off-Highway Vehicle Recreation Area, whichever is later, the Secretary of the Interior, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

TITLE II—WILDERNESS

SEC. 201. PURPOSE.

The purpose of this title is—

(1) to designate or expand in law certain wilderness areas in the California Desert Conservation Area; and

(2) to ensure the conservation and necessary management of wildlife and other natural resources in the Conservation Area.

SEC. 202. DESIGNATION OR EXPANSION OF WILDERNESS AREAS IN THE STATE OF CALIFORNIA.

(a) DESIGNATION OR EXPANSION OF WILDERNESS IN CALIFORNIA DESERT CONSERVATION AREA.—In ac-

cordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781, 1782), the following public lands in the State of California are designated as wilderness and either included as part of an existing wilderness area or made a new component of the National Wilderness Preservation System:

(1) AVAWATZ MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 91,800 acres, as generally depicted on the map entitled ''Avawatz Mountains Wilderness Proposed Wilderness'' and dated June 30, 2015, to be known as the Avawatz Mountains Wilderness.

(2) GOLDEN VALLEY WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 1,260 acres, as generally depicted on the map entitled ''Golden Valley Proposed Wilderness Additions'' and dated March 17, 2015, which shall be incorporated in, and shall be considered to be a part of, the Golden Valley Wilderness designated by section 102(23) of the California

Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note).

(3) KINGSTON RANGE WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 53,320 acres, as generally depicted on the map entitled ''Kingston Range Proposed Wilderness Additions'' and dated February 18, 2015, which shall be incorporated in, and shall be considered to be a part of, the Kingston Range Wilderness designated by section 102(32) of the California Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note).

(4) SODA MOUNTAINS WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 79,980 acres, as generally depicted on the map entitled ''Soda Mountains Proposed Wilderness'' and dated February 18, 2015, to be known as the Soda Mountains Wilderness.

(5) MALPAIS MESA WILDERNESS.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 14,810 acres, as generally depicted on the map entitled ''Malpais Mesa Proposed

Wilderness Additions'' and dated September 11, 2015, which shall be incorporated in, and shall be considered to be a part of, the Malpais Mesa Wilderness designated by section 102(35) of the California Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note).

(6) GREAT FALLS BASIN WILDERNESS.—

(A) DESIGNATION.—Certain land in the California Desert Conservation Area administered by the Bureau of Land Management comprising approximately 7,920 acres, as generally depicted on the map entitled ''Great Falls Basin Proposed Wilderness'' and dated August 5, 2015, to be known as the Great Falls Basin Wilderness.

(B) LIMITATION.—Designation of the wilderness under subparagraph (A) shall not establish a Class I Airshed under the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) EXPANSION OF DEATH VALLEY NATIONAL PARK WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1781, 1782), the following land in the State of California is designated as wilderness and included as part

of an existing wilderness area of the National Wilderness Preservation System:

(1) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-NORTH EUREKA VALLEY.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service, comprising approximately 11,496 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-North Eureka Valley'', numbered 143/100,082D, and dated August 2015, which shall be considered to be a part of the Death Valley National Park Wilderness.

(2) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-IBEX.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service comprising approximately 23,650 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-Ibex'', numbered 143/100,081C, and dated October 7, 2014, which shall be considered to be a part of the Death Valley National Park Wilderness.

(3) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-PANAMINT VALLEY.—Certain land in the California Desert Conservation Area adminis-

tered by the Director of the National Park Service, comprising approximately 4,807 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-Panamint Valley'', numbered 143/100,083C, and dated October 7, 2014, which shall be considered to be a part of the Death Valley National Park Wilderness.

(4) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-WARM SPRINGS.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service, comprising approximately 10,485 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-Warm Spring Canyon/Galena Canyon''. Numbered 143/100,084D, and dated August 2015, which shall be considered to be a part of the Death Valley National Park Wilderness.

(5) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-AXE HEAD.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service, comprising approximately 8,638 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Wilderness Area-Axe Head'', num-

bered 143/100,085C, and dated October 7, 2014, which shall be considered to be a part of the Death Valley National Park Wilderness.

(6) DEATH VALLEY NATIONAL PARK WILDERNESS ADDITIONS-BOWLING ALLEY.—Certain land in the California Desert Conservation Area administered by the Director of the National Park Service, comprising approximately 28,923 acres, as generally depicted on the map entitled ''Death Valley National Park Proposed Park Expansion and Wilderness'', numbered 143/128,606, and dated May 14, 2015, which shall be considered to be a part of the Death Valley National Park Wilderness.

(c) EXPANSION OF SAN GORGONIO WILDERNESS.—

(1) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in San Bernardino National Forest in the State of California, comprising approximately 5,570 acres, as generally depicted on the map entitled ''Proposed Sand to Snow National Monument'' and dated August 4, 2015, is designated as wilderness and included as part of the San Gorgonio Wilderness of the National Wilderness Preservation System.

(2) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary of Agriculture may carry out such activities in the wilderness designated by paragraph (1) as are necessary for the control of fire, insects, and disease, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this subsection limits the provision of any funding for fire or fuel management in the wilderness designated by paragraph (1).

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall amend the local fire management plans that apply to the wilderness designated by paragraph (1).

(D) ADMINISTRATION.—In accordance with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness designated by paragraph (1), the Secretary of Agriculture shall—

(i) not later than one year after the date of the enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor) for responding to fire emergencies in the wilderness designated by paragraph (1); and

(ii) enter into agreements with appropriate State or local firefighting agencies relating to the wilderness.

(d) MAPS; LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (and, with respect to the wilderness designated by subsection (c), the Secretary of Agriculture) (in this title referred to as the ''Secretary concerned'') shall file a map and legal description of each wilderness area and wilderness addition designated by this section with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same

force and effect as if included in this Act, except that the Secretary concerned may correct errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary concerned.

SEC. 203. MANAGEMENT.

(a) ADMINISTRATION.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by section 202 shall be administered by the Secretary concerned in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date shall be considered to be a reference to the date of the enactment of this Act.

(b) COOPERATIVE MANAGEMENT AGREEMENT WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall enter into a cooperative management agreement with the California Department of Fish and Wildlife for the purposes of managing wilderness areas in the California Desert Conservation Area to ensure the conservation and necessary management of wildlife and other natural resources in the

Conservation Area. Such cooperative agreement shall include and ensure necessary wildlife water development and maintenance as considered necessary by the California Department of Fish and Wildlife.

(c) CERTAIN WATER DEVELOPMENT PROJECTS AUTHORIZED.—Nothing in this title or the Wilderness Act (16 U.S.C. 1131 et seq.) shall have the effect of prohibiting the placement or maintenance of water development projects on the land designated as wilderness or as a wilderness addition by section 202 for the purpose of the conservation or management of wildlife.

(d) AGENCY APPROVAL PROCEDURES.—Not later than one year after the date of the enactment of this Act, the Secretary concerned shall establish agency approval procedures for the maintenance of water development projects and other wildlife management activities on the land designated as wilderness or as a wilderness addition by section 202.

(e) NO EFFECT ON ADJACENT LAND.—

(1) NO BUFFER ZONES OR REGULATION.—Nothing in this title—

(A) creates any protective perimeter or buffer zone around land designated as wilderness or as a wilderness addition by section 202; or

(B) requires additional regulation of activities on land outside the boundary of the land designated as wilderness or as a wilderness addition by such section.

(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity (including military activities) or use on land outside the boundary of the land designated as wilderness or as a wilderness addition by section 202 can be seen, heard, or detected within the wilderness area shall not preclude or restrict the activity or use outside the boundary of the wilderness area.

(f) NO EFFECT ON CERTAIN PERMITTING PROCEEDINGS.—

(1) IN GENERAL.—In any permitting proceeding (including a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) conducted with respect to a project described in paragraph (2) that is formally initiated through a notice in the Federal Register before December 31, 2013, the consideration of any visual, noise, or other impacts of the project on land designated as wilderness or as a wilderness addition by section 202 shall be conducted based on the status of the land before designation as wilderness.

(2) DESCRIPTION OF PROJECTS.—A project referred to in paragraph (1) is a renewable energy project or associated energy transport facility project—

(A) for which the Bureau of Land Management has received a right-of-way use application on or before the date of enactment of this Act; and

(B) that is located outside the boundary of land designated as wilderness or as a wilderness addition by section 202.

(g) NO EFFECT ON MILITARY OPERATIONS.—Nothing in this Act alters any authority of the Secretary of Defense to conduct any military operations at desert installations, facilities, and ranges of the State of California authorized under any other provision of law.

(h) NO EFFECT ON ENERGY TRANSPORT FACILITIES.—In the case of land designated as wilderness or as a wilderness addition by section 202, nothing in this title affects any land, interest in land, or customary operation, maintenance, repair, or replacement activity carried out on, over, or under land or within a right-of-way, including access to such right-of-way, granted to, owned by, or controlled by Southern California Edison Company, Pacific Gas and Electric Company, or Southern California Gas

Company pursuant to law or legal right so long as the activity is conducted in a manner that minimizes the impact on wilderness resources.

SEC. 204. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING AND DIRECTION.—Congress finds and directs that the Bureau of Land Management land within any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by section 202 or any other Act enacted before the date of enactment of this Act—

(1) has been adequately studied for wilderness character and wilderness designation pursuant to sections 201 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1782); and

(2) is no longer subject to any requirement pertaining to the management of wilderness, wilderness character, wilderness study areas, or areas of environmental concern.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are the following:

(1) Cady Mountains Wilderness Study Area.

(2) Kingston Range Wilderness Study Area.

(3) Avawatz Mountain Wilderness Study Area.

(4) Soda Mountains Wilderness Study Area.

(5) Great Falls Basin Wilderness Study Area.

(6) White Mountains Wilderness Study Area.

(7) Crater Mountain Wilderness Study Area.

(8) Symmes Creek Wilderness Study Area.

(9) Independence Creek Wilderness Study Area.

(10) Southern Inyo Wilderness Study Area.

(11) Cerro Gordo Wilderness Study Area.

(12) Death Valley 17 Wilderness Study Area.

(c) RELEASE AND SUBSEQUENT MANAGEMENT.—Any public land described in subsection (a) that is not designated as wilderness by this title—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c));

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of enactment of this Act; and

(3) shall be subject to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 205. TREATMENT OF CHERRY-STEMMED ROADS.

(a) DEFINITION OF CHERRY-STEMMED ROAD.—In this section, the term ''cherry-stemmed road'' means a road or trail that is excluded from a wilderness area or wilderness addition designated by section 202 by a non-wilderness corridor having designated wilderness on both sides, as generally depicted on the maps described in such section.

(b) PROHIBITION ON CLOSURE OR TRAVEL RESTRICTIONS ON CHERRY-STEMMED ROADS.—The Secretary concerned shall not—

(1) close any cherry-stemmed road that is open to the public as of the date of the enactment of this Act;

(2) prohibit motorized access on a cherry-stemmed road that is open to the public for motorized access as of the date of the enactment of this Act; or

(3) prohibit mechanized access on a cherry-stemmed road that is open to the public for mechanized access as of the date of the enactment of this Act.

(c) RESOURCE PROTECTION OR PUBLIC SAFETY EXCEPTIONS.—Subsection (b) shall not apply to a cherry-stemmed road if the Secretary concerned determines that a closure or traffic restriction of the cherry-stemmed road

is necessary for purposes of significant resource protection or public safety.

TITLE III—NATIONAL PARK SYSTEM ADDITIONS

SEC. 301. DEATH VALLEY NATIONAL PARK BOUNDARY REVISION.

(a) IN GENERAL.—The boundary of Death Valley National Park is adjusted to include—

(1) the approximately 28,923 acres of Bureau of Land Management land in San Bernardino County, California, abutting the southern end of the Death Valley National Park that lies between Death Valley National Park to the north and Ft. Irwin Military Reservation to the south and which runs approximately 34 miles from west to east, as depicted on the map entitled ''Death Valley National Park Proposed Avawatz Mountains Wilderness with Proposed Park Expansion'', numbered 143/128,605, and dated May 14, 2015; and

(2) the approximately 6,369 acres of Bureau of Land Management land in Inyo County, California, located in the northeast area of Death Valley National Park that is within, and surrounded by, land under the jurisdiction of the Director of the National Park Service, as depicted on the map entitled

"Death Valley National Park Proposed Boundary Addition-Crater", numbered 143/100,079C, and dated October 7, 2014.

(b) AVAILABILITY OF MAP.—The maps described in paragraphs (1) and (2) of subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this title as the "Secretary") shall administer any land added to Death Valley National Park under subsection (a)—

(A) as part of Death Valley National Park; and

(B) in accordance with applicable laws (including regulations).

(2) MEMORANDUM OF UNDERSTANDING WITH INYO COUNTY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding with Inyo County, California, to permit operationally feasible, ongoing access and use (including, but not limited to, material storage as well as excavation) to gravel pits in existence as of that date along Saline Valley Road within Death Valley National Park for

road maintenance and repairs in accordance with applicable laws (including regulations).

(d) SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—Nothing in this section terminates—

(A) any right-of-way issued, granted, or permitted to the Southern California Edison Company (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land described in paragraphs (1) and (2) of subsection (a); or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities in such a right-of-way, including, at a minimum, the use of mechanized vehicles, helicopters, or other aerial devices.

(2) UPGRADES AND REPLACEMENTS.—Nothing in this section prohibits the upgrading or replacement of—

(A) Southern California Edison Company energy transport facilities; or

(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison's energy transport facilities within Death Valley National Park.

(3) PUBLICATION OF PLANS.—Not later than one year after the date of enactment of this Act or the date of the issuance of a new energy transport facility right-of-way within Death Valley National Park, whichever is earlier, the Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within Death Valley National Park.

SEC. 302. JOSHUA TREE NATIONAL PARK BOUNDARY REVISION, VISITOR CENTER, AND SALE OF FEDERAL LAND.

Title IV of the California Desert Protection Act of 1994 (Public Law 103–433) is amended by adding at the end the following new sections:

"SEC. 408. JOSHUA TREE NATIONAL PARK BOUNDARY REVISION.

"(a) IN GENERAL.—The boundary of the Joshua Tree National Park is adjusted to include the 2,879 acres

of land managed by Director of the Bureau of Land Management that are contiguous at several different places to the northern boundaries of Joshua Tree National Park in the northwest section of the Park, as depicted on the map entitled 'Joshua Tree National Park Proposed Boundary Addition', numbered 156/100,077, and dated August 2009.

"(b) ADDITIONAL LANDS TO BE ACQUIRED.—The Secretary may acquire the 1,639 acres of land from the Mojave Desert Land Trust that are contiguous at several different places to the northern boundaries of Joshua Tree National Park in the northwest section of the Park, as depicted on the map entitled 'Mojave Desert Land Trust National Park Service Additions', numbered 156/126,376, and dated September 2014. After such lands are acquired by the Secretary, the boundary of the Joshua Tree National Park shall be adjusted to include those lands.

"(c) AVAILABILITY OF MAPS.—The map described in subsection (a) and the map depicting the 25 acres described in subsection (d)(2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(d) ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary shall administer any land added to the Joshua Tree National

Park under subsection (a) and the additional land described in paragraph (2)—

"(A) as part of Joshua Tree National Park; and

"(B) in accordance with applicable laws (including regulations).

"(2) DESCRIPTION OF ADDITIONAL LAND.—The additional land referred to in paragraph (1) is the 25 acres of land—

"(A) depicted on the map entitled 'Joshua Tree National Park Boundary Adjustment Map', numbered 156/80,049, and dated April 1, 2003;

"(B) added to Joshua Tree National Park by the notice of the Department of the Interior of August 28, 2003 (68 Fed. Reg. 51799); and

"(C) more particularly described as lots 26, 27, 28, 33, and 34 in sec. 34, T. 1 N., R. 8 E., San Bernardino Meridian.

"(e) SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Nothing in this section terminates—

"(A) any right-of-way issued, granted, or permitted to Southern California Edison Com-

pany (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land described in subsections (a) and (b); or

"(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities (including the use of any mechanized vehicle, helicopter, and other aerial device) within such a right-of-way.

"(2) UPGRADES AND REPLACEMENTS.—Nothing in this section prohibits the upgrading or replacement of—

"(A) Southern California Edison Company energy transport facilities, including the energy transport facilities referred to as the Jellystone, Burnt Mountain, Whitehorn, Allegra, and Utah distribution circuits rights-of-way; or

"(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison's energy transport facilities within Joshua Tree National Park.

"(3) PUBLICATION OF PLANS.—Not later than the date that is one year after the date of enactment

of this section or the issuance of a new energy transport facility right-of-way within the Joshua Tree National Park, whichever is earlier, the Secretary, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within Joshua Tree National Park.

"SEC. 409. VISITOR CENTER.

"(a) IN GENERAL.—Subject to subsection (d), the Secretary may acquire not more than 5 acres of land and interests in land, and improvements on the land and interests, outside the boundaries of Joshua Tree National Park, in the unincorporated village of Joshua Tree, for the purpose of operating a visitor center. The land and facilities so acquired may include the property owned (as of the date of enactment of this section) by the Joshua Tree National Park Association and commonly referred to as the 'Joshua Tree National Park Visitor Center'.

"(b) BOUNDARY.—Upon acquisition of the land authorized for acquisition by subsection (a), the Secretary shall modify the boundary of Joshua Tree National Park to include the land acquired under this section as a noncontiguous parcel.

"(c) ADMINISTRATION.—Land and facilities acquired under this section shall be administered by the Secretary as part of Joshua Tree National Park.

"(d) AUTHORIZED ACQUISITION METHODS.—Land and facilities may be acquired under this section only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange.".

SEC. 303. MOJAVE NATIONAL PRESERVE BOUNDARY REVISION AND RELATED PROVISIONS.

(a) IMMEDIATE ADDITIONS.—The boundary of the Mojave National Preserve is adjusted to include the following:

(1) The approximately 14,750 acres of Bureau of Land Management land that is surrounded by the Mojave National Preserve to the northwest, west, southwest, south, and southeast, and by the Nevada State line on the northeast boundary, as depicted as the "Mojave National Preserve Additions" on the map entitled "Mojave National Preserve Proposed Additions", numbered 170/129,826, and dated September 2015.

(2) The 25 acres of Bureau of Land Management land in Baker, California, as depicted on the map entitled "Mojave National Preserve Proposed

Boundary Addition'', numbered 170/100,199, and dated August 2009.

(b) FUTURE MOJAVE NATIONAL PRESERVE ADDITIONS.—The boundary of the Mojave National Preserve shall be adjusted to include the approximately 13,250 acres of Bureau of Land Management land depicted as ''Future Mojave National Preserve Additions'' on the map entitled ''Mojave National Preserve Proposed Additions'', numbered 170/129,826, and dated September 2015, upon the earlier of the following:

(1) The termination of all mining and mining-related activities involving Castle Mountain Mine and the completion of all reclamation in response to such activities, as determined by the Secretary of the Interior.

(2) The end of the first period of 20 consecutive years occurring after the date of the enactment of this Act during which no legally permissible commercial mining activities have occurred pursuant to a plan of development for the Castle Mountain Mine approved by the Bureau of Land Management.

(c) AVAILABILITY OF MAPS.—The maps described in subsections (a) and (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, the Secretary of the Interior shall administer any land added to Mojave National Preserve under this section—

(A) as part of the Mojave National Preserve; and

(B) in accordance with applicable laws (including regulations).

(2) MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall enter into a memorandum of understanding with the California Department of Fish and Wildlife to permit operationally feasible, ongoing access to the land added to Mojave National Preserve under this section for the placement and maintenance of water development projects as considered necessary for wildlife conservation.

(e) PROTECTION OF EXISTING RIGHTS.—

(1) EFFECT ON VALID EXISTING RIGHTS.—Nothing in this section shall affect valid existing rights or preclude, or prevent or inhibit mining or mining-related activities (including water develop-

ment) authorized under any Bureau of Land Management approved plan of development, throughout all phases of mining including completion of final reclamation, for the lands described in subsections (a)(1) and (b).

(2) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section shall affect any private property right (including a water development right) within the boundaries of the Mojave National Preserve, as adjusted by this section.

(3) EFFECT ON CASTLE MOUNTAIN MINE RIGHTS AND OPERATIONS.—

(A) IN GENERAL.—Nothing in this section shall impair existing rights relating to the Castle Mountain Mine, nor shall anything in this title create or impose any additional regulatory or administrative requirements relating to the permitting, development, and operation of all phases of the Castle Mountain Mine.

(B) PIPELINE OR WELL.—Nothing in chapter 1007 of title 54, United States Code (formerly known as the Mining in the National Parks Act of 1976), the California Desert Protection Act of 1994 (Public Law 103–433), the implementing regulations of such laws, or any

other Federal law or regulation shall constitute a bar to the lawful issuance of any right, entitlement, or approval necessary for the location and use of any pipeline or well necessary for Castle Mountain Mining Company to conduct continued mining operations.

(f) SOUTHERN CALIFORNIA EDISON COMPANY ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—Nothing in this section terminates—

(A) any right-of-way issued, granted, or permitted to the Southern California Edison Company (including any predecessor or successor in interest or assign) as of the date of the enactment of this Act that is located on land described in subsections (a) and (b); or

(B) the customary operation, maintenance, upgrade, repair, relocation within such a right-of-way, replacement, or other authorized energy transport facility activities in such a right-of-way, including, at a minimum, the use of mechanized vehicles, helicopters, or other aerial devices.

(2) UPGRADES AND REPLACEMENTS.—Nothing in this section prohibits the upgrading or replacement of—

(A) Southern California Edison Company energy transport facilities; or

(B) an energy transport facility in rights-of-way issued, granted, or permitted by the Secretary adjacent to Southern California Edison's energy transport facilities within the Mojave National Preserve.

(3) PUBLICATION OF PLANS.—Not later than one year after the date of enactment of this Act or the date of the issuance of a new energy transport facility right-of-way within the Mojave National Preserve, whichever is earlier, the Secretary of the Interior, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within the Mojave National Preserve.

(g) NEW RIGHTS-OF-WAY.—

(1) RETAINED BUREAU OF LAND MANAGEMENT AUTHORITY.—Consideration of any right-of-way application within lands described in subsection (a)(1)

for the purpose of providing water resources necessary for the operation of the Castle Mountain Mine shall remain within the jurisdiction and authority of the Bureau of Land Management, throughout the development of all phases of the Castle Mountain Mine.

(2) CONSIDERATION OF APPLICATIONS.—The Director of the Bureau of Land Management shall consider any proposed plan of development, modifications to the plan, and associated right-of-way applications for the Castle Mountain Mine in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and any other laws (including regulations) applicable to the land described in subsection (b) prior to the date of enactment of this Act.

(3) EXPIRATION OF AUTHORITY.—The authority of the Director of the Bureau of Land Management described in this subsection shall terminate at the end of the first period of 20 consecutive years occurring after the date of the enactment of this Act during which no legally permissible commercial mining activities have occurred pursuant to a plan of development for the Castle Mountain Mine approved by the Bureau of Land Management.

(4) TREATMENT OF NEW RIGHTS-OF-WAY.—Any new right-of-way approved by the Bureau of Land Management under this subsection shall be considered a valid existing right-of-way only if such right-of-way is included in an approved plan of development for Castle Mountain Mine.

(5) RIGHTS-OF-WAY FOR WATER ACCESS.—Following any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws and regulations, the National Park Service and all other Federal agencies with jurisdiction, shall consider and approve—

(A) the application for and receipt of any rights-of-way, other necessary approvals and entitlements, or both to access and traverse existing lands within the Mojave National Preserve in order to access water sources located in watersheds outside of the Preserve; and

(B) the application and establishment of underground waterways throughout the Preserve.

(h) FUTURE WATER FACILITIES.—

(1) SEARCH FOR ALTERNATIVE WATER SOURCES.—Subject to paragraphs (2) and (3), Castle Mountain Mining Company shall have the right

to conduct reconnaissance and drilling within the lands described in subsection (a)(1) to identify potential alternative sources of water for development of all phases of the Castle Mountain Mine.

(2) RESPONSE TO FINDING WATER SUPPLIES.—If adequate water supplies are identified for the Castle Mountain Mine that are in excess of existing water rights in the Mojave National Preserve, Castle Mountain Mining Company may propose the location of new pipelines, including possible underground pipelines, and well sites, as appropriate, to the Secretary of the Interior and all other Federal agencies with jurisdiction. The approval of any new pipeline or well site location proposed by Castle Mountain Mining Company under this paragraph shall be subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws and regulations.

(3) CONCLUSION.—If approval of a new pipeline or well site location is obtained under paragraph (2), Castle Mountain Mining Company obtains any necessary entitlements from the State of California for use of the water resources, and the combination of new pipelines and well sites will provide Castle Mountain Mining Company with adequate water

supplies for development of all phases of the Castle Mountain Mine, Castle Mountain will then relinquish and quitclaim to the United States any and all interests in its pipeline and well site in existence as of the date of the enactment of this Act.

TITLE IV—DESIGNATION OF WILD, SCENIC, AND RECREATIONAL RIVERS

SEC. 401. DESIGNATION OF WILD, SCENIC, AND RECREATIONAL RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) in paragraph (196), by striking subparagraph (A) and inserting the following:

"(A)(i) The approximately 1.4-mile segment of the Amargosa River in the State of California, from the private property boundary in sec. 19, T. 22 N., R. 7 E., to 100 feet downstream of Highway 178, to be administered by the Secretary of the Interior as a scenic river as an addition to the wild and scenic river segments of the Amargosa River on publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired

as scenic easements or in fee title to establish a manageable addition to those segments.

"(ii) The approximately 6.1-mile segment of the Amargosa River in the State of California, from 100 feet downstream of the State Highway 178 crossing to 100 feet upstream of the Tecopa Hot Springs Road crossing, to be administered by the Secretary of the Interior as a scenic river."; and

(2) by adding at the end the following:

"(213) SURPRISE CANYON CREEK, CALIFORNIA.—

"(A) IN GENERAL.—The following segments of Surprise Canyon Creek in the State of California, to be administered by the Secretary of the Interior:

"(i) The approximately 5.3 miles of Surprise Canyon Creek from the confluence of Frenchman's Canyon and Water Canyon to 100 feet upstream of Chris Wicht Camp, as a wild river.

"(ii) The approximately 1.8 miles of Surprise Canyon Creek from 100 feet upstream of Chris Wicht Camp to the south-

ern boundary of sec. 14, T. 21 N., R. 44 E., as a recreational river.

"(B) EFFECT ON HISTORIC MINING STRUCTURES.—Nothing in this paragraph affects the historic mining structures associated with the former Panamint Mining District.

"(C) EFFECT ON SURPRISE CANYON ROAD.—Nothing in this paragraph shall be construed—

"(i) to restrict continued access to Chris Wicht Camp along Surprise Canyon Road; or

"(ii) to prevent Inyo County, California, from maintaining and repairing Surprise Canyon Road, up to the boundary of the wild river 100 feet upstream of Chris Wicht Camp, in accordance with applicable laws and regulations.

"(214) DEEP CREEK, CALIFORNIA.—

"(A) IN GENERAL.—The following segments of Deep Creek in the State of California, to be administered by the Secretary of Agriculture:

"(i) The approximately 6.5-mile segment from 0.125 mile downstream of the

Rainbow Dam site in sec. 33, T. 2 N., R. 2 W., to 0.25 miles upstream of the Road 3N34 crossing, as a wild river.

"(ii) The 0.5-mile segment from 0.25 mile upstream of the Road 3N34 crossing to 0.25 mile downstream of the Road 3N34 crossing, as a scenic river.

"(iii) The 2.5-mile segment from 0.25 miles downstream of the Road 3 N. 34 crossing to 0.25 miles upstream of the Trail 2W01 crossing, as a wild river.

"(iv) The 0.5-mile segment from 0.25 miles upstream of the Trail 2W01 crossing to 0.25 mile downstream of the Trail 2W01 crossing, as a scenic river.

"(v) The 10-mile segment from 0.25 miles downstream of the Trail 2W01 crossing to the upper limit of the Mojave dam flood zone in sec. 17, T. 3 N., R. 3 W., as a wild river.

"(vi) The 11-mile segment of Holcomb Creek from 100 yards downstream of the Road 3N12 crossing to .25 miles downstream of Holcomb Crossing, as a recreational river.

"(vii) The 3.5-mile segment of the Holcomb Creek from 0.25 miles downstream of Holcomb Crossing to the Deep Creek confluence, as a wild river.

"(B) EFFECT ON SKI OPERATIONS.—Nothing in this paragraph affects—

"(i) the operations of the Snow Valley Ski Resort; or

"(ii) the State regulation of water rights and water quality associated with the operation of the Snow Valley Ski Resort.

"(215) WHITEWATER RIVER, CALIFORNIA.—The following segments of the Whitewater River in the State of California, to be administered by the Secretary of Agriculture and the Secretary of the Interior, acting jointly:

"(A) The 5.8-mile segment of the North Fork Whitewater River from the source of the River near Mt. San Gorgonio to the confluence with the Middle Fork, as a wild river.

"(B) The 6.4-mile segment of the Middle Fork Whitewater River from the source of the River to the confluence with the South Fork, as a wild river.

"(C) The 1-mile segment of the South Fork Whitewater River from the confluence of the River with the East Fork to the section line between sections 32 and 33, T. 1 S., R. 2 E., as a wild river.

"(D) The 1-mile segment of the South Fork Whitewater River from the section line between sections 32 and 33, T. 1 S., R. 2 E., to the section line between sections 33 and 34, T. 1 S., R. 2 E., as a recreational river.

"(E) The 4.9-mile segment of the South Fork Whitewater River from the section line between sections 33 and 34, T. 1 S., R. 2 E., to the confluence with the Middle Fork, as a wild river.

"(F) The 5.4-mile segment of the main stem of the Whitewater River from the confluence of the South and Middle Forks to the San Gorgonio Wilderness boundary, as a wild river.

"(G) The 3.6-mile segment of the main stem of the Whitewater River from the San Gorgonio Wilderness boundary to .25 miles upstream of the southern boundary of section 35, T. 2 S., R. 3 E., as a recreational river.".

TITLE V—BLACK LAVA BUTTE AND FLAT TOP MESA

SEC. 501. BLACK LAVA BUTTE AND FLAT TOP MESA AREA OF CRITICAL ENVIRONMENTAL CONCERN.

(a) DESIGNATION.—There is established the Black Lava Butte and Flat Top Mesa Area of Critical Environmental Concern (referred to in this section as the ''covered area'') within the California Desert Conservation Area under the Bureau of Land Management comprising approximately 6,350 acres as generally depicted on the map entitled ''Proposed Black Lava Butte and Flat Top Mesa ACEC'' and dated March 2, 2015.

(b) ADMINISTRATION.—The Secretary of the Interior shall administer the covered area to preserve the geological, biological, cultural, and archeological resources within the covered area.

(c) WITHDRAWAL.—Subject to valid existing rights, the Federal land and interests in Federal land included within the covered area are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the United States mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing and mineral materials.

(d) PROHIBITION ON RENEWABLE ENERGY GENERATION FACILITIES.—Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited within the covered area.

TITLE VI—MOJAVE TRAILS SPECIAL MANAGEMENT AREA

SEC. 601. DEFINITIONS.

In this title:

(1) MANAGEMENT AREA.—The term ''Management Area'' means the Mojave Trails Special Management Area.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Mojave Trails Special Management Area'' and dated September 30, 2015.

(3) ENERGY TRANSPORT FACILITY.—

(A) IN GENERAL.—The term ''energy transport facility'' means any facility used for the operation, maintenance, transmission, distribution, or transportation of electricity or natural gas.

(B) INCLUSIONS.—The term ''energy transport facility'' includes—

(i) electric and gas transmission and distribution facilities;

(ii) telecommunications facilities; and

(iii) appurtenant equipment owned or used by a public or municipal utility company or water district.

(4) MECHANIZED VEHICLE.—The term ''mechanized vehicle'' means a motorized or mechanized vehicle or equipment used by a public or municipal utility company or water district to construct, operate, maintain, repair, or upgrade electricity, natural gas, telecommunications, or water infrastructure.

(5) PUBLIC-UTILITY COMPANY.—The term ''public-utility company'' has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

(6) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 602. MOJAVE TRAILS SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—There is established the Mojave Trails Special Management Area in the State of Cali-

fornia, to be managed by the Barstow Field Office and the Needles Field Office of the Bureau of Land Management.

(b) PURPOSE.—The purpose of the Management Area is—

(1) to preserve and maintain the nationally significant biological, cultural, recreational, geological, educational, historic, scenic, and scientific values—

(A) in the Central and Eastern Mojave Desert; and

(B) along historic Route 66;

(2) to secure the opportunity for present and future generations to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources of the Management Area;

(3) to provide public recreational use of the Management Area, including motorized vehicle use on designated roads and trails; and

(4) to provide access to mineral resources for mining and economic development.

(c) BOUNDARIES.—The Management Area shall consist of the public lands in San Bernardino County, California, comprising approximately 965,000 acres, as generally depicted on the map.

(d) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable, but not later than three years, after the date of enactment of this Act, the Secretary shall submit a map and legal description of the Management Area to—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct any errors in the map and legal description.

(3) AVAILABILITY.—Copies of the map submitted under paragraph (1) shall be on file and available for public inspection in—

(A) the Office of the Director of the Bureau of Land Management; and

(B) the appropriate office of the Bureau of Land Management in the State of California.

SEC. 603. MANAGEMENT.

(a) CERTAIN ACTIVITIES AUTHORIZED.—The Secretary shall allow hiking, camping, hunting, trapping, fishing, and sightseeing and the use of motorized vehicles,

mountain bikes, and horses on designated routes in the Management Area in a manner that—

(1) is consistent with the purpose of the Management Area;

(2) ensures public health and safety; and

(3) is consistent with applicable law.

(b) OFF-HIGHWAY VEHICLE USE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection and subject to all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area generally depicted on the map.

(2) CLOSURE.—Subject to paragraph (3), the Secretary may temporarily close or permanently reroute a portion of a route described in paragraph (1) or opened pursuant to paragraph (4)—

(A) to prevent, or allow for restoration of, resource damage;

(B) to protect tribal cultural resources, including the resources identified in the tribal cultural resources management survey conducted under subsection (g);

(C) to address public safety concerns; or

(D) as otherwise required by law.

(3) NO NET LOSS.—Except in the case of the temporary closure of a route due to an emergency, before any routes described in paragraph (1) are closed, the Secretary should open new routes pursuant to paragraph (4) to ensure that there is no net loss in the total mileage of open routes in the Management Area available for off-highway vehicle use.

(4) DESIGNATION OF ADDITIONAL ROUTES.—During the three-year period beginning on the date of enactment of this Act, the Secretary—

(A) shall accept petitions from the public regarding additional routes for off-highway vehicles in the Management Area; and

(B) may designate additional routes that the Secretary determines—

(i) would provide significant or unique recreational opportunities; and

(ii) are consistent with the purposes of the Management Area.

(c) MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into a memorandum of understanding with the California Department of Fish and Wildlife to permit operationally feasible, ongoing ac-

cess to the Management Area for the placement and maintenance of water development projects as considered necessary for wildlife conservation.

(d) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, trapping, and fishing within the Management Area in accordance with applicable Federal and State laws (including regulations).

(2) TRAPPING.—No amphibians or reptiles may be collected within the Management Area, except for—

(A) scientific purposes;

(B) the removal of an invasive species; or

(C) identification/medical purposes in response to a snakebite.

(3) REGULATIONS.—The Secretary, after consultation with the California Department of Fish and Wildlife, may designate zones in which, and establish periods during which, hunting, trapping, and fishing shall not be allowed in the Management Area for reasons of public safety, administration, resource protection, or public use and enjoyment.

(e) GRAZING.—

(1) IN GENERAL.—Nothing in this title terminates any valid existing grazing permit within the Management Area.

(2) EFFECT ON BLAIR PERMIT.—Nothing in this title affects the Lazy Daisy grazing permit (permittee number 9076) on land included in the Management Area including the transfer of title to the grazing permit to the Secretary or to a private party.

(3) PERMIT RETIREMENT.—The Secretary may acquire base property and associated grazing permits within the Management Area for purposes of permanently retiring the permit if—

(A) the permittee is a willing seller;

(B) the permittee and Secretary reach an agreement concerning the terms and conditions of the acquisition; and

(C) termination of the allotment would further the purposes of the Management Area described in section 602(b).

(f) NEW MINING.—

(1) OPEN TO MINING.—The Management Area will remain—

(A) open to location, entry, and patent under the public mining laws; and

(B) subject to the mineral leasing and mineral materials laws.

(2) LIMITATIONS.—New mining will not be permitted on—

(A) any land within the Management Area donated to the United States for conservation purposes since January 1, 1995; or

(B) more than 10 percent of the total acreage of the Management Area.

(g) ACCESS TO STATE AND PRIVATE LAND.—

(1) ACCESS.—The Secretary shall provide adequate access to each owner of non-Federal land or interests in non-Federal land within the boundary of the Management Area to ensure the reasonable maintenance, use, and enjoyment of the land or interest by the owner.

(2) SURVEY OF EXISTING MOTORIZED ACCESS ROUTES.—Not later than two years after enactment of this title, the Secretary shall consult with the owners of all non-Federal land within the boundary of the Monument to inventory all existing motorized access routes to private parcels existing as of the date of enactment of this title.

(3) PROHIBITION ON CLOSING MOTORIZED ACCESS ROUTES.—The Secretary shall not close or deny use of any routes inventoried in paragraph (2).

(4) PUBLIC SAFETY EXCEPTION.—Subject to paragraph (5), the Secretary may temporarily or permanently reroute a portion of a route inventoried in paragraph (2) to address public safety concerns.

(5) NO LET LOSS OF ACCESS.—Except in the case of temporary closure of a route due to an emergency, before any route inventoried in paragraph (2) is closed, the Secretary must open a new motorized access route to private parcels impacted by the closure.

(h) LIMITATIONS ON COMMERCIAL ENTERPRISES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), or as required for the customary operation, maintenance, upgrade, expansion, or development of energy transport facilities within corridors or rights-of-way described in subsection (g), no commercial enterprises shall be authorized within the boundary of the Management Area after the date of enactment of this Act.

(2) ADDITIONAL EXCEPTIONS AUTHORIZED BY SECRETARY.—The Secretary may authorize exceptions to paragraph (1) if the Secretary determines

that the commercial enterprise would further the purposes described in section 602(b).

(3) EXCEPTIONS.—This subsection does not apply to the following:

(A) Energy transport facilities that are owned or operated by a utility subject to regulation by the Federal Government or a State government or a State utility with a service obligation (as those terms may be defined in section 217 of the Federal Power Act (16 U.S.C. 824q)).

(B) Mining.

(C) Commercial vehicular touring enterprises within the Management Area that operate on designated routes.

(D) Holders of permits for commercial enterprises, such as touring, wildlife viewing, or guiding for profit, within the Management Area, regardless of whether the permit is issued before, on, or after the date of the enactment of this Act.

(E) Commercial operations that take place on non-Federal land within the boundary of the Management Area.

(i) RIGHTS-OF-WAY AND ENERGY TRANSPORT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this title precludes, prevents, or inhibits the following activities within rights-of-way or corridors in existence in the Management Area as of the date of the enactment of this Act:

(A) Use of mechanized vehicles.

(B) Customary operation.

(C) Maintenance.

(D) Construction.

(E) Incidental uses.

(F) Upgrades or expansion.

(G) Relocation within the right-of-way.

(H) Replacement.

(I) Development of energy transport facilities.

(2) LIMITATION.—The activities described in paragraph (1) shall be conducted in a manner that minimizes the impact of the activities on Management Area resources.

(3) RIGHTS-OF-WAY.—The Secretary shall, to the maximum extent practicable—

(A) permit rights-of-way and corridor alignments that best protect the values and re-

sources of the Management Area described in section 602(b); and

(B) ensure that—

(i) existing rights-of-way and utility corridors within the Management Area are fully utilized before authorizing any new or expanded utility right-of-way or corridor; and

(ii) no economically, technically, or legally feasible alternative exists outside the Management Area before authorizing a new or expanded energy transport facility right-of-way or corridor within the Management Area.

(4) EFFECT ON EXISTING FACILITIES AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Nothing in this section terminates or limits any valid right-of-way within the Management Area in existence as of the date of enactment of this Act (including the customary operation, maintenance, repair, relocation within an existing right-of-way, or replacement of energy transport facilities within an existing right-of-way), or other authorized

right-of-way, including a right-of-way described in subparagraph (B).

(B) INCLUSIONS.—A right-of-way referred to in subparagraph (A) includes, but is not limited to—

(i) a right-of-way issued, granted, or permitted to—

(I) the Southern California Edison Company or any predecessors, successors, or assigns of the Southern California Edison Company, which are referred to as of the date of enactment of this Act as Lugo-Mohave, Eldorado-Lugo, Cima-Eldorado-Pisgah 1 and 2, and Lugo-Pisgah 1 and 2 transmission line rights-of-way, Hector, Lava, Sheephole, and Danby distribution circuit rights-of-way, and any rights-of-way affiliated with the Camino Substation;

(II) the Pacific Gas and Electric Company or any predecessors, successors, or assigns of the Pacific Gas and Electric Company, which are referred

to as Gas Transmission Lines 300A, 300B, 311, and 372 rights-of-way;

(III) the Southern California Gas Company or any predecessors, successors, or assigns of the Southern California Gas Company, which are referred to as Gas Transmission Lines 235, 3000, and 6916 rights-of-way; and

(IV) the Celeron Pipeline Company and the All American Pipeline Company by Right-of-Way Grant No. CA 14013 from the Bureau of Land Management; and

(ii) a right-of-way authorization issued on the expiration of an existing right-of-way authorization described in clause (i).

(C) PUBLICATION OF PLANS.—Not later than one year after the date of enactment of this Act, the Secretary, in consultation with the Southern California Edison Company, the Pacific Gas and Electric Company, the Southern California Gas Company, and the Metropolitan Water District of Southern California, shall publish plans for regular and emergency access

by such utilities to the respective rights-of-way of those utilities within the Management Area.

(5) UPGRADING AND EXPANSION OF EXISTING RIGHTS-OF-WAY.—Nothing in this subsection prohibits the upgrading (including the construction, relocation, or replacement within an existing right-of-way) or expansion of an existing energy transport facility for the purpose of increasing the transmission capacity of the energy transport facility or for providing energy storage consistent with requirements of the California Public Utilities Commission, or the Federal or State agency with regulatory authority over those actions, in—

(A) existing rights-of-way or corridors within the Management Area; or

(B) a right-of-way issued, granted, or permitted by the Secretary that is contiguous or adjacent to existing energy transport facility rights-of-way, including existing Southern California Edison Company, Pacific Gas and Electric Company, and Southern California Gas Company energy transport facility rights-of-way.

(6) INTERSTATE 40 TRANSPORTATION CORRIDOR.—For purposes of utility rights-of-way under

this subsection, the Secretary shall consider the Interstate 40 transportation corridor to be equivalent to a utility right-of-way corridor in existence as of the date of the enactment of this Act.

(7) NEW RIGHTS-OF-WAY.—

(A) IN GENERAL.—Except as authorized in subparagraph (B), any new right-of-way within the Management Area shall—

(i) only be permitted—

(I) in an energy corridor that is designated as of the date of enactment of this Act; or

(II) as an expansion of an energy corridor described in subclause (I); and

(ii) require compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) APPROVAL.—A new right-of-way, or expansion of an existing energy corridor, authorized by subparagraph (A) shall only be approved if the Secretary, in consultation with applicable Federal and State agencies, determines that the new right-of-way or expansion of an existing corridor is consistent with—

(i) this title;

(ii) other applicable laws;

(iii) the purposes of the Management Area described in section 602(b); and

(iv) the management plan for the Management Area.

(j) OVERFLIGHTS.—Nothing in this title or the management plan restricts or precludes—

(1) overflights (including low-level overflights) of military, commercial, and general aviation aircraft that can be seen or heard within the Management Area;

(2) the designation or creation of new units of special use airspace;

(3) the establishment of military flight training routes over the Management Area; or

(4) the use (including takeoff and landing) of helicopters and other aerial devices to construct or maintain energy transport facilities.

(k) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Management Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws; and

(2) right-of-way, leasing, or disposition under all laws relating to solar, wind, and geothermal energy.

(l) PROHIBITION ON RENEWABLE ENERGY GENERATION FACILITIES.—Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited within the Management Area.

(m) NO BUFFERS.—The establishment of the Management Area shall not—

(1) create a protective perimeter or buffer zone around the Management Area; or

(2) restrict, preclude, limit, or prevent uses or activities outside the Management Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Management Area.

(n) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the Management Area have access to adequate notice relating to the availability of designated routes in the Management Area through—

(1) the placement of appropriate signage along the designated routes;

(2) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate; and

(3) restoration of areas that are not designated as open routes, including vertical mulching.

(o) STEWARDSHIP.—In consultation with Indian tribes and other interested persons, the Secretary shall develop a program to provide opportunities for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

(1) route signage;

(2) restoration of closed routes;

(3) protection of Management Area resources; and

(4) recreation education.

(p) PROTECTION OF TRIBAL CULTURAL RESOURCES.—Not later than two years after the date of enactment of this Act, the Secretary, in accordance with chapter 2003 of title 54, United States Code, and any other applicable law, shall—

(1) prepare and complete a tribal cultural resources survey of the Management Area; and

(2) consult with the Fort Mojave Indian Tribe, the Colorado River Indian Tribes, the Chemehuevi

Indian Tribe, the San Manuel Band of Serrano Mission Indians, and other Indian tribes with historic or cultural ties to land within, or adjacent to, the Management Area regarding the management of portions of the Management Area containing sacred sites or cultural importance to the Indian tribes on the development and implementation of the tribal cultural resources survey under paragraph (1).

(q) PROTECTION OF PROPERTY RIGHTS.—

(1) NO AFFECT ON NON-FEDERAL LAND.—The establishment of the Management Area does not affect—

(A) any land or interest in land held by the State of California, political subdivision of the State, or special district;

(B) any private property right (including a water development right) within or adjacent to the boundaries of the Management Area;

(C) any land, interest in land, or customary operation, maintenance, repair, or replacement activity carried out on, over, or under land or within an existing right-of-way in the Management Area; or

(D) access to valid existing water rights and the operation and maintenance of water

conveyance structures associated with the water rights.

(2) NO NEW AUTHORITY.—Nothing in this title grants to the Secretary any authority on or over non-Federal land not already provided by law.

SEC. 604. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretary may acquire for inclusion in the Management Area any land or interests in land within the boundary of the Management Area owned by the State, units of local government, Indian tribes, nonprofit organizations, private individuals, or any other landowner only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(b) USE OF EASEMENTS.—To the maximum extent practicable and only with the approval of the landowner, the Secretary may use permanent conservation easements to acquire an interest in land in the Management Area rather than acquiring fee simple title to the land.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundaries of the Management Area that is acquired by the United States after the date of enactment of this Act

shall be added to and administered as part of the Management Area.

(d) DONATED AND ACQUIRED LAND.—

(1) IN GENERAL.—All land within the boundary of the Management Area donated to the United States or acquired using amounts from the land and water conservation fund established under section 200302 of title 54, United States Code, before, on, or after the date of enactment of this Act—

(A) shall be managed in accordance with section 603; and

(B) shall be managed consistent with the purposes of the Management Area described in section 602(b).

(2) EFFECT ON MANAGEMENT AREA.—Land within the boundary of the Management Area that is contiguous to land donated to the United States or acquired through purchase or exchange shall be managed in a manner consistent with conservation purposes, subject to applicable law.

SEC. 605. RENEWABLE ENERGY RIGHT-OF-WAY APPLICATIONS.

(a) IN GENERAL.—Applicants for rights-of-way for the development of solar energy facilities that have been terminated by the establishment of the Management Area

shall be granted the right of first refusal to apply for replacement sites that—

(1) have not previously been encumbered by right-of-way applications; and

(2) are located within the Solar Energy Zones designated by the Solar Energy Programmatic Environmental Impact Statement of the Department of the Interior and the Department of Energy.

(b) ELIGIBILITY.—To be eligible for a right of first refusal under subsection (a), an applicant shall have, on or before December 1, 2009—

(1) submitted an application for a right-of-way to the Bureau of Land Management;

(2) completed a plan of development to develop a solar energy facility on land within the Management Area;

(3) submitted cost recovery funds to the Bureau of Land Management to assist with the costs of processing the right-of-way application;

(4) successfully submitted an application for an interconnection agreement with an electrical grid operator that is registered with the North American Electric Reliability Corporation; and

(5)(A) secured a power purchase agreement; or

(B) a financially and technically viable solar energy facility project, as determined by the Director of the Bureau of Land Management.

(c) EQUIVALENT ENERGY PRODUCTION.—Each right-of-way for a replacement site granted under this section shall—

(1) authorize the same energy production at the replacement site as had been applied for at the site that had been the subject of the terminated application; and

(2) have—

(A) appropriate solar insolation and geotechnical attributes; and

(B) adequate access to existing transmission or feasible new transmission.

(d) EXISTING RIGHTS-OF-WAY APPLICATIONS.—Nothing in this section alters, affects, or displaces primary rights-of-way applications within the Solar Energy Study Areas unless the applications are otherwise altered, affected, or displaced as a result of the Solar Energy Programmatic Environmental Impact Statement of the Department of the Interior and the Department of Energy.

(e) DEADLINES.—A right of first refusal granted under this section shall only be exercisable by the date that is 180 days after the date of enactment of this Act.

(f) EXPEDITED APPLICATION PROCESSING.—The Secretary shall expedite the review of replacement site applications from eligible applicants, as described in subsection (b).

SEC. 606. EXPEDITED ENVIRONMENTAL REVIEW PROCESS TO FACILITATE ROUTE 66 BRIDGE REPAIR AND REPLACEMENT WITHIN MANAGEMENT AREA.

(a) PROGRAMMATIC ENVIRONMENTAL REVIEW PROCESS.—Consistent with section 139 of title 23, United States Code, the Secretary of Transportation shall authorize the use of a single programmatic environmental review process to cover all repair or replacement projects proposed for bridges of Route 66, also known as National Trails Highway, located within the Management Area.

(b) PRESERVATION OF PARKLANDS, REFUGES, AND HISTORIC SITES.—Section 138 of title 23, United States Code, and section 303 of title 49, United States Code, shall not apply to the bridge repair and replacement projects described in subsection (a).

(c) ENDANGERED SPECIES ACT.—The bridge repair and replacement projects described in subsection (a) are exempt from the biological survey and consultation requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) NATIONAL HISTORIC PRESERVATION REVIEW.—Section 306108 of title 54, United States Code, shall not apply to the bridge repair and replacement projects described in subsection (a).

(e) FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE.—Executive Order No. 12898 (59 Fed. Reg. 7629; 42 U.S.C. 4321 note), as amended by Executive Order No. 12948 (60 Fed. Reg. 6381), shall not apply to the bridge repair and replacement projects described in subsection (a).

TITLE VII—SAND TO SNOW NATIONAL MONUMENT

SEC. 701. DEFINITIONS.

In this title:

(1) ENERGY TRANSPORT FACILITY.—

(A) IN GENERAL.—The term ''energy transport facility'' means any facility used for the operation, maintenance, transmission, distribution, or transportation of electricity or natural gas.

(B) INCLUSIONS.—The term ''energy transport facility'' includes—

(i) electric and gas transmission and distribution facilities;

(ii) telecommunications facilities; and

(iii) appurtenant equipment owned or used by a public or municipal utility company or water district.

(2) MAP.—The term ''map'' means the map entitled ''Proposed Sand to Snow National Monument'' and dated August 4, 2015.

(3) MECHANIZED VEHICLE.—The term ''mechanized vehicle'' means a motorized or mechanized vehicle or equipment used by a public or municipal utility company or water district to construct, operate, maintain, repair, or upgrade electricity, natural gas, telecommunications, or water infrastructure.

(4) MONUMENT.—The term ''Monument'' means the Sand to Snow National Monument established by section 702(a).

(5) PUBLIC-UTILITY COMPANY.—The term ''public-utility company'' has the meaning given the term in section 1262 of the Public Utility Holding Company Act of 2005 (42 U.S.C. 16451).

(6) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 702. SAND TO SNOW NATIONAL MONUMENT.

(a) ESTABLISHMENT.—There is established in the State of California the Sand to Snow National Monument.

(b) PURPOSES.—The purposes of the Monument are—

(1) to preserve the nationally significant biological, cultural, educational, geological, historic, scenic, and recreational values at the convergence of the Mojave and Colorado Desert and the San Bernardino Mountains; and

(2) to secure the opportunity for present and future generations to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources of the Monument.

(c) BOUNDARIES.—

(1) IN GENERAL.—The Monument shall consist of the Federal land and Federal interests in land within the boundaries depicted on the map.

(2) DISTANCE FROM STATE HIGHWAYS.—In accordance with the policy of the Bureau of Land Management, the boundaries of the Monument shall be set back not less than 300 feet from all State highways.

(d) MAP; LEGAL DESCRIPTIONS.—

(1) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretaries shall submit to the Committee on Natural Resources of the House of Representatives and

the Committee on Energy and Natural Resources of the Senate legal descriptions of the Monument, based on the map.

(2) CORRECTIONS.—The map and legal descriptions of the Monument shall have the same force and effect as if included in this title, except that the Secretaries may correct clerical and typographical errors in the map and legal descriptions.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

SEC. 703. MANAGEMENT OF MONUMENT.

(a) IN GENERAL.—The Secretaries shall—

(1) only allow uses of the Monument that—

(A) further the purposes described in section 702(b);

(B) are included in the management plan developed under subsection (g); and

(C) do not interfere with the energy transport facility rights-of-way authorized under section 704(e); and

(2) subject to valid existing rights, manage the Monument to protect the resources of the Monument, in accordance with—

(A) this title;

(B) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(C) any other applicable provisions of law.

(b) COOPERATION AGREEMENTS.—

(1) GENERAL AUTHORITY.—Consistent with the management plan and authorities applicable to the Monument, the Secretaries may enter into cooperative agreements (including special use permits with any person (including educational institutions and Indian tribes)), for the purposes of interpreting, researching, and providing education on the resources of the Monument.

(2) MEMORANDUM OF UNDERSTANDING WITH CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE.—Not later than 180 days after the date of the enactment of this Act, the Secretaries shall enter into a memorandum of understanding with the California Department of Fish and Wildlife to permit operationally feasible, ongoing access to the Monument for the placement and maintenance of water development projects as considered necessary for wildlife conservation.

(c) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED LAND.—Any land or interest in land within the boundaries of the Monument that is acquired by the Secretaries

after the date of enactment of this Act shall be managed by the Secretary concerned in accordance with this title.

(d) LIMITATIONS.—

(1) PROPERTY RIGHTS.—

(A) IN GENERAL.—The establishment of the Monument does not—

(i) affect—

(I) any land or interest in land held by the State, political subdivision of the State, or special district;

(II) any private property right (including a water development right) within the boundaries of the Monument;

(III) any land, interest in land, or customary operation, maintenance, repair, or replacement activity carried out on, over, or under land or within a right-of-way granted to, owned by, or controlled by the Metropolitan Water District or the Southern California Edison Company pursuant to law or legal right (including the Act of June 18, 1932 (47 Stat. 324, chapter 270)) included in the Monument

and conducted in a manner that minimizes the impact on the resources of the Monument; or

(IV) access to valid existing water rights and the operation and maintenance of water conveyance structures associated with the water rights; or

(ii) grant to the Secretaries any authority on or over non-Federal land not already provided by law.

(B) PLANS.—Not later than one year after the date of enactment of this Act, the Secretaries, in consultation with the district and company referred to in subparagraph (A)(i)(III) shall publish plans for regular and emergency access to the land and rights-of-way owned or controlled by the company or district.

(2) AUTHORITY.—The authority of the Secretaries under this title extends only to Federal land and Federal interests in land included in the Monument.

(e) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in this title creates any protective perimeter or buffer zone around the Monument.

(2) ACTIVITIES OUTSIDE MONUMENT.—The fact that an activity or use on land outside the Monument can be seen or heard within the Monument shall not preclude the activity or use outside the boundary of the Monument.

(3) NO ADDITIONAL REGULATION.—Nothing in this title requires additional regulation of activities on land outside the boundary of the Monument.

(f) AIR AND WATER QUALITY.—Nothing in this title affects the standards governing air or water quality outside the boundary of the Monument.

(g) MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretaries shall—

(A) not later than three years after the date of enactment of this Act, complete a management plan for the conservation and protection of the Monument; and

(B) on completion of the management plan—

(i) submit the management plan to—

(I) the Committee on Natural Resources of the House of Representatives; and

(II) the Committee on Energy and Natural Resources of the Senate; and

(ii) make the management plan available to the public.

(2) INCLUSIONS.—The management plan shall include provisions that—

(A) provide for the conservation and protection of the Monument;

(B) authorize the continued recreational uses of the Monument (including hiking, camping, hunting, mountain biking, sightseeing, off-highway vehicle recreation on designated routes, rockhounding, sport shooting, and horseback riding), if the recreational uses are consistent with this title and any other applicable law;

(C) address the designation and maintenance of roads, trails, and paths in the Monument and take into consideration—

(i) connecting trails within the Monument to trails on other adjacent public land; and

(ii) establishing a trailhead at Cabot's Pueblo in the city of Desert Hot Springs, California;

(D) address regional fire management planning and coordination between the Director of the Bureau of Land Management, the Chief of the Forest Service, Riverside County, and San Bernardino County;

(E) address the establishment of a visitor center to serve the Monument and adjacent public land;

(F) provide for the maintenance of and access to energy transport facilities and rights-of-way within the Monument; and

(G) provide for the maintenance of and access to existing water conveyance systems and rights-of-way within the Monument.

(3) PREPARATION AND IMPLEMENTATION.—

(A) APPLICABLE LAW.—The Secretaries shall prepare and implement the management plan in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable laws.

(B) CONSULTATION.—In preparing and implementing the management plan, the Secretaries shall periodically consult with—

(i) the advisory committee established under section 706;

(ii) interested private property owners and holders of valid rights located within the boundaries of the Monument; and

(iii) representatives of the San Manuel Band of Serrano Mission Indians, the Morongo Band of Mission Indians, and other Indian tribes with historic or cultural ties to land within, or adjacent to, the Monument regarding the management of portions of the Monument that are of cultural importance to the Indian tribes.

(4) INTERIM MANAGEMENT.—Except as otherwise prohibited by this Act, pending completion of the management plan for the Monument, the Secretaries shall manage any Federal land and Federal interests in land within the boundary of the Monument—

(A) in accordance with section 1.6D of the Bureau of Land Management manual numbered 6220, dated July 13, 2012, and entitled

"National Monuments, National Conservation Areas, and Similar Designations"; and

(B) consistent with the purposes of the Monument described in section 702(b).

SEC. 704. USES OF MONUMENT.

(a) USE OF OFF-HIGHWAY MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as necessary for administrative purposes or to respond to an emergency, the use of off-highway motorized vehicles in the Monument (including the use of off-highway motorized vehicles for commercial touring) shall be permitted only on designated routes, subject to all applicable law and as authorized by the management plan.

(2) INVENTORY.—Not later than two years after the date of enactment of this Act, the Director of the Bureau of Land Management shall—

(A) complete an inventory of all existing routes in the Monument; and

(B) designate routes concurrently with the completion of the management plan.

(b) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretaries shall permit hunting,

trapping, and fishing within the Monument in accordance with applicable Federal and State laws (including regulations) as of the date of enactment of this Act.

(2) TRAPPING.—No amphibians or reptiles may be collected within the Monument, except for—

(A) scientific purposes;

(B) the removal of an invasive species; or

(C) identification/medical purposes in response to a snakebite.

(3) REGULATIONS.—The Secretaries, after consultation with the California Department of Fish and Wildlife, may designate zones in which, and establish periods during which, hunting, trapping, and fishing shall not be allowed in the Monument for reasons of public safety, administration, resource protection, or public use and enjoyment.

(c) ACCESS TO STATE AND PRIVATE LAND.—

(1) ACCESS.—The Secretaries shall provide access to each owner of non-Federal land or interests in non-Federal land within the boundary of the Monument to ensure the reasonable maintenance, use, and enjoyment of the land or interest by the owner.

(2) SURVEY OF EXISTING MOTORIZED ACCESS ROUTES.—Not later than two years after enactment of this Act, the Secretaries shall consult with the owners of all non-Federal land within the boundary of the Monument to inventory all existing motorized access routes to private parcels existing as of the date of enactment of this Act.

(3) PROHIBITION ON CLOSING MOTORIZED ACCESS ROUTES.—The Secretaries shall not close, restrict, or deny use of any routes inventoried in paragraph (2).

(4) PUBLIC SAFETY EXCEPTION.—Subject to paragraph (5), the Secretaries may temporarily or permanently reroute a portion of a route inventoried in paragraph (2) to address public safety concerns.

(5) NO NET LOSS OF ACCESS.—Except in the case of temporary closure of a route due to an emergency, before any route inventoried in paragraph (2) is closed, the Secretaries must open a new motorized access route to private parcels impacted by the closure.

(d) LIMITATIONS.—

(1) COMMERCIAL ENTERPRISES.—Except as provided in paragraphs (2) and (3), or as required for the customary operation, maintenance, upgrade,

expansion, or development of energy transport facilities within the rights-of-way described in subsection (e), no commercial enterprises shall be authorized within the boundary of the Monument after the date of enactment of this Act.

(2) AUTHORIZED EXCEPTIONS.—The Secretaries may authorize exceptions to paragraph (1) if the Secretaries determine that the commercial enterprises would further the purposes described in section 702(b).

(3) APPLICATION.—This subsection does not apply to the following:

(A) Energy transport facilities that are owned or operated by a utility subject to regulation by the Federal Government or a State government or a State utility with a service obligation (as those terms are defined in section 217 of the Federal Power Act (16 U.S.C. 824q)).

(B) Commercial vehicular touring enterprises within the Monument that operate on designated routes.

(C) Holders of permits for commercial enterprises, such as touring, wildlife viewing, or guiding for profit, within the Monument, regardless of whether the permit is issued before,

on, or after the date of the enactment of this Act.

(D) Commercial operations that take place on non-Federal land within the boundary of the Monument.

(e) ENERGY TRANSPORT FACILITIES AND RIGHTS-OF-WAY.—

(1) IN GENERAL.—Subject to paragraph (2), nothing in this Act precludes, prevents, or inhibits the use of mechanized vehicles or customary operation, maintenance, upgrade, expansion, relocation within an existing right-of-way, replacement, or development of energy transport facilities within existing rights-of-way located in the Monument.

(2) LIMITATION.—The activities described in paragraph (1) shall be conducted in a manner that minimizes the impact of the activities on Monument resources.

(3) RIGHTS-OF-WAY.—The Secretaries shall, to the maximum extent practicable—

(A) permit rights-of-way that best protect the values and resources of the Monument described in section 702(b); and

(B) ensure that—

(i) existing rights-of-way within the Monument are fully utilized before authorizing any new or expanded utility right-of-way; and

(ii) no economically, technically, or legally feasible alternative exists outside the Monument before authorizing a new or expanded energy transport facility right-of-way within the Monument.

(4) EFFECT ON EXISTING FACILITIES AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—Nothing in this section terminates or limits any valid right-of-way within the Monument in existence on the date of enactment of this Act (including the customary operation, maintenance, repair, relocation within an existing right-of-way, or replacement of energy transport facilities within an existing right-of-way), or other authorized right-of-way, including a right-of-way described in subparagraph (B).

(B) INCLUSIONS.—A right-of-way referred to in subparagraph (A) includes—

(i) a right-of-way issued, granted, or permitted to the Southern California Edi-

son Company or any predecessors, successors, or assigns of the Southern California Edison Company, which are referred to as the Devers-Hi Desert-Terawind-Yucca transmission line rights-of-way and Coachella, Skyborne, and Toll distribution circuit rights-of-way; and

(ii) a right-of-way authorization issued on the expiration of an existing right-of-way authorization described in clause (i).

(C) PUBLICATION OF PLANS.—Not later than one year after the date of enactment of this Act, the Secretaries, in consultation with the Southern California Edison Company, shall publish plans for regular and emergency access by the Southern California Edison Company to the rights-of-way of the Southern California Edison Company within the Monument.

(5) UPGRADING AND EXPANSION OF EXISTING RIGHTS-OF-WAY.—Nothing in this subsection prohibits the upgrading (including the construction, relocation, or replacement within an existing right-of-way) or expansion of an existing energy transport facility for the purpose of increasing the transmission capacity of the energy transport facility or

for providing energy storage consistent with the requirements of the California Public Utilities Commission in—

(A) existing rights-of-way within the Monument; or

(B) a right-of-way issued, granted, or permitted by the Secretaries that is contiguous or adjacent to existing energy transport facility rights-of-way, including existing Southern California Edison Sand to Snow energy transport facility rights-of-way.

(6) NEW RIGHTS-OF-WAY AND NEW USES.—

(A) IN GENERAL.—Except as authorized in subparagraph (B), any new rights-of-way or new uses within existing rights-of-way shall require compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) APPROVAL.—New rights-of-way shall only be approved if the Secretaries, in consultation with applicable Federal and State agencies, determine that the new rights-of-way are consistent with—

(i) this title;

(ii) other applicable laws;

(iii) the purposes of the Monument described in section 702(b); and

(iv) the management plan for the Monument.

(f) OVERFLIGHTS.—Nothing in this title or the management plan restricts or precludes—

(1) overflights (including low-level overflights) of military, commercial, and general aviation aircraft that can be seen or heard within the Monument;

(2) the designation or creation of new units of special use airspace;

(3) the establishment of military flight training routes over the Monument; or

(4) the use (including takeoff and landing) of helicopters and other aerial devices to construct or maintain energy transport facilities.

(g) WITHDRAWALS.—

(1) IN GENERAL.—Subject to this Act and valid existing rights and except as provided in paragraph (2), the Federal land and interests in Federal land included within the Monument are withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing, geothermal leasing, and mineral materials laws.

(2) EXCHANGE.—Paragraph (1) does not apply to an exchange that the Secretaries determine would further the protective purposes of the Monument.

(h) PROHIBITION ON RENEWABLE ENERGY GENERATION FACILITIES.—Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited within the Monument.

(i) ACCESS TO RENEWABLE ENERGY AND ENERGY TRANSPORT FACILITIES.—

(1) IN GENERAL.—On a determination by the Secretaries that no reasonable alternative access exists and subject to paragraph (2), the Secretaries may allow new rights-of-way within the Monument to provide reasonable vehicular access to renewable energy project sites and appurtenant energy transport facilities outside the boundaries of the Monument.

(2) RESTRICTIONS.—To the maximum extent practicable, the rights-of-way shall be designed and

sited to be consistent with the purposes of the Monument described in section 702(b).

SEC. 705. ACQUISITION OF LAND.

(a) IN GENERAL.—The Secretaries may acquire for inclusion in the Monument any land or interests in land within the boundary of the Monument owned by the State, units of local government, Indian tribes, nonprofit organizations, private individuals, or any other landowner only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(b) USE OF EASEMENTS.—To the maximum extent practicable and only with the approval of the landowner, the Secretaries may use permanent conservation easements to acquire an interest in land in the Monument rather than acquiring fee simple title to the land.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land within the boundaries of the Monument that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Monument.

(d) DONATED AND ACQUIRED LAND.—

(1) IN GENERAL.—All land within the boundary of the Monument donated to the United States or

acquired using amounts from the land and water conservation fund established under section 200302 of title 54, United States Code, before, on, or after the date of enactment of this Act—

(A) is withdrawn from mineral entry; and

(B) shall be managed in accordance with sections 703 and 704 consistent with the purposes of the Monument described in section 702(b).

(2) EFFECT ON MONUMENT.—Land within the boundary of the Monument that is contiguous to land donated to the United States or acquired through purchase or exchange shall be managed in a manner consistent with conservation purposes, subject to applicable law.

SEC. 706. ADVISORY COMMITTEE.

(a) IN GENERAL.—The Secretaries shall establish an advisory committee for the Monument, the purpose of which is to advise the Secretaries with respect to the preparation and implementation of the management plan required by section 703(g).

(b) MEMBERSHIP.—To the maximum extent practicable, the advisory committee shall include the following members, to be appointed by the Secretaries:

(1) A representative with expertise in natural science and research selected from a regional institution of higher education or research.

(2) A representative of the Department of Defense.

(3) A representative of the California Natural Resources Agency.

(4) A representative of each of San Bernardino and Riverside Counties, California.

(5) A representative of each of the cities of Banning, Desert Hot Springs and Yucca Valley, California.

(6) A representative of the San Manuel Band of Serrano Mission Indians.

(7) A representative of the Morongo Band of Mission Indians.

(8) A representative of the Friends of Big Morongo Preserve.

(9) A representative of The Wildlands Conservancy.

(10) A representative of the Coachella Valley Mountains Conservancy.

(11) A representative of the San Gorgonio Wilderness Association.

(12) A representative of the Morongo Valley Community Services District.

(13) A representative of organizations relating to each of the following recreational activities:

(A) Off-highway vehicles.

(B) Hunting.

(C) Rockhounding.

(14) A representative of the Southern California Edison Company.

(15) A representative of the Metropolitan Water District.

(16) A representative of Banning Heights Mutual Water Company.

(17) A representative of the Society for the Conservation of Bighorn Sheep.

(18) A representative of the Bighorn Sheep Preservation Group.

(c) TERMS.—

(1) IN GENERAL.—In appointing members under subsection (b), the Secretaries shall appoint 1 primary member and 1 alternate member who meets the qualifications described in each of those paragraphs.

(2) VACANCY.—

(A) PRIMARY MEMBER.—A vacancy on the advisory committee with respect to a primary member shall be filled by the applicable alternate member.

(B) ALTERNATE MEMBER.—The Secretaries shall appoint a new alternate member in the event of a vacancy with respect to an alternate member of the advisory committee.

(3) TERMINATION.—

(A) IN GENERAL.—The term of all members of the advisory committee shall terminate on the termination of the advisory committee under subsection (g).

(B) NEW ADVISORY COMMITTEE.—The Secretaries may establish a new advisory committee on the termination of the advisory committee under subsection (g) to provide ongoing recommendations on the management of the Monument.

(d) QUORUM.—A quorum of the advisory committee shall consist of a majority of the primary members.

(e) CHAIRPERSON AND PROCEDURES.—

(1) IN GENERAL.—The advisory committee shall select a chairperson and vice chairperson from

among the primary members of the advisory committee.

(2) DUTIES.—The chairperson and vice chairperson selected under paragraph (1) shall establish any rules and procedures for the advisory committee that the chairperson and vice chairperson determine to be necessary or desirable.

(f) SERVICE WITHOUT COMPENSATION.—Members of the advisory committee shall serve without pay.

(g) TERMINATION.—The advisory committee shall cease to exist on—

(1) the date on which the management plan is officially adopted by the Secretaries; or

(2) such later date as the Secretaries may specify.

SEC. 707. WIRELESS COMMUNICATIONS FACILITIES.

Nothing in this title shall be construed to affect, restrict, or prevent the installation of wireless communications facilities in the Monument within the area depicted as ''Morongo Gorge'' on the map.

TITLE VIII—LAND CONVEYANCES, WITHDRAWALS, AND RELATED PROVISIONS

SEC. 801. RELEASE OF FEDERAL REVERSIONARY LAND INTERESTS.

(a) DEFINITIONS.—In this section:

(1) 1932 ACT.—The term ''1932 Act'' means the Act of June 18, 1932 (47 Stat. 324, chapter 270).

(2) DISTRICT.—The term ''District'' means the Metropolitan Water District of Southern California.

(b) RELEASE.—Subject to valid existing claims perfected prior to the effective date of the 1932 Act and the reservation of minerals set forth in the 1932 Act, the Secretary of the Interior shall release, convey, or otherwise quitclaim to the District, in a form recordable in local county records, and subject to the approval of the District, after consultation and without monetary consideration, all right, title, and remaining interest of the United States in and to the land that was conveyed to the District pursuant to the 1932 Act or any other law authorizing conveyance subject to restrictions or reversionary interests retained by the United States, on request by the District.

(c) TERMS AND CONDITIONS.—A conveyance authorized by subsection (b) shall be subject to the following terms and conditions:

(1) The District shall cover, or reimburse the Secretary of the Interior for, the costs incurred by the Secretary to make the conveyance, including title searches, surveys, deed preparation, attorneys' fees, and similar expenses.

(2) By accepting the conveyances, the District agrees to indemnify and hold harmless the United States with regard to any boundary dispute relating to any parcel conveyed under this section.

SEC. 802. CALIFORNIA STATE SCHOOL LAND.

Section 707 of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–77) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''Upon request of the California State Lands Commission (hereinafter in this section referred to as the 'Commission'), the Secretary shall enter into negotiations for an agreement'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall negotiate in good faith to reach an agreement with the

California State Lands Commission (referred to in this section as the 'Commission')''; and

(ii) by inserting '', national monuments,'' after ''more of the wilderness areas''; and

(B) in the second sentence, by striking ''The Secretary shall negotiate in good faith to'' and inserting the following:

''(2) AGREEMENT.—To the maximum extent practicable, not later than 10 years after the date of enactment of this title, the Secretary shall'';

(2) in subsection (b)(1), by inserting '', national monuments,'' after ''wilderness areas''; and

(3) in subsection (c), by adding at the end the following:

''(5) SPECIAL DEPOSIT FUND ACCOUNT.—

''(A) IN GENERAL.—Assembled land exchanges may be used to carry out this section through the sale of surplus Federal property and subsequent acquisitions of State school land.

''(B) RECEIPTS.—Past and future receipts from the sale of property described in subsection (a), less any costs incurred related to

the sale, shall be deposited in a Special Deposit Fund Account established in the Treasury.

"(C) USE.—Funds accumulated in the Special Deposit Fund Account may be used by the Secretary, without an appropriation, to acquire State school lands or interest in the land consistent with this section.".

SEC. 803. JUNIPER FLATS.

Development of renewable energy generation facilities (excluding rights-of-way or facilities for the transmission of energy and telecommunication facilities and infrastructure) is prohibited on the approximately 28,000 acres of Federal land generally depicted as "BLM Land Withdrawn from Energy Development and Power Generation" on the map entitled "Juniper Flats" and dated September 21, 2015.

SEC. 804. LAND EXCHANGE, SAN GORGONIO WILDERNESS, CALIFORNIA DESERT CONSERVATION AREA, BUREAU OF LAND MANAGEMENT, AND SAN BERNARDINO NATIONAL FOREST, CALIFORNIA.

(a) FOREST SERVICE EXCHANGE AUTHORIZED.—The Secretary of Agriculture may convey to Stephen Mascaro (in this section referred to as the "recipient"), all right, title, and interest of the United States in and

to a parcel of National Forest System land within San Bernardino National Forest in the State of California, consisting of approximately 638 acres, as depicted on the map titled ''Proposed Sand to Snow National Monument Forest Service Land Exchange'' and dated June 10, 2015, in exchange for a parcel of private land consisting of approximately 632 acres, as also depicted on such map.

(b) BUREAU OF LAND MANAGEMENT EXCHANGE AUTHORIZED.—The Secretary of the Interior may convey to the recipient all right, title, and interest of the United States in and to a parcel of public land within the San Gorgonio Wilderness of the California Desert Conservation Area in the State of California, consisting of approximately 645 acres, as depicted on the map titled ''Proposed Sand to Snow National Monument Bureau of Land Management Land Exchange'' and dated June 23, 2015, in exchange for a parcel of private land consisting of approximately 953 acres, as also depicted on such map.

(c) EXISTING RIGHTS.—The conveyance of the Federal land under this section shall be subject to valid existing rights.

(d) EXCHANGE PROCESS.—The Secretaries shall carry out the land exchanges authorized by this section in the manner provided in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716)

and subject to the terms and conditions of such section and regulations promulgated to implement such section.

(e) MAPS AND LEGAL DESCRIPTIONS.—

(1) REQUIRED.—As soon as practicable after completion of the land exchange authorized by subsection (a), the Secretary of Agriculture shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Federal land and private land exchanged under such subsection. As soon as practicable after completion of the land exchange authorized by subsection (b), the Secretary of the Interior shall file with such committees a map and legal description of the Federal land and private land exchanged under such subsection.

(2) FORCE AND EFFECT.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary concerned may correct clerical and typographical errors in a map and description.

(3) PUBLIC INSPECTION.—The maps and legal descriptions shall be on file and available for public

inspection in the appropriate offices of the Secretary concerned.

SEC. 805. CONVEYANCE FOR APPLE VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.

(a) DEFINITIONS.—In this section:

(1) TOWN.—The term ''Town'' means the town of Apple Valley, California.

(2) MAP.—The term ''Map'' means the map entitled ''Conveyance to Town of Apple Valley'' and dated June 1, 2015.

(b) CONVEYANCE OF FEDERAL LAND TO TOWN.—

(1) CONVEYANCE REQUIRED.—Within five years after the date of the enactment of this Act, the Secretary of the Interior shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the surface estate of approximately 4,630 acres of land depicted on the Map as ''Proposed Conveyance Area''.

(2) EXISTING RIGHTS AND MINERAL ESTATE.—The conveyance under this subsection—

(A) is subject to valid existing rights; and

(B) does not include the mineral estate.

(c) USE OF CONVEYED LAND.—

(1) IN GENERAL.—The land conveyed under subsection (b) may be used by the Town for any

public purpose authorized in paragraph (2), consistent with the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(2) AUTHORIZED PURPOSES.—The purposes of the conveyance under subsection (b) are to permit the Town to use the conveyed land—

(A) to provide a suitable location for the establishment of a centralized off-road vehicle recreation park;

(B) to provide the public with opportunities for off-road vehicle recreation, including a location for races, competitive events, training and other commercial services that directly support a centralized off-road vehicle recreation area and Town park; and

(C) to provide a designated area and facilities that would discourage unauthorized use of off-highway vehicles in areas that have been identified by the Federal Government, the State of California, or the County as containing environmentally sensitive land.

(3) DISPOSAL PROHIBITED.—The land conveyed under subsection (b) may not be disposed of

by the Town without the approval of the Secretary of the Interior.

(d) TEMPORARY REVERSIONARY INTEREST.—During the five-year period beginning on the date of the conveyance of the land under subsection (b), if the Secretary of the Interior determines that the Town has disposed of the conveyed land in violation of subsection (c)(3) or has failed to establish the off-road vehicle recreation park, title to the land shall revert to the United States, at the option of the Secretary. At the end of the five-year period, the Secretary shall release the reversionary interest.

(e) DESIGNATION OF APPLE VALLEY OFF-HIGHWAY VEHICLE RECREATION AREA.—The land identified on the Map as ''Proposed Conveyance Area'' and conveyed under this section shall be known and designated as the ''Apple Valley Off-Highway Vehicle Recreation Area''.

(f) MANAGEMENT PLAN.—The Secretary may develop a special management plan for the Apple Valley Off-Highway Vehicle Recreation Area to enhance the safe use of off-highway vehicles for recreational purposes.

SEC. 806. CONVEYANCE TO CITY OF TWENTYNINE PALMS, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term ''City'' means the City of Twentynine Palms, California.

(2) MAP.—The term ''Map'' means the map entitled ''Proposed Conveyance to Twentynine Palms'' and dated September 18, 2015.

(b) CONVEYANCE OF FEDERAL LAND TO CITY.—

(1) CONVEYANCE REQUIRED.—Within one year after the date of the enactment of this Act, the Secretary of the Interior shall convey to the City, without consideration, all right, title, and interest of the United States in and to the surface estate of the land depicted on the Map as ''Proposed Conveyance to Twentynine Palms''.

(2) EXISTING RIGHTS AND MINERAL ESTATE.—The conveyance under this subsection—

(A) is subject to valid existing rights; and

(B) does not include the mineral estate.

SEC. 807. CONVERSION OF VALID, EXISTING RIGHTS.

(a) CONTINUITY OF USE.—Any person claiming in good faith to have valid, existing rights to lands to be exchanged or conveyed in this Act, including but not limited to Southern California Edison Company, Pacific Gas and Electric Company, and Southern California Gas Company, may continue to exercise such rights to the same extent that the rights were exercised before the date of the enactment of this Act until the Secretary of the Interior or the Secretary of Agriculture, depending on jurisdiction over

the lands involved, makes a determination on applications submitted under subsection (b)(2) or the applications are deemed to be granted under subsection (c)(2).

(b) NOTICE AND APPLICATIONS.—Consistent with sections 2800 through 2880 of title 43, Code of Federal Regulations, as soon as practicable after the date of the enactment of this Act and prior to any exchange or conveyance of lands under this Act, the Secretary of the Interior or the Secretary of Agriculture, depending on jurisdiction over the lands involved, shall provide written notice to any person that claims to have valid, existing rights, such as a management agreement, easement, or other right-of-way, to lands to be exchanged or conveyed that—

(1) the lands are to be exchanged or conveyed; and

(2) the person claiming the valid, existing rights has 60 days to submit an application to the Secretary concerned requesting that the valid, existing rights be converted to a long-term easement or other right-of-way.

(c) DETERMINATION.—

(1) DETERMINATION REQUIRED; DEADLINE.—The Secretary of the Interior or the Secretary of Agriculture, depending on jurisdiction over the lands involved, shall grant or deny an application sub-

mitted under subsection (b)(2) before the end of the 180-day period beginning on the date on which the application is received. The Secretary's determination shall be considered a final action.

(2) EFFECT OF FAILURE TO MEET DEADLINE.—If the Secretary of the Interior or the Secretary of Agriculture fails to make the required determination on an application under paragraph (1) before the end of the period specified in such paragraph, that application shall be deemed to be granted. The Secretary concerned shall take such steps as may be necessary to convert the valid, existing rights to a long-term easement or other right-of-way.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. TRIBAL USES AND INTERESTS.

(a) DEFINITION.—In this section, the term ''designated area'' means any land designated as wilderness, a special management area, a wild or scenic river, an area of critical environmental concern, a national monument, or an addition to a unit of the National Park System under this Act.

(b) ACCESS.—The Secretary of the Interior shall ensure that members of Indian tribes have access to designated areas for traditional cultural and religious pur-

poses, consistent with applicable law, including Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

(c) TEMPORARY CLOSURE.—

(1) IN GENERAL.—In accordance with applicable law, including Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996), and subject to paragraph (2), the Secretary of the Interior, on request of an Indian tribe or Indian religious community, shall temporarily close to general public use any portion of a designated area to protect the privacy of traditional cultural and religious activities in the designated area by members of the Indian tribe or Indian religious community.

(2) LIMITATION.—In closing a portion of a designated area under paragraph (1), the Secretary shall limit the closure to the smallest practicable area for the minimum period necessary for the traditional cultural and religious activities.

(d) TRIBAL CULTURAL RESOURCES MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this Act, the Secretary of the Interior shall develop and implement a

tribal cultural resources management plan to identify, protect, and conserve cultural resources of Indian tribes associated with the Xam Kwatchan Trail network extending from Avikwaame (Spirit Mountain, Nevada) to Avikwlal (Pilot Knob, California).

(2) CONSULTATION.—The Secretary shall consult on the development and implementation of the tribal cultural resources management plan under paragraph (1) with—

(A) each of—

(i) the Chemehuevi Indian Tribe;

(ii) the Hualapai Tribal Nation;

(iii) the Fort Mojave Indian Tribe;

(iv) the Colorado River Indian Tribes;

(v) the Quechan Indian Tribe; and

(vi) the Cocopah Indian Tribe; and

(B) the Advisory Council on Historic Preservation.

(3) RESOURCE PROTECTION.—The tribal cultural resources management plan developed under paragraph (1) shall—

(A) be based on a completed tribal cultural resources survey; and

(B) include procedures for identifying, protecting, and preserving petroglyphs, ancient

trails, intaglios, sleeping circles, artifacts, and other resources of cultural, archaeological, or historical significance in accordance with all applicable laws and policies, including—

(i) chapter 2003 of title 54, United States Code;

(ii) Public Law 95–341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996);

(iii) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(iv) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(v) Public Law 103–141 (commonly known as the Religious Freedom Restoration Act of 1993; 42 U.S.C. 2000bb et seq.).

(e) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the area administratively withdrawn and known as the ''Indian Pass Withdrawal Area'' is permanently withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) right-of-way leasing and disposition under all laws relating to minerals or solar, wind, or geothermal energy.

SEC. 902. MILITARY ACTIVITIES.

Nothing in this Act—

(1) restricts or precludes Department of Defense motorized access by land or air—

(A) to respond to an emergency within a wilderness area or wilderness addition designated by this Act; or

(B) to control access to the emergency site;

(2) prevents nonmechanized military training activities previously conducted on the public lands designated as a wilderness area or wilderness addition by this Act that are consistent with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) all applicable laws (including regulations);

(3) restricts, precludes, limits, or prevents low-level overflights of military aircraft over a wilderness area or wilderness addition designated by this Act, the Mojave Trails Special Management Area, a

Monument created by this Act, or an off-highway vehicle recreation area established by this Act, including military overflights that can be seen or heard within the designated areas;

(4) restricts, precludes, limits, or prevents flight testing and evaluation in the areas described in paragraph (3); or

(5) restricts, precludes, limits, or prevents the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the areas described in paragraph (3).

SEC. 903. DEED RESTRICTIONS ON DONATED LAND WITHIN THE CALIFORNIA DESERT CONSERVATION AREA.

Effective beginning on the date of enactment of this Act, within the California Desert Conservation Area, the Secretary of the Interior may—

(1) accept deed restrictions requested by landowners for land donated to, or otherwise acquired by, the United States; and

(2) consistent with existing rights, create deed restrictions, easements, or other third-party rights relating to any public land determined by the Secretary to be necessary—

(A) to fulfill the mitigation requirements resulting from the development of renewable resources or to otherwise support the development of renewable resources; or

(B) to satisfy the conditions of—

(i) a habitat conservation plan or general conservation plan established pursuant to section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539); or

(ii) a natural communities conservation plan approved by the State.

SEC. 904. WILDLIFE MANAGEMENT.

(a) IN GENERAL.—Nothing in this Act shall affect or diminish the jurisdiction of the California Department of Fish and Wildlife with respect to fish and wildlife management or conservation, including the regulation of hunting, fishing, and trapping, with respect to any wilderness, special management area, or national monument designated by this Act.

(b) MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations shall be permitted on lands designated

as wilderness by this Act when consistent with wildlife conservation objectives of the California Department of Fish and Wildlife in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, including the occasional and temporary use of motorized vehicles, mechanical equipment, and aircraft when such use will enhance the existence of or promote healthy, viable, and more naturally distributed wildlife populations as determined by the California Department of Fish and Wildlife, which holds the public trust responsibility for wildlife conservation and that would enhance wilderness values and accomplish those purposes with the minimum impact necessary to reasonably accomplish the task.

(2) APPLICABILITY TO ADDITIONAL LANDS.—This subsection also shall apply to each of those wilderness areas established by the California Desert Protection Act of 1994, including wilderness areas established within the Mojave National Preserve, and any public lands that were transferred to the units of the National Park System known as Death Valley National Park and Joshua Tree National Park to increase the size of those units.

(c) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101–405, the California Department of Fish and Wildlife and its agents shall have the authority to continue to use aircraft and other motorized equipment, including helicopters, to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep.

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary of the Interior shall authorize additional structures and facilities, as well as the continued presence of existing anthropomorphic structures and facilities, for wildlife water development projects where determined necessary to benefit wildlife by the California Department of Fish and Wildlife in the wilderness areas and the national monuments created by this Act.

(2) APPLICABILITY TO ADDITIONAL LANDS.—This subsection shall also apply to those wilderness areas established by the California Desert Protection Act of 1994, as well as in those expanded areas of Death Valley National Park and Joshua Tree National Park that formerly were administered by the

Bureau of Land Management, and to the national monuments and all special management areas established by this Act and within the Mojave National Preserve if—

(A) the structures and facilities will enhance, as determined by the California Department of Fish and Wildlife, the wilderness values or values of the national monuments or special management areas, as the case may be, by promoting healthy, viable and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the areas are minimized.

SEC. 905. LIMITATION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS.

(a) DEFINITION.—In this section, the term ''designated area'' means any land designated as an off-highway vehicle recreation area under title I, a special management area under title VI or VII, or a future addition to the Mojave National Preserve under section 303.

(b) LIMITATION.—No extension or establishment of any national monument that would include any designated area may be undertaken by the President under section 320301 of title 54, United States Code (commonly known

as the Antiquities Act of 1906), except by express authorization of Congress.

SEC. 906. CATEGORICAL EXCLUSION FOR EASTERN INYO COUNTY BROADBAND CORRIDOR.

Notwithstanding any other provision of law, a project to install and operate a fiberoptic cable by Inyo County, California, along a route generally depicted on the map entitled ''Proposed Eastern Inyo Broadband Corridor'' and dated September 28, 2015, shall be eligible for a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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114th CONGRESS
1st Session

H. R. 4060

To establish certain conservation and recreation areas in the State of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

November 18, 2015

Mr. Vargas introduced the following bill; which was referred to the Committee on Natural Resources

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A BILL

To establish certain conservation and recreation areas in the State of California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Imperial Valley Desert Conservation and Recreation Act of 2015".

SEC. 2. LAND CONVEYANCE, ANZA-BORREGO DESERT STATE PARK, CALIFORNIA.

(a) Conveyance Required.—The Secretary, without consideration, to the State, all right, title, and interest of the United States in and to a parcel of public lands

administered by the Bureau of Land Management in San Diego County, California, comprising approximately 934 acres and generally depicted as ''Table Mountain Wilderness Study Area Proposed Transfer'' on the map prepared at the request of Representative Juan Vargas entitled ''Table Mountain Wilderness Study Area Proposed Transfer to the State'' and dated October 8, 2015, for the purpose of allowing the State to include that land as part of Anza-Borrego Desert State Park.

(b) TIME FOR CONVEYANCE.—The Secretary shall complete the conveyance of the parcel under subsection (a) as soon as practicable after the termination of all mining claims related to the parcel.

(c) MANAGEMENT.—The parcel conveyed under subsection (a) shall be managed by the State in accordance with the provisions of the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40).

(d) WITHDRAWAL.—Subject to valid existing rights, the parcel to be conveyed under subsection (a) is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing.

(e) REVERSION.—If the State ceases to manage the parcel conveyed under subsection (a) as part of the State Park System or in a manner inconsistent with the California Wilderness Act (California Public Resources Code sections 5093.30–5093.40), the land shall revert to the Secretary, at the discretion of the Secretary, to be managed as a Wilderness Study Area.

SEC. 3. LAND CONVEYANCE, HOLTVILLE AIRPORT, IMPERIAL COUNTY, CALIFORNIA.

(a) CONVEYANCE AUTHORITY.—On the submission of an application by Imperial County, California, the Secretary of Transportation shall seek, in accordance with section 47125 of title 49, United States Code, and section 2641.1 of title 43, Code of Federal Regulations (or successor regulation), a conveyance from the Secretary of a parcel of Federal land administered by the Bureau of Land Management comprising approximately 3,500 acres adjacent to the Imperial County Holtville Airport (L04) for the purposes allowing the County to expand the airport.

(b) SEGREGATION.—With respect to the parcel described in subsection (a), the Secretary, acting through the Director of the Bureau of Land Management, shall—

(1) segregate the parcel; and

(2) prohibit the appropriation of the parcel until the earlier of the following:

(A) The date on which a notice of realty action terminates the application referred to in subsection (a).

(B) The date on which a document of conveyance with regard to the parcel is published.

SEC. 4. VINAGRE WASH SPECIAL MANAGEMENT AREA.

(a) DEFINITIONS.—In this section:

(1) MANAGEMENT AREA.—The term ''Management Area'' means the Vinagre Wash Special Management Area.

(2) MAP.—The term ''map'' means the map prepared at the request of Representative Juan Vargas entitled ''Vinagre Wash Proposed Special Management Area; Indian Pass Mountains and Palo Verde Mountains Potential Wilderness Additions, and Buzzards Peak, Milpitas Wash Potential Wilderness'' and dated October 8, 2015.

(3) PUBLIC LANDS.—The term ''public lands'' has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(b) VINAGRE WASH SPECIAL MANAGEMENT AREA.—

(1) ESTABLISHMENT.—There is established in the State the Vinagre Wash Special Management Area, to be managed by the El Centro Field Office and the Yuma Field Office of the Bureau of Land Management.

(2) PURPOSE.—The purpose of the Management Area is to conserve, protect, and enhance—

(A) the plants and wildlife of the Management Area; and

(B) the outstanding and nationally significant ecological, geological, scenic, archaeological, cultural, historic, recreational, and other resources of the Management Area.

(3) BOUNDARIES.—The Management Area shall consist of the public lands in Imperial County, California, comprising approximately 81,880 acres, as generally depicted as ''Proposed Special Management Area'' on the map.

(4) MAP; LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable, but not later than three years after the date of enactment of this Act, the Secretary shall submit a map and legal description of the Management Area to—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Energy and Natural Resources of the Senate.

(B) EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any errors in the map and legal description.

(C) AVAILABILITY.—Copies of the map submitted under subparagraph (A) shall be on file and available for public inspection in—

(i) the Office of the Director of the Bureau of Land Management; and

(ii) the appropriate office of the Bureau of Land Management in the State.

(c) MANAGEMENT.—

(1) CERTAIN ACTIVITIES AUTHORIZED.—The Secretary shall allow hiking, camping, hunting, and sightseeing and the use of motorized vehicles, mountain bikes, and horses on designated routes in the Management Area in a manner that—

(A) is consistent with the purpose of the Management Area;

(B) ensures public health and safety; and

(C) is consistent with applicable law.

(2) OFF-HIGHWAY VEHICLE USE.—

(A) IN GENERAL.—Except as otherwise provided in this subsection and subject to all other applicable laws, the use of off-highway vehicles shall be permitted on routes in the Management Area generally depicted on the map.

(B) CLOSURE.—Subject to subparagraph (C), the Secretary may temporarily close or permanently reroute a portion of a route described in subparagraph (A) or opened pursuant to subparagraph (D)—

(i) to prevent, or allow for restoration of, resource damage;

(ii) to protect tribal cultural resources, including the resources identified in the tribal cultural resources management survey conducted under paragraph (7);

(iii) to address public safety concerns; or

(iv) as otherwise required by law.

(C) DESIGNATION OF ADDITIONAL ROUTES.—During the 3-year period beginning

on the date of enactment of this Act, the Secretary—

(i) shall accept petitions from the public regarding additional routes for off-highway vehicles in the Management Area; and

(ii) may designate additional routes that the Secretary determines—

(I) would provide significant or unique recreational opportunities; and

(II) are consistent with the purposes of the Management Area.

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Management Area is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) right-of-way, leasing, or disposition under all laws relating to—

(i) minerals; or

(ii) solar, wind, and geothermal energy.

(4) NO BUFFERS.—The establishment of the Management Area shall not—

(A) create a protective perimeter or buffer zone around the Management Area; or

(B) restrict, preclude, limit, or prevent uses or activities outside the Management Area that are permitted under other applicable laws, even if the uses or activities are prohibited within the Management Area.

(5) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the Management Area have access to adequate notice relating to the availability of designated routes in the Management Area through—

(A) the placement of appropriate signage along the designated routes;

(B) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate; and

(C) restoration of areas that are not designated as open routes, including vertical mulching.

(6) STEWARDSHIP.—In consultation with Indian tribes and other interested persons, the Secretary shall develop a program to provide opportuni-

ties for monitoring and stewardship of the Management Area to minimize environmental impacts and prevent resource damage from recreational use, including volunteer assistance with—

(A) route signage;

(B) restoration of closed routes;

(C) protection of Management Area resources; and

(D) recreation education.

(7) PROTECTION OF TRIBAL CULTURAL RESOURCES.—Not later than 2 years after the date of enactment of this Act, the Secretary, in accordance with chapter 2003 of title 54, United States Code, and any other applicable law, shall—

(A) prepare and complete a tribal cultural resources survey of the Management Area; and

(B) consult with the Quechan Indian Nation and other Indian tribes demonstrating ancestral, cultural, or other ties to the resources within the Management Area on the development and implementation of the tribal cultural resources survey under subparagraph (A).

(d) POTENTIAL WILDERNESS.—

(1) PROTECTION OF WILDERNESS CHARACTER.—The Secretary shall manage the public

lands in the Management Area described in paragraph (2) in a manner that preserves the character of the land for the eventual inclusion of the land in the National Wilderness Preservation System.

(2) COVERED LANDS.—The public lands covered by this section are—

(A) the approximately 10,860 acres of land, as generally depicted as the ''Indian Pass Additions'' on the map;

(B) the approximately 17,250 acres of land, as generally depicted as ''Milpitas Wash Potential Wilderness'' on the map;

(C) the approximately 11,840 acres of land, as generally depicted as ''Buzzards Peak Potential Wilderness'' on the map; and

(D) the approximately 9,350 acres of land, as generally depicted as ''Palo Verde Mountains Potential Wilderness'' on the map.

(3) MILITARY USES OF LANDS.—The Secretary shall manage the public lands covered by this section in a manner that is consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may authorize use of the land by the Secretary of the Navy for Naval Special Warfare Tactical Training, including long-range small unit train-

ing and navigation, vehicle concealment, and vehicle sustainment training, in accordance with applicable Federal laws.

(4) PROHIBITED USES.—The following uses are prohibited on the public lands covered by this section:

(A) Permanent roads.

(B) Commercial enterprises.

(C) Except as necessary to meet the minimum requirements for the administration of the land and to protect public health and safety—

(i) the use of mechanized vehicles; and

(ii) the establishment of temporary roads.

(5) WILDERNESS DESIGNATION.—

(A) EVENTUAL DESIGNATION.—The public lands covered by this section shall be designated as wilderness and either included as part of an existing wilderness area or made a new component of the National Wilderness Preservation System on the date on which the Secretary, in consultation with the Secretary of Defense, publishes a notice in the Federal Register that all activities on the Federal land that are in-

compatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have terminated.

(B) DESIGNATION.—On designation of the public lands as wilderness under paragraph (1)—

(i) the land described in paragraph (2)(A) shall be incorporated in, and shall be considered to be a part of, the Indian Pass Wilderness designated by section 102(27) of the California Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note);

(ii) the land described in paragraph (2)(B) shall be designated as the Milpitas Wash Wilderness;

(iii) the land described in paragraph (2)(C) shall be designated as the Buzzard Peak Wilderness; and

(iv) the land described in paragraph (2)(D) shall be incorporated in, and shall be considered to be a part of, the Palo Verde Mountains Wilderness designated by section 102(48) of the California Desert Protection Act of 1994 (Public Law 104–433; 16 U.S.C. 1132 note).

(6) ADMINISTRATION OF WILDERNESS.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by paragraph (5)(B) shall be administered by the Secretary in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 5. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STATE.—The term ''State'' means the State of California.

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114TH CONGRESS
2D SESSION

H. R. 5129

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2016

Mr. LAMALFA (for himself, Mrs. LOVE, Mr. STEWART, Mr. MCCLINTOCK, and Mr. VALADAO) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To authorize the Secretary of the Interior and the Secretary of Agriculture to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Guides and Outfitters Act'' or the ''GO Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; Table of contents; Definitions.
Sec. 2. Special recreation permit and fee.
Sec. 3. Permit across multiple jurisdictions.
Sec. 4. Guidelines and permit fee calculation.
Sec. 5. Use of permit fees for permit administration.
Sec. 6. Adjustment to permit use reviews.
Sec. 7. Authorization of temporary permits for new uses for the Forest Service and BLM.
Sec. 8. Indemnification requirements.
Sec. 9. Streamlining of permitting process.
Sec. 10. Cost recovery reform.
Sec. 11. Extension of Forest Service recreation priority use permits.

(c) DEFINITIONS.—In this Act:

(1) SECRETARY.—The term ''Secretary'' means—

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(B) the Secretary of Agriculture, with respect to the Forest Service.

(2) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

SEC. 2. SPECIAL RECREATION PERMIT AND FEE.

Subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) is amended to read as follows:

''(h) SPECIAL RECREATION PERMIT AND FEE.—

''(1) IN GENERAL.—The Secretary may—

"(A) issue a special recreation permit for Federal recreational lands and waters; and

"(B) charge a special recreation permit fee in connection with the issuance of the permit.

"(2) SPECIAL RECREATION PERMITS.—The Secretary may issue special recreation permits in the following circumstances:

"(A) For specialized individual and group use of Federal facilities and Federal recreational lands and waters, such as, but not limited to, use of special areas or areas where use is allocated, motorized recreational vehicle use, and group activities or events.

"(B) To recreation service providers who conduct outfitting, guiding, and other recreation services on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.

"(C) To recreation service providers who conduct recreation or competitive events, which may involve incidental sales on Federal recreational lands and waters managed by the Forest Service, Bureau of Land Management, Bu-

reau of Reclamation, or the United States Fish and Wildlife Service.

"(3) REDUCTION IN FEDERAL COSTS.—To reduce Federal costs in administering this subsection, the issuance of a new special recreation permit for activities under paragraph (2) that have been considered under previous analysis or that are similar to existing uses or are not inconsistent with approved uses shall qualify for categorical exclusions under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 3. PERMIT ACROSS MULTIPLE JURISDICTIONS.

(a) IN GENERAL.—In the case of an activity requiring permits pursuant to subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) for use of lands managed by both the Forest Service and the Bureau of Land Management—

(1) the Secretaries may issue a joint permit based upon a single application to both agencies when issuance of a joint permit based upon a single application will lower processing and other administration costs for the permittee, provided that the permit applicant shall have the option to apply for separate permits rather than a joint permit; and

(2) the permit application required under clause (i) shall be—

(A) the application required by the lead agency; and

(B) submitted to the lead agency.

(b) REQUIREMENTS OF THE LEAD AGENCY.—The lead agency for a permit under subsection (a) shall—

(1) coordinate with the associated agencies, consistent with the authority of the Secretaries under section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (43 U.S.C. 1703), to develop and issue the single, joint permit that covers the entirety of the trip;

(2) in processing the joint permit application, incorporate the findings, interests, and needs of the associated agencies, provided that such coordination shall not be subject to cost recovery; and

(3) complete the permitting process within a reasonable time after receiving the permit application.

(c) EFFECT ON REGULATIONS.—Nothing in this section shall alter, expand, or limit the applicability of any Federal law (including regulations) to lands administered by the relevant Federal agencies.

(d) DEFINITIONS.—In this section:

(1) ASSOCIATED AGENCY.—The term ''associated agency'' means an agency that manages the land on which the trip of the special recreation permit applicant will enter after leaving the land managed by the lead agency.

(2) LEAD AGENCY.—The term ''lead agency'' means the agency that manages the land on which the trip of the special recreation permit applicant will begin.

SEC. 4. GUIDELINES AND PERMIT FEE CALCULATION.

(a) GUIDELINES AND EXCLUSION OF CERTAIN REVENUES.—The Secretary shall—

(1) publish guidelines in the Federal Register for establishing recreation permit fees; and

(2) provide appropriate deductions from the fee established under paragraph (1) for—

(A) revenue from goods, services, and activities provided by a recreation service provider outside Federal recreational lands and waters, such as costs for transportation, lodging, and other services before or after a trip; and

(B) fees to be paid by permit holder under applicable law to provide services on other Federal lands, if separate permits are issued to that permit holder for a single event.

(b) FEE CONDITIONS.—The fee charged by the Secretary for a permit issued under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)) shall not exceed 3 percent of the recreational service provider's annual gross revenue for activities authorized by the permit on Federal lands, plus applicable revenue additions, minus applicable revenue exclusions or a similar flat per person fee.

(c) DISCLOSURE OF FEES.—A holder of a special recreation permit may inform its customers of the various fees charged by the Secretary under section 803(h) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)).

SEC. 5. USE OF PERMIT FEES FOR PERMIT ADMINISTRATION.

Revenues from special recreation permits issued to recreation service providers under subparagraphs (B) and (C) of section 803(h)(1) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802(h)(1)) shall be used—

(1) to partially offset the Secretary's direct cost of administering the permits; and

(2) to improve and streamline the permitting process.

SEC. 6. ADJUSTMENT TO PERMIT USE REVIEWS.

(a) IN GENERAL.—In reviewing and adjusting allocations of use for priority use permits for special uses of Federal recreational lands and waters managed by the Forest Service, and in renewing such permits, the Secretary of Agriculture shall allocate to a permit holder the highest amount of actual annual use over the reviewed period plus 25 percent, capped at the amount of use allocated when the permit was issued unless additional capacity is available.

(b) WAIVER.—Use reviews under subsection (a) may be waived for periods in which circumstances that prevented use of assigned capacity, such as weather, fire, natural disasters, wildlife displacement, business interruptions, and when allocations on permits include significant shoulder seasons. The authorizing office may approve non-use without reducing the number of service days assigned to the permit in such circumstances at the request of the permit holder. Approved non-use may be temporarily assigned to other qualified permit holders when conditions warrant.

SEC. 7. AUTHORIZATION OF TEMPORARY PERMITS FOR NEW USES FOR THE FOREST SERVICE AND BLM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture and the Sec-

retary of the Interior shall establish and implement a program to authorize temporary permits for new recreational uses of Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management, respectively, and to provide for the conversions of such temporary permits to long-term permits after 2 years of satisfactory operation. The issuance and conversion of such permits shall be subject to subsection (h)(3) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802).

SEC. 8. INDEMNIFICATION REQUIREMENTS.

(a) INDEMNIFICATION.—A permit holder that is prohibited by the State from providing indemnification to the Federal Government shall be considered to be in compliance with indemnification requirements of the Department of the Interior and the Department of Agriculture if the permit holder carries the required minimum amount of liability insurance coverage or is self-insured for the same minimum amount.

(b) EXCULPATORY AGREEMENTS.—The Secretary shall not implement, administer or enforce any regulation or policy prohibiting the use of exculpatory agreements between recreation service providers and their customers for services provided under a special recreation permit when

such agreements are enforceable pursuant to the law of the State in which the permitted services are provided.

SEC. 9. STREAMLINING OF PERMITTING PROCESS.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries shall revise part 251, subpart B, of title 36 Code of Federal Regulations, and subpart 2932, of title 43, Code of Federal Regulations to streamline the processes for the issuance and renewal of outfitter and guide special use permits. Such amended regulations shall—

(1) shorten application processing times and minimize application and administration costs; and

(2) provide for the use of programmatic environmental assessments and categorical exclusions for environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the issuance or renewal of outfitter and guide and similar recreation special use permits, to the maximum extent allowable under applicable law, including, but not limited to, use of a categorical exclusion for the issuance of a new special recreation permit for activities under paragraph (2)(B) of subsection (h) of section 803 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802) that have been considered under previous analysis or that

are similar to existing uses or are not inconsistent with approved uses.

(b) ONLINE APPLICATIONS.—To the maximum extent practicable, where feasible and efficient, the Secretaries shall make special recreation permit applications available to be filled out and submitted online.

SEC. 10. COST RECOVERY REFORM.

(a) REGULATORY PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall revise section 251.58 of title 36, Code of Federal Regulations, and section 2932.31(e) and (f) of title 43, Code of Federal Regulations, to reduce costs and minimize the burden of cost recovery on small businesses and adverse impacts of cost recovery on jobs in the outfitting and guiding industry and on rural economies provided, however, that nothing in the revised regulations shall further limit the Secretaries' authority to issue or renew recreation special use permits.

(b) DE MINIMIS EXEMPTION.—

(1) COST RECOVERY LIMITATION.—Any regulations issued by the Secretary of the Interior or the Secretary of Agriculture to establish fees to recover processing costs for recreation special use applications and monitoring costs for recreation special use authorizations shall include an exemption providing

that at least the first 50 hours of work necessary in any one year to process and/or monitor such an application shall not be subject to cost recovery. The application of a 50-hour credit per permit shall also apply to any monitoring fees on a per annum basis during the term of each permit.

(2) APPLICATION OF EXEMPTION.—An exemption under paragraph (1) shall apply to the processing of each recreation special use permit application and monitoring of each recreation special use authorization for which cost recovery is required, including any application or authorization requiring more than 50 hours (or such other greater number of hours specified for exemption) to process or monitor. In the event that the amount of work required to process such an application or monitor such an authorization exceeds the specified exemption, the amount of work for which cost recovery is required shall be reduced by the amount of the exemption.

(3) MULTIPLE APPLICATIONS.—In situations involving multiple recreation special use applications for similar services in the same unit or area that require more than 50 hours (or such other greater number of hours specified for exemption) in the aggregate to process, the Secretary shall, regardless of

whether the applications are solicited or unsolicited and whether there is competitive interest—

(A) determine the share of the aggregate amount to be allocated to each application, on an equal or prorated basis, as appropriate; and

(B) for each application, apply a separate exemption of up to 50 hours (or such other greater number of hours specified for exemption) to the share allocated to such application.

(4) COST REDUCTION.—The agency processing a recreation special use application shall utilize existing studies and analysis to the greatest extent practicable in order to reduce the amount of work and cost necessary to process the application.

(5) LIMITATION.—The Secretary of the Interior and the Secretary of Agriculture may not recover as processing costs for recreation special use applications and monitoring costs for recreation special use authorizations any costs for consultations conducted under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) or for biological monitoring on Federal recreational lands and waters under such Act for listed, proposed, or candidate species.

(6) WAIVER OF COST RECOVERY.—The Secretary of the Interior and the Secretary of Agri-

culture may waive the recovery of costs for processing recreation special use permit applications and renewals, on a categorical or case-by-case basis as appropriate, if the Secretary determines that—

(A) such costs would impose a significant economic burden on any small business or category of small businesses;

(B) such cost recovery could threaten the ability of an applicant or permittee to provide, in a particular area, a particular outdoor recreational activity that is consistent with the public interest and with applicable resource management plans; or

(C) prevailing economic conditions are unfavorable, such as during economic recessions, or when drought, fire, or other natural disasters have depressed economic activity in the area of operation.

SEC. 11. EXTENSION OF FOREST SERVICE RECREATION PRIORITY USE PERMITS.

Where the holder of a special use permit for outfitting and guiding that authorizes priority use has submitted a request for renewal of such permit in accordance with applicable laws and regulations, the Secretary of Agriculture shall have the authority to grant the holder one or more

extensions of the exiting permit for additional items not to exceed 5 years in the aggregate, as necessary to allow the Secretary to complete the renewal process and to avoid the interruption of services under such permit. Before granting an extension under this section, the Secretary shall take all reasonable and appropriate steps to complete the renewal process before the expiration of the special use permit.

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