

SOLANO COUNTY BOARD OF SUPERVISORS
Legislative Committee Meeting

Committee
Supervisor Linda J. Seifert (Chair)
Supervisor Michael J. Reagan

Staff
Michelle Heppner

August 29, 2012

1:30 P.M.

Solano County Administration Center
Sixth Floor Conference Center, Room 6003
675 Texas Street
Fairfield, CA 94533

AGENDA

- I. **Public Comment** (Items not on the agenda)
- II. **Discussion of Federal issues and consider making a recommendation (Waterman & Associates)**
 - a. Berryessa Snow Mountain National Conservation Area (Page 2)
 - b. "We Can't Wait" Transportation Infrastructure Initiative on Unspent Earmarks (Page 23)
 - c. Sequestration Transparency Act
 - d. Earthquake Insurance Affordability Act (Page 59)
- III. **Report on State Budget and Legislation and consider making a recommendation for a position on legislation (Paul Yoder)**
 - a. November 2012 Ballot Initiatives (CSAC Summary) - (Page 95)
 - Proposition 30 - The Schools and Public Safety Act of 2012 (Governor's Initiative) - (Page 101)
 - Proposition 31 - The Government Performance and Accountability Act (Page 115)
 - Proposition 34 - Death Penalty Repeal (Page 125)
 - Proposition 35 - Human Trafficking. Penalties. Sex Offender Registration (Page 134)
 - Proposition 36 - Three Strikes Law. Sentencing for Repeat Felony Offender (Page 141)
 - Proposition 38 - Tax for Education and Early Childhood Programs (Molly Munger) (Page 148)
 - b. Legislation
 - SB 1186 (Steinberg) - Disability Access: Liability (Page 164)
 - AB 542 (Allen) - Land use: housing element: regional housing need (Update Only)
 - c. CEQA Reform / Principles for future Legislation Proposals (SB 317 - Dead) – (Page 173)
 - d. Northern California Counties Tribal Matters Consortium (Page 184)
- IV. **Adjourn**

**Berryessa Snow Mountain National Conservation Area
A Threat to Recreation, Private Property and Resources
It's Worse Than You Think!**

By Peter Kilkus

Executive Summary

As specified in the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202) (the Omnibus Act of 2009 or Act), the National Landscape Conservation System (NLCS), which includes National Conservation Areas and National Monuments, was established in order to “conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” The Act goes on to require that NLCS units be managed “in a manner that protects the values for which the components of the system were designated.”

The proposed Berryessa Snow Mountain National Conservation Area should not be created because:

1. It's simply unnecessary and violates basic common sense. It wastes enormous amounts of precious time and money for almost no tangible gain. Whether you are a conservative or liberal, a Democrat, Republican, Independent, or Libertarian, read the documents, study the map, and then take action by writing letters to our elected representatives opposing it.
2. It does not meet the basic standard of “nationally significant” as defined in the Act, especially with the inclusion of Lake Berryessa.
3. It is geographically and ecologically incoherent, unlike many of the existing NCAs. It consists of two separate regions – Lake Berryessa to the south and the Mendocino National Forest to the north – but only half of the Mendocino National Forest because of strong opposition from the Glenn and Colusa County Boards of Supervisors.
4. Lake Berryessa is not a nationally significant landscape, nor is it ecologically significant. It is a man-made lake serving as an agricultural resource, drinking water resource, and recreational resource – in that order of priority.
5. The land around Lake Berryessa has been significantly disturbed for decades by human use, construction, and grazing. It is typically unremarkable oak woodlands and grasslands, as exist throughout California.
6. The proposed NCA legislation does not specifically state that concessions, marinas, and motorized recreation are allowed at Lake Berryessa.
7. An NCA designation will allow the Bureau of Land Management to supercede the Bureau of Reclamation's Visitor Services Plan and Record of Decision with a new land use plan that can eliminate launch ramps, marinas, and much motorized recreation and other recreational uses of the lake.
8. The economic benefit arguments are bogus and do not stand up to scrutiny. There are dozens of so-called “gateway communities” surrounding this NCA. They cannot all benefit from modest visitation increases. Even if the present couple of hundred (to be generous) kayakers and several thousand hikers (to be generous again) per year increased by tenfold, it will not make up for the hundreds of

thousands of visitors who have been eliminated as Lake Berryessa visitors.

9. The NCA will not add any facilities at the lake. There are hundreds of new campsites, RV sites, and lodging units in the plans already approved by Reclamation. Why won't Reclamation allow them to be built?
10. The core proponents of this NCA legislation, led by Tuleyome, tend to be radical exclusionists who oppose motorized recreation in general, although they may use milder inclusionist language in their public statements to lull the gullible.
11. The NCA is too large encompasses too much private property. The majority of the residents and private property owners in the Lake Berryessa region oppose this NCA. If private property is exempt from the NCA why include it on the map?

When a National Conservation Area (NCA) was first proposed by Tuleyome for the Lake Berryessa region in the Spring of 2007 using the existing Blue Ridge Berryessa Natural Area (BRBNA) as its boundary, I believed the threat level was SAP (Silly and Pointless). More than four years later, as it has morphed into the Berryessa Snow Mountain NCA, I now believe the threat level must be increased to SAD (Sneaky and Dangerous).

The latest map (of several previous iterations) shows a proposed NCA boundary that includes an unwieldy patchwork of government-owned properties, including a significant number of private property parcels, including subdivisions, such as Berryessa Highlands, Berryessa Pines and Berryessa Estate, as well as Pope Valley and vast ranch lands stretching across much of Northern California. This map shows the NCA to actually be two separate sectors. The southern sector is basically the Lake Berryessa region. The northern sector is predominantly the Mendocino National Forest – but only about half of it. This Mendocino boundary change was a political decision by Tuleyome because of the unanimous opposition to the NCA by the Glenn County and Colusa County Boards of Supervisors.

There is a land gap between the two sectors, the Cache Creek Wilderness Study Area, which happens to be in Yolo County. Another political decision?

If most of the land in the proposed NCA is already owned and protected by public agencies, why is an NCA necessary at all? How did a non-descript exclusionist organization like Tuleyome manipulate the system to get this pointless proposal to this stage?

Background

In early 2006, the non-profit organization Tuleyome began a discussion about a possible federal designation for the Blue Ridge Berryessa Natural Area (BRBNA) with national environmental groups and the BRBNA Conservation Partnership.

In the spring of 2007, Tuleyome hosted a meeting of agency representatives and key interested parties to discuss the NCA proposal. At this time, the approach was still “testing the waters” to gauge reactions to the concept on a very general level. Agencies, while not committed, voiced no opposition at the meeting and indicated a strong interest. Soon after, a decision was made to bring representatives from the Las Cenegas NCA in New Mexico to a Partnership meeting. The idea was simply to give partners an introduction to the concept of an NCA through first hand contact with those who had been through the experience of establishing and managing an NCA.

In retrospect this was the public launching of the proposal though at the time the Partnership did not see

it that way. As it turned out, this meeting nevertheless raised significant confusion in the minds of the BRBNA partners and landowners in attendance as to the Partnership's identity and role. Moreover, it resulted in drawing attention and scrutiny of our decade-long efforts by those suspicious of any regional conservation programs that include private land. Elected officials were asked to weigh in and a Colusa County based agricultural advocacy group called the Family Water Alliance became aware of the Partnership – and soon both the Partnership and Tuleyome began receiving calls and letters expressing concern over the NCA proposal as well as the broader mission of public/private conservation efforts.

After a thorough analysis documented in a BRBNA report titled: Federal Designation For The BRBNA: A Summary Of Viewpoints And Issues, Prepared By Suzanne Easton, Blue Ridge Berryessa Natural Area Conservation Partnership, February, 2008, the BRBNA decided to remain a neutral party to the effort, because it is a consensus-based organization and many members opposed the NCA.

Some report findings:

- The most pressing needs for the Lake Berryessa region are funding for management, mandated and structured coordination among public agencies, and a funded incentive program for private landowners for coordinated management.
- The potential benefits for private land and landowners are...uncertain. There is no precedent and no clear mechanism for landowners having more than an advisory role for the NCA as a whole. The concept of a “cooperative management area” for private land needs to be more fully articulated and examined to determine what it has to offer.
- Earmarks from state propositions cannot be counted upon for funding because there is no precedent for including federal designations such as NCAs.
- The proposed designation is a lightning rod for many landowners simply because it is a federal designation that provokes fear of government control and for some because it is associated with past battles for wilderness and wild & scenic river designations.
- There are not many instances of NCAs/Monuments where private land (included in the boundaries of designations) has been well integrated into the management of the designated region.
- Landowners are united in their fury over management neglect on public land in the region.

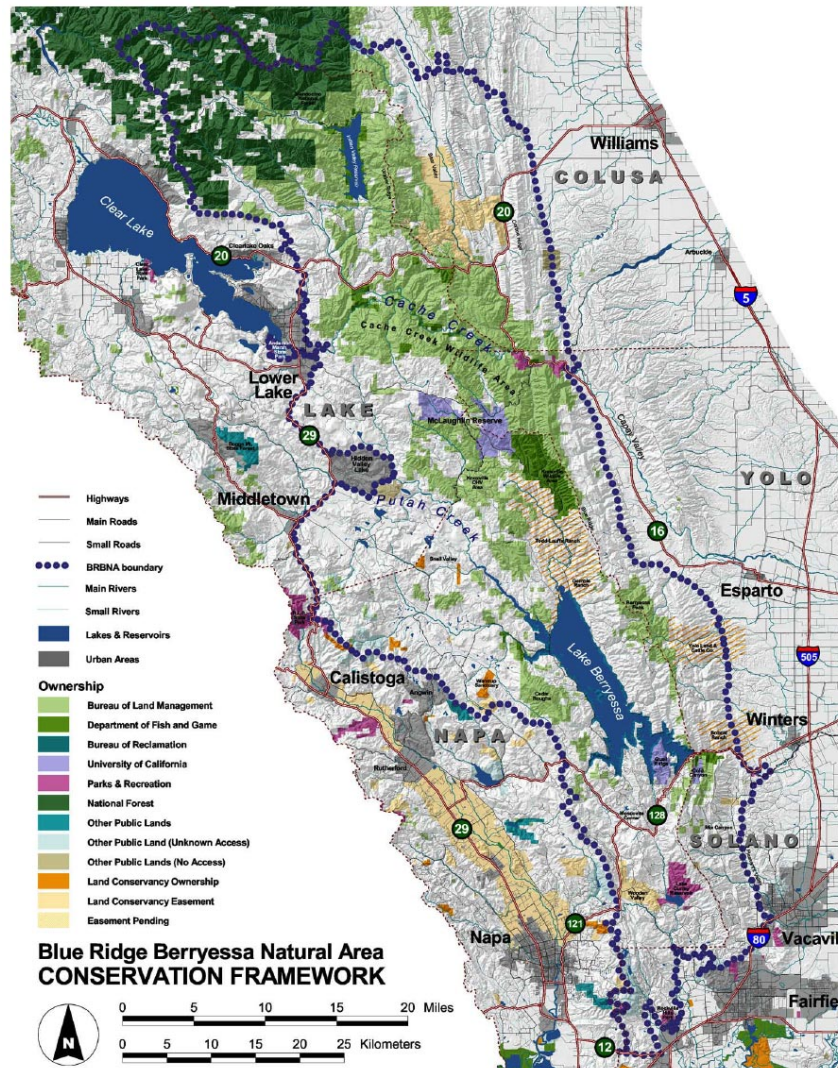
Other BRBNA report findings:

“Federally mandated projects have a long history of failure and resulting negative impacts on private landowners, so there is little assurance that private property would not be affected. It is possible that private land ownership within the NCA would evaporate over time. A designation would give the federal government more power by ultimately controlling all zoning issues.”

“It is difficult to separate the proposal from the distrust that many have of “environmental agendas” and those involved. They worry that this is another step toward acquisition of private property for wilderness or that it will translate into restrictions on what private landowners can do with their property, despite claims to the contrary.”

“An NCA is not needed to provide more coordination. BLM currently has their CRMP (Coordinated Resource Management Program) and RAC (Resource Advisory Council), which allow for input from stakeholders. Audubon's Landowner Stewardship Program has been very effective at bringing

landowners and agencies together to carry out projects. The BRBNA provides an ample forum for landowners and agencies to meet.”

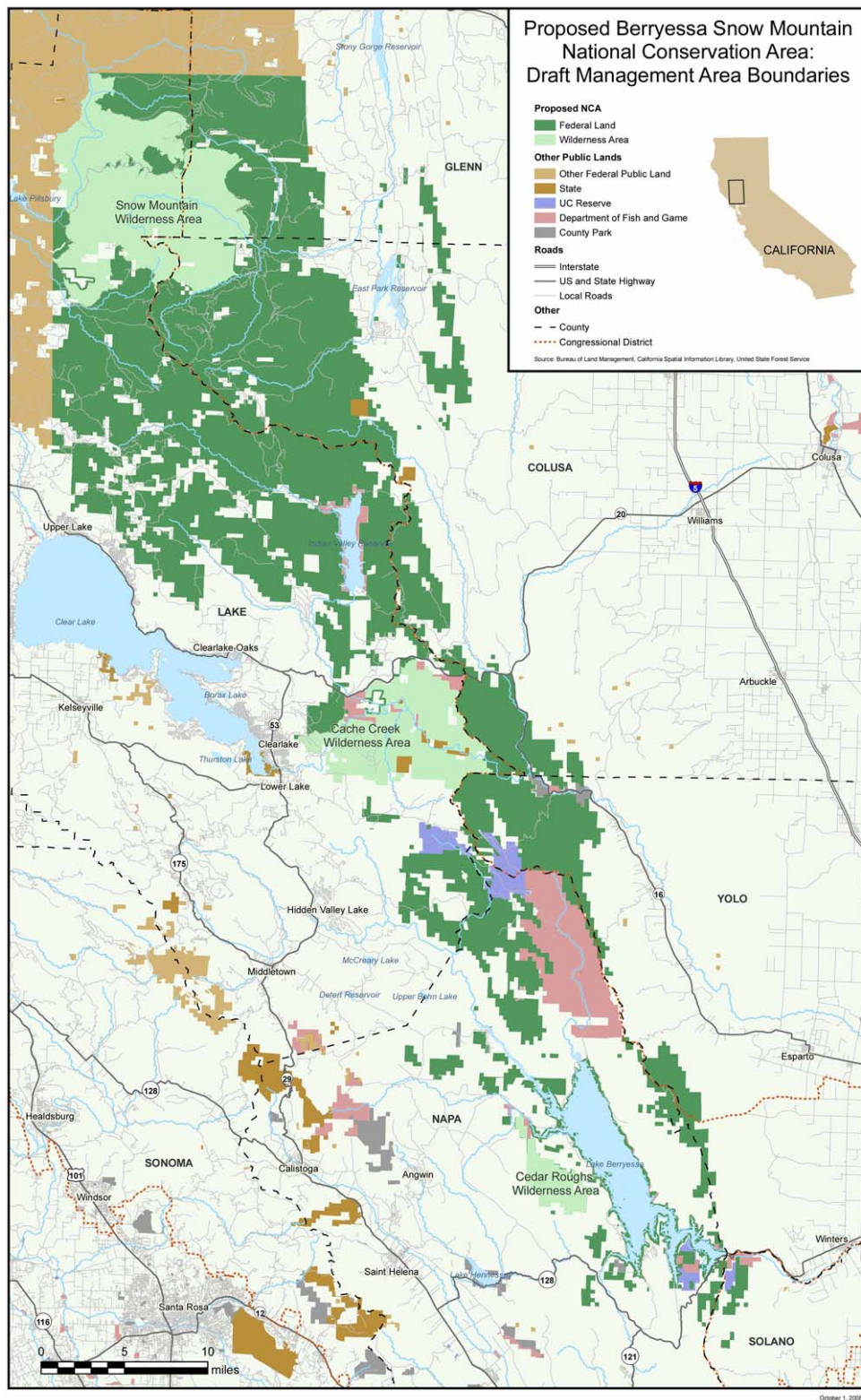




PROPOSED - Blue-Ridge Berryessa National Conservation Area
(as seen from 25 miles above the Earth's surface)

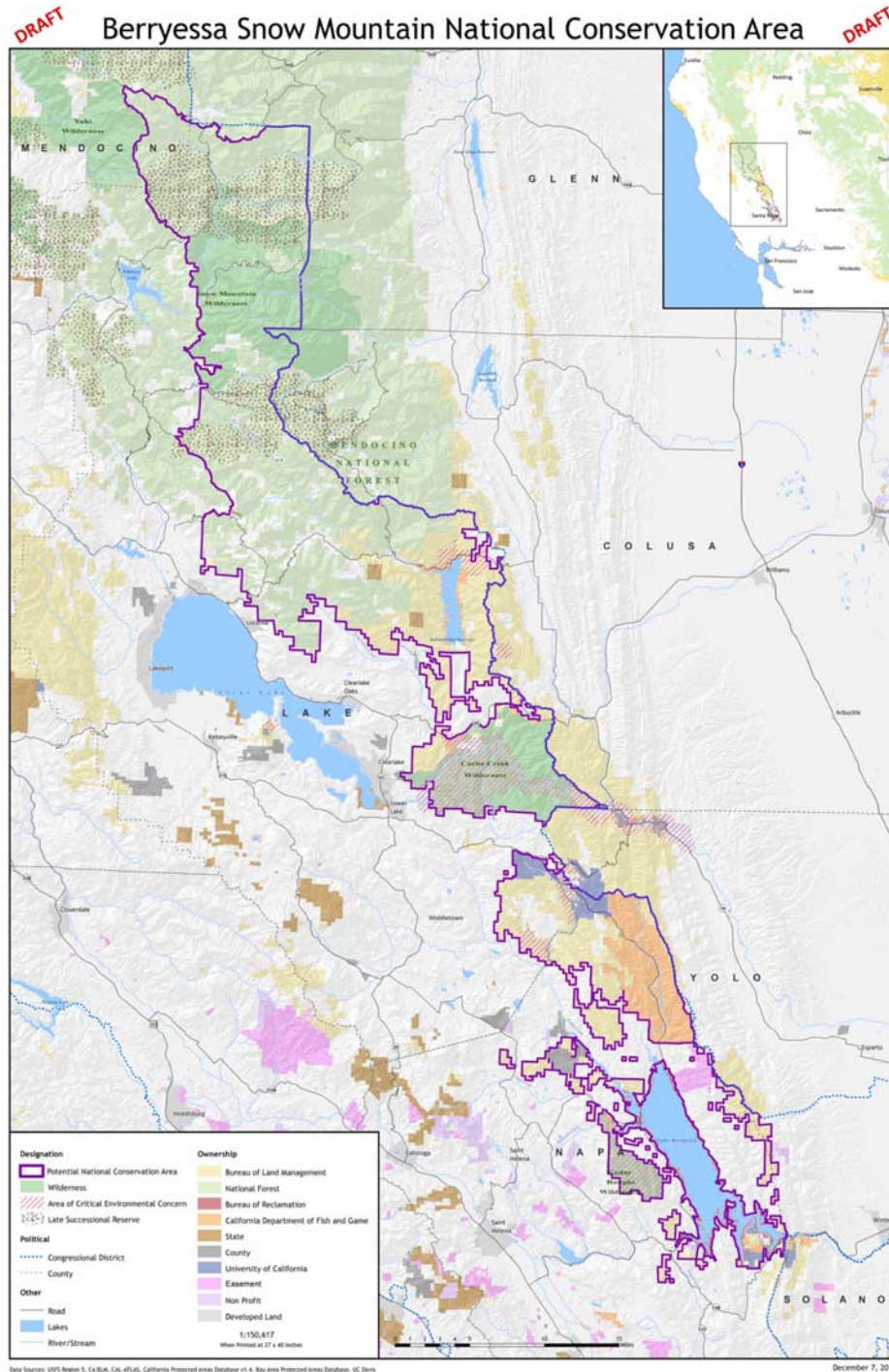
Image source: USGS

After their rejection by the BRBNA, Tuleyome regrouped and came back with a proposal for a new huge NCA – the Berryessa Snow Mountain NCA. Along with the original BRBNA area the new NCA proposal included a 2008 map showing the inclusion of huge swaths of land up into the Snow Mountain area of the Mendocino National Forest.



The 2008 NCA map above changed after strong opposition to the new NCA by the Family Water Alliance and unanimous NO votes by the Boards of Supervisors of Glenn and Colusa Counties. This time Tuleyome decided to focus only on Congressman Thompson's district assuming him to be sympathetic to their proposal. They proposed a new map in 2011 for the NCA, eliminating the half of the Mendocino National Forest that was located within Glenn and Colusa Counties. The May 2, 2012

map was submitted to Congress with the NCA bills, and continues that odd change. Is eastern half of the Mendocino National Forest less important than the western half? Or was this simply a politically-expedient decision? This map greatly expanded the lands in the NCA to include private property, towns, and residential developments.



Another thing to note about the 2011 map is the southern Lake Berryessa area. Especially that the private land in and around the Berryessa Highlands residential area was not included. You'll also observe that not all of the land on the eastern side is included either.

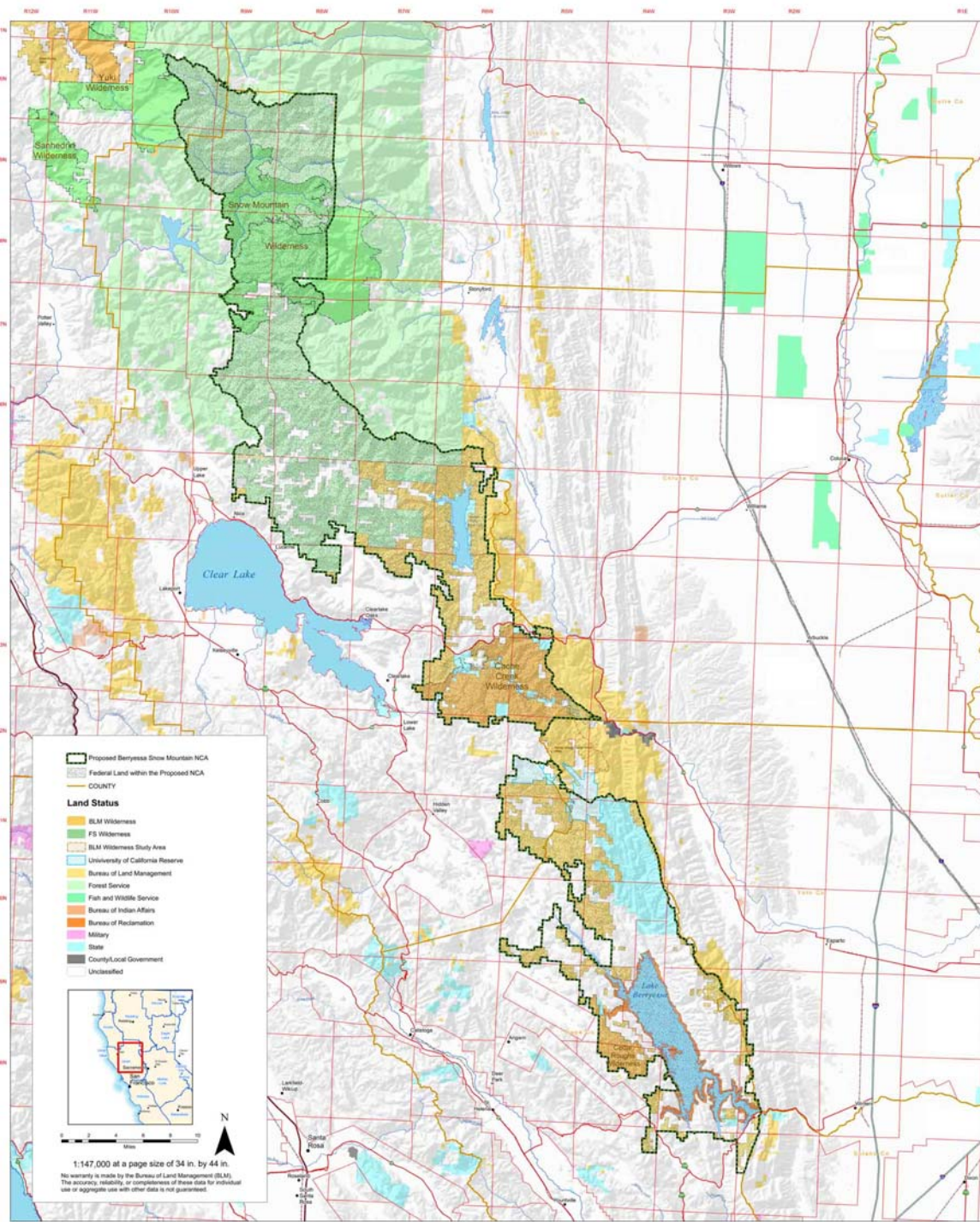
This 2011 map never received wide circulation. In fact, Tuleyome kept the 2008 map up on their web site until late in July, 2012. They finally replaced it with the 2011 map. And although Congressman Thompson (and Senator Boxer) had already submitted bills to create this NCA which referred to a map dated May 2, 2012, the map itself had never been released. That is until persistence broke through resistance and a local Berryessa Highlands resident was able to pry the map from Congressman Thompson's office. As of August 6, 2012, Tuleyome still did not have the final map on their web site. Why not?

See the maps and download them at www.LakeBerryessaNews.com

Berryessa Snow Mountain National Conservation Area
May 2, 2012

DRAFT

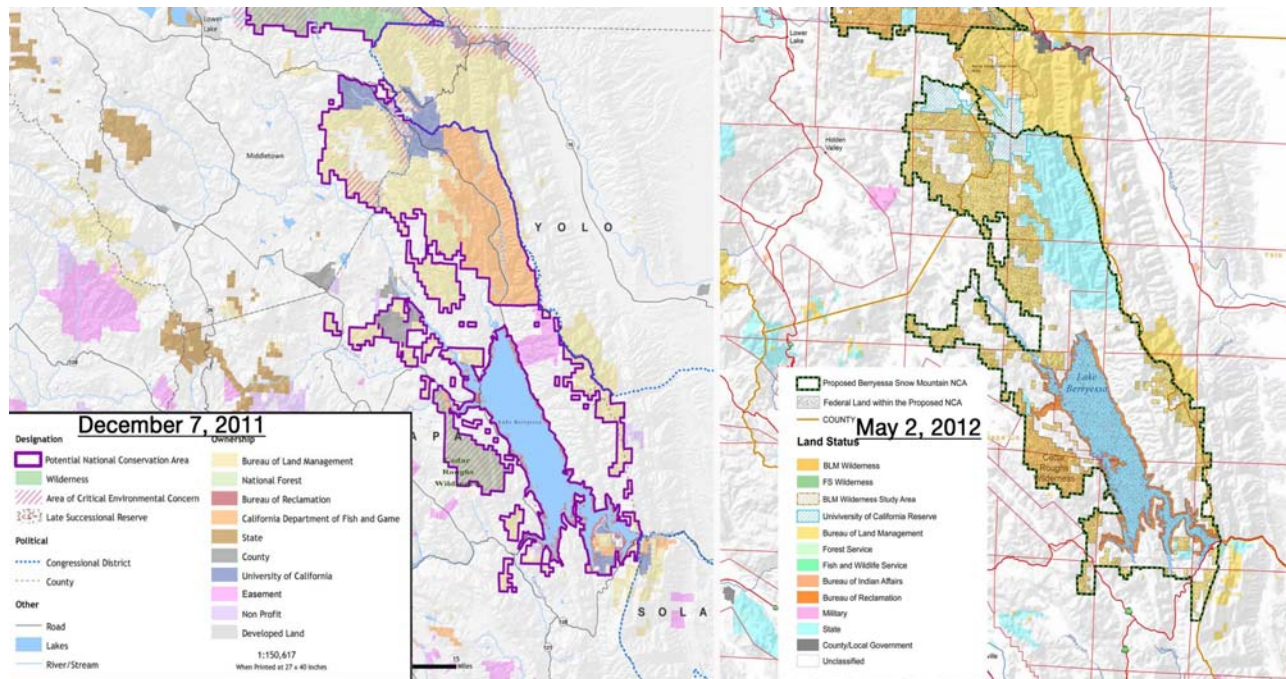
This map prepared at the request of Representative Mike Thompson



The differences between the last two maps should concern all residents and property owners in the Lake Berryessa area. Some private property advocates point to other government takeovers of private lands. They believe the NCA designation literally puts a dark cloud over a massive area, inclusive of extensive private property such as ranches, subdivisions, towns and outlying rural areas. These will be classified as inholdings, essentially properties destined for federal acquisition, either by federal purchase or forcing

people to leave under oppressive circumstances.

The NCA designation may allow access to Federal funds which would slated to begin purchases of inholdings which would devalue the inholdings, making them virtually unsalable except to the government.



The final map now includes the Berryessa Highlands, Berryessa Pines, Berryessa Estates, other private property, and the town of Pope Valley in the NCA! Why are the residential communities in the NCA? Did our County Board of Supervisors support HR 5545 knowing that our properties were included?

The latest NCA map also includes all the property on the east side of the lake, but, strangely, has a land gap between the northern and southern sectors of the NCA. That gap is the Cache Creek Wilderness Study Area, a supposedly important environmental resource that just happens to be in Yolo County.

Now that the Bill has been formally introduced in Congress and is publicly available, the language itself has increased the concerns of many in the local community. The Bill is relatively short and easy to read. The language lays out the legal foundation to support significant restrictions of public access and land use.

The Pensus Group and Forever Resorts should be concerned about the impact of an NCA on their contracts with the Bureau of Reclamation and their future revenues. Why were they not informed of the NCA proposal during the bid process? The BOR was represented at the initial BRBNA meetings in 2007 and later. Reclamation has done nothing but stand in the way of future development at the lake. Why? It appears to many observers that there has been long standing collusion among several agencies, organizations and government representatives to prevent Lake Berryessa redevelopment.

If an NCA passes, the Bureau of Land Management automatically takes over management of the NCA under the National Landscape Conservation System. Restrictions vary among conservation areas but, generally, motorized vehicle use and access corridors are restricted.

A new manual was just released by the Bureau of Land Management, which specifies how NCAs should be managed: BLM Manual 6100 – National Landscape Conservation System Management Manual, Release 6-131, 07/13/2012.

One troubling element of that manual is that it implies that if the NCA is implemented, the Bureau of Reclamation’s Visitor Services Plan and Record of Decision are no longer in force. Therefore the BLM may eliminate Lake Berryessa concessions from the NCA since they are not specifically called out in the designating legislation. From the Manual:

“NLCS units will be available for a variety of recreation opportunities, to the **extent consistent with the designating legislation or proclamation** and other applicable law. **Where recreational values are identified in the designating legislation or proclamation**, these values will be conserved, protected, and restored in the same manner as other NLCS values.”

“Accordingly, site-specific activities requiring BLM approval, including Bureau initiated actions, will be managed in a manner consistent with the protection of those values. **Multiple uses may be allowed to the extent that they are consistent with the designating legislation or proclamation**, other applicable laws, and all relevant policies (including NLCS policy guidance).”

“The BLM will inventory existing facilities within NLCS units and determine whether to remove, maintain, restore, enhance, or allow natural disintegration. **Subject to applicable law and valid existing rights, the BLM will consider removal from NLCS units of facilities that do not have administrative, public safety, recreational, cultural, or historic value.**”

“The BLM will **only develop new facilities, including roads, within NLCS units where they are required under law, required for public health and safety, are necessary for the exercise of valid existing rights or other non-discretionary uses**, prevent impacts to fragile resources, or further the purposes for which an area was designated.”

“In harmony with, and subject to, applicable designating legislation or proclamations, the BLM will work to maintain and promote ecological connectivity and resilience and to restore, to the extent feasible, the natural system function and species composition of **disturbed areas within NLCS units.**”

A recent BOR Lake Berryessa Park Manager stated in public that although it had taken almost four years, Lake Berryessa has almost been returned to wilderness. I assume she was talking about the demolition of the west shore resorts including launch ramps, roads, and structures. Does this new “wilderness” imply that the BLM can eliminate them from public use to “restore” them? Many knowledgeable observers believe this is the ultimate goal of exclusionist groups like the Sierra Club and Tuleyome, which have significantly influenced if not directed the destruction of assets and elimination of recreational uses at Lake Berryessa.

During the Visitor Services Planning process, the BOR attempted to include something called the Water Recreational Opportunities Spectrum (WROS) included in the final Record of Decision. Although they were not successful at the time, a major change like implementation of an NCA gives the exclusionists the opportunity to try again. The WROS has now become Water and Land Recreation Opportunity Spectrum (WALROS) Users’ Handbook, Second Edition, September 29, 2009. The Executive Summary of this document states:

“Research has shown that recreationists not only seek to participate in recreation activities, but also seek specific recreation settings in order to enjoy a special kind of recreation experience and subsequent benefits. These four components (activities, settings, experience, and benefits) constitute a recreation

opportunity; that is, the opportunity for a person to participate in a particular recreation activity in a specific setting in order to enjoy a particular recreation experience and the benefits this affords.

For example, one family might desire camping in a modern, full service campground on a reservoir in order to spend quality time with the family, to rest and relax, and to see nature's beauty. Another family might desire camping in a rural location where they can test their fishing skills, enjoy solitude, and see nature's beauty. Both families want to go camping, but in very different settings leading to different kinds of experiences and benefits; that is, they are seeking different kinds of recreation opportunities.

WALROS reflects a national spectrum of opportunities from Urban, Suburban, Rural developed, Rural natural, Semiprimitive, and Primitive.”

Since motorized boating is not allowed in Semiprimitive and Primitive classifications, an open question is whether the BLM will be able to prohibit new marinas and motorized boating near the sites of some of the demolished resorts. And since the BOR already eliminated, without any justification, motorized boats in the previously zoned 5 MPH Big Island Lagoon, what would prevent the BLM, under NCA guidelines, from creating 1,000 foot buffer zones around Big Island and Goat Island to “protect” nesting eagles and osprey?

These concerns are not far-fetched since exclusionist groups like the Sierra Club and Tuleyome supported closing the Big Island Lagoon, a popular family resting spot and a quiet 5 MPH zone, to family boating. Members of these groups have also suggested making the whole north end of the lake from Big Island to Putah Creek a non-motorized, non-alcohol zone. Would the BLM implement such a draconian decision under the NCA management guidelines and WALROS? Especially if under pressure from groups like Tuleyome? Recent BLM actions in other areas under their control seem to suggest that they wish to limit and restrict uses wherever possible.

What would be the impact of the NCA on concessioners like Pensus? Is this why the BOR has been resisting every move by Pensus to redevelop the closed west shore resorts and is now trying to terminate their contract?

Some might say that the Berryessa Snow Mountain NCA legislation exempts Lake Berryessa from some of these concerns. However, if you read the bill you will see only two exemptions.

SEC. 7. WATER.

Nothing in this Act...

(6) impairs the ability of the Bureau of Reclamation and its managing partners to operate, maintain, or manage Monticello Dam, Lake Berryessa, and other Solano Project facilities in accordance with the purposes of such project; or

(7) modifies, changes, or supersedes any water contract or agreements approved or administered by the Bureau of Reclamation or Solano County Water Agency or Solano Irrigation District.

What is not stated here is that Paragraph 6 above only applies to the water not the land around the lake. Recreation was not one of the BOR Solano Project original purposes.

If the Bill(s) do not specifically state the concessions are allowed and that the purposes and contracts that are in place are not overridden, the recreational use of Lake Berryessa may be significantly curtailed.

From a transcript of a House bill:

H.R.1611 -- Solano Project Indebtedness Prepayment Act, March 23, 1989

SEC 2. FINDINGS AND PURPOSE.

(a) FINDINGS- The Congress finds that—

(1) the Solano Project is a Federal reclamation project located in Solano, Yolo, and Napa Counties, California. The project was constructed by the United States between 1953 and 1958 at the specific request of the Solano County Water Agencies for the purpose of providing water supply for Solano County with incidental flood control benefits. Construction on the Solano Project has been completed and there is no unallocated project water supply;

(10) recreation was not an original project purpose. It was separately authorized by the Recreation Development Act of 1974 (Public Law 93-493, 88 Stat. 1486) which provides that recreational uses may not be incompatible with the water supply function of the Solano Project;

“The term ‘Solano Project’ means the reclamation project described in House Document Numbered 65, eighty-first Congress, first session (1949).

(b) The term ‘water supply facilities’ means--

- (1) the Monticello Dam and spillway;
- (2) the channel of Putah Creek downstream of the Monticello Dam;
- (3) Lake Solano and the Putah Diversion Dam;
- (4) the Putah South Canal;
- (5) all appurtenant facilities and rights to each of such facilities.

This term does not include Lake Berryessa or any recreational features of the Solano Project.”

Recreation was not even considered for Lake Berryessa until the lake was full and private citizens started using it and launching their boats anywhere they could. Although recreation became part of the use of the lake, recreation facilities were managed by Napa County until they dumped it on the BOR in 1973.

Another new manual has also just been released by the BLM: BLM Manual 6220 - National Monuments, National Conservation Areas, and Similar Designations. Again it allows the negation of the BOR VSP and possible elimination of recreation at Lake Berryessa. What is interesting about this manual is that it includes management of National Monuments – a much more serious designation than NCA. It appears that Tuleyome is working to achieve National Monument status for their proposed NCA.

Management of Newly Designated Monuments and NCAs.

Upon designation of a new Monument or NCA or similar designation, or where the following actions have not been carried out for existing components, the BLM will:

1. Review policies and governing resource management plans for consistency with the designating legislation or proclamation.

2. Subject to valid existing rights, and in accordance with applicable law and regulation, **consider suspending or modifying discretionary uses and activities incompatible with the designating legislation or proclamation pending completion or amendment of a land use plan.**

Land use plans must analyze and consider measures to ensure that objects and values are conserved, protected, and restored. Specifically, plans must:

- a. clearly identify Monument and NCA objects and values as described in the designating proclamation or legislation; where objects and values are described in the designating legislation or proclamation only in broad categories (e.g. scenic, ecological, etc.), identify the specific resources within the designating area that fall into those categories;
- b. identify specific and measurable goals and objectives for each object and value, as well as generally for the Monument or NCA;
- c. identify management actions, allowable uses, restrictions, management actions regarding any valid existing rights, and mitigation measures to ensure that the objects and values are protected...

Many people believe that Tuleyome's actual goal is to have the NCA become a National Monument. This is supported by the minutes of a recent BLM meeting of the Northwest California Resource Advisory Council, Friday, Feb. 10, 2012.

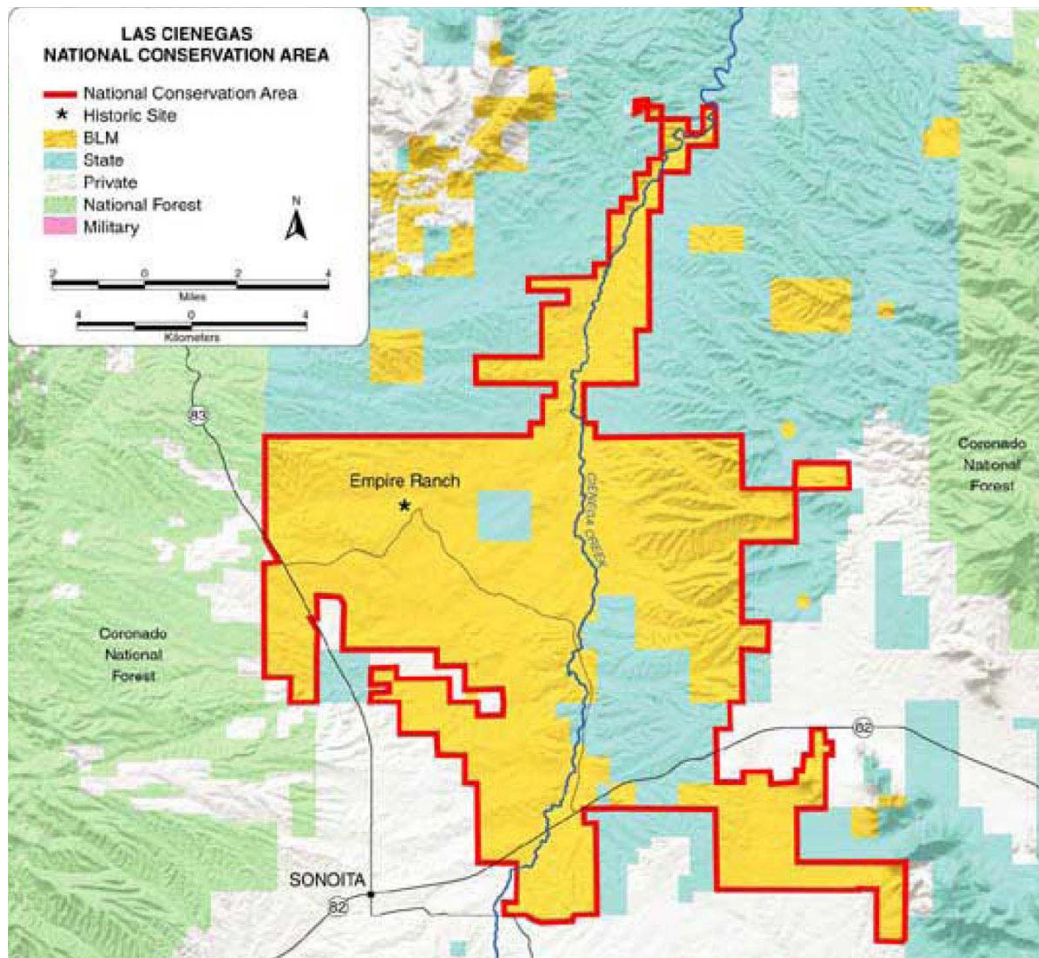
“Berryessa-Snow Mountain NCA Proposal: Bob Schneider updated the group on efforts toward Congressional establishment of the **national monument**. His organization, Tuleyome, is the leading proponent for the designation that would encompass federally managed lands stretching from the Lake Berryessa area on the south to Snow Mountain on the Mendocino National Forest on the north. The organization is working to build support for the Congressional designation.”

The Size, Shape, and Purpose of the Berryessa Snow Mountain NCA

The proposed Berryessa Snow Mountain NCA encompasses 321,000 acres of Federal public lands – which would make it one of the largest in the NCLS. However, the NCA map boundary also includes thousands of acres of state, county, local, and private land.

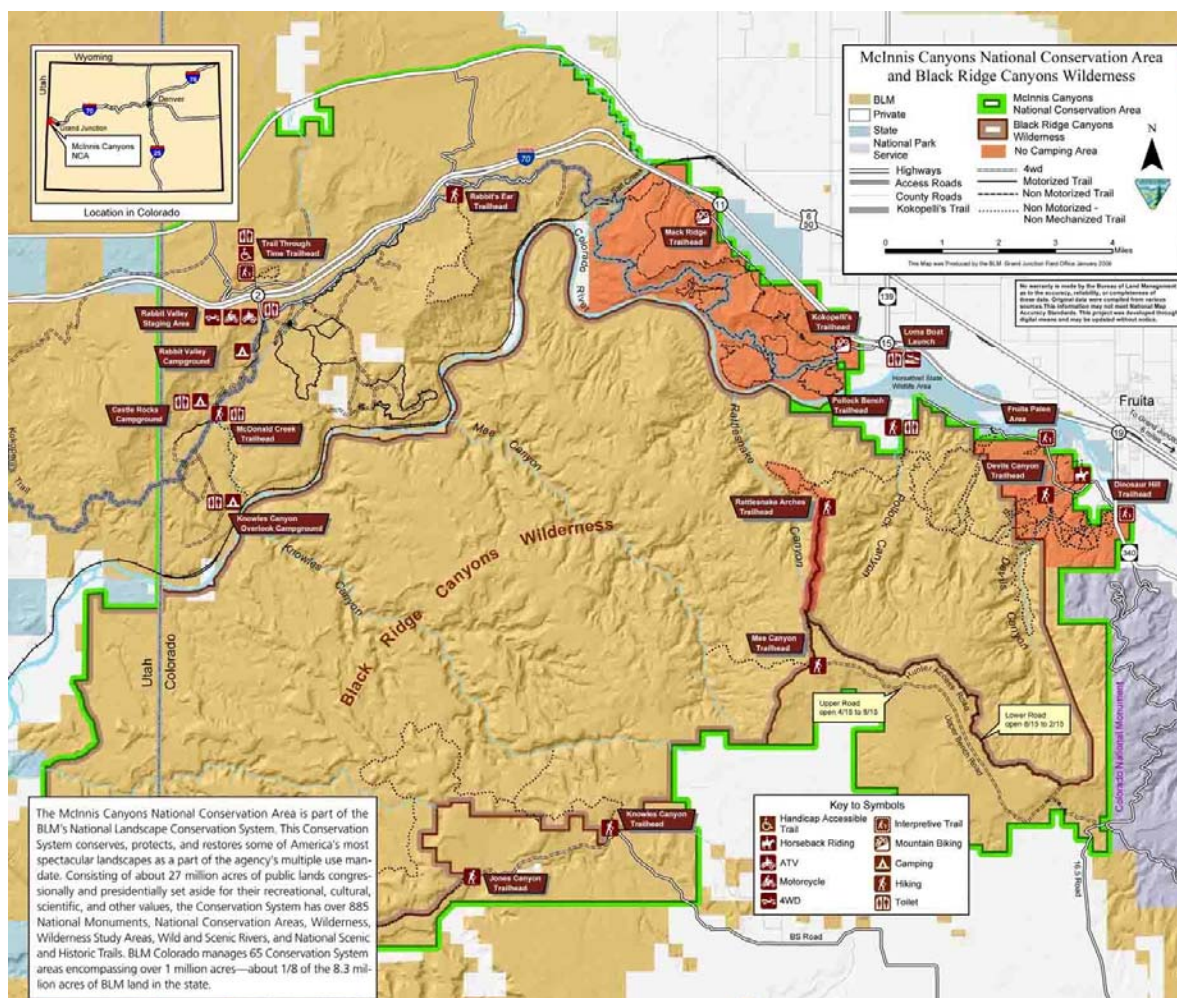
From BLM Manual 6100: As required under the Omnibus Act of 2009, the BLM will manage NLCS units to “conserve, protect, and restore **nationally significant** landscapes.” While pieces of the Berryessa Snow Mountain NCA may be “nationally significant”, as a whole it does not meet that standard.

If not especially “nationally-significant” shouldn't an NCA be at least geographically coherent? Other NCAs appear to be. For example, as stated in the BRBNA report above, Tuleyome brought representatives from the Las Cienegas NCA in New Mexico to a BRBNA Partnership meeting. I was there. The results of the presentation showed that the benefits were limited and were not particularly relevant to the Lake Berryessa area. The Las Cienegas NCA itself is only 45,000 acres and relatively self-contained.



Another unique “nationally-significant” NCA is the McInnis Canyons National Conservation Area located in the high desert canyon country of western Colorado and eastern Utah, McInnis Canyons National Conservation Area consists of approximately 123,430 acres of BLM-administered land near Grand Junction, Colorado.

Among its unique natural resources are the more than 75,000 acres of the Black Ridge Canyons Wilderness, which includes the second-largest concentration of natural arches in North America. Internationally important fossils have been uncovered during more than a century of excavation. Pictograph and petroglyph sites abound, and the Old Spanish Trail, once referred to as the “longest, crookedest, most arduous mule route in the history of America,” runs through the NCA. This NCA appears to meet the “nationally significant” designation and is geographically coherent.

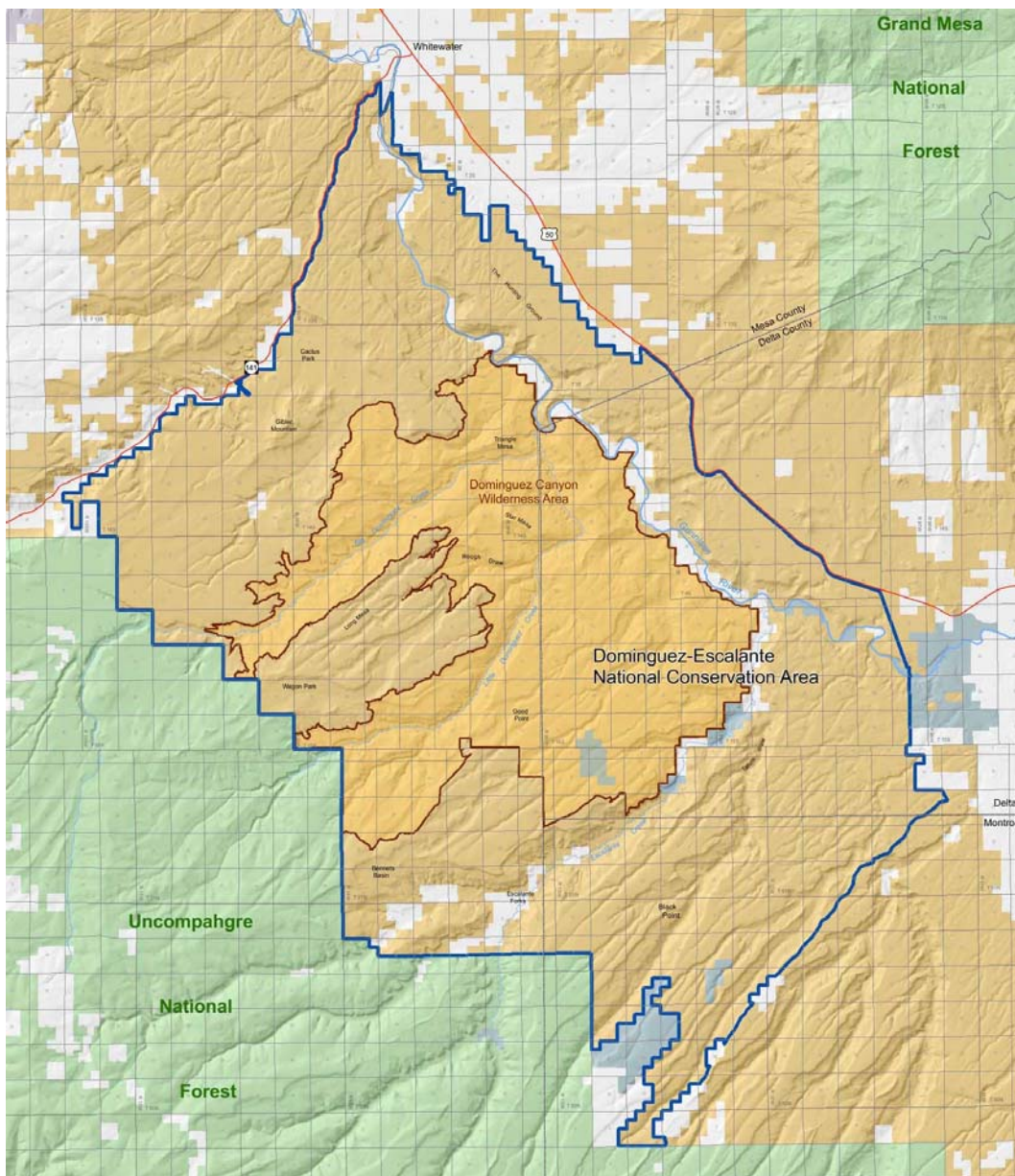


Even California's King Range National Conservation Area (NCA), which covers only 68,000 acres and extends along 35 miles of coastline between the mouth of the Mattole River and Sinkyone Wilderness State Park meets the nationally significant requirement makes more geographic sense than the Berryessa Snow Mountain NCA.

Mountains seem to thrust straight out of the surf; a precipitous rise rarely surpassed on the continental U.S. coastline. Here the landscape was too rugged for highway building, forcing State Highway 1 and U.S. 101 inland. The remote region is known as California's Lost Coast, and is only accessed by a few back roads. The recreation opportunities here are as diverse as the landscape. The Douglas-fir peaks attract hikers, hunters, campers and mushroom collectors, while the coast beckons to surfers, anglers, beachcombers, and abalone divers to name a few.



One of the largest nationally-significant NCAs, the Dominguez-Escalante NCA, encompasses 209,610 acres of BLM-managed land in Mesa, Delta and Montrose counties in western Colorado. Within the NCA, 66,280 acres make up the Dominguez Canyon Wilderness Area. Known for their scenic value, these lands are popular for those wanting to see the spectacular canyon country of the Uncompahgre Plateau. Red-rock canyons and sandstone bluffs hold geological and paleontological resources spanning 600 million years, as well as many cultural and historic sites. Ute Tribes today consider these pinyon-juniper covered lands an important connection to their ancestral past. Although large, this NCA is also nationally significant and makes geographic sense.



The conclusion must be that the proposed Berryessa Snow Mountain NCA is not nationally significant, especially the Lake Berryessa region, and does not make geographical sense.

Why is the Lake Berryessa region in this NCA anyway?

As much as I love Lake Berryessa I know that it is not “nationally significant” enough to rate an NCA designation. It is not even an especially important environmental resource. This is a man-made lake that did not exist before 1958. It is an agricultural resource, drinking water resource, and a recreation resource – in that order. The lands around it have been significantly disturbed by construction and grazing for decades. Ecologically, (with minor apologies to my scientific friends) the land is interesting but not critical to the existence of any species.

The water has no significant indigenous species, although some native fish from the old Putah Creek – Town of Monticello days still survive. Fish are stocked in Lake Berryessa by the Department of Fish and Game for human recreation – not for conservation.

Could it be that Tuleyome included Lake Berryessa in the NCA for the long-term goal of elimination of motorized recreation? Groups like the Sierra Club and Tuleyome are basically anti-people (unless you're their kind of people – hikers, kayakers...) and are fundamentally opposed to motorized recreation. Self-righteous pride in denigrating boaters, jet skiers, dirt bikers, and off-road vehicle enthusiasts is part of their genetic make-up.

Outdoor motorized recreation groups like the Blue Ribbon Coalition, Americans for Responsible Recreational Access, and the American Motorcycle Association should be leery of generalized promises to protect and “coordinate” motorized recreation access to NCA lands. These groups appear to have signed onto support the NCA only because they were promised that their access to existing OHV areas and routes would not be eliminated...for now.

Several years ago one of the proponents of this NCA, when discussing the Knoxville Off-Highway-Vehicle (OHV) area said that although he supported OHV use, maybe it would be better to eliminate it at Knoxville and “consolidate” OHV use at Stonyford near Maxwell, more than three hours to the north. Of course the ulterior motive was simply to eliminate the Knoxville OHV area (while sounding “reasonable”). The goal of many of these NCA proponents is still to eliminate OHV use at Knoxville.

The simplest thing to do is eliminate the NCA proposal completely: Kill the Bills!

Another simple alternative is to remove Lake Berryessa completely from the proposal: Redraw the Map!

The stated purpose of the Berryessa Snow Mountain National Conservation Area is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the lands included in the conservation area. The Secretary of the Interior shall allow only such uses of the conservation area as the Secretary determines would further the purposes for which the conservation area is established.

Isn't that special...? Who could argue with such a nice applehood and mother pie statement? But stop and think about the underlying theme and who would be in control. He who controls the plans controls the uses.

In an ironic twist to an NCA, the National Rifle Association was involved in the Gunnison Gorge NCA. They did not oppose it and were active stakeholder participants in developing its management plan. And what did they get?

“The National Rifle Association has filed a letter protesting the Bureau of Land Management’s (BLM) final resource management plan for Ironwood Forest National Monument that will close the entire monument to recreational shooting.

The NRA and many of its Arizona hunters and shooters were deeply engaged in the planning process when the draft plan for the monument was released for public comment in 2007. Closure of the monument to recreational shooting was protested at public meetings and in written

comments, but the BLM ignored the wishes of those who enjoy the historic and important recreational uses of these public lands. The BLM is justifying its decision to close shooters out of 128,000 acres of public land because it claims that shooting is a “resource-harming” activity.

The BLM has demonstrated from the beginning of the planning process that its intent was to ban recreational shooting in the Ironwood Forest National Monument. No amount of public engagement in support of recreational shooting altered the direction that BLM had decided in advance that it would go.”

Sound familiar Lake Berryessa?

Help us defeat the Berryessa Snow Mountain NCA! Please write letters of opposition to the following contacts:

No on House Bill HR 5545

Contact: House Committee On Appropriations, Subcommittee of Energy and Water Development,
Chairman Rodney Frelinghuysen
daniel.ostermueller@mail.house.gov

Subcommittee on National Parks, Forests and Public Lands,
Chairman Rob Bishop,
john.newhall@mail.house.gov

Rep. Mike Thompson
231 Cannon Office Building
Washington, DC 20515
Phone: (202) 225-3311
Fax: (202) 225-4335
mikethompson.house.gov/contact/

Rep. Lynn Woolsey
Washington DC Office
2263 Rayburn Building
Washington, DC 20515
Ph.: 202-225-5161
Fax: 202-225-5163
woolsey.house.gov/contact-lynn/

Rep. John Garamendi
228 Cannon HOB
Washington, D.C. 20515
Phone: (202) 225-1880
Fax: (202) 225-5914
garamendi.house.gov/contact/

No on Senate Bill SB 3375

Contact: US Senate Committee on Energy and Natural Resources,
Chairman Jeff Bingaman,
senator_bingaman@bingaman.senate.gov

Sen. Barbara Boxer
Office of U.S. Senator Barbara Boxer
501 Street, Suite 7-600
Sacramento, CA 95814
Ph: (916) 448-2787
Fax: (202) 228-3865
boxer.senate.gov/en/contact/

Senator Dianne Feinstein
United States Senate
One Post Street, Suite 2450
San Francisco, CA 94104
Main: (415) 393-0707
Fax: (415) 393-0710
feinstein.senate.gov/en/contact/

Obama Administration on Idle Earmark Projects: Use It or Lose It “We Can’t Wait” Action Helps States Put People to Work, Improve Infrastructure

WASHINGTON, DC – The Obama Administration today announced that it won’t allow infrastructure funds to sit idle as a result of stalled earmark projects at a time when hundreds of thousands of construction workers are looking for work. U.S. Transportation Secretary Ray LaHood is making over \$470 million in unspent earmarks immediately available to states for projects that will create jobs and help improve transportation across the country.

“My administration will continue to do everything we can to put Americans back to work,” said President Barack Obama. “We’re not going to let politics stand between construction workers and good jobs repairing our roads and bridges.”

“We are freeing up these funds so states can get down to the business of moving transportation projects forward and putting our friends and neighbors back to work,” said Secretary LaHood.

President Obama has vowed to veto any bill that comes to his desk with earmarks and would support legislation to permanently ban earmarks. But \$473 million in highway earmarks from FY2003-2006 appropriations acts remain unspent years later. Those acts contain provisions that authorize the Secretary to make the unused funds available for eligible surface transportation projects. Effective today, state departments of transportation will have the ability to use their unspent earmarked highway funds, some of which are nearly 10 years old, on any eligible highway, transit, passenger rail, or port project.

States must identify the projects they plan to use the funds for by October 1, and must obligate them by December 31, 2012.

“Particularly in these difficult fiscal times, states will be able to put these dollars to good use,” said Federal Highway Administrator Victor Mendez. “These funds will create jobs in the short term and help bring about what President Obama called ‘an America built to last.’”

To ensure that this funding is quickly put to good use to improve our nation’s infrastructure, funds not obligated by the December 31 deadline will be proportionally redistributed in FY 2013 to states that met the deadline.

A list of available funds by state can be accessed: <http://www.fhwa.dot.gov/pressroom/redisfy0306earmarks.htm>

###

Contact: Justin Nisly • **Tel:** 202-366-4570





Best for printing: [earmarksproject.pdf](#), 231KB

**UNOBLIGATED BALANCES OF
FY 2003 - 2006 APPROPRIATION ACT EARMARKS
(as of AUGUST 15, 2012)**

State Name	Project ID	Project Description	PC Description	Public Law	Allocated Amount	Obligated Amount	Unobligated Balance
ALABAMA	AL055	Applied Sciences Building, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	30,000,000.00	29,994,140.60	5,859.40
ALABAMA	AL056	Birmingham Northern Beltline, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	250,000.00	1,750,000.00
ALABAMA	AL058	Decatur Beltline Expansion, Decatur, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00
ALABAMA	AL060	Fayette Downtown Revitalization, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	700,000.00	699,933.33	66.67
ALABAMA	AL061	Five Points Improvement Project, Huntsville, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	65,000.00	435,000.00
ALABAMA	AL063	Huntsville Federal Building, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	3,600,000.00	3,491,379.00	108,621.00
ALABAMA	AL064	I-20 Widening and Safety Improvements, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	3,500,000.00	1,424,353.99	2,075,646.01
ALABAMA	AL065	I-65 Cloverland Bridges, Montgomery, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	100,000.00	900,000.00
ALABAMA	AL066	I-65 Industrial Park Access Improvements, Atmore, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	120,000.00	380,000.00
ALABAMA	AL068	Lake Martin Regional Industrial Park Access Rd., Kellyton, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
ALABAMA	AL071	Oneonta, Alabama Downtown Revitalization	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	469,841.99	30,158.01
ALABAMA	AL076	UAB Center for Injury Sciences, Birmingham, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00
ALABAMA	AL077	US 278 from Sulligent, AL to Guin, Alabama	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,250,000.00	750,000.00
ALABAMA	AL079	Access to Ebenezer Swamp Wetlands Interpretative Center, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	221,384.00	45,000.00	176,384.00
ALABAMA	AL080	Alabama State University, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	245,982.00	178,753.25	67,228.75
ALABAMA	AL081	Balch Road, Madison, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	875,000.00	600,892.00
ALABAMA	AL087	East-West Corridor, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	14,758,922.00	-	14,758,922.00
ALABAMA	AL089	Huntsville Five Points	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	50,000.00	441,964.00

		Improvement Project, Alabama						
ALABAMA	AL090	Huntsville Southern Bypass/BRAC Access, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	-	1,967,856.00	
ALABAMA	AL091	I-565 Extension, westward from I-65 to Decatur, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,784.00	500,000.00	2,451,784.00	
ALABAMA	AL092	I-65 Interchange Near County Road 222, Cullman, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	350,000.00	1,617,856.00	
ALABAMA	AL093	Interchange at I-65 and Limestone County Road, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	350,000.00	633,928.00	
ALABAMA	AL094	North-South Highway, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00	
ALABAMA	AL096	Prattville Park and Creek Walk, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	295,178.00	259,925.34	35,252.66	
ALABAMA	AL097	Streetscape and sidewalk improvements, Midfield, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	295,178.00	-	295,178.00	
ALABAMA	AL101	US 231/I-10 Freeway Connector, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	9,839,281.00	-	9,839,281.00	
ALABAMA	AL102	US-231/I-10 Freeway Connector, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00	
ALABAMA	AL104	Vestavia Hills Pedestrian Walkway, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	196,786.00	20,000.00	176,786.00	
ALABAMA	AL105	Western Madison County Streetscape Development, Alabama	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	100,000.00	883,928.00	
ALABAMA	AL167	Airport Road Expansion, Phase II, Jasper, AL	2006-SURFACE TRANSPORT PROJ	109-115	1,811,700.00	300,000.00	1,511,700.00	
ALABAMA	AL174	Extend I-759 East to US Highway 278, Gadsden, AL	2006-SURFACE TRANSPORT PROJ	109-115	2,772,000.00	-	2,772,000.00	
ALABAMA	AL175	Highway 21 extension, Talladega, AL	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	180,000.00	315,000.00	
ALABAMA	AL176	Third Avenue resurfacing Project, Ranburne, AL	2006-SURFACE TRANSPORT PROJ	109-115	39,600.00	-	39,600.00	
ALABAMA Total							51,488,747.50	
ALASKA	AK032	Barlett Access Intersection Safety Improvements, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	499,973.89	26.11	
ALASKA	AK033	Bypass Road in Nome, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,987,396.91	12,603.09	
ALASKA	AK034	C Street Railroad Bypass, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00	
ALASKA	AK037	Donlin Creek Road, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	10,000,000.00	-	10,000,000.00	
ALASKA	AK040	Girdwood Project, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	783,981.38	216,018.62	
ALASKA	AK045	Lucille Street and Mack Drive Improvements, Wasilla, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00	
ALASKA	AK048	North Slope Borough Road Improvements, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	60,000.00	2,940,000.00	

ALASKA	AK050	Port of Ketchikan Ferry Facility, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00
ALASKA	AK052	Seward Road Improvements, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00
ALASKA	AK054	Sitka Road Improvements, Alaska	SEC 115 UNOBL BAL TRANSF	108-199	1,500,000.00	1,122,560.18	377,439.82
ALASKA	AK060	Galena road resurfacing, Alaska	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	1,426,630.46	49,261.54
ALASKA	AK066	Nome Roads, Alaska	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	864,238.74	119,689.26
ALASKA	AK167	Tanana River Bridge Replacement, AK	2006-SURFACE TRANSPORT PROJ	109-115	2,970,000.00	2,445,822.00	524,178.00
ALASKA Total							20,239,216.44
ARIZONA	AZ020	Cyberport, Arizona	SEC 115 UNOBL BAL TRANSF	108-199	2,750,000.00	2,723,213.56	26,786.44
ARIZONA	AZ025	San Luis II Access Road, Arizona	SEC 115 UNOBL BAL TRANSF	108-199	1,050,000.00	924,380.59	125,619.41
ARIZONA	AZ027	Campbell Avenue Gateway Corridor, Tucson, Arizona	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	235,488.00	256,476.00
ARIZONA	AZ031	Transportation Project at the University of Arizona Science Center at Rio Nuevo, Arizona	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
ARIZONA	AZ068	Bird Springs Road/Bridge Rehabilitation, AZ	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00
ARIZONA	AZ070	Tucson Wash Crossings Improvements, AZ	2006-SURFACE TRANSPORT PROJ	109-115	99,000.00	-	99,000.00
ARIZONA	AZ071	University of Arizona Science Center Bridge, AZ	2006-SURFACE TRANSPORT PROJ	109-115	3,465,000.00	-	3,465,000.00
ARIZONA	AZ072	Widen SR 86--Sells, AZ	2006-SURFACE TRANSPORT PROJ	109-115	643,500.00	560,167.00	83,333.00
ARIZONA Total							6,528,178.85
ARKANSAS	AR047	Highway 226: Highway 67 to Highway 63 Jonesboro, Arkansas	SEC 115 UNOBL BAL TRANSF	108-199	1,500,000.00	-	1,500,000.00
ARKANSAS	AR051	Jonesboro Transportation and Drainage Planning, Arkansas	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	807,298.00	192,702.00
ARKANSAS	AR057	I-530 (AR) Extension to I-20 (LA), Arkansas	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	724,843.00	13,103.00
ARKANSAS	AR060	Northeast Arkansas Connector: relocation of HWY 226	GRANTS SUP PLAN HWY STP,SEC117	108-447	4,919,641.00	-	4,919,641.00
ARKANSAS	AR131	BNSF main line overpass within the Marion, Arkansas, planning jurisdiction	2006-SURFACE TRANSPORT PROJ	109-115	346,500.00	5,000.00	341,500.00
ARKANSAS Total							6,966,946.00
CALIFORNIA	CA218	Boulder Ave Bridge Project, Highland, California	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00
CALIFORNIA	CA220	City of Covina Metrolink Pedestrian Bridge (California)	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
CALIFORNIA	CA221	City of Gardena Street and Highway Improvements (California)	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	489,104.25	10,895.75

CALIFORNIA	CA222	Dagget Road, Port of Stockton, California	SEC 115 UNOBL BAL TRANSF	108-199	100,000.00	-	100,000.00
CALIFORNIA	CA225	I-215 and Barton Road Interchange, Grand Terrace, California	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
CALIFORNIA	CA226	I-880/Coleman Avenue Interchange Reconstruction	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00
CALIFORNIA	CA227	Interstate 10/Tippecanoe Interchange, California	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,999,354.00	646.00
CALIFORNIA	CA229	Interstate 5-Sorrento Valley Road and Genesee Avenue Interchange Project	SEC 115 UNOBL BAL TRANSF	108-199	1,500,000.00	1,400,000.00	100,000.00
CALIFORNIA	CA231	Lincoln Boulevard Improvement Project, California	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00
CALIFORNIA	CA233	Lone Tree Way Undercrossing of Union Pacific Railroad, Brentwood, CA	SEC 115 UNOBL BAL TRANSF	108-199	250,000.00	-	250,000.00
CALIFORNIA	CA235	Monterey Bay Sanctuary Scenic Trail	SEC 115 UNOBL BAL TRANSF	108-199	400,000.00	399,999.72	0.28
CALIFORNIA	CA244	Santa Clarita Cross Valley Connector	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,999,999.99	0.01
CALIFORNIA	CA245	Santa Monica College 11th Street Parking Structure	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00
CALIFORNIA	CA247	South La Brea Avenue and Imperial Highway Realignment Project	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
CALIFORNIA	CA249	Town Center/Old Town Enhancement Project for the City of Yorba Linda, California	SEC 115 UNOBL BAL TRANSF	108-199	3,100,000.00	-	3,100,000.00
CALIFORNIA	CA251	U.S. 101 Bikeway System, California	SEC 115 UNOBL BAL TRANSF	108-199	250,000.00	187,500.00	62,500.00
CALIFORNIA	CA252	US 50 Phase I highway and water quality improvement project, California	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	345,000.00	1,655,000.00
CALIFORNIA	CA254	Almaden Express Pedestrian Overcrossing, San Jose, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	352,000.00	139,964.00
CALIFORNIA	CA256	Avery Parkway Interchange at Interstate 5, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
CALIFORNIA	CA257	Bristol Street Multi-Modal Corridor, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	-	737,946.00
CALIFORNIA	CA260	Covina Station Undercrossing, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
CALIFORNIA	CA262	Girl Scouts Golden Valley Council bridge project, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	147,589.00	-	147,589.00
CALIFORNIA	CA263	Gladding Road Overcross, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	344,375.00	-	344,375.00
CALIFORNIA	CA264	Grade Crossing	GRANTS SUP PLAN HWY STP,SEC117	108-447	688,750.00	-	688,750.00

		Improvements at Ramona Boulevard, California						
CALIFORNIA	CA265	Grand Avenue Rehabilitation Project, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	956,086.00	27,842.00	
CALIFORNIA	CA266	Healdsburg Pedestrian and Bicycle Path, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,229,910.00	-	1,229,910.00	
CALIFORNIA	CA268	I-15(Falchion Road)/State Route 18 Interchange, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,785.00	-	2,951,785.00	
CALIFORNIA	CA269	I-405 Widening, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00	
CALIFORNIA	CA270	I-405 Widening, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00	
CALIFORNIA	CA271	I-5, Sorrento Valley Road and Genesee Avenue Interchange, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	1,400,000.00	75,892.00	
CALIFORNIA	CA274	Interstate 10/Tippecanoe Interchange, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	4,919,641.00	4,913,891.00	5,750.00	
CALIFORNIA	CA276	K Street off-ramp, Tulare, California agri-Center Interchange, Tulare, CA (activities must be title 23 or title 49 eligible)	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00	
CALIFORNIA	CA277	Lincoln Boulevard Improvement Project, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	590,357.00	-	590,357.00	
CALIFORNIA	CA279	Monterey Bay Sanctuary Scenic Trail, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	393,571.00	393,565.91	5.09	
CALIFORNIA	CA280	Noble Creek Bridge, Beaumont, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,785.00	2,212,798.00	738,987.00	
CALIFORNIA	CA281	Otay Mesa/SR 905 Improvements, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,884,387.45	83,468.55	
CALIFORNIA	CA282	Pacoima Wash Mountain Bikeway, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00	
CALIFORNIA	CA283	Port of Oakland, California Inter-Regional Intermodal System	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00	
CALIFORNIA	CA285	R Street Development Project, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	1,052,942.00	422,950.00	
CALIFORNIA	CA287	Route 132 Connection Project Study Report, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	393,571.00	386,766.69	6,804.31	
CALIFORNIA	CA291	Second Street Extension, Los Angeles, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	196,786.00	-	196,786.00	
CALIFORNIA	CA294	State Route 67, Mapleview to Dye Road SR52 E, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00	
CALIFORNIA	CA295	State Route 71/Mission Boulevard Congestion Reduction, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,229,910.00	1,164,151.00	65,759.00	

CALIFORNIA	CA297	State Route 905, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
CALIFORNIA	CA298	Street Improvements, Gardena, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	30,000.00	461,964.00
CALIFORNIA	CA299	Streetscape Improvements in Cherryland/Ashland, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,229,910.00	400,000.00	829,910.00
CALIFORNIA	CA301	UP/Sunset Avenue Grade Separation, Banning, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
CALIFORNIA	CA305	Western Placerville Interchanges, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	340,000.00	643,928.00
CALIFORNIA	CA306	Ygnacio Valley Road Pedestrian/Bike Improvements, California	GRANTS SUP PLAN HWY STP,SEC117	108-447	787,143.00	192,702.23	594,440.77
CALIFORNIA	CA756	Bristol Street Multi-Modal Corridor, CA	2006-SURFACE TRANSPORT PROJ	109-115	594,000.00	-	594,000.00
CALIFORNIA	CA758	City of Lawndale Street Improvements, CA	2006-SURFACE TRANSPORT PROJ	109-115	841,500.00	666,292.74	175,207.26
CALIFORNIA	CA760	City of Santa Monica ITS Improvements, CA	2006-SURFACE TRANSPORT PROJ	109-115	346,500.00	-	346,500.00
CALIFORNIA	CA762	Dublin Boulevard and Dougherty, City of Dublin, CA	2006-SURFACE TRANSPORT PROJ	109-115	297,000.00	-	297,000.00
CALIFORNIA	CA763	Essential road improvements, Desert Hot Springs, CA	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	424,204.18	565,795.82
CALIFORNIA	CA767	Fresno State Route 41 Off ramp Improvements, CA	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	1,057,491.00	427,509.00
CALIFORNIA	CA769	I-15 (Falchion Rd)/SR 18 Interchange, CA	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00
CALIFORNIA	CA770	I-40/Arizona 95 Interconnect, Needles, CA	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00
CALIFORNIA	CA775	Monterey Bay Sanctuary Scenic Trail, CA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	445,246.20	49,753.80
CALIFORNIA	CA776	Mountain Avenue Duarte Road Realignment, Duarte, CA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
CALIFORNIA	CA777	Myrtle Avenue Streetscape Project, Monrovia, CA	2006-SURFACE TRANSPORT PROJ	109-115	99,000.00	-	99,000.00
CALIFORNIA	CA779	Palmer Canyon Road Improvements, Los Angeles County, CA	2006-SURFACE TRANSPORT PROJ	109-115	693,000.00	-	693,000.00
CALIFORNIA	CA781	Port of Stockton, Daggett Road, Stockton, CA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
CALIFORNIA	CA782	Ranch Vista Boulevard widening project, Palmdale, CA Rancho Vista Boulevard widening project, Palmdale, CA	2006-SURFACE TRANSPORT PROJ	109-115	539,550.00	-	539,550.00
CALIFORNIA	CA784	Ravenswood Road Improvement Project,	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00

		East Palo Alto, CA					
CALIFORNIA	CA787	School Pedestrian Safety, Alameda County, CA	2006-SURFACE TRANSPORT PROJ	109-115	643,500.00	-	643,500.00
CALIFORNIA	CA791	SR 4 widening and bridge replacement, Brentwood, CA	2006-SURFACE TRANSPORT PROJ	109-115	198,000.00	-	198,000.00
CALIFORNIA	CA792	SR-56/I-5 Northbound Widening Project, San Diego, CA	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	-	396,000.00
CALIFORNIA	CA793	SR-91 Chokepoint Elimination in Corona, CA	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00
CALIFORNIA	CA796	UP/Sunset Avenue Grade Separation Banning, CA	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00
CALIFORNIA	CA797	I-405/BEACH/EDINGER INTERCHANGE. CA	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00
CALIFORNIA	CA798	STATE ROUTE 60/POTRERO ROAD INTERCHANGE, BEAUMONT, CA	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00
CALIFORNIA Total							43,075,444.64
COLORADO	CO034	Railroad Relocation Project, Colorado	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,714,047.00	253,809.00
COLORADO	CO116	Colorado Boulevard Connector, CO	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	1,238,146.00	741,854.00
COLORADO Total							995,663.00
CONNECTICUT	CT053	Mystic Seaport's Riverfront Access Project	SEC 115 UNOBL BAL TRANSF	108-199	100,000.00	-	100,000.00
CONNECTICUT	CT054	Route 11, Connecticut	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	1,400,000.00	1,600,000.00
CONNECTICUT	CT055	Adriaen's Landing, Hartford, Connecticut	GRANTS SUP PLAN HWY STP,SEC117	108-447	8,855,353.00	8,855,000.00	353.00
CONNECTICUT	CT056	Coltsville Corridor Development, Connecticut	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,784.00	1,000,000.00	1,951,784.00
CONNECTICUT	CT061	Route 8 Improvements, State Project 36-17, Connecticut	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	600,000.00	875,892.00
CONNECTICUT	CT062	Seaview Avenue Corridor, Connecticut	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
CONNECTICUT	CT063	UConn Hillside Road Extension, Connecticut	GRANTS SUP PLAN HWY STP,SEC117	108-447	3,935,713.00	800,000.00	3,135,713.00
CONNECTICUT	CT155	Austin Road Extension, Prospect, CT	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
CONNECTICUT	CT157	Cromwell Industrial Park road construction in Cromwell, CT	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
CONNECTICUT	CT158	Improvements to Mill Bridge, Somers, CT	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00
CONNECTICUT	CT160	Realignment, Widening and Reconstruction of Prospect Street in Hartford, CT	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00
CONNECTICUT	CT162	Route 195 Corridor Study, Tolland, CT	2006-SURFACE TRANSPORT PROJ	109-115	297,000.00	-	297,000.00
CONNECTICUT	CT163	Safety Improvements to Third Street, Suffield,	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	-	396,000.00

		CT						
CONNECTICUT Total								13,798,706.00
DELAWARE	DE032	Delaware Welfare to Work Program, DE	2006-SURFACE TRANSPORT PROJ	109-115	272,250.00	-		272,250.00
DELAWARE Total								272,250.00
DISTRICT OF COLUMBIA	DC025	9th Street Bridge, NE over New York Ave	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.05	487,164.85		4,799.20
DISTRICT OF COLUMBIA	DC036	SOUTH CAPITOL STREET IMPROVEMENTS, MD	2006-SURFACE TRANSPORT PROJ	109-115	2,227,500.00	2,175,431.84		52,068.16
DISTRICT OF COLUMBIA Total								56,867.36
FLORIDA	FL085	CR 578 Widening from Mariner Boulevard to Suncoast Parkway, Florida	SEC 115 UNOBL BAL TRANSF	108-199	1,250,000.00	-		1,250,000.00
FLORIDA	FL095	Pembroke Road Overpass at I-75, Florida (per the March 3, 2005 clarification, the conferees intend the funds be available for improvements to I-75 in Pembroke Pines, Florida.)	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	88,783.00		911,217.00
FLORIDA	FL096	Pembroke Road Overpass Bridge at Interstate-75 (Florida) (per the March 3, 2005 clarification, the conferees intend the funds be available for improvements to I-75 in Pembroke Pines, Florida.)	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	759,788.00		240,212.00
FLORIDA	FL099	SR 79/West Bay Bridge Improvements, Panama City, Florida	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,126,069.00		873,931.00
FLORIDA	FL100	SR 79/West Bay Bridge Improvements, Panama City, Florida	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-		1,000,000.00
FLORIDA	FL102	St. Leo University Transportation Safety & Community Access Project (Florida)	SEC 115 UNOBL BAL TRANSF	108-199	2,500,000.00	2,499,999.00		1.00
FLORIDA	FL103	The US Highway 17-92 Widening Project, from Poinciana Boulevard to Ham Brown Road (Florida)	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-		500,000.00
FLORIDA	FL110	Avenue T Restoration Project, Winter Haven, Florida	GRANTS SUP PLAN HWY STP,SEC117	108-447	590,357.00	587,512.00		2,845.00
FLORIDA	FL111	Boot Key Bridge Rehabilitation Project, Florida	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	369,392.00		122,572.00
FLORIDA	FL120	CR 486 Improvement Project	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-		491,964.00
FLORIDA	FL122	East Orange County Trailway System,	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	473,350.00		18,614.00

		Florida						
FLORIDA	FL123	FLL Airport Terminal Roadways, Florida	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00	
FLORIDA	FL125	Hillsborough County: I-4 Crosstown Connector, Florida	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,459,820.00	2,203,040.00	256,780.00	
FLORIDA	FL128	Mult Use Recreational Trail in Plantation	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	401,605.00	90,359.00	
FLORIDA	FL139	US 17-92/ Horatio Ave, Maitland, Florida	GRANTS SUP PLAN HWY STP,SEC117	108-447	787,143.00	166,392.00	620,751.00	
FLORIDA	FL143	I-95/West Virginia Drive Interchange	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	-	737,946.00	
FLORIDA	FL327	Airport Terminal Roadway Improvements, Broward County, FL	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00	
FLORIDA	FL330	City of St. Petersburg bicycle master plan, FL	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	395,814.00	186.00	
FLORIDA	FL335	Orange County, FL	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	361,786.00	34,214.00	
FLORIDA	FL336	Park Boulevard drainage improvements, Pinellas Park, FL	2006-SURFACE TRANSPORT PROJ	109-115	4,455,000.00	1,726,614.00	2,728,386.00	
FLORIDA	FL338	Renovations on Industry Road, City of Cocoa, FL	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	381,138.00	14,862.00	
FLORIDA Total							11,376,804.00	
GEORGIA	GA042	Albany Georgia Intermodal Facility	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00	
GEORGIA	GA043	Augusta Rail Relocation Project, George	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00	
GEORGIA	GA045	Forest Park/Atlanta State Farmers Market Transportation Study, Georgia	SEC 115 UNOBL BAL TRANSF	108-199	400,000.00	399,230.26	769.74	
GEORGIA	GA048	I-95 at CR 23, Georgia	SEC 115 UNOBL BAL TRANSF	108-199	750,000.00	-	750,000.00	
GEORGIA	GA050	Noise Barriers, Columbia County, Georgia	SEC 115 UNOBL BAL TRANSF	108-199	200,000.00	79,373.98	120,626.02	
GEORGIA	GA053	SR 1/US 27 widening, Heard County, Georgia	SEC 115 UNOBL BAL TRANSF	108-199	2,500,000.00	1,875,000.00	625,000.00	
GEORGIA	GA055	St. Mary's Road Paving Project (Georgia)	SEC 115 UNOBL BAL TRANSF	108-199	100,000.00	-	100,000.00	
GEORGIA	GA058	US 25 Widening, Burke County, Georgia	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	750,000.00	250,000.00	
GEORGIA	GA062	Dekalb County School Bicycle and Pedestrian Safety, Georgia	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,965.00	-	491,965.00	
GEORGIA	GA067	Johnson Ferry Road/Abernathy greenspace, Georgia	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	661,333.00	322,595.00	
GEORGIA	GA323	Greene County, Georgia Conversion of I-20 and Carey Station, GA	2006-SURFACE TRANSPORT PROJ	109-115	198,000.00	-	198,000.00	
GEORGIA	GA324	Hapeville rail facilities and corridor, GA	2006-SURFACE TRANSPORT PROJ	109-115	2,970,000.00	-	2,970,000.00	
GEORGIA	GA326	Semmes Street Project, East Point, GA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00	
GEORGIA	GA329	US 80/SR26 Bridge at Ogeechee River, GA	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00	

GEORGIA	GA330	CITY OF SYLVESTER STREETScape, GA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
GEORGIA	GA331	CITY OF SYLVESTER STREETScape, GA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	60,000.00	435,000.00
GEORGIA Total							11,045,955.76
GUAM	GQ001	Hag t a River Flood Mitigation Bridge Improvement, Guam	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
GUAM Total							491,964.00
HAWAII	HI017	NEHLA Connector Road and Infrastructure Update (Hawaii)	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	415,421.00	84,579.00
HAWAII	HI022	Lahaina Town Drainage Improvements, Hawaii	GRANTS SUP PLAN HWY STP,SEC117	108-447	3,935,712.00	1,652,799.50	2,282,912.50
HAWAII	HI047	Replacement of Makakupaia Stream Bridge, Molokai, HI	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	741,100.50	1,399.50
HAWAII Total							2,368,891.00
IDAHO	ID026	Cheyenne Corridor Safety Improvement Project, Idaho	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,322,667.00	645,189.00
IDAHO	ID027	College of Southern Idaho Student Safety Initiative, Idaho	GRANTS SUP PLAN HWY STP,SEC117	108-447	521,483.00	510,534.00	10,949.00
IDAHO	ID058	South Valley Connector Project, ID	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	645,842.00	96,658.00
IDAHO	ID059	South Valley Connector Project, ID	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	20,000.00	1,960,000.00
IDAHO Total							2,712,796.00
ILLINOIS	IL182	168th and State Streets Intersection improvements (Illinois)	SEC 115 UNOBL BAL TRANSF	108-199	200,000.00	199,984.01	15.99
ILLINOIS	IL184	Annie Glidden Road, DeKalb, Illinois	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	479,427.62	20,572.38
ILLINOIS	IL185	Convocation Center Roadway (Illinois)	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,990,705.20	9,294.80
ILLINOIS	IL187	Great River Road in Mercer County, Illinois	SEC 115 UNOBL BAL TRANSF	108-199	250,000.00	235,118.86	14,881.14
ILLINOIS	IL189	ITS 174 in Peoria, IL	SEC 115 UNOBL BAL TRANSF	108-199	750,000.00	749,900.00	100.00
ILLINOIS	IL191	Kaskaskia Regional Port District, Access Roads (Illinois)	SEC 115 UNOBL BAL TRANSF	108-199	220,000.00	219,954.87	45.13
ILLINOIS	IL195	Sauk Trail Reconstruction Improvements, Park Forest, Illinois	SEC 115 UNOBL BAL TRANSF	108-199	330,000.00	-	330,000.00
ILLINOIS	IL196	Sauk Village Industrial Park Access Road (Illinois)	SEC 115 UNOBL BAL TRANSF	108-199	600,000.00	127,950.00	472,050.00
ILLINOIS	IL200	West Grand Ave. (from North Western to N. California Ave.) (Illinois)	SEC 115 UNOBL BAL TRANSF	108-199	800,000.00	-	800,000.00
ILLINOIS	IL203	67th Street Pedestrian Underpass, Chicago Lakefront, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	393,571.00	-	393,571.00
ILLINOIS	IL205	Camp Steet upgrades, East Peoria, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,857.00	1,782,127.52	185,729.48
ILLINOIS	IL206	Cermak and Kenton Avenues, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	275,330.00	708,598.00
ILLINOIS	IL207	Cicero Ave. Lighting in	GRANTS SUP PLAN HWY STP,SEC117	108-447	196,786.00	98,453.00	98,333.00

		University Park, Illinois						
ILLINOIS	IL209	Fulton County Highway 6, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	863,928.00	120,000.00	
ILLINOIS	IL210	I-290 Cap, Oak Park., Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	809,507.00	174,421.00	
ILLINOIS	IL212	MacArthur Boulevard Extension, Springfield, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	491,963.94	0.06	
ILLINOIS	IL213	McHenry County /Crystal Lake Road, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	846,998.87	136,929.13	
ILLINOIS	IL217	Sidewalks near Ford Heights, Illinois Sidewalks and emergency infrastructure repairs in Ford Heights, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	196,786.00	-	196,786.00	
ILLINOIS	IL219	Street Improvements, Bartonville, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	487,874.27	4,089.73	
ILLINOIS	IL220	Street Improvements, Village of Armington, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	491,107.60	856.40	
ILLINOIS	IL221	Streetlights and salt dome for Markham, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	295,178.00	-	295,178.00	
ILLINOIS	IL222	U.S. 41/I-176 Interchange Improvement Phase1 study, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	787,143.00	474,011.00	313,132.00	
ILLINOIS	IL223	Winfield Pedestrian Tunnel, Illinois	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	901,600.00	82,328.00	
ILLINOIS	IL532	Chicago Department of Transportation Damen/Elston/Fullerton, IL	2006-SURFACE TRANSPORT PROJ	109-115	693,000.00	-	693,000.00	
ILLINOIS	IL533	Connecting Road from Route 78 and Lathrop Street to East 2900th Street, Annawan, IL	2006-SURFACE TRANSPORT PROJ	109-115	2,277,000.00	2,276,829.88	170.12	
ILLINOIS	IL536	Illinois Trails, IL	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	1,813,686.42	166,313.58	
ILLINOIS	IL539	Midlothian Road Widening and Signalization Project, IL	2006-SURFACE TRANSPORT PROJ	109-115	445,500.00	-	445,500.00	
ILLINOIS	IL540	Misericordia Job Program, IL	2006-SURFACE TRANSPORT PROJ	109-115	198,000.00	145,077.46	52,922.54	
ILLINOIS	IL542	North-South Wacker Drive, Chicago, IL	2006-SURFACE TRANSPORT PROJ	109-115	346,500.00	-	346,500.00	
ILLINOIS	IL545	Steger Street Improvements, IL	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	291,983.00	104,017.00	
ILLINOIS	IL547	Village of Matteson Safety Upgrades, IL	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	-	742,500.00	
ILLINOIS	IL550	SPRINGDALE CEMETERY, PEORIA, IL	HIGHWAY PRIORITY PROJ	109-115	495,000.00	471,381.44	23,618.56	
ILLINOIS Total							6,931,453.04	
INDIANA	IN064	City of Elkhart Hively Avenue underpass, Indiana	SEC 115 UNOBL BAL TRANSF	108-199	100,000.00	-	100,000.00	
INDIANA	IN065	Grade Separation Interchange at	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00	

		Burlington Avenue and the new Hoosier Hartland Hwy in Logansport, Indiana						
INDIANA	IN069	Reconstruction of Cowan Road from 23rd Street to the Muncie By-Pass, Indiana	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,884,615.00	115,385.00	
INDIANA	IN076	Gary Green Link Trail, Indiana	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	802,109.07	181,818.93	
INDIANA	IN077	Hively Avenue Underpass, City of Elkhart, Indiana	GRANTS SUP PLAN HWY STP,SEC117	108-447	245,982.00	-	245,982.00	
INDIANA	IN089	Oak Savannah Trail, Indiana	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	1,202,166.88	273,725.12	
INDIANA	IN227	City of Elkhart Grade Separation Project, Norfolk-Southern Railroad, IN	2006-SURFACE TRANSPORT PROJ	109-115	198,000.00	-	198,000.00	
INDIANA	IN228	Development and construction of SR37/SR145, IN	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00	
INDIANA	IN236	Johnson County, East/West Corridor, Phase I, IN	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	910,001.79	79,998.21	
INDIANA	IN239	US 31, St. Joseph and Marshall Counties, IN	2006-SURFACE TRANSPORT PROJ	109-115	2,673,000.00	581,706.94	2,091,293.06	
INDIANA Total							4,781,202.32	
IOWA	IA042	Highway 92 study in Warren County, Iowa	SEC 115 UNOBL BAL TRANSF	108-199	460,000.00	373,694.33	86,305.67	
IOWA	IA052	Council Bluffs East Beltway, Iowa	GRANTS SUP PLAN HWY STP,SEC117	108-447	3,443,749.00	1,751,217.00	1,692,532.00	
IOWA	IA057	Highway 92 Study in Warren County, Iowa	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00	
IOWA	IA210	American Discovery Trail, Coralville, IA	2006-SURFACE TRANSPORT PROJ	109-115	198,000.00	138,117.88	59,882.12	
IOWA Total							2,330,683.79	
KANSAS	KS036	Fall River Drainage Bridge Replacement, Harper County, Kansas	SEC 115 UNOBL BAL TRANSF	108-199	1,500,000.00	-	1,500,000.00	
KANSAS	KS037	Feasibility Study and Work Plan for International Trade Processing Center, Wichita, KS	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	945,221.03	54,778.97	
KANSAS	KS040	Lewis and Clark Historic Park at Kaw Point, Wyandotte County, Kansas	SEC 115 UNOBL BAL TRANSF	108-199	425,000.00	399,574.19	25,425.81	
KANSAS	KS041	Pittsburg, Kansas Port Authority for the Kansas & Oklahoma Railroad	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,985,326.80	14,673.20	
KANSAS	KS044	U.S. 54 (Kellogg), from I-35 to K-96, Wichita, Kansas	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	969,133.15	30,866.85	
KANSAS Total							1,625,744.83	
KENTUCKY	KY066	Fleming County maintenance garage (Kentucky)	SEC 115 UNOBL BAL TRANSF	108-199	275,000.00	259,135.00	15,865.00	

KENTUCKY	KY068	I-66 Pike County, KY	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00
KENTUCKY	KY070	I-75 in Rockcastle County, Kentucky (Milepoint 64.5 to Milepoint 69.0), 4.5 Miles	SEC 115 UNOBL BAL TRANSF	108-199	1,500,000.00	-	1,500,000.00
KENTUCKY	KY071	I-75, Whitley County, Kentucky erosion mitigation	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	375,617.15	124,382.85
KENTUCKY	KY073	Kentucky TriModal Transpark	SEC 115 UNOBL BAL TRANSF	108-199	5,250,000.00	-	5,250,000.00
KENTUCKY	KY074	KY 115 and KY 911 Interchange, Kentucky	SEC 115 UNOBL BAL TRANSF	108-199	1,500,000.00	1,055,000.00	445,000.00
KENTUCKY	KY077	Rural Highway Information System, KY	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,995,508.95	4,491.05
KENTUCKY	KY081	4 Lane U.S. 68, 31W to Transpark Entrance on U.S. 68, Kentucky	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	-	1,967,856.00
KENTUCKY	KY082	Asphalt Institute Research, University of Kentucky	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	491,946.00	18.00
KENTUCKY	KY087	I-66 Northern Bypass of Somerset, Kentucky	GRANTS SUP PLAN HWY STP,SEC117	108-447	3,935,713.00	2,800,000.00	1,135,713.00
KENTUCKY	KY088	I-66 Pike County, Kentucky	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
KENTUCKY	KY092	Louisville Medical Center Development Corporation Project, Kentucky	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
KENTUCKY	KY099	Owensboro Riverfront Development Project, Kentucky	GRANTS SUP PLAN HWY STP,SEC117	108-447	4,919,641.00	4,919,621.00	20.00
KENTUCKY	KY102	Thompson Road Widening, Pike County, Kentucky	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	983,927.56	0.44
KENTUCKY	KY103	U.S. Highway 41A Hopkins County, Kentucky	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
KENTUCKY	KY171	Fort Campbell Variable Message Board/Directional Signs in Fort Campbell, KY	2006-SURFACE TRANSPORT PROJ	109-115	1,089,000.00	882,656.93	206,343.07
KENTUCKY	KY173	Morgan County Bridges Improvement Project in Morgan County, KY	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	857,556.26	132,443.74
KENTUCKY	KY174	Paducah Waterfront Development Project in Paducah, KY	2006-SURFACE TRANSPORT PROJ	109-115	2,277,000.00	100.00	2,276,900.00
KENTUCKY Total							17,518,853.15
LOUISIANA	LA060	I-20 widening in Caddo (Texas line, Shreveport) (Louisiana)	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	403,159.46	96,840.54
LOUISIANA	LA061	I-49 North, Louisiana	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,918,413.55	81,586.45
LOUISIANA	LA063	InterTech Science Park Transportation-Improvements Initiative (Louisiana)	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
LOUISIANA	LA064	LA 1148 to US 77 Alternate Access Improvement Project, Iberville Parish, LA	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00

		Enterprise Boulevard Improvement Project, Iberville parish, LA						
LOUISIANA	LA065	LA 143-US 165 Connector & Ouachita River Bridge, Louisiana	SEC 115 UNOBL BAL TRANSF	108-199	1,250,000.00	547,185.28	702,814.72	
LOUISIANA	LA068	Expansion of the Interstate HWY 10, Crowley, Acadia Parish, Louisiana	GRANTS SUP PLAN HWY STP,SEC117	108-447	590,357.00	-	590,357.00	
LOUISIANA	LA069	I-12 at Essen Lane, Baton Rouge, Louisiana	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	291,380.78	1,184,511.22	
LOUISIANA	LA070	I-210 and Highway 14 Interchange, Lake Charles, Louisiana	GRANTS SUP PLAN HWY STP,SEC117	108-447	787,142.00	773,594.26	13,547.74	
LOUISIANA	LA072	I-69, Louisiana Sections	GRANTS SUP PLAN HWY STP,SEC117	108-447	4,919,641.00	3,750,527.48	1,169,113.52	
LOUISIANA	LA074	Interstate 69: SIU 15, Louisiana	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00	
LOUISIANA	LA075	Kansas-Garrett Connector, Louisiana	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00	
LOUISIANA	LA184	LA 1 Replacement, LA	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	50,648.17	1,434,351.83	
LOUISIANA	LA186	Leeville Bridge, LA	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	27,012.69	764,987.31	
LOUISIANA	LA188	Railroad Avenue Improvement, LA	2006-SURFACE TRANSPORT PROJ	109-115	594,000.00	581,428.06	12,571.94	
LOUISIANA	LA189	Traffic congestion mitigation at I-210 and Highway 14, Lake Charles, LA	2006-SURFACE TRANSPORT PROJ	109-115	1,207,800.00	571,278.21	636,521.79	
LOUISIANA	LA191	U.S. Highway 11 in St. Tammany Parish, LA	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	1,382,890.04	597,109.96	
LOUISIANA	LA192	US 167 Extension to LA 335, Vermillion Parish, LA	2006-SURFACE TRANSPORT PROJ	109-115	277,200.00	-	277,200.00	
LOUISIANA Total							10,037,406.02	
MAINE	ME023	Gateways for Maine's National Scenic Byways	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	942,005.84	57,994.16	
MAINE Total							57,994.16	
MARYLAND	MD042	RUSSELL ST. VIADUCT REPLACEMENT (MD295) BALTIMORE, MARYLAND	STP DEMOS, PL 108-7, 330	108-7	4,967,500.00	4,967,173.00	327.00	
MARYLAND	MD047	I-81 Improvements South of I-70 to Noth of Halfway Boulevard, Maryland	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	980,902.00	3,026.00	
MARYLAND	MD048	Intercounty Connector, Maryland	GRANTS SUP PLAN HWY STP,SEC117	108-447	787,143.00	107,914.00	679,229.00	
MARYLAND	MD049	MD 404, Double Hills Road to Sennett Road, Maryland	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,322,667.00	645,189.00	
MARYLAND	MD051	St. Mary s College of Maryland Pedestrian Overpass, Maryland	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	272,539.00	711,389.00	
MARYLAND	MD146	Baltimore Area Transit System Expansion, MD	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	-	742,500.00	
MARYLAND	MD147	Center for Aquatic Life and Conservation,	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00	

		Baltimore, MD					
MARYLAND	MD150	Long Branch Village Center Access Improvements, Silver Spring, MD	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	-	742,500.00
MARYLAND Total							4,316,160.00
MASSACHUSETTS	MA056	BOSTON LONG ISLAND PIER ADA COMPLIANCE, MASSACHUSETTS	STP DEMOS, PL 108-7, 330	108-7	198,700.00	-	198,700.00
MASSACHUSETTS	MA057	FALL RIVER - ROUTE 79 IMPROVEMENTS, MASSACHUSETTS	STP DEMOS, PL 108-7, 330	108-7	993,500.00	-	993,500.00
MASSACHUSETTS	MA068	FEASIBILITY STUDY FOR ROUTES 495/195 INTERCHANGE, WAREHAM, MASSACHUSETTS	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
MASSACHUSETTS	MA073	HOLYOKE CANALWALK, MASSACHUSETTS	SEC 115 UNOBL BAL TRANSF	108-199	1,200,000.00	984,003.00	215,997.00
MASSACHUSETTS	MA080	Route 116 Ashfield, Conway, Massachusetts	SEC 115 UNOBL BAL TRANSF	108-199	2,500,000.00	1,700,000.00	800,000.00
MASSACHUSETTS	MA081	Route 2 Safety Improvements, Athol, Philipston, Orange, Massachusetts	SEC 115 UNOBL BAL TRANSF	108-199	2,500,000.00	1,863,342.00	636,658.00
MASSACHUSETTS	MA082	Route 8, Berkshire County, Massachusetts	SEC 115 UNOBL BAL TRANSF	108-199	1,250,000.00	97,900.00	1,152,100.00
MASSACHUSETTS	MA086	Canton Junction Commuter Rail Station, MASSACHUSETTS	GRANTS SUP PLAN HWY STP,SEC117	108-447	49,196.00	-	49,196.00
MASSACHUSETTS	MA088	City of Somerville Urban Streetscape and Adaptive Reuse Plan, Massachusetts	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	390,000.00	593,928.00
MASSACHUSETTS	MA089	Convention Center Turnaround, MASSACHUSETTS	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
MASSACHUSETTS	MA092	East Milton Square Parking Deck, MASSACHUSETTS	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	150,000.00	833,928.00
MASSACHUSETTS	MA096	Memorial Park II Development and Intersection Improvements, Massachussets	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	150,007.00	341,957.00
MASSACHUSETTS	MA099	New Bedford rail infrastructure improvements, New Bedford, Massachusetts	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
MASSACHUSETTS	MA104	Route 5, West Springfield, Massachussets	GRANTS SUP PLAN HWY STP,SEC117	108-447	4,722,856.00	4,614,067.00	108,789.00
MASSACHUSETTS	MA105	Route 79 Relocation/Harbor Enhancement Fall River, Massachussets	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	-	1,475,892.00
MASSACHUSETTS	MA106	Rutherford Avenue,	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	-	1,475,892.00

		Boston, Massachusetts					
MASSACHUSETTS	MA109	Water Street Bridge, Fitchburg, Massachusetts	GRANTS SUP PLAN HWY STP, SEC117	108-447	716,300.00	576,881.00	139,419.00
MASSACHUSETTS	MA219	Boundary Street Construction, Marlborough, MA	2006-SURFACE TRANSPORT PROJ	109-115	1,584,000.00	-	1,584,000.00
MASSACHUSETTS	MA220	Cape Cod Hyannis Memorial Statue Gateway/Walkway, MA	2006-SURFACE TRANSPORT PROJ	109-115	99,000.00	-	99,000.00
MASSACHUSETTS	MA222	Curry College Area Road Improvements, MA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
MASSACHUSETTS	MA224	Freight Rail Improvements, New Bedford, MA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
MASSACHUSETTS	MA225	Intersection Improvements Route 9/Oak, Natick, MA	2006-SURFACE TRANSPORT PROJ	109-115	1,386,000.00	-	1,386,000.00
MASSACHUSETTS	MA226	Kendall Square Transportation Improvements, MA	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00
MASSACHUSETTS	MA227	Lagoon Pond Inlet Bridge, Martha's Vineyard, MA	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00
MASSACHUSETTS	MA228	Longfellow Bridge Rehabilitation, Boston, MA	2006-SURFACE TRANSPORT PROJ	109-115	693,000.00	-	693,000.00
MASSACHUSETTS	MA231	PVTA JARC, MA	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	-	396,000.00
MASSACHUSETTS	MA232	Reconstruction of Main Street, Stoneham, MA	2006-SURFACE TRANSPORT PROJ	109-115	445,500.00	-	445,500.00
MASSACHUSETTS	MA235	Route 112 Scenic Byway, MA	2006-SURFACE TRANSPORT PROJ	109-115	74,250.00	-	74,250.00
MASSACHUSETTS Total							18,933,562.00
MICHIGAN	MI097	OAKLAND COUNTY SMART CORRIDOR AND EMERGENCY ROUTING SYSTEM, MICHIGAN	STP DEMOS, PL 108-7, 330	108-7	4,768,800.00	2,074,730.10	2,694,069.90
MICHIGAN	MI098	VILLAGE OF NEWBERRY, DOWNTOWN ROADWAY IMPROVEMENT PROJECT, MICHIGAN	STP DEMOS, PL 108-7, 330	108-7	496,750.00	-	496,750.00
MICHIGAN	MI099	WAYNE COUNTY ROAD INFORMATION MANAGEMENT SYSTEM (RIMS), WAYNE COUNTY, MICHIGAN	STP DEMOS, PL 108-7, 330	108-7	2,483,750.00	-	2,483,750.00
MICHIGAN	MI100	Belford Road, Holly, Michigan	SEC 115 UNOBL BAL TRANSF	108-199	800,000.00	797,832.17	2,167.83
MICHIGAN	MI103	I-96 at Beck Rd. and Wixom Rd. interchange reconstruction, Michigan	SEC 115 UNOBL BAL TRANSF	108-199	2,500,000.00	1,875,000.00	625,000.00
MICHIGAN	MI105	Widen from 2 to 5 lanes, Gratiot Avenue from 24 1/2 Mile Road	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00

		to 26 Mile Road						
MICHIGAN	MI107	Braves Avenue, City of Gladstone, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	364,053.00	356,813.96	7,239.04	
MICHIGAN	MI108	City of Wyandotte Eureka Street Lighting, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	234,175.00	143,856.62	90,318.38	
MICHIGAN	MI109	Clinton Township Hike/Bike Pathway, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	458,704.25	33,259.75	
MICHIGAN	MI112	Edgewood/Fairplains Street construction, Walnut Street Construction and Industrial Park Drive Resurfacing, Greenville, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	982,978.10	949.90	
MICHIGAN	MI114	Grand River Avenue, City of Novi, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	440,470.62	51,493.38	
MICHIGAN	MI115	I-75/Baldwin Road, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00	
MICHIGAN	MI118	Livernois Road Widening and Improvement, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00	
MICHIGAN	MI120	Port Huron Grade Separation, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00	
MICHIGAN	MI121	Tenth Avenue from Tenth Street to Second Street, Menominee, Michigan (Original project description revised per May 25, 2005 clarification letter)	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	437,601.27	54,362.73	
MICHIGAN	MI123	Trenton Channel Bridge, Michigan	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,180,714.00	-	1,180,714.00	
MICHIGAN	MI275	Baldwin Road, Oakland County, MI	2006-SURFACE TRANSPORT PROJ	109-115	693,000.00	-	693,000.00	
MICHIGAN	MI276	Back and Wixom Road/I-96 Interchange, MI	2006-SURFACE TRANSPORT PROJ	109-115	594,000.00	512,941.75	81,058.25	
MICHIGAN	MI278	Crooks Road, from 14 Mile Road to Elmwood Road/Meijer Drive, Clawson, MI	2006-SURFACE TRANSPORT PROJ	109-115	2,178,000.00	2,155,279.00	22,721.00	
MICHIGAN	MI279	E. Genesee Avenue streetscape project, Saginaw, MI	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	759,329.06	230,670.94	
MICHIGAN	MI281	FAST-TRAC SCATS signal installations, Oakland County, MI	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00	
MICHIGAN	MI285	Latson Road/I-96 Interchange, Brighton, MI	2006-SURFACE TRANSPORT PROJ	109-115	297,000.00	287,973.29	9,026.71	
MICHIGAN	MI286	Livernois Road, from South Boulevard to Avon Road, Rochester Hills, MI	2006-SURFACE TRANSPORT PROJ	109-115	1,287,000.00	-	1,287,000.00	
MICHIGAN	MI287	Maple Road lane addition and road improvements between Drake and Beck, MI	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	384,380.75	110,619.25	
MICHIGAN	MI288	Northwestern Highway	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	-	1,485,000.00	

		Extension, Oakland County, MI					
MICHIGAN	MI292	U.S. 12 Improvement Study, Saline, Washtenaw, MI	2006-SURFACE TRANSPORT PROJ	109-115	594,000.00	-	594,000.00
MICHIGAN	MI293	Upgrades to Maple Street Bridge, Mainstee, MI	2006-SURFACE TRANSPORT PROJ	109-115	341,550.00	321,818.74	19,731.26
MICHIGAN	MI295	Upgrades to Maple Street Bridge, Mainstee, MI	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	1,388,871.53	96,128.47
MICHIGAN Total							15,806,886.79
MINNESOTA	MN061	I35W LAKE STREET ACCESS, MINNESOTA	STP DEMOS, PL 108-7, 330	108-7	8,941,500.00	-	8,941,500.00
MINNESOTA	MN069	HIGHWAY 212 BETWEEN NORWOOD YOUNG AMERICA AND COLOGNE IN CARVER COUNTY, MINNESOTA	STP DEMOS, PL 108-7, 330	108-7	496,750.00	486,034.29	10,715.71
MINNESOTA	MN082	Trunk Highway 610/10, Minnesota	SEC 115 UNOBL BAL TRANSF	108-199	3,750,000.00	3,376,982.00	373,018.00
MINNESOTA	MN088	Eagan Ring Road, Minnesota	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	926,019.38	57,908.62
MINNESOTA	MN091	Phalen Boulevard, St. Paul, Minnesota	GRANTS SUP PLAN HWY STP,SEC117	108-447	4,919,641.00	4,200,028.94	719,612.06
MINNESOTA	MN092	TH10, City of Anoka, Minnesota	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	398,303.78	93,660.22
MINNESOTA	MN097	U.S. Highway 52/CSAH 42 Interchange, Minnesota	GRANTS SUP PLAN HWY STP,SEC117	108-447	245,982.00	213,750.00	32,232.00
MINNESOTA	MN099	U.S. Highway 52 in Olmsted County, Minnesota	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	330,667.00	161,297.00
MINNESOTA	MN241	Highway 100 Trail Bridge and 26th Street Pedestrian Bridge, St. Louis Park, MN	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00
MINNESOTA	MN242	Midtown Greenway, Minneapolis, MN	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	1,460,194.93	24,805.07
MINNESOTA Total							11,206,748.68
MISSISSIPPI	MS042	CITY OF MADISON RAILROAD RELOCATION PROJECT, MISSISSIPPI	STP DEMOS, PL 108-7, 330	108-7	99,350.00	-	99,350.00
MISSISSIPPI	MS050	Farish Street Historic District Improvements, Mississippi	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
MISSISSIPPI	MS057	Popps Ferry Road Bridge, Mississippi	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	534,426.00	1,465,574.00
MISSISSIPPI	MS059	Tri-County Automated System Project, University of Southern Mississippi	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	942,308.00	57,692.00
MISSISSIPPI	MS070	Highway 25-US 84 Connector, Mississippi State	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,328,303.00	324,132.00	1,004,171.00
MISSISSIPPI	MS073	Holly Springs Road, DeSoto County, Mississippi	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,623,481.00	861,221.00	762,260.00

MISSISSIPPI	MS085	Pearl-Richland Intermodal Connector, Mississippi	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,705,802.00	404,296.00	2,301,506.00
MISSISSIPPI	MS086	Spring Street Industrial Access Road, Fulton, Mississippi	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	575,000.00	1,392,856.00
MISSISSIPPI	MS166	Bob Anthony Parkway, Barnett Res., MS	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	874,500.00	115,500.00
MISSISSIPPI	MS168	Dedeaux Road, Gulfport, MS	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	1,265,786.00	714,214.00
MISSISSIPPI	MS171	Grenada Lake Bridge, MS	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	349,925.00	145,075.00
MISSISSIPPI	MS172	Hattiesburg Intelligent Transportation System, MS	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	403,100.00	91,900.00
MISSISSIPPI	MS173	Highway 149 Improvements, Richland, MS	2006-SURFACE TRANSPORT PROJ	109-115	1,683,000.00	961,633.00	721,367.00
MISSISSIPPI	MS177	Highway 49/Highway 7 Connector Road, Greenwood, MS	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	148,056.00	1,336,944.00
MISSISSIPPI	MS178	Highway 6 from Batesville to Clarksdale, MS	2006-SURFACE TRANSPORT PROJ	109-115	3,217,500.00	630,024.00	2,587,476.00
MISSISSIPPI	MS179	Highway 82 Frontage Roads, Leland, MS	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	20,307.00	474,693.00
MISSISSIPPI	MS182	Northside Dr, Clinton, MS	2006-SURFACE TRANSPORT PROJ	109-115	2,475,000.00	1,492,000.00	983,000.00
MISSISSIPPI	MS183	Reunion Parkway Environmental Assessment, Madison, MS Reunion Parkway, Madison, Mississippi(activities must be title 23 or title 49 eligible)	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
MISSISSIPPI Total							15,248,578.00
MISSOURI	MO054	I-44, PHELPS COUNTY, MISSOURI	STP DEMOS, PL 108-7, 330	108-7	2,235,375.00	2,235,355.86	19.14
MISSOURI	MO061	Highway 60 and Highway 65 Interchange Replacement (Missouri)	SEC 115 UNOBL BAL TRANSF	108-199	1,250,000.00	1,203,716.00	46,284.00
MISSOURI	MO064	Lewis and Clark Expressway, Jackson County, Missouri	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	49,713.00	950,287.00
MISSOURI	MO065	Scott City Missouri Access Ramp	SEC 115 UNOBL BAL TRANSF	108-199	250,000.00	247,916.43	2,083.57
MISSOURI	MO067	Cape Girardeau I-55 Corridor, Missouri	GRANTS SUP PLAN HWY STP,SEC117	108-447	98,393.00	49,000.00	49,393.00
MISSOURI	MO073	Interchange Improvements on US 60, Missouri	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,785.00	2,896,847.00	54,938.00
MISSOURI	MO074	Lewis & Clark Expressway, Missouri	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
MISSOURI	MO075	Lewis and Clark Expressway, Missouri	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
MISSOURI	MO078	River Des Peres Greenway, Missouri	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	484,598.29	7,365.71
MISSOURI	MO079	Riverside Road	GRANTS SUP PLAN HWY STP,SEC117	108-447	9,445,710.00	9,292,101.60	153,608.40

		Expansion to Highway 169, St. Josephs, Missouri						
MISSOURI	MO081	St. Joseph Regional Port Authority, Missouri	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	916,369.34	67,558.66	
MISSOURI	MO082	Terminal Access Road Right-of-Way Acquisition, Missouri	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	560,905.19	423,022.81	
MISSOURI	MO176	Bridgeton Trail/Park, MO	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	776,153.44	15,846.56	
MISSOURI	MO177	Greene Co. Demonstration Bridge, MO	2006-SURFACE TRANSPORT PROJ	109-115	146,520.00	-	146,520.00	
MISSOURI	MO178	Highway 7 Improvements, Blue Springs, MO	2006-SURFACE TRANSPORT PROJ	109-115	2,524,500.00	2,524,499.83	0.17	
MISSOURI	MO184	Mexico Branch Line Improvements, MO	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	1,956,941.02	23,058.98	
MISSOURI	MO185	New Haven Missouri River bore project, MO	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00	
MISSOURI	MO192	St. Louis Science Center Streetscape Improvements, MO	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	216,289.21	526,210.79	
MISSOURI	MO193	St. Louis Zoo Public Safety and Transportation Improvements Project, MO	2006-SURFACE TRANSPORT PROJ	109-115	4,950,000.00	4,714,399.22	235,600.78	
MISSOURI	MO196	Truman Boulevard Planning Improvements to I-670, MO	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	293,444.56	201,555.44	
MISSOURI	MO197	U.S. Highway 67 Eastern Outer Road in Desloge, MO	2006-SURFACE TRANSPORT PROJ	109-115	1,732,500.00	789,197.20	943,302.80	
MISSOURI	MO200	Zora and Main Street Interchange, Joplin, MO	2006-SURFACE TRANSPORT PROJ	109-115	5,821,200.00	5,817,193.30	4,006.70	
MISSOURI Total							6,316,554.51	
MONTANA	MT015	Lewis & Clark 511 Coalition, Montana	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	905,351.82	94,648.18	
MONTANA	MT017	S-323 Alzada-Ekalaka, Montana	SEC 115 UNOBL BAL TRANSF	108-199	3,500,000.00	2,966,775.87	533,224.13	
MONTANA	MT060	U.S. Highway 87 Improvements, MT	2006-SURFACE TRANSPORT PROJ	109-115	1,386,000.00	1,149,497.00	236,503.00	
MONTANA Total							864,375.31	
NEBRASKA	NE027	City of Lincoln South Beltway, Nebraska	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,784.00	2,755,120.30	196,663.70	
NEBRASKA	NE031	Niobrara Scenic River Corridor Roads, Nebraska	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,784.00	-	2,951,784.00	
NEBRASKA	NE089	Nebraska Highway 35, NE	2006-SURFACE TRANSPORT PROJ	109-115	4,950,000.00	4,231,418.00	718,582.00	
NEBRASKA	NE091	UNMC Relocation of Saddle Creek Road, NE	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	893,982.00	96,018.00	
NEBRASKA Total							3,963,047.70	
NEVADA	NV036	Southern Beltway (I-215) Widening and Interchange Project, Nevada	SEC 115 UNOBL BAL TRANSF	108-199	5,000,000.00	4,326,848.98	673,151.02	
NEVADA Total							673,151.02	

NEW HAMPSHIRE	NH028	Chocorua Village Intersect Improvement Project, New Hampshire	GRANTS SUP PLAN HWY STP,SEC117	108-447	196,786.00	190,883.48	5,902.52
NEW HAMPSHIRE	NH029	Crystal Lake Mitigation Project, New Hampshire	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	983,926.00	2.00
NEW HAMPSHIRE	NH031	Hooksett Highway Reconstruction and Upgrade, New Hampshire	GRANTS SUP PLAN HWY STP,SEC117	108-447	3,935,712.00	2,704,976.31	1,230,735.69
NEW HAMPSHIRE	NH071	Meredith Village Improvement Project, NH	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	375,000.00	417,000.00
NEW HAMPSHIRE	NH074	Replace Ash Street/Pillsbury Road Bridge, Londonderry, NH	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
NEW HAMPSHIRE	NH075	South Road Mitigation, Londonderry, NH	2006-SURFACE TRANSPORT PROJ	109-115	247,500.00	-	247,500.00
NEW HAMPSHIRE	NH087	Interstate 93 Quality Study, NH	2006-SURFACE TRANSPORT PROJ	109-115	1,237,500.00	-	1,237,500.00
NEW HAMPSHIRE Total							3,633,640.21
NEW JERSEY	NJ087	New Jersey Route 31 Highway/Congestion Mitigation Study	SEC 115 UNOBL BAL TRANSF	108-199	150,000.00	118,113.64	31,886.36
NEW JERSEY	NJ093	Route 17 Congestion Improvements from Route 3 to Linwood Avenue, Bergen Co. NJ	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	942,308.00	57,692.00
NEW JERSEY	NJ094	Route 17 Improvements from Route 3 to Linwood Avenue, Bergen Co, New Jersey	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	321,461.29	678,538.71
NEW JERSEY	NJ095	Route 17/Essex St. Bridge Replacement, Bergen County, New Jersey	SEC 115 UNOBL BAL TRANSF	108-199	2,500,000.00	2,355,768.00	144,232.00
NEW JERSEY	NJ098	Route 9W Alpine/Tenafly, Bergen County, New Jersey	SEC 115 UNOBL BAL TRANSF	108-199	750,000.00	-	750,000.00
NEW JERSEY	NJ099	Routes 23 and 94 Linwood Avenue to Walkill Avenue Intersection, Sussex CO., NJ	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	471,154.00	28,846.00
NEW JERSEY	NJ100	Teaneck, New Jersey Pedestrian Overpass	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
NEW JERSEY	NJ102	Addition of Eggerts Crossing storm drains, New Jersey	GRANTS SUP PLAN HWY STP,SEC117	108-447	196,786.00	-	196,786.00
NEW JERSEY	NJ103	Belmont Ave Gateway Community Enhancement Project	GRANTS SUP PLAN HWY STP,SEC117	108-447	344,375.00	-	344,375.00
NEW JERSEY	NJ104	Clay Street Reconstruction, New Jersey	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
NEW JERSEY	NJ105	Holmdel; road improvements to	GRANTS SUP PLAN HWY STP,SEC117	108-447	98,393.00	-	98,393.00

		reduce flooding, New Jersey						
NEW JERSEY	NJ111	Street Route 17 Congestion Engineering and Improvement, New Jersey	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	-	1,967,856.00	
NEW JERSEY	NJ112	Veterans Field pedestrian walkway/bike path, New Jersey	GRANTS SUP PLAN HWY STP,SEC117	108-447	614,955.00	-	614,955.00	
NEW JERSEY	NJ275	Jersey City Signalization Improvements, Jersey City, NJ	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00	
NEW JERSEY	NJ277	Rochelle Park and Paramus, Bergen County, NJ	2006-SURFACE TRANSPORT PROJ	109-115	1,287,000.00	-	1,287,000.00	
NEW JERSEY	NJ278	Route 23 Hardyston Road Improvements, NJ	2006-SURFACE TRANSPORT PROJ	109-115	1,683,000.00	-	1,683,000.00	
NEW JERSEY	NJ279	Routes I-295 and 42 Missing Moves, Camden County, NJ	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00	
NEW JERSEY	NJ280	St. Georges Avenue Improvements, Roselle/Linden, NJ	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00	
NEW JERSEY	NJ282	Waterfront Parking Garage, Camden, NJ	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00	
NEW JERSEY	NJ284	Route 22 Sustainable Corridor, Somerset County, NJ	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00	
NEW JERSEY Total							13,924,524.07	
NEW MEXICO	NM028	Deming, New Mexico I-10 Frontage Road Extension	SEC 115 UNOBL BAL TRANSF	108-199	1,800,000.00	1,696,154.00	103,846.00	
NEW MEXICO	NM029	Double Eagle II Airport (Paseo del Volcan) Interchange and Roadway Rehabilitation, New Mexico	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	799,451.00	1,200,549.00	
NEW MEXICO	NM036	I-40 Double Eagle II Airport Access, Albuquerque, New Mexico	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,785.00	-	2,951,785.00	
NEW MEXICO	NM038	Mesa del Sol, New Mexico	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,229,910.00	-	1,229,910.00	
NEW MEXICO	NM081	New Mexico State University Bridge Research Center, NM	2006-SURFACE TRANSPORT PROJ	109-115	198,000.00	193,552.62	4,447.38	
NEW MEXICO Total							5,490,537.38	
NEW YORK	NY184	Atlantic Avenue Extension, Jamaica, Queens, New York	SEC 115 UNOBL BAL TRANSF	108-199	1,250,000.00	-	1,250,000.00	
NEW YORK	NY185	Bronx HUB Streetscape Improvement & Pedestrianization (NY)	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	657,455.00	342,545.00	
NEW YORK	NY186	Bronx River--Concrete Plant Link of the Bronx	SEC 115 UNOBL BAL TRANSF	108-199	700,000.00	518,461.00	181,539.00	

		Greenway (NY)					
NEW YORK	NY192	Harlem River Promenade, New York	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	375,000.00	125,000.00
NEW YORK	NY193	Hudson Crossing, Bi-County Education Park (NY)	SEC 115 UNOBL BAL TRANSF	108-199	250,000.00	249,772.00	228.00
NEW YORK	NY194	I-81 Corridor and I-690 Interchange Improvement Project in Syracuse, NY	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,903,106.00	96,894.00
NEW YORK	NY195	I-87 exit 11A new interchange, New York I-87 exit 11a new interchange, New York(for road infrastructure projects to improve commercial access to the Towns of Malta and Stillwater and the Village of Round Lake, Saratoga County, NY)	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,864,782.00	135,218.00
NEW YORK	NY197	Niagara Falls International Rail Station & Intermodal Transportation Center, New York	SEC 115 UNOBL BAL TRANSF	108-199	2,500,000.00	2,166,258.14	333,741.86
NEW YORK	NY199	Port of Rochester Transportation Security/Intelligent Transportation, (ITS) Project	SEC 115 UNOBL BAL TRANSF	108-199	1,250,000.00	232,000.00	1,018,000.00
NEW YORK	NY201	Rockland County and City of Yonkers, New York Ferry Service	SEC 115 UNOBL BAL TRANSF	108-199	1,250,000.00	957,220.00	292,780.00
NEW YORK	NY211	Village of Schuylerville, New York	SEC 115 UNOBL BAL TRANSF	108-199	750,000.00	-	750,000.00
NEW YORK	NY212	Arthur Avenue Retail Market, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
NEW YORK	NY214	Atlantic Avenue Extension, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,229,910.00	-	1,229,910.00
NEW YORK	NY215	Bronx Zoo Access Improvement, New York Bronx Zoo Intermodal Transportation Facility, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	-	737,946.00
NEW YORK	NY216	Brooklyn Chamber of Commerce's Light-rail study, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	295,178.00	295,000.00	178.00
NEW YORK	NY217	Brooklyn Public Library/Grand Army Plaza, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	688,750.00	-	688,750.00
NEW YORK	NY220	City of Poughkeepsie Waterfront Restoration, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	-	737,946.00
NEW YORK	NY223	Downtown Revitalization, Town of Clarkstown, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	245,982.00	-	245,982.00
NEW YORK	NY224	Fix Townline Road, Town of Huntington, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	295,178.00	-	295,178.00

NEW YORK	NY225	Fix West Shore Road, Town of Huntington, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
NEW YORK	NY227	Graycliff Public Access Enhancement, Erie County, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	393,571.00	-	393,571.00
NEW YORK	NY229	High Line Project, New York City, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	661,333.00	322,595.00
NEW YORK	NY232	Improve Montauk Highway from NY112 to CR101, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
NEW YORK	NY234	Maspeth Chamber of Commerce's Truck Traffic Impact, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	245,982.00	-	245,982.00
NEW YORK	NY235	Mount Lebanon Shaker Heritage Center Project, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	590,357.00	75,000.00	515,357.00
NEW YORK	NY236	Mt. Sinai Queens, Patient Access Development Project, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	-	737,946.00
NEW YORK	NY238	Oak Beach Park Transportation Improvements, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
NEW YORK	NY239	Olana State Historic Site, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	310,000.00	1,657,856.00
NEW YORK	NY240	Onondaga Creek Streetscape Improvement Project, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	243,000.00	1,724,856.00
NEW YORK	NY242	Reconstruction of Fulton Street in Cypress Hills, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	938,928.00	45,000.00
NEW YORK	NY248	Thomas Cole National Historic Site, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	49,196.00	1,447.00	47,749.00
NEW YORK	NY249	Tier One Environmental Impact Study - North Country Transportation Study, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
NEW YORK	NY250	Village of Mineola Road Evaluation, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	19,680.00	-	19,680.00
NEW YORK	NY251	Village of Schuylerville, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	-	1,475,892.00
NEW YORK	NY252	Walton Street Bridge, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	787,143.00	-	787,143.00
NEW YORK	NY253	West Harlem Transportation and Revitalization Improvements, Manhattanville, New York	GRANTS SUP PLAN HWY STP,SEC117	108-447	295,178.00	-	295,178.00
NEW YORK	NY694	Arthur Avenue Retail Market, NY	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	-	396,000.00
NEW YORK	NY695	Ashburton Avenue Reconstruction, City of Yonkers, NY	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00
NEW YORK	NY696	Atlantic Avenue Extension, NY	2006-SURFACE TRANSPORT PROJ	109-115	693,000.00	-	693,000.00

NEW YORK	NY697	Brooklyn Children's Museum Pedestrian Enhancements, NY	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00	
NEW YORK	NY701	Daytona Avenue Highway Improvements, Penfield, NY	2006-SURFACE TRANSPORT PROJ	109-115	99,000.00	98,529.00	471.00	
NEW YORK	NY702	Eastern Hills Corridor road construction, Clarence, Erie County, NY	2006-SURFACE TRANSPORT PROJ	109-115	891,000.00	-	891,000.00	
NEW YORK	NY703	Environmental Shield, Brooklyn Queens Expressway, NY	2006-SURFACE TRANSPORT PROJ	109-115	643,500.00	437,500.00	206,000.00	
NEW YORK	NY705	Improve Millstonebrook Road Southampton, NY	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	410,000.00	85,000.00	
NEW YORK	NY707	Kalkberg Commerce Park, NY	2006-SURFACE TRANSPORT PROJ	109-115	717,750.00	-	717,750.00	
NEW YORK	NY709	Library Lane Project, NY	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	200,000.00	592,000.00	
NEW YORK	NY714	Reconstruction of Main Street in Tappan, NY	2006-SURFACE TRANSPORT PROJ	109-115	643,500.00	-	643,500.00	
NEW YORK	NY717	Subway Hub Access, Museum of Arts and Design, NY	2006-SURFACE TRANSPORT PROJ	109-115	74,250.00	-	74,250.00	
NEW YORK	NY720	JOHN STREET EXTENSION, HENRIETTA, MONROE COUNTY PEDESTRIAN CONNECTION PROJECT, GREENPORT.NY	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	-	1,485,000.00	
NEW YORK	NY721	JOHN STREET EXTENSION, HENRIETTA, MONROE COUNTY	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	985,000.00	5,000.00	
NEW YORK	NY722	PEDESTRIAN CONNECTION PROJECT, GREENPORT.NY	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00	
NEW YORK	NY723	Commack Road Bypass Study, Suffolk County, NY	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	490,000.00	5,000.00	
NEW YORK Total								29,031,287.86
NORTH CAROLINA	NC059	Greenways Expansion and Improvements Project, North Carolina	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	1,395,958.00	79,934.00	
NORTH CAROLINA	NC183	South Boulevard Signal System, NC	2006-SURFACE TRANSPORT PROJ	109-115	693,000.00	69,300.00	623,700.00	
NORTH CAROLINA Total								703,634.00
NORTH DAKOTA	ND048	Lewis and Clark Legacy Trail, North Dakota	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	788,276.77	195,651.23	
NORTH DAKOTA Total								195,651.23
OHIO	OH117	Hobson Intermodal facility in Middleport, Ohio Bike and Pedestrian Path in Middleport,	SEC 115 UNOBL BAL TRANSF	108-199	200,000.00	156,971.00	43,029.00	

		Ohio(activities must be title 23 or title 49 eligible)					
OHIO	OH121	Ohio and Erie Canal towpath trail, Ohio	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	143,499.00	856,501.00
OHIO	OH125	White Pond Drive, Akron, Ohio	SEC 115 UNOBL BAL TRANSF	108-199	750,000.00	-	750,000.00
OHIO	OH138	King-Graves Road Improvements for YARS,Vienna, Ohio	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
OHIO	OH142	Toledo Downtown Waterfront Redevelopment, Ohio	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,229,910.00	1,186,482.70	43,427.30
OHIO	OH144	US 224 - Mahoning County/Canfield Improvements, Ohio	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,672,678.00	-	1,672,678.00
OHIO	OH363	55th Street Bridge Replacement, Plain Township, OH	2006-SURFACE TRANSPORT PROJ	109-115	1,089,000.00	671,158.00	417,842.00
OHIO	OH364	Bridge Replacement, Werner Church Road Plain Township, OH	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	300,000.00	690,000.00
OHIO	OH367	Northwest Butler Transportation Improvement District, Butler County, OH	2006-SURFACE TRANSPORT PROJ	109-115	3,960,000.00	3,819,666.00	140,334.00
OHIO	OH368	Ohio to Erie Trail/Camp Chase Segment, OH	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00
OHIO	OH370	Towpath Trail to Downtown Cleveland, OH	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00
OHIO	OH373	U.S. 35 Interchanges in Green County, OH	2006-SURFACE TRANSPORT PROJ	109-115	2,970,000.00	-	2,970,000.00
OHIO	OH374	Upgrades to U.S. Rt. 30, City of Wooster, OH	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	631,916.17	110,583.83
OHIO	OH375	W. Smith Road Reconstruction, City of Medina, OH	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	-	742,500.00
OHIO	OH377	CENTER FOR BUSINESS AND EDUCATION PARK ACCESS ROAD, OH	2006-SURFACE TRANSPORT PROJ	109-115	594,000.00	250,000.00	344,000.00
OHIO Total							12,536,823.13
OKLAHOMA	OK035	City of Wewoka, Oklahoma	SEC 115 UNOBL BAL TRANSF	108-199	250,000.00	-	250,000.00
OKLAHOMA	OK036	Construction of rail overpass in Claremore, Oklahoma	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	48,573.00	451,427.00
OKLAHOMA	OK041	Industrial Road Improvements, Seminole, Oklahoma	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
OKLAHOMA	OK045	Oklahoma County I-40 ITS	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,989,602.25	10,397.75
OKLAHOMA	OK046	Park Lane Road Improvements, Altus, Oklahoma	SEC 115 UNOBL BAL TRANSF	108-199	2,800,000.00	936,467.00	1,863,533.00
OKLAHOMA	OK047	Pogue Airport Access Road, Oklahoma	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00
OKLAHOMA	OK050	University of Oklahoma Intelligent Bridge	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,999,214.33	785.67

		Systems Research						
OKLAHOMA	OK051	101st Street Corridor Widening	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	203,250.00	288,714.00	
OKLAHOMA	OK052	Altus Falcon Road Improvements, Oklahoma	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00	
OKLAHOMA	OK053	Altus Falcon Road Improvements, Oklahoma	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	720,833.00	17,113.00	
OKLAHOMA	OK055	Durant US 69/75 Rodeo Road Bridge Improvements, Oklahoma	GRANTS SUP PLAN HWY STP,SEC117	108-447	188,750.00	-	188,750.00	
OKLAHOMA	OK058	I-40 Oklahoma City Cross Town Expressway	GRANTS SUP PLAN HWY STP,SEC117	108-447	34,437,484.00	34,437,483.28	0.72	
OKLAHOMA	OK061	Industrial Access Road for Industrial Park, Oklahoma	GRANTS SUP PLAN HWY STP,SEC117	108-447	196,786.00	142,127.30	54,658.70	
OKLAHOMA	OK062	MacArthur Boulevard widening, drainage, and resurfacing improvements from NW 50th to NW 60th, Warr Acres, OK	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	408,110.00	575,818.00	
OKLAHOMA	OK068	Railroad bridge project, Mannford, Oklahoma	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	200,000.00	537,946.00	
OKLAHOMA	OK071	Reconstruction of Kickapoo Road in Shawnee, OK from I-40 to Wolverine Road	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	-	737,946.00	
OKLAHOMA	OK075	Replacement of the Indian Meridian Bridge over Choctaw Creek in Choctaw, OK	GRANTS SUP PLAN HWY STP,SEC117	108-447	98,393.00	-	98,393.00	
OKLAHOMA	OK143	Altus Falcon Road Improvements, OK	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	681,887.00	60,613.00	
OKLAHOMA	OK144	Infrastructure Development and Highway/Street Access Improvements, Rural Enterprises, OK	2006-SURFACE TRANSPORT PROJ	109-115	198,000.00	177,579.47	20,420.53	
OKLAHOMA Total							8,148,480.37	
OREGON	OR055	I-5, Salem, Oregon	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,322,667.00	645,189.00	
OREGON	OR063	US 97 Redmond, Oregon bypass, Oregon	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	867,883.77	116,044.23	
OREGON	OR179	Ninth Street Arterial Connector, Prineville, OR	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	450,000.00	45,000.00	
OREGON Total							806,233.23	
PENNSYLVANIA	PA251	Delaware River Port Authority--Ben Franklin Bridge, Pennsylvania	SEC 115 UNOBL BAL TRANSF	108-199	5,000,000.00	1,500,000.00	3,500,000.00	
PENNSYLVANIA	PA252	Downtown Butler Cityscape Project (PA)	SEC 115 UNOBL BAL TRANSF	108-199	150,000.00	149,977.69	22.31	
PENNSYLVANIA	PA253	Frazer Township Interchange, Pennsylvania	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	398,115.42	101,884.58	
PENNSYLVANIA	PA256	Improve access to the Pennsylvania	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,009,056.04	990,943.96	

		Correctional Institute near Brownsville, PA					
PENNSYLVANIA	PA259	Logan Square Access and Safety Improvements, Philadelphia, Pennsylvania	SEC 115 UNOBL BAL TRANSF	108-199	800,000.00	797,771.43	2,228.57
PENNSYLVANIA	PA263	PCDC Bus-stop Related Facility Enhancements	SEC 115 UNOBL BAL TRANSF	108-199	750,000.00	-	750,000.00
PENNSYLVANIA	PA269	Streetscape/Roadway Improvements to the Chester City (PA) Waterfront	SEC 115 UNOBL BAL TRANSF	108-199	350,000.00	41,475.00	308,525.00
PENNSYLVANIA	PA270	Susquehanna Road/Limekin Road/Norfolk Southern Bridge project, Pennsylvania	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00
PENNSYLVANIA	PA272	26th Street Extension - Philadelphia Naval Business Center, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	3,935,713.00	-	3,935,713.00
PENNSYLVANIA	PA273	Alle-Kiski Connector Bridge, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,459,820.00	-	2,459,820.00
PENNSYLVANIA	PA280	Connector Road between the newly relocated State Route 1045 and Saint Vincent College, Latrobe, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,425,856.00	542,000.00
PENNSYLVANIA	PA281	Donald Lane/Industrial Park Road/Elton Road Improvement, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,711,358.00	256,498.00
PENNSYLVANIA	PA285	I-81 Rebuild/Expansion, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	4,919,641.00	1,218,500.00	3,701,141.00
PENNSYLVANIA	PA289	North Delaware River Road, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,229,910.00	-	1,229,910.00
PENNSYLVANIA	PA292	Roaring Springs Retaining Wall, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	196,786.00	196,746.64	39.36
PENNSYLVANIA	PA295	State Route 30/981 Upgrade Project, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	330,667.00	161,297.00
PENNSYLVANIA	PA296	U.S. Route 13 Corridor Redevelopment, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
PENNSYLVANIA	PA297	West Philadelphia Streetscape/Gateway Improvements, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	-	1,475,892.00
PENNSYLVANIA	PA298	Yannuzi Drive/Bradford Street, Bradford County, Pennsylvania	GRANTS SUP PLAN HWY STP,SEC117	108-447	98,394.00	97,462.00	932.00
PENNSYLVANIA	PA677	GEARS Intelligent Transportation Systems, PA	2006-SURFACE TRANSPORT PROJ	109-115	396,000.00	-	396,000.00
PENNSYLVANIA	PA678	Greater Nanticoke (Luzerne Co, PA) Connector Road, PA	2006-SURFACE TRANSPORT PROJ	109-115	742,500.00	-	742,500.00

PENNSYLVANIA	PA679	I-79 Parkway West ramp construction and widening, PA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	364,416.03	130,583.97
PENNSYLVANIA	PA681	Main Street Extension Realignment, Freemansburg, PA	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	567,500.00	224,500.00
PENNSYLVANIA	PA683	Navy Yard Reconstruction of Broad Street Quaywall, PA	2006-SURFACE TRANSPORT PROJ	109-115	891,000.00	-	891,000.00
PENNSYLVANIA	PA685	PA-10 widening, New Morgan Borough, PA	2006-SURFACE TRANSPORT PROJ	109-115	4,950,000.00	-	4,950,000.00
PENNSYLVANIA	PA686	Penn and Smallman Street Gateways Project, PA	2006-SURFACE TRANSPORT PROJ	109-115	341,550.00	50,000.00	291,550.00
PENNSYLVANIA	PA691	Uniontown to Brownsville--Mon Fayette Expressway, PA	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	1,978,902.85	1,097.15
PENNSYLVANIA Total							28,536,041.90
PUERTO RICO	PR017	Toa Baja Recreational Trail Design and Construction, PR	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00
PUERTO RICO Total							1,980,000.00
RHODE ISLAND	RI033	Blackstone River Valley National Heritage Corridor Roadway Improvement Program, Rhode Island	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,785.00	2,856,638.95	95,146.05
RHODE ISLAND	RI034	Cole Street Bridge Replacement, Rhode Island	GRANTS SUP PLAN HWY STP,SEC117	108-447	295,178.00	40,000.00	255,178.00
RHODE ISLAND	RI084	Hartford Avenue Improvements to Aid Pocasset River Drainage, RI	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	476,000.00	514,000.00
RHODE ISLAND Total							864,324.05
SOUTH CAROLINA	SC032	Arkwright Connector, South Carolina	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	205,000.00	795,000.00
SOUTH CAROLINA	SC036	City of Orangeburg Railroad Relocation Project	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	450,000.00	1,550,000.00
SOUTH CAROLINA	SC037	Construction of the Bishopville Bypass in Lee County, South Carolina	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	59,852.96	440,147.04
SOUTH CAROLINA	SC044	Briggs-DeLaine-Pearson Connector, South Carolina	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,459,820.00	5,486.87	2,454,333.13
SOUTH CAROLINA	SC045	Cox Road Bridge in Anderson County, South Carolina	GRANTS SUP PLAN HWY STP,SEC117	108-447	295,178.00	293,524.59	1,653.41
SOUTH CAROLINA	SC046	East Reed Road Conversion Project in Anderson, SC	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	979,935.77	3,992.23
SOUTH CAROLINA	SC048	Greenville County Bridges, South Carolina	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,721,874.00	1,304,355.20	417,518.80
SOUTH CAROLINA	SC060	Orangeburg Railroad	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	-	737,946.00

		Realignment, South Carolina					
SOUTH CAROLINA	SC123	Assembly Street Railroad Relocation, SC	2006-SURFACE TRANSPORT PROJ	109-115	1,287,000.00	25,331.17	1,261,668.83
SOUTH CAROLINA	SC129	Pedestrian Walkway at SCSU and Claflin University, SC	2006-SURFACE TRANSPORT PROJ	109-115	1,683,000.00	-	1,683,000.00
SOUTH CAROLINA	SC134	Briggs DeLaine Pearson Connector, SC.	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	4,967.73	1,975,032.27
SOUTH CAROLINA	SC135	For the extension of Railroad Avenue, from Maybelline Lodge Road to Eagle Landing Boulevard, Hanahan, SC.	2006-SURFACE TRANSPORT PROJ	109-115	792,000.00	-	792,000.00
SOUTH CAROLINA	SC136	For the extension of Railroad Avenue, from Maybelline Lodge Road to Eagle Landing Boulevard, Hanahan, SC.	2006-SURFACE TRANSPORT PROJ	109-115	198,000.00	-	198,000.00
SOUTH CAROLINA Total							12,310,291.71
SOUTH DAKOTA	SD175	Dakota Turkey Plant Access Road US 14 in Huron, SD	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
SOUTH DAKOTA Total							495,000.00
TENNESSEE	TN063	Hollywood Drive Expansion Project City of Jackson, Tennessee East Chester Street Project, Jackson, Tennessee(activities must be title 23 or title 49 eligibles)	SEC 115 UNOBL BAL TRANSF	108-199	600,000.00	599,998.12	1.88
TENNESSEE	TN069	Plough Boulevard Interchange (at Winchester Road) Memphis, Tennessee	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00
TENNESSEE	TN070	Springfield Greenway Extension, Tennessee	SEC 115 UNOBL BAL TRANSF	108-199	100,000.00	-	100,000.00
TENNESSEE	TN073	Cobblestone Landing Restoration, Memphis, Tennessee	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
TENNESSEE	TN084	US 321/US 11 Overpass project, Tennessee	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
TENNESSEE	TN268	Cobblestone Landing Restoration, Memphis, TN	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00
TENNESSEE	TN270	Plough Boulevard Interchange at Winchester Road, Memphis, TN	2006-SURFACE TRANSPORT PROJ	109-115	990,000.00	-	990,000.00
TENNESSEE Total							7,037,857.88
TEXAS	TX124	Galveston Railroad Bridge Replacement, Texas	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	-	500,000.00
TEXAS	TX133	IH35 Texas	SEC 115 UNOBL BAL TRANSF	108-199	6,000,000.00	-	6,000,000.00

TEXAS	TX134	Laredo Signal Integration Project	SEC 115 UNOBL BAL TRANSF	108-199	1,750,000.00	1,370,631.20	379,368.80
TEXAS	TX136	Redesign of Highway 527 Spur connecting US59 to downtown Houston, Texas	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00
TEXAS	TX137	Reflective Crack Relief Interlayer, US 59, Texas	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,943,932.62	56,067.38
TEXAS	TX139	SH288 Grade Separation at County Road 51, Brazoria County, Texas	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	-	1,000,000.00
TEXAS	TX149	Dallas I-30 Replacement Bridge, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	7,871,426.00	-	7,871,426.00
TEXAS	TX151	Emergency Services Access, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	3,935,713.00	2,588,500.00	1,347,213.00
TEXAS	TX154	Fort Worth Peach Street Area Access Improvements, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,721,874.00	200,000.00	1,521,874.00
TEXAS	TX155	Harlingen/West Cameron County Rail Relocation, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,754,999.00	2,522,540.45	232,458.55
TEXAS	TX156	Hidalgo County Loop, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
TEXAS	TX163	Interstate 35 East Expansion, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
TEXAS	TX165	La Entrada al Pacifico Feasibility Study, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
TEXAS	TX166	La Entrada Al Pacifico, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,010,360.04	957,495.96
TEXAS	TX167	La Entrada Southern Route Study, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
TEXAS	TX175	Ports-to-Plains, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	-	1,967,856.00
TEXAS	TX183	US 87 Big Spring Bypass, Texas	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00
TEXAS	TX401	City of Leander Upgrade FM 2243, TX	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	445,080.72	49,919.28
TEXAS	TX402	Denton I-35E Bridge at Loop 288/U.S. 77, TX	2006-SURFACE TRANSPORT PROJ	109-115	1,980,000.00	-	1,980,000.00
TEXAS	TX407	Highway 6 Bypass, TX	2006-SURFACE TRANSPORT PROJ	109-115	2,227,500.00	-	2,227,500.00
TEXAS	TX418	US 67 Marfa Reliever Route, TX	2006-SURFACE TRANSPORT PROJ	109-115	504,900.00	-	504,900.00
TEXAS	TX419	US 87 Feasibility Study, TX us 67 feasibility Study, Alpine, TX (activities must be title 23 or title 49 eligible)	2006-SURFACE TRANSPORT PROJ	109-115	247,500.00	-	247,500.00
TEXAS Total							30,795,362.97
UTAH	UT027	I-15 North, Davis County, UT	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,965,859.92	34,140.08
UTAH	UT036	US-89, Railroad Bridge Replacement, Pleasant Grove, Utah	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,967,855.65	0.35
UTAH	UT116	I-15 Layton Interchange, Layton, UT	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	-	1,485,000.00
UTAH	UT117	I-15 North & Commuter Rail Coordination study; Davis County, UT	2006-SURFACE TRANSPORT PROJ	109-115	1,485,000.00	-	1,485,000.00

UTAH Total							3,004,140.43
VERMONT	VT015	Vermont Covered Bridges	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,827,900.34	172,099.66
VERMONT Total							172,099.66
VIRGINIA	VA077	Arlington County Jefferson Davis Highway (Rt 1) Improvements	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	121,000.00	379,000.00
VIRGINIA	VA078	Arlington County South Glebe Road improvements	SEC 115 UNOBL BAL TRANSF	108-199	800,000.00	739,495.48	60,504.52
VIRGINIA	VA079	Battlefield Parkway expansion from Kincaid Boulevard to Route 7, Virginia	SEC 115 UNOBL BAL TRANSF	108-199	6,000,000.00	5,964,600.00	35,400.00
VIRGINIA	VA082	I-66/Route 29 Gainsville Interchange, Virginia	SEC 115 UNOBL BAL TRANSF	108-199	1,750,000.00	1,739,675.00	10,325.00
VIRGINIA	VA083	Lombardy Street Renovation between Route 1 and Admiral Street (Richmond, VA)	SEC 115 UNOBL BAL TRANSF	108-199	750,000.00	745,600.00	4,400.00
VIRGINIA	VA085	Route 17 Safety Improvements from Route 50 to I-66, Virginia	SEC 115 UNOBL BAL TRANSF	108-199	200,000.00	161,226.00	38,774.00
VIRGINIA	VA086	Route 50 traffic calming in Loudoun and Fauquier Counties, Virginia	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	557,400.00	442,600.00
VIRGINIA	VA087	Route 501 Corridor Coalition	SEC 115 UNOBL BAL TRANSF	108-199	100,000.00	93,993.00	6,007.00
VIRGINIA	VA088	Route 7 between Leesburg and Tyson's Corner, Virginia ITS	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	458,911.00	41,089.00
VIRGINIA	VA089	Suffolk Bike Trails, Virginia	SEC 115 UNOBL BAL TRANSF	108-199	150,000.00	-	150,000.00
VIRGINIA	VA090	Truck Inspection pull-off on Route 9 in Loudoun County, Virginia	SEC 115 UNOBL BAL TRANSF	108-199	100,000.00	-	100,000.00
VIRGINIA	VA091	VA Route 28 Widening	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	1,985,022.00	14,978.00
VIRGINIA	VA092	Washington Street Improvements, Haymarket, VA	SEC 115 UNOBL BAL TRANSF	108-199	500,000.00	375,000.00	125,000.00
VIRGINIA	VA093	I-64 and Pocahontas Parkway Connector	SEC 115 UNOBL BAL TRANSF	108-199	1,200,000.00	1,192,920.00	7,080.00
VIRGINIA	VA095	Columbia Pike Improvements, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,229,910.00	1,150,000.00	79,910.00
VIRGINIA	VA098	Fairfax County Trail improvements in Great Falls, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
VIRGINIA	VA099	Hanover County Planning Study, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	98,393.00	-	98,393.00
VIRGINIA	VA102	Land acquisition for pedestrian trail over George Washington Memorial Bridge	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
VIRGINIA	VA103	Lee Highway Improvements, Fairfax City, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	-	491,964.00

VIRGINIA	VA104	Maple Avenue Improvement Project, Vienna, VA	GRANTS SUP PLAN HWY STP,SEC117	108-447	245,982.00	-	245,982.00
VIRGINIA	VA107	Rivanna Greenbelt Extension, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	29,519.00	29,241.00	278.00
VIRGINIA	VA108	Roanoke River Greenway, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	281,912.00	210,052.00
VIRGINIA	VA110	Route 15 Safety Improvements, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
VIRGINIA	VA112	Route 50 traffic calming Loudoun and Fauquier, Virginia (per the clarification memo dated March 3, 2005, It is the intent of the conferees that funds be available for construction plans, specifications, purchase of right-of-way, and construction at the intersection of U.S. Route 50 and 15 (Gilbert s Corner) to prevent further traffic congestion and to facilitate construction of the projects as approved by the VDOT Route 50 task force.)	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,784.00	2,948,767.00	3,017.00
VIRGINIA	VA113	Route 7 Widening, Reston Parkway to Dulles Toll Road, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	-	983,928.00
VIRGINIA	VA114	Route 9 improvements, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	309,750.00	674,178.00
VIRGINIA	VA115	Stafford County Airport Improvement, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	159,000.00	332,964.00
VIRGINIA	VA116	Widen I-66 westbound inside the Capital Beltway, Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	425,128.00	558,800.00
VIRGINIA	VA243	Historic Court Square Improvements, Charlottesville, VA	2006-SURFACE TRANSPORT PROJ	109-115	138,600.00	132,685.00	5,915.00
VIRGINIA	VA244	Isle of Wight Emergency Signals, VA	2006-SURFACE TRANSPORT PROJ	109-115	297,000.00	246,096.00	50,904.00
VIRGINIA	VA246	Siesta Gardens Alternative Access Road, VA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
VIRGINIA	VA249	Widen Route 7 west of Tysons Corner, VA	2006-SURFACE TRANSPORT PROJ	109-115	1,386,000.00	-	1,386,000.00
VIRGINIA Total							9,984,226.52
WASHINGTON	WA069	3-Bridge Corridor Project, Skagit County, Washington	SEC 115 UNOBL BAL TRANSF	108-199	800,000.00	799,000.00	1,000.00
WASHINGTON	WA074	FAST Corridor, Washington	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,999,999.55	0.45
WASHINGTON	WA085	Port of Pasco, Ainsworth Avenue Realignment Sacagawea Heritage, Washington	SEC 115 UNOBL BAL TRANSF	108-199	3,000,000.00	2,864,023.14	135,976.86

WASHINGTON	WA086	San Juan Boulevard, Bellingham, Washington	SEC 115 UNOBL BAL TRANSF	108-199	1,225,000.00	393,500.00	831,500.00
WASHINGTON	WA087	Satsop Road Access Improvements, Grays Harbor, Washington	SEC 115 UNOBL BAL TRANSF	108-199	375,000.00	262,210.80	112,789.20
WASHINGTON	WA093	SR 31, All Weather Roadway Construction and Widening, Pend Oreille County, Washington	SEC 115 UNOBL BAL TRANSF	108-199	1,600,000.00	944,036.43	655,963.57
WASHINGTON	WA096	Taylor Dock Project, Bellingham, Washington	SEC 115 UNOBL BAL TRANSF	108-199	677,000.00	565,459.78	111,540.22
WASHINGTON	WA104	Bellingham San Juan Boulevard, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	365,500.00	618,428.00
WASHINGTON	WA105	Columbia Point South Road Improvements, Richland, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	775,000.00	208,928.00
WASHINGTON	WA114	N.W. Lincoln County Regional P.D.A. Industrial Park Transportation Improvements, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	167,269.00	99,348.26	67,920.74
WASHINGTON	WA116	Port of Vancouver Fruit Valley Bypass/26th Avenue Extension, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	967,876.87	16,051.13
WASHINGTON	WA117	Riverside Avenue Extension, Spokane, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	2,951,785.00	2,949,785.00	2,000.00
WASHINGTON	WA119	Shoreline Interurban Trail, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	491,964.00	491,963.76	0.24
WASHINGTON	WA122	Skagit Valley Hospital Transportation Access, Mount Vernon, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	946,171.33	37,756.67
WASHINGTON	WA128	SR-14, Wastewater Collector Main Truckline Project, White Salmon, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	737,946.00	737,025.97	920.03
WASHINGTON	WA129	SR-240 Sound Wall & Irrigation Main Relocation, Richland, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	951,222.08	32,705.92
WASHINGTON	WA130	SR240 Sound Wall, Richland, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	983,928.00	691,251.15	292,676.85
WASHINGTON	WA131	SR--509/SR-518 Interchange/Intersection Redevelopment, Burien, Washington	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,475,892.00	345,039.00	1,130,853.00
WASHINGTON	WA282	Waterfront Redevelopment Project, Bellingham, WA	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00
WASHINGTON Total							4,752,010.88
WEST VIRGINIA	WV040	Beckley VA Medical Center Access Road, West Virginia	SEC 115 UNOBL BAL TRANSF	108-199	1,000,000.00	982,549.00	17,451.00
WEST VIRGINIA	WV043	Fairmont Pedestrian	SEC 115 UNOBL BAL TRANSF	108-199	200,000.00	183,590.00	16,410.00

		Bridge (WV)						
WEST VIRGINIA	WV046	FAIRMONT GATEWAY CONNECTOR SYSTEM	SEC 115 UNOBL BAL TRANSF	108-199	2,250,000.00	2,159,426.00	90,574.00	
WEST VIRGINIA	WV055	Route 10 -- Logan County, West Virginia	GRANTS SUP PLAN HWY STP,SEC117	108-447	14,758,922.00	14,634,931.00	123,991.00	
WEST VIRGINIA	WV081	Coalfields Expressway, WV	2006-SURFACE TRANSPORT PROJ	109-115	9,900,000.00	8,639,867.00	1,260,133.00	
WEST VIRGINIA	WV082	US 35 Interchange W/64 Paving and Bridges, WV	2006-SURFACE TRANSPORT PROJ	109-115	2,326,500.00	1,752,308.00	574,192.00	
WEST VIRGINIA	WV083	War Memorial Hospital Infrastructure, WV	2006-SURFACE TRANSPORT PROJ	109-115	495,000.00	-	495,000.00	
WEST VIRGINIA Total								2,577,751.00
WISCONSIN	WI036	WI Highway 53 Chetek, Wisconsin	SEC 115 UNOBL BAL TRANSF	108-199	2,000,000.00	-	2,000,000.00	
WISCONSIN	WI043	Downtown pedestrian infrastructure, Ashland, Wisconsin	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,967,856.00	1,666,918.79	300,937.21	
WISCONSIN	WI049	Reconstruction of 11th Avenue East, Ashland, Wisconsin	GRANTS SUP PLAN HWY STP,SEC117	108-447	1,574,285.00	1,546,023.13	28,261.87	
WISCONSIN	WI051	Rehabilitation and Reconstruction of AA, Wisconsin	GRANTS SUP PLAN HWY STP,SEC117	108-447	334,536.00	-	334,536.00	
WISCONSIN	WI142	Ashland County, Town of Lapointe, reconstruct Rice street with storm sewer, sidewalk and parking, WI	2006-SURFACE TRANSPORT PROJ	109-115	445,500.00	66,750.00	378,750.00	
WISCONSIN	WI144	Construction of USH 8 and Industrial Parkway intersection overpass, City of St. Croix Falls, WI	2006-SURFACE TRANSPORT PROJ	109-115	1,237,500.00	302,000.00	935,500.00	
WISCONSIN	WI151	USH2 Improvements, Ashland County, City of Ashland, WI	2006-SURFACE TRANSPORT PROJ	109-115	1,782,000.00	1,686,887.63	95,112.37	
WISCONSIN	WI153	Water main, sewer and street improvements, City of Barron, WI	2006-SURFACE TRANSPORT PROJ	109-115	2,079,000.00	1,791,500.00	287,500.00	
WISCONSIN Total								4,360,597.45
Grand Total					948,551,792.05	475,180,444.25	473,371,347.80	



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[U.S. DOT Home](#) | [USA.gov](#) | [WhiteHouse.gov](#)

Federal Highway Administration | 1200 New Jersey Avenue, SE | Washington, DC 20590 | 202-366-4000

From: [Ana Helman](#)
To: [Heppner, Michelle](#)
Subject: Earthquake Insurance Affordability Act - Seeking County Support
Date: Thursday, July 19, 2012 6:24:21 PM
Attachments: [Coalition List with groups.pdf](#)
[S. 637.pdf](#)
[H.R. 3125 Text.pdf](#)
[EIAA Overview 10-6-2011.pdf](#)
[CSAC Support Letter Campbell Earthquake Insurance 8-23-11.pdf](#)
[CSAC Earthquake Insurance Affordability Act Feinstein 82411.pdf](#)
[Contra Costa County H R 3126 \(Campbell\)--SUPPORT \(3\).pdf](#)
[Contra Costa County S 637 \(Feinstein\)--SUPPORT \(3\).pdf](#)
[San Bernardino \(Feinstein\) SUPPORT.pdf](#)
[San Bernardino H R 3125 \(Campbell\) SUPPORT.pdf](#)

Good afternoon Michelle,

It was a pleasure speaking with you this afternoon. As a follow up to our conversation regarding the Earthquake Insurance Affordability Act, we would truly appreciate the County's (Board of Supervisors) support on this important legislation. As background, I have attached the following informational materials regarding the Earthquake Insurance Affordability Act:

- A copy of the legislation (S. 637 and H.R. 3125)
- An overview of the legislation
- The CSAC letter of support
- Support letters from Contra Costa and San Bernardino Counties
- A coalition list

S. 637 – the Earthquake Insurance Affordability Act (EIAA) – was introduced by Senators Dianne Feinstein and Barbara Boxer to help lower the cost of earthquake insurance. H.R. 3125 is the House companion bill, introduced by Congressman John Campbell and co-authored by twenty-two additional House Members.

The legislation seeks to make earthquake insurance more accessible to Californians which will increase the number of insured homeowners and could reduce the risk to all taxpayers who may otherwise bear significant costs in the aftermath of a catastrophic earthquake. Being protected by insurance is the key to a faster recovery, which will be essential to rebuilding our communities.

Recent severe earthquakes have underscored the need for California and its homeowners to be financially prepared, as the state has two-thirds of the earthquake risk faced by America. In fact, experts are almost certain a major earthquake will occur in California within the next 30 years. **Despite these risks, less than 10% of households are covered by earthquake insurance**, with most consumers claiming it is too expensive.

The EIAA would allow the California Earthquake Authority (CEA) to lower costs by allowing the federal government to guarantee bonds issued by CEA, in lieu of purchasing reinsurance, which currently accounts for 40% of its costs. This would save an estimated \$100 million per year and allow the CEA to lower its rates by

20% allowing more homeowners to afford earthquake insurance and speed economic recovery when the next “big one” hits.

In the event of a major earthquake, expenses to federal, state, and local governments would be mitigated with increased earthquake coverage. Furthermore, the EIAA will not cost taxpayers any money, because the Treasury Department would charge the CEA for its guarantee, and could adjust the fee upward after a major disaster.

I truly appreciate your time and the Supervisors’ consideration of this important legislation. If you have any questions at all, please don’t hesitate to let me know.

Thank you again and I look forward to following up with you soon.

Sincerely,

Ana Helman
Director
Randle Communications
925 L Street, Suite 1275
Sacramento, CA 95814
Office: (916) 448-5802
RandleCommunications.com

CONFIDENTIALITY NOTICE: This message and any accompanying documents contain information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message or attachments. If you have received the message in error, please delete the message and advise the sender by sending an e-mail to ahelman@randlecommunications.com or calling (916) 448-5802. Thank you.



Earthquake Insurance Affordability Act Coalition List

LEGISLATIVE SPONSORS & CO-SPONSORS

Senator Dianne Feinstein
Senator Barbara Boxer
Congressman John Campbell
Congresswoman Karen Bass
Congressman Howard Berman
Congressman Brian Bilbray
Congresswoman Mary Bono Mack
Congressman Ken Calvert
Congresswoman Lois Capps
Congressman Dennis Cardoza
Congresswoman Judy Chu
Congressman Jim Costa
Congressman Bob Filner
Congressman Elton Gallegly
Congressman John Garamendi
Congressman Mike Honda
Congresswoman Barbara Lee
Congressman Jerry Lewis
Congresswoman Zoe Lofgren
Congressman Dan Lungren
Congresswoman Doris Matsui
Congressman Jerry McNerney
Congresswoman Loretta Sanchez
Congressman Adam B. Schiff
Congresswoman Jackie Speier
Congressman Mike Thompson

BUSINESS GROUPS

Antelope Valley Chambers of Commerce
Baldy View Chapter, Building Industry
Association of Southern California
Bay Area Council
Building Industry Association of Southern
California
California Asian Chamber of Commerce
California Association of REALTORS®
California Building Industry Association (CBIA)

California Business Roundtable
California Chamber of Commerce
California Mortgage Bankers Association
Calexico Chamber of Commerce
Cathedral City Chamber of Commerce
Corona Del Mar Chamber of Commerce
Desert Valleys Builders Association
Greater Riverside Chambers of Commerce
Hispanic 100
Irvine Chamber of Commerce
Los Angeles Area Chamber of Commerce
Los Angeles/Ventura Chapter, Building Industry
Association of Southern California
Orange Chamber of Commerce
Orange County Association of REALTORS®
Orange County Building Industry Association
Orange County Business Council
Orange County Taxpayers Association
Palm Desert Chamber of Commerce
Rancho Mirage Chamber of Commerce
Riverside County Building Industry Association
Sacramento Metro Chamber
San Francisco Chamber of Commerce
Santa Ana Chamber of Commerce
South Orange County Regional Chamber of
Commerce
Valley Industry and Commerce Association
(VICA)
Vietnamese American Chamber of Commerce

STAKEHOLDERS

Automobile Club of Southern California
Blue Cod Technologies
Mercury Insurance

LOCAL GOVERNMENT

Mayor Antonio R. Villaraigosa, City of Los
Angeles
Mayor Edwin M. Lee, City of San Francisco



Earthquake Insurance Affordability Act Coalition List

Mayor Chuck Reed, City of San Jose
Mayor Jerry Sanders, City of San Diego
Mayor Tom Tait, City of Anaheim
Mayor Jean Quan, City of Oakland
Mayor Michael F. Kotowski, City of Campbell
Mayor Eduardo Garcia, City of Coachella
Mayor Frank Scotto, City of Torrance
Mayor Robert A. Spiegel, City of Palm Desert
Mayor Stanley P. Thurston, City of Merced
Supervisor John J. Benoit, Riverside County
Supervisor Greg Cox, San Diego County
Supervisor Bruce Gibson, San Luis Obispo
County
Supervisor Mike McGowan, Yolo County
Supervisor John Tavaglione, Riverside County
Supervisor Jeff Stone, Riverside County
Supervisor Shirlee Zane, Sonoma County
City of Ceres
City of Costa Mesa
City of Gilroy
City of Desert Hot Springs
City of Laguna Woods
City of San Clemente
City of Rancho Mirage
County of Contra Costa
County of Del Norte
County of Marin
County of San Bernardino
California State Association of Counties (CSAC)
League of California Cities

OTHER

Alfred E. Alquist Seismic Safety Commission
Governing Board, California Earthquake
Authority
National Hazard Mitigation Association

NON-PROFIT ORGANIZATIONS

American Red Cross

CONSUMER GROUPS

Consumer Watchdog
United Policyholders

112TH CONGRESS
1ST SESSION

H. R. 3125

To establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2011

Mr. CAMPBELL (for himself, Mr. LEWIS of California, and Mr. CALVERT) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Earthquake Insurance Affordability Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Eligible State programs.
- Sec. 5. Establishment of debt-guarantee program.
- Sec. 6. Effect of guarantee.
- Sec. 7. Assessment at time of guarantee.
- Sec. 8. Payment of losses.
- Sec. 9. Full faith and credit.
- Sec. 10. Budgetary impact; costs.
- Sec. 11. Regulations.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Major earthquakes are likely in the United
 4 States. For example, the United States Geological
 5 Survey predicts that there is a 99.7 percent chance
 6 that a magnitude 6.7 earthquake will strike in Cali-
 7 fornia in the next 30 years and that there is a 46
 8 percent chance that a magnitude 7.5 earthquake will
 9 strike in California in the next 30 years. Earth-
 10 quakes can be caused by volcanic or tectonic events
 11 and result in destructive shaking of the earth, fires,
 12 landslides, volcanic eruptions, and tsunamis.

13 (2) Despite the known risk of earthquakes, rel-
 14 atively few homeowners have earthquake insurance.
 15 For example, in California, 88 percent of homes in-
 16 sured for fire do not have earthquake insurance. In
 17 the event of a catastrophic earthquake, the lack of
 18 homeowner earthquake-insurance coverage will slow
 19 recovery, create economic hardship, and increase the

1 risk of mortgage and other credit defaults and ad-
2 versely affect the Nation's banking system.

3 (3) It is important that States improve the af-
4 fordability, availability, and quality of earthquake in-
5 surance so that more homeowners will purchase cov-
6 erage. For example, California has created the Cali-
7 fornia Earthquake Authority to provide earthquake
8 insurance to homeowners through private-sector in-
9 surers.

10 (4) It is a proper role of the Federal Govern-
11 ment to help prepare and protect its citizens from
12 catastrophes such as earthquakes and to facilitate
13 consumer protection, victim assistance, and indi-
14 vidual and community recovery, including financial
15 recovery.

16 (b) PURPOSES.—The purposes of this Act are to es-
17 tablish a program—

18 (1) to promote the availability of private capital
19 to provide liquidity and capacity to State earthquake
20 insurance programs; and

21 (2) to expedite the payment of claims under
22 State earthquake insurance programs and better as-
23 sist the financial recovery from significant earth-
24 quakes by authorizing the Secretary of the Treasury
25 to guarantee debt for such purposes.

1 **SEC. 3. DEFINITIONS.**

2 In this Act, the following definitions shall apply:

3 (1) **COMMITMENT TO GUARANTEE.**—The term
4 “commitment to guarantee” means a commitment to
5 make debt guarantees to an eligible State program
6 pursuant to section 5.

7 (2) **ELIGIBLE STATE PROGRAM.**—The term “eli-
8 gible State program” means a State program that,
9 pursuant to section 4, is eligible to receive a debt
10 guarantee under this Act.

11 (3) **INSURED LOSS.**—The term “insured loss”
12 means any loss resulting from an earthquake, an
13 earthquake-related event, or fire following an earth-
14 quake that is determined by an eligible State pro-
15 gram as being covered by insurance made available
16 under that eligible State program.

17 (4) **QUALIFYING ASSETS.**—The term “quali-
18 fying assets” means the policyholder surplus of the
19 eligible State program as stated in the most recent
20 quarterly financial statement filed by the program
21 with the domiciliary regulator of the program in the
22 last quarter ending prior to an insured-loss trig-
23 gering event or events.

24 (5) **RESIDENTIAL PROPERTY INSURANCE.**—The
25 term “residential property insurance” means insur-
26 ance coverage for—

1 (A) individually owned residential struc-
2 tures of not more than 4 dwelling units, individ-
3 ually owned condominium units, or individually
4 owned mobile homes, and their contents, located
5 in a State and used exclusively for residential
6 purposes or a tenant’s policy written to include
7 personal contents of a residential unit located in
8 the State, but shall not include—

9 (i) insurance for real property or its
10 contents used for any commercial, indus-
11 trial, or business purpose, except a struc-
12 ture of not more than 4 dwelling units
13 rented for individual residential purposes;
14 or

15 (ii) a policy that does not include any
16 of the perils insured against in a standard
17 fire policy or any earthquake policy; or

18 (B) commercial residential property, which
19 includes property owned by a condominium as-
20 sociation or its members, property owned by a
21 cooperative association, or an apartment build-
22 ing.

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of the Treasury.

1 (7) STATE.—The term “State” means each of
2 the several States of the United States, the District
3 of Columbia, the Commonwealth of Puerto Rico, the
4 Commonwealth of the Northern Mariana Islands,
5 Guam, the United States Virgin Islands, American
6 Samoa, and any other territory or possession of the
7 United States.

8 **SEC. 4. ELIGIBLE STATE PROGRAMS.**

9 (a) ELIGIBLE STATE PROGRAMS.—A State program
10 shall be considered an eligible State program for purposes
11 of this Act if the State program or other State entity au-
12 thorized to make such determinations certifies to the Sec-
13 retary, in accordance with the procedures established
14 under subsection (b), that the State program complies
15 with the following requirements:

16 (1) STATE PROGRAM DESIGN.—The State pro-
17 gram is established and authorized by State law as
18 an earthquake insurance program that offers resi-
19 dential property insurance coverage for insured
20 losses to property, contents, and additional living ex-
21 penses, and which is not a State program that re-
22 quires insurers to pool resources to provide property
23 insurance coverage for earthquakes.

24 (2) OPERATION.—The State program shall
25 meet the following requirements:

1 (A) A majority of the members of the gov-
2 erning body of the State program shall be pub-
3 lic officials or appointed by public officials.

4 (B) The State shall have a financial inter-
5 est in the State program.

6 (C) If the State has at any time appro-
7 priated amounts from the State program's
8 funds for any purpose other than payments for
9 losses insured under the State program, or pay-
10 ments made in connection with any of the State
11 program's authorized activities, the State shall
12 have returned such amounts to the State fund,
13 together with interest on such amounts.

14 (3) TAX STATUS.—The State program shall
15 have received from the Secretary (or the Secretary's
16 designee) a written determination, within the mean-
17 ing of section 6110(b) of the Internal Revenue Code
18 of 1986, that the State program either—

19 (A) constitutes an “integral part” of the
20 State that has created it; or

21 (B) is otherwise exempt from Federal in-
22 come taxation.

23 (4) EARNINGS.—The State program may not
24 provide for any distribution of any part of any net

1 profits of the State program to any insurer that par-
2 ticipates in the State program.

3 (5) LOSS PREVENTION AND MITIGATION.—

4 (A) MITIGATION OF LOSSES.—The State
5 program shall include provisions designed to en-
6 courage and support programs to mitigate
7 losses for which the State insurance program
8 was established to provide insurance.

9 (B) OPERATIONAL REQUIREMENTS.—The
10 State program shall operate in a State that—

11 (i) has in effect and enforces, or the
12 appropriate local governments within the
13 State have in effect and enforce, nationally
14 recognized building, seismic-design, and
15 safety codes and consensus-based stand-
16 ards; and

17 (ii) has taken actions to establish an
18 insurance rate structure that takes into ac-
19 count measures to mitigate insured losses.

20 (6) REQUIREMENTS REGARDING COVERAGE.—

21 The State program—

22 (A) may not, except for charges or assess-
23 ments related to post-event financing or bond-
24 ing, involve cross-subsidization between any
25 separate property-and-casualty insurance lines

1 offered under the State program pursuant to
2 paragraph (1);

3 (B) shall be subject to a requirement
4 under State law that for earthquake insurance
5 coverage made available under the State insur-
6 ance program the premium rates charged on
7 such insurance shall be actuarially sound; and

8 (C) shall make available to all qualifying
9 policyholders insurance coverage and mitigation
10 services on a basis that is not unfairly discrimi-
11 natory.

12 (b) ANNUAL CERTIFICATION.—The Secretary shall
13 establish procedures for initial certification and annual re-
14 certification as an eligible State program.

15 **SEC. 5. ESTABLISHMENT OF DEBT-GUARANTEE PROGRAM.**

16 (a) AUTHORITY OF SECRETARY.—The Secretary is
17 authorized and shall have the powers and authorities nec-
18 essary—

19 (1) to guarantee, and to enter into commit-
20 ments to guarantee, holders of debt against loss of
21 principal or interest, or both, on any debt issued by
22 eligible State programs for purposes of this Act; and

23 (2) to certify and recertify State catastrophe in-
24 surance programs that cover earthquake peril to be-

1 come or remain eligible for the benefits of such a
2 debt-guarantee program.

3 (b) LIMIT ON OUTSTANDING DEBT GUARANTEE.—

4 The aggregate amount of debt covered by the Secretary's
5 guarantees and commitments to guarantee for all eligible
6 State programs outstanding at any time shall not exceed
7 \$5,000,000,000, including interest.

8 (c) FUNDING.—

9 (1) APPROPRIATION OF FEDERAL PAYMENTS.—

10 Subject to subsection (b), there are hereby appro-
11 priated, out of funds in the Treasury not otherwise
12 appropriated, such sums as may be necessary to sat-
13 isfy debt guarantee commitments extended to eligible
14 State programs under this Act.

15 (2) CERTIFICATION FEE.—Upon certification or
16 recertification as an eligible State program under
17 section 4(a) or 4(b), a State program shall be
18 charged a certification fee sufficient in the judge-
19 ment of the Secretary at the time of certification to
20 cover—

21 (A) applicable administrative costs arising
22 from each certification or recertification, includ-
23 ing all pre-certification costs and a proportional
24 share of the costs arising from the administra-
25 tion of the program established under this Act,

1 but in any event not to exceed one-half of 1
2 percent annum of the aggregate principal
3 amount of the debt for which the eligible State
4 program is issued a guarantee commitment;
5 and

6 (B) any probable losses on the aggregate
7 principal amount of the debt for which the eligi-
8 ble State program is issued a guarantee com-
9 mitment.

10 (3) RULE OF CONSTRUCTION.—Any funds ex-
11 pended or obligated by the Secretary for the pay-
12 ment of administrative expenses for conduct of the
13 debt-guarantee program authorized by this Act shall
14 be deemed appropriated at the time of such expendi-
15 ture or obligation from the certification and recer-
16 tification fees collected pursuant to paragraph (2).

17 (d) CONDITIONS FOR GUARANTEE ELIGIBILITY.—A
18 debt guarantee under this section may be made only if
19 the Secretary has issued a commitment to guarantee to
20 a certified, eligible State program. The commitment to
21 guarantee shall be in force for a period of 3 years from
22 its initial issuance and may be extended by the Secretary
23 for 1 year on each annual anniversary of the issuance of
24 the commitment to guarantee. The commitment to guar-
25 antee and each extension of such commitment may be

1 issued by the Secretary only if the following requirements
2 are satisfied:

3 (1) The eligible State program submits to the
4 Secretary a report setting forth, in such form and
5 including such information as the Secretary shall re-
6 quire, how the eligible State program plans to repay
7 guarantee-eligible debt it may incur.

8 (2) Based on the eligible State program's report
9 submitted pursuant to paragraph (1), the Secretary
10 determines there is reasonable assurance that the el-
11 igible State program can meet its repayment obliga-
12 tion under such debt.

13 (3) The eligible State program enters into an
14 agreement with the Secretary, as the Secretary shall
15 require, that the eligible State program will not use
16 Federal funds of any kind or from any Federal
17 source (including any disaster or other financial as-
18 sistance, loan proceeds, and any other assistance or
19 subsidy) to repay the debt.

20 (4) The commitment to guarantee shall specify
21 and require the payment of the fees for debt guar-
22 antee coverage.

23 (5) The maximum term of the debt specified in
24 a commitment issued under this section may not ex-
25 ceed 30 years.

1 (e) MANDATORY ASSISTANCE FOR ELIGIBLE STATE
2 PROGRAMS.—The Secretary shall upon the request of an
3 eligible State program and pursuant to a commitment to
4 guarantee issued under subsection (d), provide a guar-
5 antee under subsection (f) for such eligible State program
6 in the amount requested by such eligible State program,
7 subject to the limitation under subsection (f)(2).

8 (f) CATASTROPHE DEBT GUARANTEE.—A debt guar-
9 antee under this subsection for an eligible State program
10 shall be subject to the following requirements:

11 (1) PRECONDITIONS.—The eligible State pro-
12 gram shows to the satisfaction of the Secretary that
13 insured losses to the eligible State program arising
14 from the event or events covered by the commitment
15 to guarantee are likely to exceed 80 percent of the
16 eligible State program’s qualifying assets available to
17 pay claims, as calculated on the date of the event
18 and based on the eligible State program’s most re-
19 cent quarterly financial statement filed with its
20 domiciliary regulator.

21 (2) USE OF FUNDS.—Proceeds of debt guaran-
22 teed under this section shall be used only to pay the
23 costs of issuing debt and of securing or providing
24 claim-payment capacity for paying the insured losses
25 and loss adjustment expenses incurred by an eligible

1 State program. Such amounts shall not be used for
2 any other purpose.

3 **SEC. 6. EFFECT OF GUARANTEE.**

4 The issuance of any guarantee by the Secretary
5 under this Act shall be conclusive evidence that—

6 (1) the guarantee has been properly obtained;

7 (2) the underlying debt qualified for such guar-
8 antee; and

9 (3) the guarantee is valid, legal, and enforce-
10 able.

11 **SEC. 7. ASSESSMENT AT TIME OF GUARANTEE.**

12 To extent not satisfied by the fees collected under sec-
13 tion 5(c)(2), the Secretary shall charge and collect fees
14 for each guarantee issued in amounts sufficient in the
15 judgement of the Secretary at the time of issuance of the
16 guarantee to cover applicable administrative costs and
17 probable losses on the guaranteed obligations.

18 **SEC. 8. PAYMENT OF LOSSES.**

19 (a) IN GENERAL.—The Secretary agrees to pay to
20 the duly appointed paying agent or trustee (in this section
21 referred to as the “Fiscal Agent”) for the eligible State
22 program that portion of the principal and interest on any
23 debt guaranteed under this Act that shall become due to
24 payment but shall be unpaid by the eligible State program
25 as a result of such program having provided insufficient

1 funds to the Fiscal Agent to make such payments. The
2 Secretary shall make such payments on the date such
3 principal or interest becomes due for payment or on the
4 business day next following the day on which the Secretary
5 shall receive notice of failure on the part of the eligible
6 State program to provide sufficient funds to the Fiscal
7 Agent to make such payments, whichever is later. Upon
8 making such payment, the Secretary shall be subrogated
9 to all the rights of the ultimate recipient of the payment.
10 The Secretary shall be entitled to recover from the eligible
11 State program the amount of any payments made pursu-
12 ant to any guarantee entered into under this Act.

13 (b) **ROLE OF THE ATTORNEY GENERAL.**—The Attor-
14 ney General shall take such action as may be appropriate
15 to enforce any right accruing, and to collect any and all
16 sums owing, to the United States as a result of the
17 issuance of any guarantee under this Act.

18 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
19 tion shall be construed to preclude any forbearance for the
20 benefit of the eligible State program which may be agreed
21 upon by the parties to the guaranteed debt and approved
22 by the Secretary, provided that budget authority for any
23 resulting cost, as such term is defined under the Federal
24 Credit Reform Act of 1990, is available.

1 (d) RIGHT OF THE SECRETARY.—Notwithstanding
2 any other provision of law relating to the acquisition, han-
3 dling, or disposal of property by the United States, the
4 Secretary shall have the right in the discretion of the Sec-
5 retary to complete, recondition, reconstruct, renovate, re-
6 pair, maintain, operate, or sell any property acquired by
7 the Secretary pursuant to the provisions of this Act.

8 **SEC. 9. FULL FAITH AND CREDIT.**

9 The full faith and credit of the United States is
10 pledged to the payment of all guarantees issued under this
11 Act with respect to principal and interest.

12 **SEC. 10. BUDGETARY IMPACT; COSTS.**

13 For purposes of section 502(5) of the Federal Credit
14 Reform Act of 1990, the cost of guarantees to be issued
15 under this Act shall be calculated by adjusting the dis-
16 count rate in section 502(5)(E) of such Act for market
17 risk.

18 **SEC. 11. REGULATIONS.**

19 The Secretary shall issue any regulations necessary
20 to carry out the debt-guarantee program established under
21 this Act.

○

112TH CONGRESS
1ST SESSION

S. 637

To establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis.

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2011

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To establish a program to provide guarantees for debt issued by or on behalf of State catastrophe insurance programs to assist in the financial recovery from earthquakes, earthquake-induced landslides, volcanic eruptions, and tsunamis.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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5 “Earthquake Insurance Affordability Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

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- Sec. 11. Regulations.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Major earthquakes are likely in the United
 4 States. For example, the United States Geological
 5 Survey predicts that there is a 99.7 percent chance
 6 that a magnitude 6.7 earthquake will strike in Cali-
 7 fornia in the next 30 years and that there is a 46
 8 percent chance that a magnitude 7.5 earthquake will
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 10 quakes can be caused by volcanic or tectonic events
 11 and result in destructive shaking of the earth, fires,
 12 landslides, volcanic eruptions, and tsunamis.

13 (2) Despite the known risk of earthquakes, rel-
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 15 For example, in California, 88 percent of homes in-
 16 sured for fire do not have earthquake insurance. In
 17 the event of a catastrophic earthquake, the lack of
 18 homeowner earthquake-insurance coverage will slow
 19 recovery, create economic hardship, and increase the

1 risk of mortgage and other credit defaults and ad-
2 versely affect the Nation's banking system.

3 (3) It is important that States improve the af-
4 fordability, availability, and quality of earthquake in-
5 surance so that more homeowners will purchase cov-
6 erage. For example, California has created the Cali-
7 fornia Earthquake Authority to provide earthquake
8 insurance to homeowners through private-sector in-
9 surers.

10 (4) It is a proper role of the Federal Govern-
11 ment to help prepare and protect its citizens from
12 catastrophes such as earthquakes and to facilitate
13 consumer protection, victim assistance, and indi-
14 vidual and community recovery, including financial
15 recovery.

16 (b) PURPOSES.—The purposes of this Act are to es-
17 tablish a program—

18 (1) to promote the availability of private capital
19 to provide liquidity and capacity to State earthquake
20 insurance programs; and

21 (2) to expedite the payment of claims under
22 State earthquake insurance programs and better as-
23 sist the financial recovery from significant earth-
24 quakes by authorizing the Secretary of the Treasury
25 to guarantee debt for such purposes.

1 **SEC. 3. DEFINITIONS.**

2 In this Act, the following definitions shall apply:

3 (1) **COMMITMENT TO GUARANTEE.**—The term
4 “commitment to guarantee” means a commitment to
5 make debt guarantees to an eligible State program
6 pursuant to section 5.

7 (2) **ELIGIBLE STATE PROGRAM.**—The term “eli-
8 gible State program” means a State program that,
9 pursuant to section 4, is eligible to receive a debt
10 guarantee under this Act.

11 (3) **INSURED LOSS.**—The term “insured loss”
12 means any loss resulting from an earthquake, an
13 earthquake-related event, or fire following an earth-
14 quake that is determined by an eligible State pro-
15 gram as being covered by insurance made available
16 under that eligible State program.

17 (4) **QUALIFYING ASSETS.**—The term “quali-
18 fying assets” means the policyholder surplus of the
19 eligible State program as stated in the most recent
20 quarterly financial statement filed by the program
21 with the domiciliary regulator of the program in the
22 last quarter ending prior to an insured-loss trig-
23 gering event or events.

24 (5) **RESIDENTIAL PROPERTY INSURANCE.**—The
25 term “residential property insurance” means insur-
26 ance coverage for—

1 (A) individually owned residential struc-
2 tures of not more than 4 dwelling units, individ-
3 ually owned condominium units, or individually
4 owned mobile homes, and their contents, located
5 in a State and used exclusively for residential
6 purposes or a tenant's policy written to include
7 personal contents of a residential unit located in
8 the State, but shall not include—

9 (i) insurance for real property or its
10 contents used for any commercial, indus-
11 trial, or business purpose, except a struc-
12 ture of not more than 4 dwelling units
13 rented for individual residential purposes;
14 or

15 (ii) a policy that does not include any
16 of the perils insured against in a standard
17 fire policy or any earthquake policy; or

18 (B) commercial residential property, which
19 includes property owned by a condominium as-
20 sociation or its members, property owned by a
21 cooperative association, or an apartment build-
22 ing.

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of the Treasury.

1 (7) STATE.—The term “State” means each of
 2 the several States of the United States, the District
 3 of Columbia, the Commonwealth of Puerto Rico, the
 4 Commonwealth of the Northern Mariana Islands,
 5 Guam, the United States Virgin Islands, American
 6 Samoa, and any other territory or possession of the
 7 United States.

8 **SEC. 4. ELIGIBLE STATE PROGRAMS.**

9 (a) ELIGIBLE STATE PROGRAMS.—A State program
 10 shall be considered an eligible State program for purposes
 11 of this Act if the State program or other State entity au-
 12 thorized to make such determinations certifies to the Sec-
 13 retary, in accordance with the procedures established
 14 under subsection (b), that the State program complies
 15 with the following requirements:

16 (1) STATE PROGRAM DESIGN.—The State pro-
 17 gram is established and authorized by State law as
 18 an earthquake insurance program that offers resi-
 19 dential property insurance coverage for insured
 20 losses to property, contents, and additional living ex-
 21 penses, and which is not a State program that re-
 22 quires insurers to pool resources to provide property
 23 insurance coverage for earthquakes.

24 (2) OPERATION.—The State program shall
 25 meet the following requirements:

1 (A) A majority of the members of the gov-
 2 erning body of the State program shall be pub-
 3 lic officials or appointed by public officials.

4 (B) The State shall have a financial inter-
 5 est in the State program.

6 (C) If the State has at any time appro-
 7 priated amounts from the State program's
 8 funds for any purpose other than payments for
 9 losses insured under the State program, or pay-
 10 ments made in connection with any of the State
 11 program's authorized activities, the State shall
 12 have returned such amounts to the State fund,
 13 together with interest on such amounts.

14 (3) TAX STATUS.—The State program shall
 15 have received from the Secretary (or the Secretary's
 16 designee) a written determination, within the mean-
 17 ing of section 6110(b) of the Internal Revenue Code
 18 of 1986, that the State program either—

19 (A) constitutes an “integral part” of the
 20 State that has created it; or

21 (B) is otherwise exempt from Federal in-
 22 come taxation.

23 (4) EARNINGS.—The State program may not
 24 provide for any distribution of any part of any net

1 profits of the State program to any insurer that par-
 2 ticipates in the State program.

3 (5) LOSS PREVENTION AND MITIGATION.—

4 (A) MITIGATION OF LOSSES.—The State
 5 program shall include provisions designed to en-
 6 courage and support programs to mitigate
 7 losses for which the State insurance program
 8 was established to provide insurance.

9 (B) OPERATIONAL REQUIREMENTS.—The
 10 State program shall operate in a State that—

11 (i) has in effect and enforces, or the
 12 appropriate local governments within the
 13 State have in effect and enforce, nationally
 14 recognized building, seismic-design, and
 15 safety codes and consensus-based stand-
 16 ards; and

17 (ii) has taken actions to establish an
 18 insurance rate structure that takes into ac-
 19 count measures to mitigate insured losses.

20 (6) REQUIREMENTS REGARDING COVERAGE.—

21 The State program—

22 (A) may not, except for charges or assess-
 23 ments related to post-event financing or bond-
 24 ing, involve cross-subsidization between any
 25 separate property-and-casualty insurance lines

1 offered under the State program pursuant to
2 paragraph (1);

3 (B) shall be subject to a requirement
4 under State law that for earthquake insurance
5 coverage made available under the State insur-
6 ance program the premium rates charged on
7 such insurance shall be actuarially sound; and

8 (C) shall make available to all qualifying
9 policyholders insurance coverage and mitigation
10 services on a basis that is not unfairly discrimi-
11 natory.

12 (b) ANNUAL CERTIFICATION.—The Secretary shall
13 establish procedures for initial certification and annual re-
14 certification as an eligible State program.

15 **SEC. 5. ESTABLISHMENT OF DEBT-GUARANTEE PROGRAM.**

16 (a) AUTHORITY OF SECRETARY.—The Secretary is
17 authorized and shall have the powers and authorities nec-
18 essary—

19 (1) to guarantee, and to enter into commit-
20 ments to guarantee, holders of debt against loss of
21 principal or interest, or both, on any debt issued by
22 eligible State programs for purposes of this Act; and

23 (2) to certify and recertify State catastrophe in-
24 surance programs that cover earthquake peril to be-

1 come or remain eligible for the benefits of such a
2 debt-guarantee program.

3 (b) LIMIT ON OUTSTANDING DEBT GUARANTEE.—

4 The aggregate amount of debt covered by the Secretary's
5 guarantees and commitments to guarantee for all eligible
6 State programs outstanding at any time shall not exceed
7 \$5,000,000,000, including interest.

8 (c) FUNDING.—

9 (1) APPROPRIATION OF FEDERAL PAYMENTS.—

10 Subject to subsection (b), there are hereby appro-
11 priated, out of funds in the Treasury not otherwise
12 appropriated, such sums as may be necessary to sat-
13 isfy debt guarantee commitments extended to eligible
14 State programs under this Act.

15 (2) CERTIFICATION FEE.—Upon certification or
16 recertification as an eligible State program under
17 section 4(a) or 4(b), a State program shall be
18 charged a certification fee sufficient in the judge-
19 ment of the Secretary at the time of certification to
20 cover—

21 (A) applicable administrative costs arising
22 from each certification or recertification, includ-
23 ing all pre-certification costs and a proportional
24 share of the costs arising from the administra-
25 tion of the program established under this Act,

1 but in any event not to exceed one-half of 1
2 percent annum of the aggregate principal
3 amount of the debt for which the eligible State
4 program is issued a guarantee commitment;
5 and

6 (B) any probable losses on the aggregate
7 principal amount of the debt for which the eligi-
8 ble State program is issued a guarantee com-
9 mitment.

10 (3) RULE OF CONSTRUCTION.—Any funds ex-
11 pended or obligated by the Secretary for the pay-
12 ment of administrative expenses for conduct of the
13 debt-guarantee program authorized by this Act shall
14 be deemed appropriated at the time of such expendi-
15 ture or obligation from the certification and recer-
16 tification fees collected pursuant to paragraph (2).

17 (d) CONDITIONS FOR GUARANTEE ELIGIBILITY.—A
18 debt guarantee under this section may be made only if
19 the Secretary has issued a commitment to guarantee to
20 a certified, eligible State program. The commitment to
21 guarantee shall be in force for a period of 3 years from
22 its initial issuance and may be extended by the Secretary
23 for 1 year on each annual anniversary of the issuance of
24 the commitment to guarantee. The commitment to guar-
25 antee and each extension of such commitment may be

1 issued by the Secretary only if the following requirements
2 are satisfied:

3 (1) The eligible State program submits to the
4 Secretary a report setting forth, in such form and
5 including such information as the Secretary shall re-
6 quire, how the eligible State program plans to repay
7 guarantee-eligible debt it may incur.

8 (2) Based on the eligible State program's report
9 submitted pursuant to paragraph (1), the Secretary
10 determines there is reasonable assurance that the el-
11 igible State program can meet its repayment obliga-
12 tion under such debt.

13 (3) The eligible State program enters into an
14 agreement with the Secretary, as the Secretary shall
15 require, that the eligible State program will not use
16 Federal funds of any kind or from any Federal
17 source (including any disaster or other financial as-
18 sistance, loan proceeds, and any other assistance or
19 subsidy) to repay the debt.

20 (4) The commitment to guarantee shall specify
21 and require the payment of the fees for debt guar-
22 antee coverage.

23 (5) The maximum term of the debt specified in
24 a commitment issued under this section may not ex-
25 ceed 30 years.

1 (e) MANDATORY ASSISTANCE FOR ELIGIBLE STATE
2 PROGRAMS.—The Secretary shall upon the request of an
3 eligible State program and pursuant to a commitment to
4 guarantee issued under subsection (d), provide a guar-
5 antee under subsection (f) for such eligible State program
6 in the amount requested by such eligible State program,
7 subject to the limitation under subsection (f)(2).

8 (f) CATASTROPHE DEBT GUARANTEE.—A debt guar-
9 antee under this subsection for an eligible State program
10 shall be subject to the following requirements:

11 (1) PRECONDITIONS.—The eligible State pro-
12 gram shows to the satisfaction of the Secretary that
13 insured losses to the eligible State program arising
14 from the event or events covered by the commitment
15 to guarantee are likely to exceed 80 percent of the
16 eligible State program’s qualifying assets available to
17 pay claims, as calculated on the date of the event
18 and based on the eligible State program’s most re-
19 cent quarterly financial statement filed with its
20 domiciliary regulator.

21 (2) USE OF FUNDS.—Proceeds of debt guaran-
22 teed under this section shall be used only to pay the
23 costs of issuing debt and of securing or providing
24 claim-payment capacity for paying the insured losses
25 and loss adjustment expenses incurred by an eligible

1 State program. Such amounts shall not be used for
2 any other purpose.

3 **SEC. 6. EFFECT OF GUARANTEE.**

4 The issuance of any guarantee by the Secretary
5 under this Act shall be conclusive evidence that—

6 (1) the guarantee has been properly obtained;

7 (2) the underlying debt qualified for such guar-
8 antee; and

9 (3) the guarantee is valid, legal, and enforce-
10 able.

11 **SEC. 7. ASSESSMENT AT TIME OF GUARANTEE.**

12 To extent not satisfied by the fees collected under sec-
13 tion 5(c)(2), the Secretary shall charge and collect fees
14 for each guarantee issued in amounts sufficient in the
15 judgement of the Secretary at the time of issuance of the
16 guarantee to cover applicable administrative costs and
17 probable losses on the guaranteed obligations.

18 **SEC. 8. PAYMENT OF LOSSES.**

19 (a) IN GENERAL.—The Secretary agrees to pay to
20 the duly appointed paying agent or trustee (in this section
21 referred to as the “Fiscal Agent”) for the eligible State
22 program that portion of the principal and interest on any
23 debt guaranteed under this Act that shall become due to
24 payment but shall be unpaid by the eligible State program
25 as a result of such program having provided insufficient

1 funds to the Fiscal Agent to make such payments. The
2 Secretary shall make such payments on the date such
3 principal or interest becomes due for payment or on the
4 business day next following the day on which the Secretary
5 shall receive notice of failure on the part of the eligible
6 State program to provide sufficient funds to the Fiscal
7 Agent to make such payments, whichever is later. Upon
8 making such payment, the Secretary shall be subrogated
9 to all the rights of the ultimate recipient of the payment.
10 The Secretary shall be entitled to recover from the eligible
11 State program the amount of any payments made pursu-
12 ant to any guarantee entered into under this Act.

13 (b) ROLE OF THE ATTORNEY GENERAL.—The Attor-
14 ney General shall take such action as may be appropriate
15 to enforce any right accruing, and to collect any and all
16 sums owing, to the United States as a result of the
17 issuance of any guarantee under this Act.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to preclude any forbearance for the
20 benefit of the eligible State program which may be agreed
21 upon by the parties to the guaranteed debt and approved
22 by the Secretary, provided that budget authority for any
23 resulting cost, as such term is defined under the Federal
24 Credit Reform Act of 1990, is available.

1 (d) RIGHT OF THE SECRETARY.—Notwithstanding
2 any other provision of law relating to the acquisition, han-
3 dling, or disposal of property by the United States, the
4 Secretary shall have the right in the discretion of the Sec-
5 retary to complete, recondition, reconstruct, renovate, re-
6 pair, maintain, operate, or sell any property acquired by
7 the Secretary pursuant to the provisions of this Act.

8 **SEC. 9. FULL FAITH AND CREDIT.**

9 The full faith and credit of the United States is
10 pledged to the payment of all guarantees issued under this
11 Act with respect to principal and interest.

12 **SEC. 10. BUDGETARY IMPACT; COSTS.**

13 For purposes of section 502(5) of the Federal Credit
14 Reform Act of 1990, the cost of guarantees to be issued
15 under this Act shall be calculated by adjusting the dis-
16 count rate in section 502(5)(E) of such Act for market
17 risk.

18 **SEC. 11. REGULATIONS.**

19 The Secretary shall issue any regulations necessary
20 to carry out the debt-guarantee program established under
21 this Act.

○

Ballot Measures Qualified for November 2012 Ballot

Ballot Title	Common Name	Ballot Label	CSAC Policy Committee
<p>Proposition 30. Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment.</p>	<p>Governor's Initiative</p>	<p>Increases personal income tax on annual earnings over \$250,000 for seven years. Increases sales and use tax by ¼ cent for four years. Allocates temporary tax revenues 89 percent to K-12 schools and 11 percent to community colleges. Bars use of funds for administrative costs, but provides local school governing boards discretion to decide, in open meetings and subject to annual audit, how funds are to be spent. Guarantees funding for public safety services realigned from state to local governments.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state revenues over the next seven fiscal years. Estimates of the revenue increases vary – from \$6.8 billion to \$9 billion for 2012-13 and from \$5.4 billion to \$7.6 billion, on average, in the following five fiscal years, with lesser amounts in 2018-19. These revenues would be available to (1) pay for the state's school and community college funding requirements, as increased by this measure, and (2) address the state's budgetary problem by paying for other spending commitments. Limitation on the state's ability to make changes to the programs and revenues shifted to local governments in 2011, resulting in a more stable fiscal situation for local governments.</p>	<p>Already referred to Executive Committee for consideration.</p>

<p>Proposition 31. State Budget. State and Local Government. Initiative Constitutional Amendment and Statute.</p>	<p>California Forward</p>	<p>Establishes two-year state budget cycle. Prohibits Legislature from creating expenditures of more than \$25 million unless offsetting revenues or spending cuts are identified. Permits Governor to cut budget unilaterally during declared fiscal emergencies if Legislature fails to act. Requires performance reviews of all state programs. Requires performance goals in state and local budgets. Requires publication of all bills at least three days prior to legislative vote. Gives counties power to alter state statutes or regulations related to spending unless Legislature or state agency vetoes changes within 60 days.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Decreased state revenues and commensurate increased local revenues, probably in the range of about \$200 million annually, beginning in 2013-14. Potential decreased state program costs or increased state revenues resulting from changes in the fiscal authority of the Legislature and Governor. Increased state and local costs of tens of millions of dollars annually to implement new budgeting practices. Over time, these costs would moderate and potentially be offset by savings from improved program efficiencies.</p>	<p>Government Finance and Operations</p>
<p>Proposition 32. Prohibits Political Contributions by Payroll Deduction. Prohibitions on Contributions to Candidates. Initiative Statute.</p>	<p>Paycheck Protection</p>	<p>Restricts union political fundraising by prohibiting use of payroll-deducted funds for political purposes. Same use restriction would apply to payroll deductions, if any, by corporations or government contractors. Permits voluntary employee contributions to employer or union committees if authorized yearly, in writing. Prohibits unions and corporations from contributing directly or indirectly to candidates and candidate-controlled committees. Other political expenditures remain unrestricted, including corporate expenditures from available resources not limited by payroll deduction prohibition. Limits government contractor contributions to elected officers or officer-controlled committees.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state implementation and enforcement costs of up to hundreds of thousands of dollars annually, potentially offset in part by revenues from fines.</p>	<p>None.</p> <p>This measure does not have a direct impact on counties. CSAC has not taken a position on similar measures in previous years.</p>

<p>Proposition 33. Changes Law to Allow Auto Insurance Companies to Set Prices Based on a Driver's History of Insurance Coverage. Initiative Statute.</p>	<p>N/A</p>	<p>Changes current law to permit insurance companies to set prices based on whether the driver previously carried auto insurance with any insurance company. Allows insurance companies to give proportional discounts to drivers with some prior insurance coverage. Will allow insurance companies to increase cost of insurance to drivers who have not maintained continuous coverage. Treats drivers with lapse as continuously covered if lapse is due to military service or loss of employment, or if lapse is less than 90 days.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Probably no significant fiscal effect on state insurance premium tax revenues.</p>	<p>None.</p>
<p>Proposition 34. Death Penalty Repeal. Initiative Statute.</p>	<p>Death Penalty Repeal</p>	<p>Repeals death penalty as maximum punishment for persons found guilty of murder and replaces it with life imprisonment without possibility of parole. Applies retroactively to persons already sentenced to death. Requires persons found guilty of murder to work while in prison, with their wages to be applied to any victim restitution fines or orders against them. Creates \$100 million fund to be distributed to law enforcement agencies to help solve more homicide and rape cases.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Net savings to the state and counties that could amount to the high tens of millions of dollars annually on a statewide basis due to the elimination of the death penalty. One-time state costs totaling \$100 million from 2012-13 through 2015-16 to provide funding to local law enforcement agencies.</p>	<p>None.</p> <p>CSAC historically does not take positions on sentencing issues.</p>

<p>Proposition 35. Human Trafficking. Penalties. Sex Offender Registration. Initiative Statute.</p>	<p>N/A</p>	<p>Increases criminal penalties for human trafficking, including prison sentences up to 15-years-to-life and fines up to \$1,500,000. Fines collected to be used for victim services and law enforcement. Requires person convicted of trafficking to register as sex offender. Requires sex offenders to provide information regarding Internet access and identities they use in online activities. Prohibits evidence that victim engaged in sexual conduct from being used against victim in court proceedings. Requires human trafficking training for police officers.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Potential one-time local government costs of up to a few million dollars on a statewide basis, and lesser additional costs incurred each year, due to the new mandatory training requirements for certain law enforcement officers. Minor increase to state and local governments on the costs of incarcerating and supervising human trafficking offenders. Unknown amount of additional revenue from new criminal fees, likely not to exceed the low millions of dollars annually, which would fund services for human trafficking victims.</p>	<p>None.</p>
<p>Proposition 36. Three Strikes Law. Sentencing for Repeat Felony Offenders. Initiative Statute.</p>	<p>Three Strikes Reform</p>	<p>Revises three strikes law to impose life sentence only when new felony conviction is serious or violent. Authorizes re-sentencing for offenders currently serving life sentences if third strike conviction was not serious or violent and judge determines sentence does not pose unreasonable risk to public safety. Continues to impose life sentence penalty if third strike conviction was for certain non-serious, non-violent sex or drug offenses or involved firearm possession. Maintains life sentence penalty for felons with non-serious, non-violent third strike if prior convictions were for rape, murder, or child molestation.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: State savings related to prison and parole operations that potentially range in the high tens of millions of dollars annually in the short run, possibly exceeding \$100 million annually in the long run. Increased state and county costs in the millions to low tens of millions of dollars annually in the first few years, likely declining substantially in future years, for state court activities and county jail, community supervision, and court-related activities.</p>	<p>None.</p> <p>CSAC historically does not take positions on sentencing issues, including the initial 1994 three-strikes initiative and the proposed three-strikes revision similar to this one, Proposition 66, which voters rejected in 2004.</p>

<p>Proposition 37. Genetically Engineered Foods. Mandatory Labeling. Initiative Statute.</p>	<p>N/A</p>	<p>Requires labeling on raw or processed food offered for sale to consumers if made from plants or animals with genetic material changed in specified ways. Prohibits labeling or advertising such food as “natural.” Exempts foods that are: certified organic; unintentionally produced with genetically engineered material; made from animals fed or injected with genetically engineered material but not genetically engineered themselves; processed with or containing only small amounts of genetically engineered ingredients; administered for treatment of medical conditions; sold for immediate consumption such as in a restaurant; or alcoholic beverages.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Potential increase in state administrative costs of up to one million dollars annually to monitor compliance with the disclosure requirements specified in the measure. Unknown, but potentially significant, costs for the courts, the Attorney General, and district attorneys due to litigation resulting from possible violations to the provisions of this measure.</p>	<p>None.</p> <p>This measure does not have a direct impact on counties.</p>
<p>Proposition 38. Tax for Education and Early Childhood Programs. Initiative Statute.</p>	<p>Munger</p>	<p>Increases personal income tax rates for annual earnings over \$7,316 using sliding scale from .4% for lowest individual earners to 2.2% for individuals earning over \$2.5 million, ending after twelve years. During first four years, 60% of revenues go to K-12 schools, 30% to repaying state debt, and 10% to early childhood programs. Thereafter, allocates 85% of revenues to K-12 schools, 15% to early childhood programs. Provides K-12 funds on school specific, per-pupil basis, subject to local control, audits, and public input. Prohibits state from directing or using new funds.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state personal income tax revenues beginning in 2013 and ending in 2024. Estimates of the revenue increases vary from \$10 billion to \$11 billion per fiscal year beginning in 2013-14, tending to increase over time. The 2012-13 revenue increase would be about half this amount. Until the end of 2016-17, 60 percent of revenues would be dedicated to K-12 education and 10 percent would be provided to early care and education programs. These allocations would supplement existing funding for these programs. In 2017-18 and subsequent years, 85 percent would be provided to K-12 education and 15 percent to early care and education. General Fund savings on debt-service costs of about \$1.5 billion in 2012-13 and \$3 billion in 2013-14, with savings tending to grow thereafter until the end of 2016-17. In 2015-16 and subsequent years with stronger growth in state personal income tax revenues, some of the revenues raised by this measure—several hundred million dollars per year— would be used for debt-service costs, resulting in state savings.</p>	<p>None.</p> <p>This measure does not have a direct impact on counties.</p>

<p>Proposition 39. Tax Treatment for Multistate Businesses. Clean Energy and Energy Efficiency Funding. Initiative Statute.</p>	<p>Single Sales Factor</p>	<p>Requires multistate businesses to calculate their California income tax liability based on the percentage of their sales in California. Repeals existing law giving multistate businesses an option to choose a tax liability formula that provides favorable tax treatment for businesses with property and payroll outside California. Dedicates \$550 million annually for five years from anticipated increase in revenue for the purpose of funding projects that create energy efficiency and clean energy jobs in California.</p> <p>Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Approximately \$500 million in additional state General Fund revenues in 2012-13 and \$1 billion each year thereafter from requiring a single sales factor formula for corporate taxes, with about half of the additional annual revenues from 2013-14 through 2017-18 supporting energy efficiency and alternative energy projects. Increased Proposition 98 minimum funding guarantee for K-14 schools of roughly \$225 million annually from 2012-13 through 2017-18 and by roughly \$500 million each year thereafter, as a result of additional state General Fund revenues.</p>	<p>None.</p> <p>This measure does not have a direct impact on counties.</p>
<p>Proposition 40. Redistricting. State Senate Districts. Referendum.</p>	<p>N/A</p>	<p>State Senate districts are revised every ten years following the federal census. This year, the voter-approved California Citizens Redistricting Commission revised the boundaries of the 40 Senate districts. This referendum petition, if signed by the required number of registered voters and filed with the Secretary of State, will: (1) Place the revised State Senate boundaries on the ballot and prevent them from taking effect unless approved by the voters at the next statewide election; and (2) Require court-appointed officials to set interim boundaries for use in the next statewide election.</p>	<p>None.</p>

Proposition 30
Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment.

OVERVIEW

This measure temporarily increases the state sales tax rate for all taxpayers and the personal income tax (PIT) rates for upper-income taxpayers. These temporary tax increases provide additional revenues to pay for programs funded in the state budget. The state's 2012-13 budget plan—approved by the Legislature and the Governor in June 2012—assumes passage of this measure. The budget, however, also includes a backup plan that requires spending reductions (known as “trigger cuts”) in the event that voters reject this measure. This measure also places into the State Constitution certain requirements related to the recent transfer of some state program responsibilities to local governments. Figure 1 summarizes the main provisions of this proposition, which are discussed in more detail below.

<p>Figure 1 Overview of Proposition 30</p>
<p>State Taxes and Revenues</p> <ul style="list-style-type: none">• Increases sales tax rate by one-quarter cent for every dollar for four years.• Increases personal income tax rates on upper-income taxpayers for seven years.• Raises about \$6 billion in additional annual state revenues from 2012-13 through 2016-17, with smaller amounts in 2011-12, 2017-18, and 2018-19.
<p>State Spending</p> <ul style="list-style-type: none">• If approved by voters, additional revenues available to help balance state budget through 2018-19.• If rejected by voters, 2012-13 budget reduced by \$6 billion. State revenues lower through 2018-19.
<p>Local Government Programs</p> <ul style="list-style-type: none">• Guarantees local governments receive tax revenues annually to fund program responsibilities transferred to them by the state in 2011.

STATE TAXES AND REVENUES

Background

The General Fund is the state's main operating account. In the 2010-11 fiscal year (which ran from July 1, 2010 to June 30, 2011), the General Fund's total revenues were \$93 billion. The General Fund's three largest revenue sources are the PIT, the sales tax, and the corporate income tax.

Sales Tax. Sales tax rates in California differ by locality. Currently, the average sales tax rate is just over 8 percent. A portion of sales tax revenues goes to the state, while the rest is allocated to local governments. The state General Fund received \$27 billion of sales tax revenues during the 2010-11 fiscal year.

Personal Income Tax. The PIT is a tax on wage, business, investment, and other income of individuals and families. State PIT rates range from 1 percent to 9.3 percent on the portions of a taxpayer's income in each of several income brackets. (These are referred to as marginal tax rates.) Higher marginal tax rates are charged as income increases. The tax revenue generated from this tax—totaling \$49.4 billion during the 2010-11 fiscal year—is deposited into the state's General Fund. In addition, an extra 1 percent tax applies to annual income over \$1 million (with the associated revenue dedicated to mental health services).

Proposal

Increases Sales Tax Rate From 2013 Through 2016. This measure temporarily increases the statewide sales tax rate by one-quarter cent for every dollar of goods purchased. This higher tax rate would be in effect for four years—from January 1, 2013 through the end of 2016.

Increases Personal Income Tax Rates From 2012 Through 2018. As shown in Figure 2, this measure increases the existing 9.3 percent PIT rates on higher incomes. The additional marginal tax rates would increase as taxable income increases. For joint filers, for example, an additional 1 percent marginal tax rate would be imposed on income between \$500,000 and \$600,000 per year, increasing the total rate to 10.3 percent. Similarly, an additional 2 percent marginal tax rate would be imposed on income between \$600,000 and \$1 million, and an additional 3 percent marginal tax rate would be imposed on income above \$1 million, increasing the total rates on these income brackets to 11.3 percent and 12.3 percent, respectively. These new tax rates would affect about 1 percent of California PIT filers. (These taxpayers currently pay about 40 percent of state personal income taxes.) The tax rates would be in effect for seven years—starting in the 2012 tax year and ending at the conclusion of the 2018 tax year. (Because the rate increase would apply as of January 1, 2012, affected taxpayers likely would have to make larger payments in the coming months to account for the full-year effect of the rate increase.) The additional 1 percent rate for mental health services would still apply to income in excess of \$1 million. Proposition 30's rate changes, therefore, would increase these taxpayers' marginal PIT rate from 10.3 percent to 13.3 percent. Proposition 38 on this ballot would also increase PIT rates. The nearby box describes what would happen if both measures are approved.

Figure 2

Current and Proposed Personal Income Tax Rates Under Proposition 30

Single Filer's Taxable Income ^a	Joint Filers' Taxable Income ^a	Head-of-Household Filer's Taxable Income ^a	Current Marginal Tax Rate ^b	Proposed Additional Marginal Tax Rate ^b
\$0-\$7,316	\$0-\$14,632	\$0-\$14,642	1.0%	—
7,316-17,346	14,632-34,692	14,642-34,692	2.0	—
17,346-27,377	34,692-54,754	34,692-44,721	4.0	—
27,377-38,004	54,754-76,008	44,721-55,348	6.0	—
38,004-48,029	76,008-96,058	55,348-65,376	8.0	—
48,029-250,000	96,058-500,000	65,376-340,000	9.3	—
250,000-300,000	500,000-600,000	340,000-408,000	9.3	1.0%
300,000-500,000	600,000-1,000,000	408,000-680,000	9.3	2.0
Over 500,000	Over 1,000,000	Over 680,000	9.3	3.0

^a Income brackets shown were in effect for 2011 and will be adjusted for inflation in future years. Single filers also include married individuals and registered domestic partners (RDPs) who file taxes separately. Joint filers include married and RDP couples who file jointly, as well as qualified widows or widowers with a dependent child.

^b Marginal tax rates apply to taxable income in each tax bracket listed. The proposed additional tax rates would take effect beginning in 2012 and end in 2018. Current tax rates listed exclude the mental health tax rate of 1 percent for taxable income in excess of \$1 million.

What Happens if Voters Approve Both Proposition 30 and Proposition 38?

State Constitution Specifies What Happens if Two Measures Conflict. If provisions of two measures approved on the same statewide ballot conflict, the Constitution specifies that the provisions of the measure receiving more “yes” votes prevail. Proposition 30 and Proposition 38 on this statewide ballot both increase personal income tax (PIT) rates and, as such, could be viewed as conflicting.

Measures State That Only One Set of Tax Increases Goes Into Effect. Proposition 30 and Proposition 38 both contain sections intended to clarify which provisions are to become effective if both measures pass:

- *If Proposition 30 Receives More Yes Votes.* Proposition 30 contains a section indicating that its provisions would prevail in their entirety and none of the provisions of any other measure increasing PIT rates—in this case Proposition 38—would go into effect.
- *If Proposition 38 Receives More Yes Votes.* Proposition 38 contains a section indicating that its provisions would prevail and the tax rate provisions of any other measure affecting sales or PIT rates—in this case Proposition 30—would not go into effect. Under this scenario, the spending reductions known as the “trigger cuts” would take effect as a result of Proposition 30’s tax increases not going into effect.

Fiscal Effect

Additional State Revenues Through 2018-19. Over the five fiscal years in which both the sales tax and PIT increases would be in effect (2012-13 through 2016-17), the average annual state revenue gain resulting from this measure's tax increases is estimated at around \$6 billion. Smaller revenue increases are likely in 2011-12, 2017-18, and 2018-19 due to the phasing in and phasing out of the higher tax rates.

Revenues Could Change Significantly From Year to Year. The revenues raised by this measure could be subject to multibillion-dollar swings—either above or below the revenues projected above. This is because the vast majority of the additional revenue from this measure would come from the PIT rate increases on upper-income taxpayers. Most income reported by upper-income taxpayers is related in some way to their investments and businesses, rather than wages and salaries. While wages and salaries for upper-income taxpayers fluctuate to some extent, their investment income may change significantly from one year to the next depending upon the performance of the stock market, housing prices, and the economy. For example, the current mental health tax on income over \$1 million generated about \$730 million in 2009-10 but raised more than twice that amount in previous years. Due to these swings in the income of these taxpayers and the uncertainty of their responses to the rate increases, the revenues raised by this measure are difficult to estimate.

STATE SPENDING

Background

State General Fund Supports Many Public Programs. Revenues deposited into the General Fund support a variety of programs—including public schools, public universities, health programs, social services, and prisons. School spending is the largest part of the state budget.

Earlier propositions passed by state voters require the state to provide a minimum annual amount—commonly called the Proposition 98 minimum guarantee—for schools (kindergarten through high school) and community colleges (together referred to as K-14 education). The minimum guarantee is funded through a combination of state General Fund and local property tax revenues. In many years, the calculation of the minimum guarantee is highly sensitive to changes in state General Fund revenues. In years when General Fund revenues grow by a large amount, the guarantee is likely to increase by a large amount. A large share of the state and local funding that is allocated to schools and community colleges is “unrestricted,” meaning that they may use the funds for any educational purpose.

Proposal

New Tax Revenues Available to Fund Schools and Help Balance the Budget. The revenue generated by the measure’s temporary tax increases would be included in the calculations of the Proposition 98 minimum guarantee—raising the guarantee by billions of dollars each year. A portion of the new revenues therefore would be used to support higher school funding, with the remainder helping to balance the state budget. From an accounting perspective, the new revenues would be deposited into a newly created state account called the Education Protection Account (EPA). Of the funds in the account, 89 percent would be provided to schools and 11 percent to community colleges. Schools and community colleges could use these funds for any educational purpose. The funds would be distributed the same way as existing unrestricted per-student funding, except that no school district would receive less than \$200 in EPA funds per student and no community college district would receive less than \$100 in EPA funds per full-time student.

Fiscal Effect if Measure Is Approved

2012-13 Budget Plan Relies on Voter Approval of This Measure. The Legislature and the Governor adopted a budget plan in June to address a substantial projected budget deficit for the 2012-13 fiscal year as well as projected budget deficits in future years. The 2012-13 budget plan (1) assumes that voters approve this measure and (2) spends the resulting revenues on various state programs. A large share of the revenues generated by this measure is spent on schools and community colleges. This helps explain the large increase in funding for schools and community colleges in 2012-13—a \$6.6 billion increase (14 percent) over 2011-12. Almost all of this increase is used to pay K-14 expenses from the previous year and reduce delays in some state K-14 payments. Given the large projected budget deficit, the budget plan also includes actions to constrain spending in some health and social services programs, decrease state employee compensation, use one-time funds, and borrow from other state accounts.

Effect on Budgets Through 2018-19. This measure's additional tax revenues would be available to help balance the state budget through 2018-19. The additional revenues from this measure provide several billion dollars annually through 2018-19 that would be available for a wide range of purposes—including funding existing state programs, ending K-14 education payment delays, and paying other state debts. Future actions of the Legislature and the Governor would determine the use of these funds. At the same time, due to swings in the income of upper-income taxpayers, potential state revenue fluctuations under this measure could complicate state budgeting in some years. After the proposed tax increases expire, the loss of the associated tax revenues could create additional budget pressure in subsequent years.

Fiscal Effect if Measure Is Rejected

Backup Budget Plan Reduces Spending if Voters Reject This Measure. If this measure fails, the state would not receive the additional revenues generated by the proposition's tax increases. In this situation, the 2012-13 budget plan requires that its spending be reduced by \$6 billion. These trigger cuts, as currently scheduled in state law, are shown in Figure 3. Almost all the reductions are to education programs—\$5.4 billion to K-14 education and \$500 million to public universities. Of the K-14 reductions, roughly \$3 billion is a cut in unrestricted funding. Schools and community colleges could respond to this cut in various ways, including drawing down reserves, shortening the instructional year for schools, and reducing enrollment for community colleges. The remaining \$2.4 billion reduction would increase the amount of late payments to schools and community colleges back to the 2011-12 level. This could affect the cash needs of schools and community colleges late in the fiscal year, potentially resulting in greater short-term borrowing.

Figure 3	
2012-13 Spending Reductions if Voters Reject Proposition 30	
<i>(In Millions)</i>	
Schools and community colleges	\$5,354
University of California	250
California State University	250
Department of Developmental Services	50
City police department grants	20
CalFire	10
DWR flood control programs	7
Local water safety patrol grants	5
Department of Fish and Game	4
Department of Parks and Recreation	2
DOJ law enforcement programs	1
Total	\$5,951
DWR = Department of Water Resources; DOJ = Department of Justice.	

Effect on Budgets Through 2018-19. If this measure is rejected by voters, state revenues would be billions of dollars lower each year through 2018-19 than if the measure were approved. Future actions of the Legislature and the Governor would determine how to balance the state budget at this lower level of revenues. Future state budgets could be balanced through cuts to schools or other programs, new revenues, and one-time actions.

LOCAL GOVERNMENT PROGRAMS

Background

In 2011, the state transferred the responsibility for administering and funding several programs to local governments (primarily counties). The transferred program responsibilities include incarcerating certain adult offenders, supervising parolees, and providing substance abuse treatment services. To pay for these new obligations, the Legislature passed a law transferring about \$6 billion of state tax revenues to local governments annually. Most of these funds come from a shift of a portion of the sales tax from the state to local governments.

Proposal

This measure places into the Constitution certain provisions related to the 2011 transfer of state program responsibilities.

Guarantees Ongoing Revenues to Local Governments. This measure requires the state to continue providing the tax revenues redirected in 2011 (or equivalent funds) to local governments to pay for the transferred program responsibilities. The measure also permanently excludes the sales tax revenues redirected to local governments from the calculation of the minimum funding guarantee for schools and community colleges.

Restricts State Authority to Expand Program Requirements. Local governments would not be required to implement any future state laws that increase local costs to administer the program responsibilities transferred in 2011, unless the state provided additional money to pay for the increased costs.

Requires State to Share Some Unanticipated Program Costs. The measure requires the state to pay part of any new local costs that result from certain court actions and changes in federal statutes or regulations related to the transferred program responsibilities.

Eliminates Potential Mandate Funding Liability. Under the Constitution, the state must reimburse local governments when it imposes new responsibilities or “mandates” upon them. Under current law, the state could be required to provide local governments with additional funding (mandate reimbursements) to pay for some of the transferred program responsibilities. This measure specifies that the state would not be required to provide such mandate reimbursements.

Ends State Reimbursement of Open Meeting Act Costs. The Ralph M. Brown Act requires that all meetings of local legislative bodies be open and public. In the past, the state has reimbursed local governments for costs resulting from certain provisions of the Brown Act (such as the requirement to prepare and post agendas for public meetings). This measure specifies that the state would not be responsible for paying local agencies for the costs of following the open meeting procedures in the Brown Act.

Fiscal Effects

State Government. State costs could be higher for the transferred programs than they otherwise would have been because this measure (1) guarantees that the state will continue

providing funds to local governments to pay for them, (2) requires the state to share part of the costs associated with future federal law changes and court cases, and (3) authorizes local governments to refuse to implement new state laws and regulations that increase their costs unless the state provides additional funds. These potential costs would be offset in part by the measure's provisions eliminating any potential state mandate liability from the 2011 program transfer and Brown Act procedures. The net fiscal effect of these provisions is not possible to determine and would depend on future actions by elected officials and the courts.

Local Government. The factors discussed above would have the opposite fiscal effect on local governments. That is, local government revenues could be higher than they otherwise would have been because the state would be required to (1) continue providing funds to local governments to pay for the program responsibilities transferred in 2011 and (2) pay all or part of the costs associated with future federal and state law changes and court cases. These increased local revenues would be offset in part by the measure's provisions eliminating local government authority to receive mandate reimbursements for the 2011 program shift and Brown Act procedures. The net fiscal effect of these provisions is not possible to determine and would depend on future actions by elected officials and the courts.

SUMMARY

If voters approve this measure, the state sales tax rate would increase for four years and PIT rates would increase for seven years, generating an estimated \$6 billion annually in additional state revenues, on average, between 2012-13 and 2016-17. (Smaller revenue increases are likely for the 2011-12, 2017-18, and 2018-19 fiscal years.) These revenues would be used to help fund the state's 2012-13 budget plan and would be available to help balance the budget over the next

seven years. The measure also would guarantee that local governments continue to annually receive the share of state tax revenues transferred in 2011 to pay for the shift of some state program responsibilities to local governments.

If voters reject this measure, state sales tax and PIT rates would not increase. Because funds from these tax increases would not be available to help fund the state's 2012-13 budget plan, state spending in 2012-13 would be reduced by about \$6 billion, with almost all the reductions related to education. In future years, state revenues would be billions of dollars lower than if the measure were approved.

Proposition 30
Temporary Taxes to Fund Education. Guaranteed Local Public Safety Funding. Initiative Constitutional Amendment.

Yes/No Statement

A **YES** vote on this measure means: The state would increase personal income taxes on high-income taxpayers for seven years and sales taxes for four years. The new tax revenues would be available to fund programs in the state budget.

A **NO** vote on this measure means: The state would not increase personal income taxes or sales taxes. State spending reductions, primarily to education programs, would take effect in 2012-13.

Proposition 31
State Budget. State and Local Government.
Initiative Constitutional Amendment and Statute.

OVERVIEW

This measure changes certain responsibilities of local governments, the Legislature, and the Governor. It also changes some aspects of state and local government operations. Figure 1 summarizes the measure's main provisions, each of which are discussed in more detail below.

Figure 1

Major Provisions of Proposition 31

- ✓ **Authorizes and Funds Local Government Plans**
 - Transfers some state revenues to counties in which local governments implement plans to coordinate their public services.
 - Allows these local governments to develop their own procedures for administering state-funded programs.
 - Allows these local governments to transfer local property taxes among themselves.
- ✓ **Restricts Legislature's Ability to Pass Certain Bills**
 - Restricts the Legislature's ability to pass certain bills that increase state costs or decrease revenues unless new funding sources and/or spending reductions are identified.
 - Exempts various types of bills from the above requirement.
 - Requires almost all bills and amendments to be available to the public at least three days before legislative approval.
- ✓ **Expands Governor's Ability to Reduce State Spending**
 - Allows the Governor to reduce spending during state fiscal emergencies in certain situations.
- ✓ **Changes Public Budgeting and Oversight Procedures**
 - Changes the annual state budget process to a two-year state budget process.
 - Requires the Legislature to set aside part of each two-year session for legislative oversight of public programs.
 - Requires state and local governments to evaluate the effectiveness of programs and describe how their budgets meet various objectives.

AUTHORIZES AND FUNDS LOCAL GOVERNMENT PLANS

Proposal

Allows Local Governments to Develop New Plans. Under this measure, counties and other local governments (such as cities, school districts, community college districts, and special

districts) could create plans for coordinating how they provide services to the public. The plans could address how local governments deliver services in many areas, including economic development, education, social services, public safety, and public health. Each plan would have to be approved by the governing boards of the (1) county, (2) school districts serving a majority of the county's students, and (3) other local governments representing a majority of the county's population. Local agencies would receive some funding from the state to implement the plans (as described below).

Allows Local Governments to Alter Administration of State-Funded Programs. If local governments find that a state law or regulation restricts their ability to carry out their plan, they could develop local procedures that are “functionally equivalent” to the objectives of the existing state law or regulation. Local governments could follow these local procedures—instead of state laws or regulations—in administering state programs financed with state funds. The Legislature (in the case of state laws) or the relevant state department (in the case of state regulations) would have an opportunity to reject these alternate local procedures. The locally developed procedures would expire after four years unless renewed through the same process.

Allows Transfer of Local Property Taxes. California taxpayers pay about \$50 billion in property taxes to local governments annually. State law governs how property taxes are divided among local government entities in each county. This measure allows local governments participating in plans to transfer property taxes allocated to them among themselves in any way that they choose. Each local government affected would have to approve the change with a two-thirds vote of its governing board.

Shifts Some State Sales Tax Revenues to Local Governments. Currently, the average sales tax rate in the state is just over 8 percent. This raised \$42.2 billion in 2009-10, with the revenues allocated roughly equally to the state and local governments. Beginning in the 2013-14 fiscal year, the measure would shift a small part of the state's portion to counties that implement the new plans. This would not change sales taxes paid by taxpayers. The shift would increase revenues of the participating local governments in counties with plans by a total of about \$200 million annually in the near term. The state government would lose a corresponding amount, which would no longer be available to fund state programs. The sales taxes would be allocated to participating counties based on their population. The measure requires a local plan to provide for the distribution of these and any other funds intended to support implementation of the local plan.

Fiscal Effects

In addition to the shift of the \$200 million described above, there would be other fiscal effects on state and local governments. For example, allowing local governments to develop their own procedures for administering state-funded programs could lead to potentially different program outcomes and state or local costs than would have occurred otherwise. Allowing local governments to transfer property taxes could affect how much money goes to a given local government, but would not change the total amount paid by property taxpayers. Local governments also likely would spend small additional amounts to create and administer their new plans. The changes that would result from this part of the measure depend on (1) how many counties create plans, (2) how many local governments alter the way they administer state-funded programs, and (3) the results of their activities. For those reasons, the net fiscal effect of

this measure for the state and local governments cannot be predicted. In some counties, these effects could be significant.

RESTRICTS LEGISLATURE'S ABILITY TO PASS CERTAIN BILLS

Current Law

Budget and Other Bills. Each year, the Legislature and the Governor approve the state budget bill and other bills. The budget bill allows for spending from the General Fund and many other state accounts. (The General Fund is the state's main operating account that provides funding to education, health, social services, prisons, and other programs.) In general, a majority vote of both houses of the Legislature (the Senate and the Assembly) is required for the approval of the budget bill and most other bills. A two-thirds vote in both houses, however, is required to increase state taxes.

As part of their usual process for considering new laws, the Legislature and Governor review estimates of each proposed law's effects on state spending and revenues. While the State Constitution does not mandate that the state identify how each new law would be financed, it requires that the state's overall budget be balanced. Specifically, every year when the state adopts its budget, the state must show that estimated General Fund revenues will meet or exceed approved General Fund spending.

Proposal

Restricts Legislature's Ability to Increase State Costs. This measure requires the Legislature to show how some bills that increase state spending by more than \$25 million in any fiscal year would be paid for with spending reductions, revenue increases, or a combination of both. The requirement applies to bills that create new state departments or programs, expand current state

departments or programs, or create state-mandated local programs. Exemptions from these requirements include bills that allow one-time spending for a state department or program, increase funding for a department or program due to increases in workload or the cost of living, provide funding required by federal law, or increase the pay or other compensation of state employees pursuant to a collective bargaining agreement. The measure also exempts bills that restore funding to state programs reduced to help balance the state budget in any year after 2008-09.

Restricts Legislature's Ability to Decrease State Revenues. This measure also requires the Legislature to show how bills that decrease state taxes or other revenues by more than \$25 million in any fiscal year would be paid for with spending reductions, revenue increases, or a combination of both.

Changes When Legislature Can Pass Bills. This measure makes other changes that could affect when the Legislature could pass bills. For example, the measure requires the Legislature to make bills and amendments to those bills available to the public for at least three days before voting to pass them (except certain bills responding to a natural disaster or terrorist attack).

Fiscal Effects

This measure would make it more difficult for the Legislature to pass some bills that increase state spending or decrease revenues. Restricting the Legislature's ability in this way could result in state funds spent on public services being less—or taxes and fees being more—than otherwise would be the case. Because the fiscal effect of this part of the measure depends on future decisions by the Legislature, the effect cannot be predicted, but it could be significant over time. Because the state provides significant funding to local governments, they also could be affected over time.

EXPANDS GOVERNOR'S ABILITY TO REDUCE STATE SPENDING

Current Law

Under Proposition 58 (2004), after the budget bill is approved, the Governor may declare a state fiscal emergency if he or she determines the state is facing large revenue shortfalls or spending overruns. When a fiscal emergency is declared, the Governor must call the Legislature into special session and propose actions to address the fiscal emergency. The Legislature has 45 days to consider its response. The Governor's powers to cut state spending, however, currently are very limited even if the Legislature does not act during that 45-day period.

Proposal

Allows Governor to Reduce Spending in Certain Situations. Under this measure, if the Legislature does not pass legislation to address a fiscal emergency within 45 days, the Governor could reduce some General Fund spending. The Governor could not reduce spending that is required by the Constitution or federal law—such as most school spending, debt service, pension contributions, and some spending for health and social services programs. (These categories currently account for a majority of General Fund spending.) The total amount of the reductions could not exceed the amount necessary to balance the budget. The Legislature could override all or part of the reductions by a two-thirds vote in both of its houses.

Fiscal Effects

Expanding the Governor's ability to reduce spending could result in overall state spending being lower than it would have been otherwise. The fiscal effect of this change cannot be predicted, but could be significant in some years. Local government budgets also could be affected by lower state spending.

CHANGES PUBLIC BUDGETING AND OVERSIGHT PROCEDURES

Proposal

Changes Annual State Budget Process to a Two-Year Process. This measure changes the state budget process from a one-year (annual) process to a two-year (biennial) process. Every two years beginning in 2015, the Governor would submit a budget proposal for the following two fiscal years. For example, in January 2015 the Governor would propose a budget for the fiscal year beginning in July 2015 and the fiscal year beginning in July 2016. Every two years beginning in 2016, the Governor could submit a proposed budget update. The measure does not change the Legislature's current constitutional deadline of June 15 for passing a budget bill.

Sets Aside Specific Time Period for Legislative Oversight of Public Programs. Currently, the Legislature oversees and reviews the activities of state and local programs at various times throughout its two-year session. This measure requires the Legislature to reserve a part of its two-year session—beginning in July of the second year of the session—for oversight and review of public programs. Specifically, the measure requires the Legislature to create a process and use it to review every state-funded program—whether managed by the state or local governments—at least once every five years. While conducting this oversight, the Legislature could not pass bills except for those that (1) take effect immediately (which generally require a two-thirds vote of both houses) or (2) override a Governor's veto (which also require a two-thirds vote of both houses).

Imposes New State and Local Budgeting Requirements. Currently, state and local governments have broad flexibility in determining how to evaluate operations of their public programs. This measure imposes some general requirements for state and local governments to include new items in their budgets. Specifically, governments would have to evaluate the

effectiveness of their programs and describe how their budgets meet various objectives. State and local governments would have to report on their progress in meeting those objectives.

Fiscal Effects

State and local governments would experience increased costs to set up systems to implement the new budgeting requirements and to administer the new evaluation requirements. These costs would vary based on how state and local officials implemented the requirements. Statewide, the costs would likely range from **millions to tens of millions of dollars annually**, moderating over time. These new budgeting and evaluation requirements could affect decision making in a variety of ways—such as, reprioritization of spending, program efficiencies, and additional investments in some program areas. The fiscal impact on governments cannot be predicted.

SUMMARY OF MEASURE'S FISCAL EFFECTS

As summarized in Figure 2, the measure would shift some state sales tax revenues to counties that implement local plans. This shift would result in a decrease in state revenues of \$200 million annually, with a corresponding increase of funding to local governments in those counties. The net effects of this measure's other state and local fiscal changes generally would depend on future decisions by public officials and, therefore, are difficult to predict. Over the long term, these other changes in state and local spending or revenues could be more significant than the \$200 million shift of sales tax revenues discussed above.

Figure 2

Major Fiscal Effects of Proposition 31

	State Government	Local Government
Authorizes and Funds Local Government Plans		
Funding for plans	\$200 million annual reduction in revenues.	\$200 million annual increase in revenues to local governments in counties that develop plans.
Effects of the new plans	Cannot be predicted, but potentially significant.	Cannot be predicted, but potentially significant in some counties.
Restricts Legislature's Ability to Pass Certain Bills		
	Potentially lower spending—or higher revenues—based on future actions of the Legislature.	Potential changes in state funding for local programs based on future actions of the Legislature.
Expands Governor's Ability to Reduce State Spending		
	Potentially lower spending in some years.	Potentially less state funding for local programs in some years.
Changes Public Budgeting and Oversight Procedures		
Implementation costs	Potentially millions to tens of millions of dollars annually, moderating over time.	Potentially millions to tens of millions of dollars annually, moderating over time.
Effects of new requirements	Cannot be predicted.	Cannot be predicted.

Proposition 31
State Budget. State and Local Government.
Initiative Constitutional Amendment and Statute.

Yes/No Statement

A **YES** vote on this measure means: Certain fiscal responsibilities of the Legislature and Governor, including state and local budgeting and oversight procedures, would change. Local governments that create plans to coordinate services would receive funding from the state and could develop their own procedures for administering state programs.

A **NO** vote on this measure means: The fiscal responsibilities of the Legislature and Governor, including state and local budgeting and oversight procedures, would not change. Local governments would not be given (1) funding to implement new plans that coordinate services or (2) authority to develop their own procedures for administering state programs.

Proposition 34
Death Penalty Repeal. Initiative Statute.

BACKGROUND

Murder and the Death Penalty. First degree murder is generally defined as the unlawful killing of a human being that (1) is deliberate and premeditated or (2) takes place at the same time as certain other crimes, such as kidnapping. It is punishable by a life sentence in state prison with the possibility of being released by the state parole board after a minimum of 25 years. However, current state law makes first degree murder punishable by death or life imprisonment without the possibility of parole when specified “special circumstances” of the crime have been charged and proven in court. Existing state law identifies a number of special circumstances that can be charged, such as in cases when the murder was carried out for financial gain, was especially cruel, or was committed while the defendant was engaged in other specified criminal activities. A jury generally determines which penalty is to be applied when special circumstances have been charged and proven.

Implementation of the Death Penalty in California. Murder trials where the death penalty is sought are divided into two phases. The first phase involves determining whether the defendant is guilty of murder and any charged special circumstances, while the second phase involves determining whether the death penalty should be imposed. Under existing state law, death penalty verdicts are automatically appealed to the California Supreme Court. In these “direct appeals,” the defendants’ attorneys argue that violations of state law or federal constitutional law took place during the trial, such as evidence improperly being included or excluded from the trial. If the California Supreme Court confirms the conviction and death sentence, the defendant

can ask the U.S. Supreme Court to review the decision. In addition to direct appeals, death penalty cases ordinarily involve extensive legal challenges in both state and federal courts. These challenges involve factors of the case different from those considered in direct appeals (such as the claim that the defendant's counsel was ineffective) and are commonly referred to as "habeas corpus" petitions. Finally, inmates who have received a sentence of death may also request that the Governor reduce their sentence. Currently, the proceedings that follow a death sentence can take a couple of decades to complete in California.

Both the state and county governments incur costs related to murder trials, including costs for the courts and prosecution, as well as for the defense of persons charged with murder who cannot afford legal representation. In addition, the state incurs costs for attorneys employed by the state Department of Justice that seek to uphold death sentences in the appeals process. Various state agencies (including the Office of the State Public Defender and the Habeas Corpus Resource Center) are tasked with providing representation to individuals who have received a sentence of death but cannot afford legal representation.

Since the current death penalty law was enacted in California in 1978, around 900 individuals have received a death sentence. Of these, 14 have been executed, 83 have died prior to being executed, and about 75 have had their sentences reduced by the courts. As of July 2012, California had 725 offenders in state prison who were sentenced to death. Most of these offenders are at various stages of the direct appeal or habeas corpus review process. Condemned male inmates generally are housed at San Quentin State Prison (on death row), while condemned female inmates are housed at the Central California Women's Facility in Chowchilla. The state currently has various security regulations and procedures that result in

increased security costs for these inmates. For example, inmates under a death sentence generally are handcuffed and escorted at all times by one or two officers while outside of their cells. In addition, these offenders are currently required to be placed in separate cells, whereas most other inmates share cells.

PROPOSAL

This measure repeals the state's current death penalty statute. In addition, it generally requires murderers to work while in prison and provides new state funding for local law enforcement on a limited-term basis.

Elimination of Death Sentences. Under this measure no offender could be sentenced to death by the state. The measure also specifies that offenders currently under a sentence of death would not be executed and instead would be resentenced to a prison term of life without the possibility of parole. This measure also allows the California Supreme Court to transfer all of its existing death penalty direct appeals and habeas corpus petitions to the state's Courts of Appeal or superior courts. These courts would resolve issues remaining even after changing these sentences to life without the possibility of parole.

Inmate Work Requirement. Current state law generally requires that inmates—including murderers—work while they are in prison. California regulations allow for some exceptions to these work requirements, such as for inmates who pose too great a security risk to participate in work programs. In addition, inmates may be required by the courts to make payments to victims of crime. This measure specifies that every person found guilty of murder must work while in state prison and have their pay deducted for any debts they owe to victims of crime, subject to

state regulations. Because the measure does not change state regulations, existing prison practices related to inmate work requirements would not necessarily be changed.

Establishment of Fund for Local Law Enforcement. The measure establishes a new special fund, called the SAFE California Fund, to support grants to police departments, sheriffs' departments, and district attorneys' offices for the purpose of increasing the rate at which homicide and rapes are solved. For example, the measure specifies that the money could be used to increase staffing in homicide and sex offense investigation or prosecution units. Under the measure, a total of \$100 million would be transferred from the state General Fund to the SAFE California Fund over four years—\$10 million in 2012-13 and \$30 million in each year from 2013-14 through 2015-16. Monies in the SAFE California Fund would be distributed to local law enforcement agencies based on a formula determined by the state Attorney General.

FISCAL EFFECTS

The measure would have a number of fiscal effects on the state and local governments. The major fiscal effects of the measure are discussed below.

Murder Trials

Court Proceedings. This measure would reduce state and county costs associated with some murder cases that would otherwise have been eligible for the death penalty under current law. These cases would likely be less expensive if the death penalty was no longer an option for two primary reasons. First, the duration of some trials would be shortened. This is because there would no longer be a separate phase to determine whether the death penalty is imposed. Other aspects of murder trials could also be shortened. For example, jury selection time for some trials could be reduced as it would no longer be necessary to remove potential jurors who are unwilling

to impose the death penalty. Second, the elimination of the death penalty would reduce the costs incurred by counties for prosecutors and public defenders for some murder cases. This is because these agencies generally use more attorneys in cases where a death sentence is sought and incur greater expenses related to investigations and other preparations for the penalty phase in such cases.

County Jails. County jail costs could also be reduced because of the measure's effect on murder trials. Persons held for trial on murder charges, particularly cases that could result in a death sentence, ordinarily remain in county jail until the completion of their trial and sentencing. As some murder cases are shortened due to the elimination of the death penalty, the persons being charged with murder would spend less time in county jail before being sent to state prison. Such an outcome would reduce county jail costs and increase state prison costs.

Savings. The state and counties could achieve several tens of millions of dollars in savings annually on a statewide basis from reduced costs related to murder trials. The actual amount of savings would depend on various factors, including the number of death penalty trials that would otherwise occur in the absence of the measure. It is also possible that the state and counties would redirect some of their court-related resources to other court activities. Similarly, the county jail savings would be offset to the extent that jail beds no longer needed for defendants in death penalty trials were used for other offenders, such as those who are now being released early because of a lack of jail space in some counties.

The above savings could be partially offset to the extent that the elimination of the death penalty reduced the incentive for offenders to plead guilty in exchange for a lesser sentence in some murder cases. If the death penalty is prohibited and additional cases go to trial instead of

being resolved through plea agreements, additional state and county costs for support of courts, prosecution, and defense counsel, as well as county jails, could result. The extent to which this would occur is unknown.

Appellate Litigation

Over time, the measure would reduce state expenditures by the California Supreme Court and the state agencies participating in the death penalty appeal process. These state savings would reach about \$50 million annually. However, these savings likely would be partially offset in the short run because some state expenditures for appeals would probably continue until the courts resolved all pending appeals for inmates who previously received death sentences. In the long run, there would be relatively minor state and local costs—possibly totaling about \$1 million annually—for hearing appeals from additional offenders receiving sentences of life without the possibility of parole.

State Corrections

The elimination of the death penalty would affect state prison costs in different ways. On the one hand, its elimination would result in somewhat higher prison population and higher costs as formerly condemned inmates are sentenced to life without the possibility of parole. Given the length of time that inmates currently spend on death row, these costs would likely not be major. On the other hand, these added costs likely would be more than offset by the savings generated by not having to house hundreds of inmates on death row. As previously discussed, it is generally more expensive to house an inmate under a death sentence than an inmate subject to life without the possibility of parole, due to higher and more expensive security measures to house and supervise inmates sentenced to death.

The net effect of these fiscal impacts would likely be a net reduction in state costs for the operation of the state's prison system, potentially in the low tens of millions of dollars annually. These savings, however, could be higher or lower for various reasons. For example, if the rate of executions that were to occur in the future in the absence of the measure increased, the future cost of housing inmates who have been sentenced to death would be reduced. Therefore, there would be lower correctional savings resulting from this measure's provisions eliminating the death penalty. Alternatively, if the number of individuals sentenced to death in the future in the absence of the measure were to increase, the cost to house these individuals in prison would also increase. Under this scenario, eliminating the death penalty would result in higher correctional savings than we have estimated.

General Fund Transfers to the SAFE California Fund

The measure requires that a total of \$100 million be transferred from the state General Fund to the SAFE California Fund from 2012-13 through 2015-16. As a result, less General Fund resources would be available to support various other state programs in those years, but more funding would be available for local government agencies that receive these grants. To the extent that funding provided from the SAFE California Fund to local agencies results in additional arrests and convictions, the measure could increase state and county costs for trial court, jail, and prison operations.

Other Fiscal Effects

Prison Construction. The measure could also affect future prison construction costs by allowing the state to avoid future facility costs associated with housing an increasing number of death row inmates. However, the extent of any such savings would depend on the future growth

in the condemned inmate population, how the state chooses to house condemned inmates in the future, and the future growth in the general prison population.

Effect on Murder Rate. To the extent that the prohibition on the use of the death penalty has an effect on the incidence of murder in California, the measure could affect state and local government criminal justice expenditures. The resulting fiscal impact, if any, is unknown.

Summary

In total, the measure would result in net savings to state and local governments related to murder trials, appellate litigation, and state corrections. These savings would likely be about \$100 million annually in the first few years, growing to about \$130 million annually thereafter. The actual amount of these annual savings could be higher or lower by tens of millions of dollars, depending on various factors including how the measure is implemented and the rate of death sentences and executions that would take place in the future if this measure were not approved by voters. In addition, the measure would require the state to provide a total of \$100 million in grants to local law enforcement agencies over the next four years.

Proposition 34
Death Penalty Repeal. Initiative Statute.

Yes/No Statement

A **YES** vote on this measure means: No offenders could be sentenced to death under state law. Offenders who are currently under a sentence of death would be resentenced to life without the possibility of parole. The state would provide a total of \$100 million in grants to local law enforcement agencies over the next four years.

A **NO** vote on this measure means: Certain offenders convicted for murder could continue to be sentenced to death. The status of offenders currently under a sentence of death would not change. The state would not be required to provide local law enforcement agencies with additional grant funding.

Proposition 35
Human Trafficking. Penalties. Sex Offender Registration.
Initiative Statute.

Background

Federal Law. Federal law contains various provisions prohibiting human trafficking. The Federal Trafficking Victims Protection Act generally defines two types of human trafficking:

- *Sex Trafficking*—in which persons are recruited, transported, or obtained for a commercial sex act that is induced by force or fraud or in which the victim performing the act is under age 18. An example of sex trafficking is forcing a person into prostitution.
- *Labor Trafficking*—in which persons are recruited, transported, or obtained through the use of force or fraud to provide labor or other services. An example of this is forcing a foreign national to work for free by threatening deportation.

These laws are enforced by federal law enforcement agencies that may act independently or with state and local law enforcement agencies.

State Law. Existing state law contains similar criminal prohibitions against human trafficking. Specifically, state law defines human trafficking as violating the liberty of a person with the intent to either (1) commit certain felony crimes (such as prostitution) or (2) obtain forced labor or services. Human trafficking is punishable under state law by a prison sentence of up to five years or, if the victim is under the age of 18, by a state prison sentence of up to eight years. Offenders convicted of human trafficking crimes that result in great bodily injury to the victim can be punished with additional terms of up to six years. In recent years, there have been

only a few people annually sent to state prison for human trafficking crimes. As of March 2012, there were 18 such offenders in state prison.

Under existing state law, most offenders who have been convicted of a sex crime (including some crimes involving human trafficking) are required to register as sex offenders with their local police or sheriff's departments.

Proposal

This measure makes several changes to state law related to human trafficking. Specifically, it (1) expands the definition of human trafficking, (2) increases the punishment for human trafficking offenses, (3) imposes new fines to fund services for human trafficking victims, (4) changes how evidence can be used against human trafficking victims, and (5) requires additional law enforcement training on handling human trafficking cases. The measure also places additional requirements on sex offender registrants.

Expanded Definition of Human Trafficking. This measure amends the definition of human trafficking under state law. Specifically, the measure defines more crimes related to the creation and distribution of obscene materials depicting minors as a form of human trafficking. For example, duplicating or selling these obscene materials could be considered human trafficking even if the offender had no contact with the minor depicted. In addition, with regard to sex trafficking cases involving minors, prosecutors would not have to show that force or coercion occurred. (This would make state law similar to federal law.)

More Severe Criminal Penalties for Human Trafficking. This measure increases the current criminal penalties for human trafficking under state law. For example, the measure increases the prison sentence for labor trafficking crimes to a maximum of 12 years per offense, and for sex

trafficking of adults to up to 20 years per offense. Sex trafficking of minors that involved force or fraud would be punishable by up to a life term in prison. Figure 1 lists each of the measure's increases in the maximum prison sentences, sentence enhancements, and criminal fines.

Figure 1 Measure Increases Maximum Criminal Penalties For Human Trafficking		
	Current Law	Proposition 35
Prison Sentence^a		
Labor trafficking	5 years	12 years
Sex trafficking of an adult, forced	5 years	20 years
Sex trafficking of a minor without force	None ^b	12 years
Sex trafficking of a minor, forced	8 years	Life term
Sentence Enhancement^a		
Great bodily injury	6 years	10 years
Prior human trafficking offense	None	5 years per prior conviction
Fines		
	Up to \$100,000 for sex trafficking a minor	Up to \$1.5 million for all human trafficking offenses
^a Actual penalty includes a range of years. ^b Activities considered under the measure as sex trafficking of minors without force are illegal under current law but not defined as human trafficking. The penalties for these crimes vary.		

In addition, the measure specifies that offenders convicted of human trafficking with previous convictions for human trafficking receive additional five-year prison terms for each of those prior convictions. Under the measure, offenders convicted of human trafficking that resulted in great bodily injury to the victim could be punished with additional terms of up to ten years. The measure also permits criminal courts to impose fines of up to \$1.5 million for human trafficking offenses.

Programs for Human Trafficking Victims. The measure requires that the funds collected from the above fines support services for victims of human trafficking. Specifically, 70 percent of funds would be allocated to public agencies and nonprofit organizations that provide direct

services to such victims. The measure requires that the remaining 30 percent be provided to law enforcement and prosecution agencies in the jurisdiction where the charges were filed and used for human trafficking prevention, witness protection, and rescue operations.

Changes Affecting Court Proceedings. The measure also affects the trial of criminal cases involving charges of human trafficking. Specifically, the measure prohibits the use of evidence that a person was involved in criminal sexual conduct (such as prostitution) to prosecute that person for that crime if the conduct was a result of being a victim of human trafficking. The measure also makes evidence of sexual conduct by a victim of human trafficking inadmissible for the purposes of attacking the victim's credibility or character in court. In addition, this measure disallows certain defenses in human trafficking cases involving minors. For example, a defendant could not claim as a defense being unaware of the minor's age.

Law Enforcement Training. This measure requires all peace officers employed by police and sheriff's departments and the California Highway Patrol (CHP) who perform field or investigative work to undergo at least two hours of training on how to handle human trafficking complaints. This training would have to be completed by July 1, 2014 or within six months of the officer being assigned to the field or investigative work.

Expanded Requirements for Sex Offender Registration. This measure requires registered sex offenders to provide the names of their internet providers and identifiers to local police or sheriff's departments. Such identifiers include e-mail addresses, user names, screen names, or other personal identifiers for internet communication and activity. If a registrant changes his or her internet service account or changes or adds an internet identifier, the individual must notify law enforcement within 24 hours of such changes.

Fiscal Effects

Currently, human trafficking cases are often prosecuted under federal law, rather than California state law, even when California law enforcement agencies are involved in the investigation of the case. This is partly because these types of crimes often involve multiple jurisdictions and also because of the federal government's historical lead role in such cases. It is unknown whether the expanded definition of human trafficking and other changes proposed in this measure would significantly increase the number of state human trafficking arrests and convictions or whether most such cases would continue to be handled primarily by federal law enforcement authorities. As a result, the fiscal effects of this measure on state and local governments discussed below are subject to some uncertainty.

Minor Increase in State and Local Criminal Justice Costs From Increased Penalties. The measure would result in some additional state and local criminal justice costs by increasing the criminal penalties for human trafficking. In particular, the increased prison sentences in the measure would increase the length of time offenders spend in state prison. In addition, it is possible that the measure's provisions increasing funding and training requirements for local law enforcement could result in additional human trafficking arrests, prosecutions, and convictions. This could also increase state and local criminal justice costs. In total, these new costs are **not likely to exceed a couple million dollars annually**.

Potential Increase in Local Law Enforcement Training Costs. As noted earlier, this measure requires that most state and local law enforcement officers receive specific training on human trafficking. Since CHP officers already receive such training, there would be no additional state costs. The fiscal impact of this requirement on local agencies would depend on the extent to which local officers are currently receiving such training and on how local law

enforcement agencies chose to satisfy the measure's training requirements. Counties and cities could collectively incur costs of **up to a few million dollars on a one-time basis** to train existing staff and provide back-up staff to officers who are in training, with lesser costs incurred each subsequent year to train newly hired officers.

Increased Fine Revenue for Victim Services. The new criminal fines established by this measure would result in some additional revenue, likely not to exceed a few million dollars annually. Actual revenues would depend on the number of individuals convicted of human trafficking, the level of fines imposed by the courts, and the amount of actual payments made by the convicted offenders. These revenues would be dedicated primarily to services for victims of human trafficking, but also would be used for human trafficking prevention, witness protection, and rescue operations.

Proposition 35
Human Trafficking. Penalties. Sex Offender Registration.
Initiative Statute.

Yes/No Statement

A **YES** vote on this measure means: Longer prison sentences and larger fines for committing human trafficking crimes.

A **NO** vote on this measure means: Existing criminal penalties for human trafficking would stay in effect.

Proposition 36
Three Strikes Law. Sentencing for Repeat Felony Offenders.
Initiative Statute.

Background

There are three categories of crimes: felonies, misdemeanors, and infractions. A felony is the most serious type of crime, and an individual convicted of a felony may be sentenced to state prison under certain circumstances. Individuals convicted of felonies who are not sentenced to state prison are sentenced to county jail, supervised by the county probation department in the community, or both.

Existing law classifies some felonies as “violent” or “serious,” or both. Examples of felonies currently defined as violent include murder, robbery, and rape. While almost all violent felonies are also considered serious, other felonies are defined only as serious, such as assault with intent to commit robbery. Felonies that are not classified as violent or serious include grand theft (not involving a firearm) and possession of a controlled substance.

As of May 2012, there were about 137,000 inmates in the California prison system. The state’s prison system in 2012-13 is budgeted for almost \$9 billion.

Three Strikes Sentencing. Proposition 184 (commonly referred to as the “three strikes” law) was adopted by voters in 1994. It imposed longer prison sentences for certain repeat offenders. Specifically, the law requires that a person who is convicted of a felony and who previously has been convicted of one or more violent or serious felonies be sentenced to state prison as follows:

- ***Second Strike Offense.*** If the person has *one previous* serious or violent felony conviction, the sentence for *any new* felony conviction (not just a serious or violent felony) is *twice* the term otherwise required under law for the new conviction. Offenders sentenced by the courts under this provision are referred to as “second strikers.” As of March 2012, about 33,000 inmates were second strikers.
- ***Third Strike Offense.*** If the person has *two or more previous* serious or violent felony convictions, the sentence for *any new* felony conviction (not just a serious or violent felony) is a life term with the earliest possible parole after 25 years. Offenders convicted under this provision are referred to as “third strikers.” As of March 2012, about 9,000 inmates were third strikers.

While the law requires the sentences described above, in some instances the court may choose not to consider prior felonies during sentencing. When this occurs, an offender who would otherwise be sentenced as a second or third striker would be sentenced to a lesser term than required under the three strikes law.

Prison Release Determination. Under current law, most second strikers are automatically released from prison after completing their sentences. In contrast, third strikers are only released upon approval by the state Board of Parole Hearings (BPH). After third strikers have served the minimum number of years required by their sentence, a BPH panel conducts a parole consideration hearing to consider their possible release. For example, BPH would conduct such a hearing for a third striker sentenced to 25-years-to-life after the third striker served 25 years. If BPH decides not to release the third striker at that hearing, the board would conduct a subsequent hearing in the future. Since the three strikes law came into effect in 1994, the first third strikers

will become eligible for hearings on their possible release from prison near the end of this decade.

Post Release Supervision. All second and third strikers are required under current law to be supervised in the community after release from prison. If a second striker's most recent conviction was for a nonserious, non-violent crime, he or she will generally be supervised in the community by county probation officers. Otherwise, the second striker will be supervised in the community by state parole agents. All third strikers are supervised in the community by state parole agents following their release. When second or third strikers violate the terms of their community supervision or commit a new offense, they could be placed in county jail or state prison depending on the circumstances.

Proposal

This measure reduces prison sentences served under the three strikes law by certain third strikers whose current offenses are nonserious, non-violent felonies. The measure also allows resentencing of certain third strikers who are currently serving life sentences for specified nonserious, non-violent felonies. Both of these changes are described below.

Shorter Sentences for Some Third Strikers. The measure requires that an offender who has *two or more prior* serious or violent felony convictions and whose *new* offense is a nonserious, non-violent felony receive a prison sentence that is twice the usual term for the new offense, rather than a minimum sentence of 25-years-to-life as is currently required. For example, a third striker who is convicted of a crime in which the usual sentence is two to four years would instead receive a sentence of between four to eight years—twice the term that would otherwise apply—rather than a 25-years-to-life term.

The measure, however, provides for some exceptions to these shorter sentences. Specifically, the measure requires that if the offender has committed certain new or prior offenses, including some drug-, sex-, and gun-related felonies, he or she would still be subject to a life sentence under the three strikes law.

Resentencing of Some Current Third Strikers. This measure allows certain third strikers to apply to be resentenced by the courts. The measure limits eligibility for resentencing to third strikers whose current offense is nonserious, non-violent and who have not committed specified current and prior offenses, such as certain drug-, sex- and gun-related felonies. Courts conducting these resentencing hearings would first determine whether the offender's criminal offense history makes them eligible for resentencing. The court would be required to resentence eligible offenders unless it determines that resentencing the offenders would pose an unreasonable risk to public safety. In determining whether an offender poses such a risk, the court could consider any evidence it determines is relevant, such as the offender's criminal history, behavior in prison, and participation in rehabilitation programs. The measure requires resented offenders to receive twice the usual term for their most recent offense instead of the sentence previously imposed. Offenders whose requests for resentencing are denied by the courts would continue to serve out their life terms as they were originally sentenced.

Fiscal Effects

State Correctional Savings. This measure would have a number of fiscal impacts on the state's correctional system. Most significantly, the measure would reduce state prison costs in two ways. First, fewer inmates would be incarcerated for life sentences under the three strikes law because of the measure's provisions requiring that such sentences be applied only to third

strikers whose current offense is serious or violent. This would reduce the sentences of some future felony offenders. Second, the resentencing of third strikers could result in many existing inmates receiving shorter prison terms. This would result in a reduction in the inmate population beginning in the near term.

The measure would also result in reduced state parole costs. This would occur because the offenders affected by this measure would generally be supervised by county probation—rather than state parole—following their release from prison. This is because their current offense would be nonserious and non-violent. In addition, the reduction in the third striker population would reduce the number of parole consideration hearings BPH would need to conduct in the future.

State correctional savings from the above changes would likely be around \$70 million annually, with even higher savings—up to \$90 million annually—over the next couple of decades. However, these annual savings could be tens of millions of dollars higher or lower depending on several factors. In particular, the actual level of savings would depend on the number of third strikers resentenced by the court and the rate at which BPH would have released third strikers in the future under current law.

Resentencing Costs. This measure would result in a one-time cost to the state and counties related to the resentencing provisions of this measure. These provisions would increase court caseloads, which would result in added costs for district attorneys, public defenders, and county sheriff's departments that would manage this workload and staff these resentencing proceedings. In addition, counties would incur jail costs to house inmates during resentencing proceedings. These costs could be a few million dollars statewide over a couple of years.

Other Fiscal Impacts. There would be some additional court-, probation-, and jail-related costs for the state and counties. This is because some offenders released from prison due to this measure would be supervised by probation departments instead of state parole, and would have court hearings and receive jail sentences if they violate the terms of their supervision or commit new crimes. We estimate that such long-term costs would not be significant.

This measure could result in a variety of other state and local government fiscal effects. For instance, governments would incur additional costs to the extent that offenders released from prison because of this measure require government services (such as government-paid health care for persons without private insurance coverage) or commit additional crimes. There also would be some additional state and local government revenue to the extent that offenders released from prison because of this measure entered the workforce. The magnitude of these impacts is unknown.

Proposition 36
Three Strikes Law. Sentencing for Repeat Felony Offenders.
Initiative Statute.

Yes/No Statement

A **YES** vote on this measure means: Some criminal offenders with two prior serious or violent felony convictions who commit certain nonserious, non-violent felonies would be sentenced to shorter terms in state prison. In addition, some offenders with two prior serious or violent felony convictions who are currently serving life sentences for many nonserious, non-violent felony convictions could be resentenced to shorter prison terms.

A **NO** vote on this measure means: Offenders with two prior serious or violent felony convictions who commit any new felony could continue to receive life sentences. In addition, offenders with two prior serious or violent felony convictions who are currently serving life sentences for nonserious, non-violent felonies would continue to serve the remainder of their life sentences.

Proposition 38

Tax for Education and Early Childhood Programs. Initiative Statute.

OVERVIEW

This measure raises personal income taxes on most California taxpayers from 2013 through 2024. The revenues raised by this tax increase would be spent on public schools, child care and preschool programs, and state debt payments. Each of the measure's key provisions is discussed in more detail below.

STATE TAXES AND REVENUES

Background

Personal Income Tax (PIT). The PIT is a tax on wage, business, investment, and other income of individuals and families. State PIT rates range from 1 percent to 9.3 percent on the portions of a taxpayer's income in each of several income brackets. (These are referred to as marginal tax rates.) Higher marginal tax rates are charged as income increases. The tax revenue generated from this tax—totaling \$49.4 billion for the 2010-11 fiscal year—is deposited into the state's General Fund. In addition, an extra 1 percent tax applies to annual income over \$1 million (with the associated revenue dedicated to mental health services).

Proposal

Increases PIT Rates. This measure increases state PIT rates on all but the lowest income bracket, effective over the 12-year period from 2013 through 2024. As shown in Figure 1, the additional marginal tax rates would increase with each higher tax bracket. For example, for joint filers, an additional 0.7 percent marginal tax rate would be imposed on income between \$34,692 and \$54,754, increasing the total rate to 4.7 percent. Similarly, an additional 1.1 percent marginal

tax rate would be imposed on income between \$54,754 and \$76,008, increasing the total rate to 7.1 percent. These higher tax rates would result in higher tax liabilities on roughly 60 percent of state PIT returns. (Personal, dependent, senior, and other tax credits, among other factors, would continue to eliminate all tax liabilities for many lower-income tax filers even if they have income in a bracket affected by the measure's rate increases.) The additional 1 percent rate for mental health services would still apply to income in excess of \$1 million. This measure's rate changes, therefore, would increase these taxpayers' marginal PIT rates from 10.3 percent to as much as 12.5 percent. Proposition 30 on this ballot also would increase PIT rates. The nearby box describes what would happen if both measures are approved.

Figure 1
Current and Proposed Personal Income Tax Rates Under Proposition 38

Single Filer's Taxable Income ^a	Joint Filers' Taxable Income ^a	Head-of-Household Filer's Taxable Income ^a	Current Marginal Tax Rate ^b	Proposed Additional Marginal Tax Rate ^b
\$0-\$7,316	\$0-\$14,632	\$0-\$14,642	1.0%	—
7,316-17,346	14,632-34,692	14,642-34,692	2.0	0.4%
17,346-27,377	34,692-54,754	34,692-44,721	4.0	0.7
27,377-38,004	54,754-76,008	44,721-55,348	6.0	1.1
38,004-48,029	76,008-96,058	55,348-65,376	8.0	1.4
48,029-100,000	96,058-200,000	65,376-136,118	9.3	1.6
100,000-250,000	200,000-500,000	136,118-340,294	9.3	1.8
250,000-500,000	500,000-1,000,000	340,294-680,589	9.3	1.9
500,000-1,000,000	1,000,000-2,000,000	680,589-1,361,178	9.3	2.0
1,000,000-2,500,000	2,000,000-5,000,000	1,361,178-3,402,944	9.3	2.1
Over 2,500,000	Over 5,000,000	Over 3,402,944	9.3	2.2

^a Income brackets shown were in effect for 2011 and will be adjusted for inflation in future years. Single filers also include married individuals and registered domestic partners (RDPs) who file taxes separately. Joint filers include married and RDP couples who file jointly, as well as qualified widows or widowers with a dependent child.

^b Marginal tax rates apply to taxable income in each tax bracket listed. For example, a single tax filer with taxable income of \$15,000 could have had a 2011 tax liability under current tax rates of \$227: the sum of \$73 (which equals 1 percent of the filer's first \$7,316 of income) and \$154 (2 percent of the filer's income over \$7,316). This tax liability would be reduced—and potentially eliminated—by personal, dependent, senior, and other tax credits, among other factors. The proposed additional tax rates would take effect beginning in 2013 and end in 2024. Current tax rates listed exclude the mental health tax rate of 1 percent for taxable income in excess of \$1 million.

What Happens if Voters Approve Both Proposition 30 and Proposition 38?

State Constitution Specifies What Happens if Two Measures Conflict. If provisions of two measures approved on the same statewide ballot conflict, the Constitution specifies that the provisions of the measure receiving more “yes” votes prevail. Proposition 30 and Proposition 38 on this statewide ballot both increase personal income tax (PIT) rates and, as such, could be viewed as conflicting.

Measures State That Only One Set of Tax Increases Goes Into Effect. Proposition 30 and Proposition 38 both contain sections intended to clarify which provisions are to become effective if both measures pass:

- *If Proposition 30 Receives More Yes Votes.* Proposition 30 contains a section indicating that its provisions would prevail in their entirety and none of the provisions of any other measure increasing PIT rates—in this case Proposition 38—would go into effect.
- *If Proposition 38 Receives More Yes Votes.* Proposition 38 contains a section indicating that its provisions would prevail and the tax rate provisions of any other measure affecting sales or PIT rates—in this case Proposition 30—would not go into effect. Under this scenario, the spending reductions known as the “trigger cuts” would take effect as a result of Proposition 30’s tax increases not going into effect. (See the analysis of Proposition 30 for more information on the trigger cuts.)

Provides Funds for Public Schools, Early Care and Education (ECE), and Debt Service.

The revenues raised by the measure would be deposited into a newly created California Education Trust Fund (CETF). These funds would be dedicated exclusively to three purposes. As shown in Figure 2, in 2013-14 and 2014-15, the measure allocates 60 percent of CETF funds to schools, 10 percent of funds to ECE programs, and 30 percent of funds to make state debt payments. In 2015-16 and 2016-17, the same general allocations are authorized but a somewhat higher share could be used for state debt payments. This is because beginning in 2015-16, the measure: (1) limits the growth in total allocations to schools and ECE programs based on the average growth in California per capita personal income over the previous five years and (2) dedicates the funds collected above the growth rate to state debt payments. From 2017-18 through 2023-24, up to 85 percent of CETF funds would go to schools and up to 15 percent would go to ECE programs, with revenues in excess of the growth rate continuing to be used for state debt payments.

Figure 2			
Allocation of Revenues Raised by Proposition 38			
	2013-14 and 2014-15	2015-16 and 2016-17	2017-18 Through 2023-24
Schools	60%	60%	85%
Early Care and Education (ECE)	10	10	15
State debt payments	30	30 ^a	— ^a
Totals	100%	100%	100%
Growth limit on allocations to schools and ECE programs ^a	No	Yes	Yes

^a Reflects minimum share dedicated to state debt payments. Revenues beyond growth limit also would be used to make debt payments.

Cannot Be Amended by the Legislature. If adopted by voters, this measure could be amended only by a future ballot measure. The Legislature would be prohibited from making any modifications to the measure without voter approval.

Fiscal Effect

Around \$10 Billion of Additional Annual State Revenues. In the initial years—beginning in 2013-14—the annual amount of additional state revenues raised would be around \$10 billion. (In 2012-13, the measure would result in additional state revenues of about half this amount.) The total revenues generated would tend to grow over time. Revenues generated in any particular year, however, could be much higher or lower than the prior year. This is mainly because the measure increases tax rates more for upper-income taxpayers. The income of these individuals tends to swing more significantly because it is affected to a much greater extent by changes in the stock market, housing prices, and other investments. Due to the swings in the income of these taxpayers and the uncertainty of their responses to the rate increases, the revenues raised by this measure are difficult to estimate.

SCHOOLS

Background

Most Public School Funding Tied to State Funding Formula. California provides educational services to about 6 million public school students. These students are served through more than 1,000 local educational agencies—primarily school districts. Most school funding is provided through the state's school funding formula—commonly called the Proposition 98 minimum guarantee. (Community college funding also applies toward meeting the minimum guarantee.) The minimum guarantee is funded through a combination of state General Fund and local property tax revenues. In 2010-11, schools received \$43 billion from the school funding formula.

Most School Spending Decisions Are Made by Local Governing Boards. Roughly 70 percent of state-related school funding can be used for any educational purpose. In most

cases, the school district governing board decides how the funds should be spent. The governing board typically will determine the specific activities for which the funds will be used, as well as how the funds will be distributed among the district's school sites. The remaining 30 percent of funds must be used for specified purposes, such as serving school meals or transporting students to and from school. School districts typically have little flexibility in how to use these restricted funds.

Proposal

Under this measure, schools will receive roughly 60 percent of the revenues raised by the PIT rate increases through 2016-17 and roughly 85 percent annually thereafter. These CETF funds would be in addition to Proposition 98 General Fund support for schools. The funds support three grant programs. The measure also creates spending restrictions and reporting requirements related to these funds. These major provisions are discussed in more detail below.

Distributes School Funds Through Three Grant Programs. Proposition 38 requires that CETF school funds be allocated as follows:

- *Educational Program Grants (70 Percent of Funds).* The largest share of funds—70 percent of all CETF school funding—would be distributed based on the number of students at each school. The specific per-student grant, however, would depend on the grade of each student, with schools receiving more funds for students in higher grades. Educational program grants could be spent on a broad range of activities, including instruction, school support staff (such as counselors and librarians), and parent engagement.

- ***Low-Income Student Grants (18 Percent of Funds)***. The measure requires that 18 percent of CETF school funds to be allocated at one statewide rate based on the number of low-income students (defined as the number of students eligible for free school meals) enrolled in each school. As with the educational program grants, low-income student grants could be spent on a broad range of educational activities.
- ***Training, Technology, and Teaching Materials Grants (12 Percent of Funds)***. The remaining 12 percent of funds would be allocated at one statewide rate based on the number of students at each school. The funds could be used only for training school staff and purchasing up-to-date technology and teaching materials.

Requires Funds Be Spent at Corresponding School Sites. Funds received by school districts from this measure must be spent at the specific school whose students generated the funds. In the case of low-income student grants, for example, if 100 percent of low-income students in a school district were located in one particular school, all low-income grant funds would need to be spent at that specific school. As with most other school funding, however, the local governing board would determine how CETF funds are spent at each school site. To ensure that Proposition 38 funds would result in a net increase in funding for all schools, the measure also would require school districts to make reasonable efforts to avoid reducing per-student funding from non-CETF sources at each school site below 2012-13 levels. If a school district reduces the per-student funding for any school site below the 2012-13 level, it must explain the reasons for the reduction in a public meeting held at or near the school.

Requires School Districts to Seek Public Input Prior to Making Spending Decisions.

Proposition 38 also requires school district governing boards at an open public hearing to seek

input from students, parents, teachers, administrators, and other school staff on how to spend CETF school funds. When the governing board decides how to spend the funds, it must explain—publicly and online—how CETF school expenditures will improve educational outcomes and how those improved outcomes will be measured.

Creates Budget Reporting Requirements for Each School. The measure also includes several reporting requirements for school districts. Most notably, beginning in 2012-13, the measure requires all school districts to create and publish an online budget for each of their schools. The budget must show funding and expenditures at each school from all funding sources, broken down by various spending categories. The state Superintendent of Public Instruction must provide a uniform format for budgets to be reported and must make all school budgets available to the public, including data from previous years. In addition, school districts must provide a report on how CETF funds were spent at each of their schools within 60 days after the close of the school year.

Other Allowances and Prohibitions. The measure allows up to 1 percent of a school district's allocation to be spent on budgeting, reporting, and audit requirements. The measure prohibits CETF school funds from being used to provide salary or benefit increases unless the increases are provided to other like employees that are funded with non-CETF dollars. The measure also has a provision that prohibits CETF school monies from being used to replace state, local, or federal funding provided as of November 1, 2012.

Fiscal Effect

Provides Additional Funding for Schools. In the initial years, schools would receive roughly \$6 billion annually, or \$1,000 per student, from the measure. Of that amount, \$4.2 billion would

be provided for education program grants, \$1.1 billion for low-income student grants, and \$700 million for training, technology, and teaching materials grants. (The 2013-14 amounts would be higher because the funds raised in 2012-13 also would be available for distribution.) The amounts available in future years would tend to grow over time. Beginning in 2017-18, the amount spent on schools would increase further as the amount required to be used for state debt payments decreases significantly.

EARLY CARE AND EDUCATION

Background

ECE Programs Serve Children Ages Five and Younger. Prior to attending kindergarten—which usually starts at age five—most California children attend some type of ECE program. Families participate in these programs for a variety of reasons, including supervision of children while parents are working and development of a child's social and cognitive skills. Programs serving children ages birth to three typically are referred to as infant and toddler care. Programs serving three to five year-old children often are referred to as preschool and typically have an explicit focus on helping prepare children for kindergarten. Whereas all programs must meet basic health and safety standards to be licensed by the state, the specific characteristics of programs—including staff qualifications, adult-to-child ratios, curriculum, family fees, and cost of care—vary.

Some Children Are Eligible for Subsidized ECE Services. While many families pay to participate in ECE programs, public funds also subsidize services for some children. These subsidies generally are reserved for families that are low income, participate in welfare-to-work programs or other work or training activities, and/or have children with special needs. Generally,

eligibility for ECE subsidies is limited to families that earn 70 percent or less than the state median income level (for example, currently the limit is \$3,518 per month for a family of three). The state pays a set per-child rate to providers for subsidized ECE “slots.” The payment rate varies by region of the state and care setting. It typically is about \$1,000 per month for full-time infant/toddler care and \$700 per month for full-time preschool.

Current Funding Levels Do Not Subsidize ECE Programs for All Eligible Children. In 2010-11, state and federal funds provided roughly \$2.6 billion to offer a variety of child care and preschool programs for approximately 500,000, or about 15 percent, of California children ages five and younger. Roughly half of all California children, however, meet income eligibility criteria for subsidized programs. Because state and federal ECE funding is not sufficient to provide subsidized services for all eligible children, waiting lists are common in most counties.

Proposal

As noted earlier, ECE programs will receive roughly 10 percent of the revenues raised by the PIT rate increases through 2016-17 and roughly 15 percent annually thereafter. The measure provides specific allocations of these funds, as summarized in Figure 3. As shown in the top part of the figure, up to 23 percent of the funds raised for ECE programs would be dedicated to restoring recent state budget reductions to child care slots and provider payment rates as well as implementing certain statewide activities designed to support the state’s ECE system. The remaining ECE funds, shown in the bottom part of the figure, would expand child care and preschool programs to serve more children from low-income families and increase payment rates for certain ECE providers. The measure also prohibits the state from reducing existing support for ECE programs. Specifically, the state would be required to spend the same proportion of state

General Fund revenues for ECE programs in future years as it is spending in 2012-13 (roughly 1 percent). As described in more detail below, the measure includes extensive provisions relating to: (1) a rating system for evaluating ECE programs, (2) preschool, and (3) infant and toddler care.

Figure 3	
Proposition 38's Early Care and Education (ECE) Provisions	
Purpose/Description	Percent of ECE Funding^a
"Restoration and System Improvement"	
Program Restorations —Partially restores state budget reductions made to existing subsidized ECE programs since 2008-09. Restorations would include serving more children, increasing how much a family can earn and still be eligible for benefits, and increasing state per-child payment rates.	19.4%
Rating System —Establishes system to assess and publicly rate ECE programs based on how they contribute to children's social/emotional development and academic preparation.	2.6
ECE Database —Establishes statewide database to collect and maintain information about children who attend state-funded ECE programs. Would include details about a child's ECE program as well as his/her performance on a kindergarten readiness assessment. Would be linked to state's K-12 database.	0.6
Licensing Inspections —Increases how frequently ECE programs receive health and safety inspections from the state licensing agency.	0.3
Subtotal	(23.0%)
"Strengthen and Expand ECE Programs"	
Services for Children Ages Three to Five —Expands subsidized preschool to more children from low-income families, prioritizing services in low-income neighborhoods.	51.6%
Services for Children Ages Birth to Three —Establishes new California Early Head Start program to provide child care and family support for young children from low-income families.	16.6
Provider Payment Rates —Provides supplemental per-child payments to state-subsidized ECE programs that receive higher scores on new rating scale, with most funding targeted for preschool programs. Also increases the existing per-child payment rate for all licensed state-subsidized ECE programs serving children ages birth to 18 months.	8.9
Subtotal	(77.0% ^b)
Total	100.0%
^a Because the amount dedicated to restoration and system improvement is capped at \$355 million, a slightly lower share of funding would go toward these activities and a slightly higher share toward strengthening and expanding ECE programs when the measure's debt service payments cease in 2017-18. ^b Not more than 3 percent of these funds can be used for state-level administrative costs. Not more than 15 percent of funding allocated to ECE providers can be used for facility costs.	

Establishes Statewide Rating System to Assess the Quality of Individual ECE Programs.

The measure requires the state to implement an “Early Learning Quality Rating and Improvement System” (QRIS) to assess the effectiveness of individual ECE programs. Building on initial work the state already has undertaken, the state would have until January 2014 to develop a scale to evaluate how well programs contribute to children’s social and emotional development and academic preparation. All ECE programs could choose to be rated on this scale, and ratings would be available to the public. The state also would develop a training program to help providers improve their services and increase their ratings. Additionally, Proposition 38 would provide supplemental payments—on top of existing per-child subsidy rates—to child care and preschool programs that achieve higher scores on the QRIS scale.

Provides Preschool to More Children from Low-Income Families. Proposition 38 expands the number of slots available in state-subsidized preschool programs located in neighborhoods with high concentrations of low-income families. Funding to offer these new slots would only be available to preschool providers with higher quality ratings. Funding would be allocated to providers based on the estimated number of eligible children living in the targeted neighborhoods who do not currently attend preschool. (At least 65 percent of these new slots must be in programs that offer full-day, full-year services.) Program participation would be limited to children meeting existing family income eligibility criteria, with highest priority given to certain at-risk children (including those in foster care).

Establishes New Program for Infants and Toddlers from Low-Income Families.

Proposition 38 establishes the California Early Head Start (EHS) Program, modeled after the federal program of the same name. Up to 65 percent of funding for this program would offer

both child care and family support services to low-income families with children ages birth to three. (At least 75 percent of these new slots must be for full-day, full-year care.) At least 35 percent of EHS funding would provide support services for families and caregivers not participating in the child care component of the program. In both cases, family support services could include home visits from program staff, assessments of child development, family literacy programs, and parent and caregiver training.

Fiscal Effect

Provides Additional Funding to Support and Expand ECE Programs. In the initial years, roughly \$1 billion annually from the measure would be used for the state's ECE system. (The 2013-14 amount would be higher because the funds raised in 2012-13 also would be available for distribution.) The majority of funding would be dedicated to expanding child care and preschool—serving roughly an additional 10,000 infants/toddlers and 90,000 preschoolers in the initial years of implementation. The amount available in future years would tend to grow over time. Beginning in 2017-18, the amount spent on ECE programs would increase further as the amount required to be used for state debt payments decreases significantly.

STATE DEBT PAYMENTS

Background

General Obligation Bond Debt Payments. Bond financing is a type of long-term borrowing that the state uses to raise money, primarily for long-lived infrastructure (including school and university buildings, highways, streets and roads, land and wildlife conservation, and water-related facilities). The state obtains this money by selling bonds to investors. In exchange, the state promises to repay this money, with interest, according to a specified schedule. The majority of the state's bonds are general obligation bonds, which must be approved by the voters and are

guaranteed by the state's general taxing power. General obligation bonds are typically paid off with annual debt-service payments from the General Fund. In 2010-11, the state made \$4.7 billion in general obligation bond debt-service payments. Of that amount, \$3.2 billion was to pay for debt service on school and university facilities.

Proposal

At Least 30 Percent of Revenues for Debt-Service Relief Through 2016-17. Until the end of 2016-17, at least 30 percent of Proposition 38 revenues would be used by the state to pay debt-service costs. The measure requires that these funds first be used to pay education debt-service costs (pre-kindergarten through university school facilities). If, however, funds remain after paying annual education debt-service costs, the funds can be used to pay other state general obligation bond debt-service costs.

Limits Growth of School and ECE Allocations Beginning 2015-16, Uses Excess Funds for Debt-Service Payments. Beginning in 2015-16, total CETF allocations to schools and ECE programs could not increase at a rate greater than the average growth in California per capita personal income over the previous five years. The CETF monies collected in excess of this growth rate also would be used for state debt payments. (The measure provides an exception for 2017-18, given the changes in the revenue allocations.)

Fiscal Effect

General Fund Savings of Roughly \$3 Billion Annually Through 2016-17. Until the end of 2016-17, at least 30 percent of the revenue raised by the measure—roughly \$3 billion annually—would be used to pay general obligation debt-service costs and provide state General Fund

savings. This would free up General Fund revenues for other public programs and make it easier to balance the budget in these years.

Potential Additional General Fund Savings Beginning in 2015-16. The measure's growth limit provisions also would provide General Fund savings in certain years. The amount of any savings would vary from year to year depending on the growth of PIT revenue and per capita personal income but could be several hundred million dollars annually.

Proposition 38
Tax for Education and Early Childhood Programs. Initiative Statute.

Yes/No Statement

A **YES** vote on this measure means: State personal income tax rates would increase for 12 years. The additional revenues would be used for schools, child care, preschool, and state debt payments.

A **NO** vote on this measure means: State personal income tax rates would remain at their current levels. No additional funding would be available for schools, child care, preschool, and state debt payments.

AMENDED IN ASSEMBLY JUNE 20, 2012

AMENDED IN SENATE MAY 16, 2012

AMENDED IN SENATE APRIL 30, 2012

SENATE BILL

No. 1186

**Introduced by Senators Steinberg and Dutton
(Coauthors: Senators Cannella and Gaines)**

February 22, 2012

An act to amend Section 55.3 of, and to add Sections 55.31 and 1938 to, the Civil Code, and to amend Section 8299.05 of the Government Code, relating to disability access.

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, as amended, Steinberg. Disability access: liability.

Existing law requires an attorney to provide a written advisory to a building owner or tenant with each demand for money or complaint for any construction-related accessibility claim, as specified. The requirement to provide the written advisory applies whether or not the attorney intends to file a complaint or eventually files a complaint in state or federal court. A violation of this requirement may subject the attorney to disciplinary action.

This bill would, instead, require an attorney to provide a written advisory to a building owner or tenant with each complaint or settlement demand for any construction-related accessibility claim, as specified. The requirement to provide the written advisory would apply where the attorney or party has filed a complaint in state or federal court on the basis of one or more construction-related accessibility claims.

This bill also would prohibit an attorney or other person from issuing a demand for money to a building owner or tenant, or an agent or

employee of a building owner or tenant, or from receiving any payment, settlement, compensation, or other remuneration pursuant to a demand for money that is provided or issued without or prior to the filing of a complaint on the basis of one or more construction-related accessibility violations, as specified. ~~The bill would require an attorney to provide to a building owner or tenant, or an agent or employee of a building owner or tenant, a document that notifies the recipient of any alleged construction-related accessibility violation that may be a basis for a damages claim at least 30 days prior to filing any claim for damages based on an alleged construction-related accessibility violation or violations, except in a case solely seeking injunctive relief. The~~

The bill would provide that a violation of these requirements may subject the attorney to disciplinary action.

Existing law requires the State Architect to develop and submit for approval and adoption building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to, and usable by, persons with disabilities, as specified. Existing law provides for the inspection of places of public accommodation by certified access specialists to determine if the sites meet all applicable construction-related accessibility standards, and the provision of specified certificates and reports regarding those inspections. Existing law regulates the hiring of real property.

This bill would require a commercial property owner to state on a lease form or rental agreement if the property being leased or rented has been inspected by a certified access specialist.

Existing law establishes the California Commission on Disability Access to develop recommendations that will enable persons with disabilities to exercise their right to full and equal access to public facilities, and that will facilitate business compliance with disability access laws and regulations to avoid unnecessary litigation. Existing law requires the commission to study specified disability access issues, and to make reports on those issues to the Legislature.

This bill would provide that the functions and responsibilities of the commission include the concurrent and prospective review of legislative measures, including this measure, and recommendations on any additional ideas or options to promote disability access and reduce unnecessary litigation.

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

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

1 SECTION 1. Section 55.3 of the Civil Code is amended to
2 read:

3 55.3. (a) For purposes of this section, the following shall apply:

4 (1) “Complaint” means a civil complaint that is filed with a
5 court and is sent to or served upon a defendant on the basis of one
6 or more construction-related accessibility claims, as defined in
7 this section.

8 (2) “Settlement demand” means a written document or oral
9 statement that is provided to a building owner or tenant, or an agent
10 or employee of a building owner or tenant, that contains a request
11 for money on the basis of one or more construction-related
12 accessibility claims, as defined in paragraph (3), where the attorney
13 or party has filed a complaint or eventually files a complaint in
14 state or federal court on the basis of one or more
15 construction-related accessibility claims.

16 (3) “Construction-related accessibility claim” means any claim
17 of a violation of any construction-related accessibility standard,
18 as defined by paragraph (6) of subdivision (a) of Section 55.52,
19 with respect to a place of public accommodation.
20 “Construction-related accessibility claim” does not include a claim
21 of interference with housing within the meaning of paragraph (2)
22 of subdivision (b) of Section 54.1, or any claim of interference
23 caused by something other than the construction-related
24 accessibility condition of the property, including, but not limited
25 to, the conduct of any person.

26 (b) An attorney shall provide a written advisory with each
27 complaint or settlement demand sent to or served by him or her
28 upon a defendant, in the form described in subdivision (c), and on
29 a page or pages that are separate and clearly distinguishable from
30 the complaint or settlement demand, as follows:

31

32 IMPORTANT INFORMATION FOR BUILDING OWNERS
33 AND TENANTS
34

35 This form is available in English, Spanish, Chinese, Vietnamese,
36 and Korean through the Judicial Council of California. Persons
37 with visual impairments can get assistance in viewing this form

1 through the Judicial Council Internet Web site at
2 www.courts.ca.gov.

3 Existing law requires that you receive this information because
4 the complaint or settlement demand you received with this
5 document claims that your building or property does not comply
6 with one or more existing construction-related accessibility laws
7 or regulations protecting the civil rights of persons with disabilities
8 to access public places.

9 **YOU HAVE IMPORTANT LEGAL OBLIGATIONS.**

10 Compliance with disability access laws is a serious and significant
11 responsibility that applies to all California building owners and
12 tenants with buildings open for business to the public. You may
13 obtain information about your legal obligations and how to comply
14 with disability access laws through the Division of the State
15 Architect. Information is also available from the California
16 Commission on Disability Access at www.cdda.ca.gov/guide.htm.

17 **YOU HAVE IMPORTANT LEGAL RIGHTS.** You are not
18 required to pay any money unless and until a court finds you liable.
19 Moreover, **RECEIPT OF THIS ADVISORY DOES NOT**
20 **NECESSARILY MEAN YOU WILL BE FOUND LIABLE FOR**
21 **ANYTHING.**

22 You may wish to promptly consult an attorney experienced in
23 this area of the law to get helpful legal advice or representation in
24 responding to the complaint or settlement demand you received.
25 You may contact the local bar association in your county for
26 information on available attorneys in your area. If you have
27 insurance, you may also wish to contact your insurance provider.
28 You have the right to seek assistance or advice about this complaint
29 or settlement demand from any person of your choice, and no one
30 may instruct you otherwise. Your best interest may be served by
31 seeking legal advice or representation from an attorney.

32 If a complaint has been filed and served on you and your property
33 has been inspected by a Certified Access Specialist (CASp; see
34 www.dgs.ca.gov/dsa/Programs/programCert/casp.aspx), you may
35 have the right to a court stay (temporary stoppage) and early
36 evaluation conference to evaluate the merits of the
37 construction-related accessibility claim against you pursuant to
38 Civil Code Section 55.54. At your option, you may be, but need
39 not be, represented by an attorney to file a reply and to file an
40 application for a court stay and early evaluation conference. If you

1 choose not to hire an attorney to represent you, you may obtain
2 additional information about how to represent yourself and how
3 to file a reply without hiring an attorney through the Judicial
4 Council Internet Web site at www.courts.ca.gov/selfhelp-start.htm.
5 You may also obtain a form to file your reply to the lawsuit, as
6 well as the form and information for filing an application to request
7 the court stay and early evaluation conference at that same Internet
8 Web site.

9 If you choose to hire an attorney to represent you, the attorney
10 who sent you the complaint or settlement demand is prohibited
11 from contacting you further unless your attorney has given the
12 other attorney permission to contact you. If the other attorney does
13 try to contact you, you should immediately notify your attorney.
14

15 (c) On or before July 1, 2009, the Judicial Council shall adopt
16 a form that may be used by attorneys to comply with the
17 requirements of subdivision (b). The form shall be in substantially
18 the same format and include all of the text set forth in subdivision
19 (b). The form shall be available in English, Spanish, Chinese,
20 Vietnamese, and Korean, and shall include a statement that the
21 form is available in additional languages, and the Judicial Council
22 Internet Web site address where the different versions of the form
23 may be located. The form shall include Internet Web site
24 information for the Division of the State Architect and the
25 California Commission on Disability Access.

26 (d) Subdivision (b) shall apply to a complaint or settlement
27 demand made by an attorney. Nothing in this section is intended
28 to affect the right to file a civil complaint under any other law or
29 regulation protecting the physical access rights of persons with
30 disabilities.

31 (e) This section shall not apply to any action brought by the
32 Attorney General, or by any district attorney, city attorney, or
33 county counsel.

34 SEC. 2. Section 55.31 is added to the Civil Code, to read:

35 55.31. (a) "Demand for money" means a written document or
36 oral statement that is provided or issued to a building owner or
37 tenant, or an agent or employee of a building owner or tenant, that
38 meets all of the following requirements:

39 (1) Alleges one or more construction-related accessibility
40 violations as the basis of one or more construction-related

1 accessibility claims, as defined in paragraph (3) of subdivision (a)
2 of Section 55.3.

3 (2) Contains or makes a request for money, or states or implies
4 that the building owner or tenant is liable for damages or attorney’s
5 fees, or both, on the basis of one or more construction-related
6 accessibility violations.

7 (3) Is provided or issued without or prior to the filing of a
8 complaint in state or federal court on the basis of one or more
9 construction-related accessibility violations.

10 (b) An attorney or person shall not issue a demand for money
11 to a building owner or tenant, or an agent or employee of a building
12 owner or tenant, or receive any payment, settlement, compensation,
13 or other remuneration pursuant to a demand for money, as defined
14 in subdivision (a).

15 ~~(c) An attorney shall provide to a building owner or tenant, or
16 an agent or employee of a building owner or tenant, a document
17 that notifies the recipient of any alleged construction-related
18 accessibility violation that may be a basis for a damages claim at
19 least 30 days prior to filing any claim for damages based on an
20 alleged construction-related accessibility violation or violations.
21 Nothing in this document or any document accompanying the
22 document shall demand or request any money to settle or forgo a
23 claim or potential claim for damages based upon an alleged
24 violation or violations, or state or imply the building owner’s or
25 tenant’s liability for damages or attorney’s fees, or both, on the
26 basis of the alleged construction-related accessibility violation or
27 violations identified in the notice. This requirement shall apply
28 whether the attorney intends to file in state or federal court. This
29 subdivision shall not apply in a case solely seeking injunctive
30 relief.~~

31 ~~(d)~~

32 (c) A violation of subdivision (b) ~~or (e)~~ shall be cause for the
33 imposition of disciplinary action against an attorney.

34 SEC. 3. Section 1938 is added to the Civil Code, to read:

35 1938. A commercial property owner shall state on the lease
36 form or rental agreement if the property being leased or rented “is
37 CASp-inspected” or “is not CASp-inspected.” For the purpose of
38 this section, “CASp-inspected” is defined in paragraph (4) of
39 subdivision (a) of Section 55.52.

1 SEC. 4. Section 8299.05 of the Government Code is amended
2 to read:

3 8299.05. (a) The commission shall study and make reports to
4 the Legislature on the following:

5 (1) Issues regarding compliance with state laws and regulations
6 that are raised by either persons with disabilities or businesses,
7 and any recommendations that would promote compliance.

8 (2) Whether public and private inspection programs, including
9 the Certified Access Specialist Program, are meeting the needs of
10 both the business community and the disability community,
11 including by the provision of timely, competent inspections that
12 properly identify violations and recommend appropriate remedial
13 measures.

14 (3) Whether existing training and continuing education
15 requirements for personnel involved in designing, plan checking,
16 building, or inspecting a structure are sufficient to provide the
17 personnel with sufficient knowledge of the state and federal
18 disability access laws and regulations.

19 (4) Whether training and continuing education requirements
20 should be enacted for landscape architects, professional engineers,
21 and contractors to provide these professionals with sufficient
22 knowledge of the state and federal disability access laws and
23 regulations. This study and report shall be completed and delivered
24 to the Legislature no later than January 1, 2011.

25 (b) (1) The commission shall act as an information center on
26 the status of compliance in California with state laws and
27 regulations providing persons with disabilities full and equal access
28 to public facilities. To this end, it shall publish a biennial report,
29 which may be combined with the biennial report required in
30 odd-numbered years pursuant to subdivision (e), on the state of
31 disability access compliance by both the public and private sector.
32 The report shall be written in general terms and shall not identify
33 any particular violators.

34 (2) The commission shall, to the extent feasible, coordinate with
35 other state agencies and local building departments to ensure that
36 information provided to the public on disability access requirements
37 is uniform and complete.

38 (c) The functions and responsibilities of the commission include
39 the concurrent and prospective review of legislative measures,
40 including Senate Bill 1186 of the 2011–12 Regular Session of the

1 Legislature, and recommendations on any additional ideas or
2 options to promote disability access and reduce unnecessary
3 litigation.

4 (d) The commission may recommend, develop, prepare, or
5 coordinate materials, projects, or other activities, as appropriate,
6 relating to any subject within its jurisdiction.

7 (e) The commission shall provide, within its resources, technical
8 information regarding any of the following:

9 (1) Preventing or minimizing problems of compliance by
10 California businesses by engaging in educational outreach efforts
11 and by preparing and hosting on its Internet Web site a Guide to
12 Compliance with State Laws and Regulations Regarding Disability
13 Access Requirements.

14 (2) Recommending programs to enable persons with disabilities
15 to obtain full and equal access to public facilities.

16 (f) The commission shall make reports on its activities, findings,
17 and recommendations to the Legislature from time to time, but not
18 less often than once during every odd-numbered year, on or before
19 May 1 of that year, commencing in 2011.

20 SEC. 5. It is the intent of the Legislature to do all of the
21 following:

22 (a) Examine the federal and state laws that provide persons with
23 disabilities the right to full and equal access to places of public
24 accommodation, and to address any conflict between those laws
25 in construction-related accessibility standards that may lead to
26 unnecessary litigation.

27 (b) Facilitate compliance by increased education regarding the
28 accessibility laws, including requiring the California Commission
29 on Disability Access to develop tools for use by businesses and
30 building inspectors, and to post those tools on its public Internet
31 Web site to facilitate greater compliance.

32 (c) Examine measures that would lead to greater compliance,
33 to the benefit of both business and the disability community
34 through reducing litigation and improving access for the disabled,
35 without discouraging early compliance efforts and without affecting
36 the right to sue for uncorrected and other violations. This effort
37 shall examine and address issues many small businesses face from
38 litigation and tactics pursued primarily for private gain under the
39 state and federal disability access laws, rather than to rectify a
40 disability access violation.

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- 2 **CORRECTIONS:**
- 3 **Digest—Pages 1 and 2.**
- 4

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AMENDMENTS TO SENATE BILL NO. 317
AS AMENDED IN ASSEMBLY AUGUST 26, 2011

Amendment 1

In the heading, below line 1, insert:

(Principal coauthor: Assembly Member Perea)

Amendment 2

In the title, strike out lines 1 and 2 and insert:

An act to add Division 13.6 (commencing with Section 21200) to the Public Resources Code, relating to environmental quality.

Amendment 3

On page 2, before line 1, insert:

SECTION 1. Division 13.6 (commencing with Section 21200) is added to the Public Resources Code, to read:

DIVISION 13.6. SUSTAINABLE ENVIRONMENTAL PROTECTION ACT

21200. This division shall be known and may be cited as the Sustainable Environmental Protection Act.

21200.5. The Legislature finds and declares all of the following:

(a) The Legislature adopted the California Environmental Quality Act (Division 13 (commencing with Section 21000)) (CEQA) in 1970 in recognition that the maintenance of a quality environment for the people of this state is a matter of statewide concern.

(b) Guidelines implementing CEQA have evolved and expanded, and currently provide that project impacts be evaluated based on 84 criteria covering the following 17 environmental topical areas:

- (1) Air quality.
- (2) Biological resources, including protected species and habitat types.
- (3) Cultural resources, including archaeological resources.
- (4) Geology and soils, including seismic and landslide risk.
- (5) Greenhouse gas emissions.
- (6) Hazards and hazardous materials, including toxic chemical exposures, brownfields or contaminated site issues, and accident risks.
- (7) Hydrology and water quality, including flooding and sea level rise.
- (8) Land use planning, including consistency with land use plans.
- (9) Public services, including fire and police protection, schools, parks, and other public facilities.



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(10) Traffic and transportation, including transit, vehicular, bicycle, and pedestrian transportation, emergency access, and roadway safety.

(11) Utilities and service systems, including wastewater, water supply, stormwater, landfill, and waste management systems.

(12) Aesthetics.

(13) Agriculture and forestry resources.

(14) Mineral resource availability.

(15) Noise.

(16) Population and housing growth.

(17) Recreational resources.

(c) In the years before and the 40 years following the enactment of CEQA, Congress and the Legislature have each adopted more than 100 laws to protect environmental quality in those environmental topical areas required to be independently mitigated under CEQA described in subdivision (b). The Legislature has enacted environmental protection laws that are as or more stringent than federal law, and California environmental laws are often at the cutting edge of environmental protection nationally and even globally. These environmental protection laws, all enacted after 1970, include, but are not limited to, the following:

(1) Air quality, including air pollution and toxic air contaminants: the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and the federal Acid Precipitation Act of 1980 (42 U.S.C. Sec. 8901 et seq.), and California air quality laws, including Division 26 (commencing with Section 39000) of the Health and Safety Code, the Protect California Air Act of 2003 (Chapter 4.5 (commencing with Section 42500) of Part 4 of Division 26 of the Health and Safety Code), the Carl Moyer Memorial Air Quality Standards Attainment Program (Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code), the California Port Community Air Quality Program (Chapter 9.8 (commencing with Section 44299.80) of Part 5 of Division 26 of the Health and Safety Code), the California Clean Schoolbus Program (Chapter 10 (commencing with Section 44299.90) of Part 5 of Division 26 of the Health and Safety Code), the Air Pollution Permit Streamlining Act of 1992 (Article 1.3 (commencing with Section 42320) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code), and the California air pollution control laws, including the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Part 6 (commencing with Section 44300) of Division 26 of the Health and Safety Code), the Atmospheric Acidity Protection Act of 1988 (Chapter 6 (commencing with Section 39900) of Part 2 of Division 26 of the Health and Safety Code), the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991 (Section 41865 of the Health and Safety Code), and the Lewis-Presley Air Quality Management Act (Chapter 5.5 (commencing with Section 40400) of Part 3 of Division 26 of the Health and Safety Code).

(2) Biological resources, including protected species and habitat types: the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703 et seq.), the federal Bald and Golden Eagle Protection Act (16 U.S.C. Sec. 668), Section 404(b) of the federal Clean Water Act (33 U.S.C. Sec. 1344(b)), the federal Marine Mammal Protection Act of 1972 (16 U.S.C. Sec. 1361 et seq.), the federal Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. Sec. 4701 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish

and Game Code), Sections 1602, 3503.5, 3511, 3513, and 4700 of the Fish and Game Code, the Oak Woodlands Conservation Act (Article 3.5 (commencing with Section 1360) of Chapter 3 of Division 2 of the Fish and Game Code), Article 3 (commencing with Section 355) of Chapter 3 of Division 1 of the Fish and Game Code, Division 5 (commencing with Section 5000) of the Fish and Game Code, Division 6 (commencing with Section 5500) of the Fish and Game Code, and subdivision (e) of Section 65302 of the Government Code.

(3) Cultural resources, including archaeological resources: Section 106 of the federal National Historic Preservation Act (16 U.S.C. Sec. 470(f)), the federal American Indian Religious Freedom Act (42 U.S.C. Sec. 1996), Section 7050.5 of the Health and Safety Code, and Section 5097.9.

(4) Climate change and greenhouse gas emissions: the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the federal Energy Independence and Security Act of 2007 (42 U.S.C. Sec. 17001 et seq.), the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), Division 26 (commencing with Section 39000) of the Health and Safety Code, the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 (Chapter 8.9 (commencing with Section 44270) of Part 5 of Division 26 of the Health and Safety Code), the California Energy-Efficient Vehicle Group Purchase Program (Article 1.5 (commencing with Section 43810) of Chapter 4 of Part 5 of Division 26 of the Health and Safety Code), Section 43018.5 of the Health and Safety Code, and Chapter 728 of the Statutes of 2008.

(5) Hazards and hazardous materials, including toxic chemical exposures, brownfields or contaminated site issues, and chemical accident risks: the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), the federal Resource Conservation and Recovery Act of 1976 (42 U.S.C. Sec. 6901 et seq.), the federal Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. Sec. 11001 et seq.), the federal Pollution Prevention Act of 1990 (42 U.S.C. Sec. 13101 et seq.), the federal Oil Pollution Act of 1990 (33 U.S.C. Sec. 2701 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.), the federal Toxic Substances Control Act (15 U.S.C. Sec. 2601 et seq.), the federal Asbestos Hazard Emergency Response Act of 1986 (15 U.S.C. Sec. 2641 et seq.), the federal Lead-Based Paint Exposure Reduction Act (15 U.S.C. Sec. 2681 et seq.), the federal Low-Level Radioactive Waste Policy Act (42 U.S.C. Sec. 2121b et seq.), the federal Lead Contamination Control Act of 1988 (42 U.S.C. Sec. 300j-21 et seq.), the Hazardous Waste Control Law (Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code), Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code, Sections 25356.1.5 and 25395.94 of the Health and Safety Code, Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code, the Elder California Pipeline Safety Act of 1981 (Chapter 5.5 (commencing with Section 51010) of Part 1 of Division 1 of Title 5 of the Government Code), and the Natural Gas Pipeline Safety Act of 2011 (Article 2 (commencing with Section 955) of Chapter 4.5 of Part 1 of Division 1 of the Public Utilities Code).

(6) Hydrology and water quality, including flooding and sea level rise: the federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.), the National Contaminated Sediment Assessment and Management Act (33 U.S.C. Sec. 1271 et seq.), the federal

Safe Drinking Water Act (33 U.S.C. Sec. 300f et seq.), Section 1602 of the Fish and Game Code, the Integrated Regional Water Management Planning Act (Part 2.2 (commencing with Section 10530) of Division 6 of the Water Code), the Stormwater Resource Planning Act (Part 2.3 (commencing with Section 10560) of Division 6 of the Water Code), the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code), the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20 of the Health and Safety Code), the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code), Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code, the Water Conservation in Landscaping Act (Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code), the Storm Water Enforcement Act of 1998 (Chapter 5.9 (commencing with Section 13399.25) of Division 7 of the Water Code), the Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code), Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code, and Part 2.75 (commencing with Section 10750) of Division 6 of the Water Code.

(7) Land use planning including consistency with land use plans: the federal Coastal Zone Management Act of 1972 (16 U.S.C. Sec. 1451 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. Sec. 1701 et seq.), the federal Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. Secs. 1600 to 1614, incl., and 1641 to 1649, incl.), the National Forest Management Act of 1976 (16 U.S.C. Secs. 1600 and 1611 to 1614, incl.), the Planning and Zoning Law (Title 7 (commencing with Section 65000) of the Government Code), the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code), the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of this code), the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Part 1 (commencing with Section 56000) of Division 3 of Title 5 of the Government Code), the California Green Building Standards Code (Part 11 of Title 24 of the California Code of Regulations), and the California Building Code (Part 2 of Title 24 of the California Code of Regulations).

(8) Public services, including fire and police protection, schools, parks, solid waste, recycling, and other public facilities: Chapter 2 (commencing with Section 17921) of Part 1.5 of Division 13 of the Health and Safety Code, Sections 65996, 65997, and 66477 of the Government Code, Title 7.3 (commencing with Section 66799) of the Government Code, the Used Oil Recycling Act (Article 9 (commencing with Section 3460) of Chapter 1 of Division 3 of this code), the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 (commencing with Section 14500), Division 12.3 (commencing with Section 16000), Division 12.4 (commencing with Section 16050), and Division 12.7 (commencing with Section 18000) of this code), the Fiberglass Recycled Content Act of 1991 (Division 12.9 (commencing with Section 19500) of this code), the California Integrated Waste Management Act of 1989 (Division 30 (commencing with Section 40000) of this code), the California Fire Code (Part 9 of Title 24 of the California Code of Regulations), and Sections 1270 and 6773 of Title 8 of the California Code of Regulations

(9) Traffic and transportation, including transit, vehicular, bicycle, and pedestrian transportation, emergency access, and roadway safety: the federal Safe, Accountable,

Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. Sec. 101 et seq.), Titles 23 and 49 of the United States Code, and Chapter 2.3 (commencing with Section 65070), Chapter 2.5 (commencing with Section 65080), and Chapter 2.8 (commencing with Section 65088) of Division 1 of Title 7 of the Government Code.

(10) Utilities and service systems, including wastewater, water supply, stormwater, landfill and waste management systems: Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code, Part 2.55 (commencing with Section 10608) of Division 6 of the Water Code, the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code), and the Water Conservation in Landscaping Act (Article 10.8 (commencing with Section 65591) of Chapter 3 of Division 1 of Title 7 of the Government Code).

(11) Aesthetics: the federal Highway Beautification Act of 1965 (23 U.S.C. Sec. 131), Article 2.5 (commencing with Section 260) of Chapter 1 of Division 1 of the Streets and Highways Code, the Outdoor Advertising Act (Chapter 2 (commencing with Section 5200) of Division 3 of the Business and Professions Code), and subdivision (e) of Section 656302 of the Government Code.

(12) Agriculture: the federal Soil and Water Conservation Act of 1977 (16 U.S.C. Sec. 2001 et seq.) and the Williamson Act (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code); and forestry resources: the Z'Berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Part 2 of Division 4) and corresponding regulations (Chapter 4 (commencing with Section 895), Chapter 4.5 (commencing with Section 1115), and Chapter 10 (commencing with Section 1600) of Division 1.5 of Title 14 of the California Code of Regulations), Protection of Forest, Range and Forage Lands (Part 2 (commencing with Section 4101) of Division 4), and the Wild and Scenic Rivers Act (Chapter 1.4 (commencing with Section 5093.50) of Division 5).

(13) Mineral resources: the federal Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. Sec. 1201 et seq.) and the Surface Mining and Reclamation Act of 1975 (Chapter 9 (commencing with Section 2710) of Division 2).

(14) Noise: the federal Noise Control Act of 1972 (43 U.S.C. Sec. 4901 et seq.), the federal Aviation Safety and Noise Abatement Act of 1979 (49 U.S.C. Sec. 47501 et seq.), Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code, the California Noise Insulation Standards (Part 2 of Title 24 of the California Code of Regulations), the California Employee Noise Exposure Limits (Article 105 (commencing with Section 5095) of Group 15 of Subchapter 7 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations).

(d) Over the same 40-year period since the enactment of CEQA, the Legislature has also adopted environmental protection laws affecting three topical areas for which the United States Congress has not taken any action to adopt federal environmental law of general application in California, as follows:

(1) Geology and soils, including seismic and landslide risk: the Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5 (commencing with Section 2621) of Division 2 of this code), the Seismic Hazards Mapping Act (Chapter 7.8 (commencing with Section 2690) of Division 2 of this code), the California Building Code (Title 24 of the California Code of Regulations), Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code, subdivision (g) of Section 65302 of

the Government Code, and the Surface Mining and Reclamation Act of 1975 (Chapter 9 (commencing with Section 2710) of Division 2 of this code).

(2) Population and housing growth: Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code and Chapter 13 (commencing with Section 75120) of Division 43.

(3) Recreational resources: Section 66477 of the Government Code and the Public Park Preservation Act of 1971 (Chapter 2.5 (commencing with Section 5400) of Division 5 of this code).

(e) When enacting CEQA and subsequent amendments, the Legislature declared its intent to ensure that all public agencies give major consideration to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian and to create and maintain conditions under which humankind and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Environmental laws, including implementing plans, programs, regulations, and permit requirements that have been adopted since the 1970 enactment of CEQA, are designed to ensure California continues as a national and international leader in protecting the environment, health, safety, and welfare of California and those within its borders.

(1) At the local level, the California Constitution and California law require cities, counties, and cities and counties to adopt land use plans in order to develop and implement an orderly planning process for protecting and enhancing the quality of the community and the environment while providing for jobs, revenues, recreational and other services, housing, and other community needs.

(2) Pursuant to Chapter 728 of the Statutes of 2008, metropolitan planning organizations (MPOs) are directed to prepare sustainable communities strategies (SCSs) to reduce regional greenhouse gas emissions from the land use and transportation sector. Additionally, many cities and counties have adopted, or are in the process of adopting, land use plans such as general plan updates, zoning code revisions, specific plans, community plans, and area plans to encourage both renewable energy production and higher density, transit-oriented development patterns.

(3) In response to the challenges of climate change and in furtherance of energy independence and security, the Legislature has established significant new mandates for the development and use of renewable energy and higher density development patterns that promote transit utilization and conserve water and energy resources.

(4) With recent mandates and policies encouraging denser development patterns to promote transit, energy and water efficiency, job and housing growth is prioritized in areas that are already well populated and include urbanized conditions such as regional freeway congestion and local roadway congestion, and neighborhood-scale challenges such as parking and evolving aesthetic values. By directing growth into higher density, transit-oriented development patterns, SCS and local land use plan and zoning code adoption and implementation generally cause significant unavoidable density-related adverse environmental impacts under CEQA, such as traffic and parking and related air quality emissions. Additionally, infrastructure and services in many urbanized areas are challenged and require upgrades that are beyond the fiscal ability or jurisdictional authority, or both, of a city or county, resulting in findings of additional significant unavoidable impacts for CEQA purposes. Impacts from higher density

development land use plans and zoning code revisions (urbanization impacts) are evaluated and in many instances approved by decisionmakers as an appropriate policy decision based on climate, energy security, agricultural or open-space preservation, or other inherent policy choices that are informed by the EIR's environmental analysis and public disclosure process.

(g) Environmental laws and regulations identify compliance obligations that apply uniformly to similarly situated projects and activities, and provide critical environmental protections that go well beyond the ad hoc review process created by CEQA. Environmental laws and regulations identify compliance obligations of general applicability and thereby provide greater clarity than the project-by-project ad hoc review process that was created for CEQA in 1970.

(h) CEQA requires a public and environmental review process for the review and adoption of land use plans and zoning code revisions, including requirements to avoid or minimize the significant environmental impacts of land use plan and zoning code implementation. For plan or zoning code changes for which an environmental impact report (EIR) was prepared and certified, CEQA mandates inclusion of mitigation measures and alternatives to avoid or minimize significant unavoidable impacts.

(i) The court, in *Friends of Westwood v. City of Los Angeles* (1987) 191 Cal.App.3d 259, determined that the CEQA process is required even for projects that complied with the density, use type, and intensity restrictions in applicable land use plans and the zoning code.

(j) Applying CEQA's existing requirements at a project-specific level can often undermine the policy goals and objectives of applicable land use plans. A project that brings higher density to an area, with corresponding jobs, revenues, or housing, also brings traffic and parking demands, with associated air quality and other impacts, as well as a host of other urbanized effects as disclosed in the land use plan EIR. Where urbanized effects have been mitigated on the plan level to the extent feasible, the reanalysis of these impacts at the project level can be problematic.

(k) Duplicative CEQA review of projects that comply with the density, use type, and intensity requirements of land use plans that have already undergone an EIR process was not intended by the Legislature and creates unacceptable delays and uncertainties in the plan implementation process. Avoidance of duplicative review will reduce litigation and the considerable political uncertainty that has resulted for communities and project proponents who attempt to implement land use plans, notwithstanding previously disclosed significant unavoidable urbanized impacts.

(l) Development of projects consistent with the density, use type, and intensity requirements of land use plans should be encouraged by avoiding duplicative environmental review of those projects if project approval is conditioned on implementing applicable mitigation measures included in the EIR prepared for the applicable land use plans.

(m) Public agencies are subject to public notice and disclosure requirements when approving projects, including the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), and are also authorized to require comprehensive project applications and to condition project approvals under their police powers and other laws, not including CEQA.

(n) Public agencies are encouraged to create and maintain electronic records where feasible to reduce paperwork and increase efficiency. The prompt commencement and resolution of litigation filed under this division and CEQA is dependent upon the prompt availability of the respondent public agency's record of proceedings for the challenged agency action. There are no practical means by which records of proceedings which are predominantly maintained in electronic format can be readily accessed, organized, and produced by any party other than the respondent public agency. Where all or most of the respondent agency's record of proceeding is maintained by the respondent agency or its designee in an electronic format, timely production of the record of proceedings requires that the record be prepared by the respondent agency.

(o) In enacting this division, it is the intent of the Legislature to further the purposes of CEQA by integrating environmental and planning laws and regulations adopted over the last 40 years, while avoiding the sometimes conflicting and often duplicative ad hoc environmental review and mitigation requirements under CEQA.

(p) In enacting this division, it is also the intent of the Legislature to continue to foster public disclosure and informed public participation of the environmental consequences of projects.

(q) In enacting this division, it is the intent of the Legislature to preserve the authority of a lead agency, consistent with the jurisdiction and authority of that agency, to disapprove projects or to condition approvals of projects on terms that may require more stringent environmental protections or project approval conditions than those required by applicable environmental or planning laws.

21201. For the purposes of this division, the following definitions shall apply:

(a) "Applicable environmental law" is a law related to an environmental topical area listed in subdivision (b) of Section 21200.5 that is relevant to a project and that does any of the following:

(1) Includes a policy determination, or directs or authorizes the adoption by an implementing agency of regulations, plans, or permits, licenses, or authorization applications and approval processing procedure and practices to implement that policy determination, regarding a standard applicable to a topical area requiring analysis and mitigation under CEQA.

(2) Identifies quantitative and qualitative analytical methods or approaches, or directs or authorizes the adoption by an implementing agency of regulations, plans, or permits, licenses, or authorization applications and approval processing procedures and practices that include those analytical methods or approaches, regarding a standard.

(3) Identifies required or permissible practices for mitigating or minimizing adverse impacts to a topical area requiring analysis and mitigation under CEQA, or directs or authorizes the adoption by an implementing agency of regulations or plans, or directs or authorizes an implementing agency to review and approve permits, licenses, or authorization applications that include avoidance, minimization, mitigation, conditions or other requirements to achieve a standard applicable to a topical area requiring analysis and mitigation under CEQA.

(b) "Applicable plan" means a planning document for which an environmental impact report, supplemental environmental impact report, or environmental impact report addendum was certified, including either of the following:

(1) A land use plan, such as a general plan, specific plan, or sustainable communities strategies adopted by a city, county, city and county, metropolitan planning

organization, or other local, regional, or state agency that establishes use designations, densities, and building intensities.

(2) A plan to improve or maintain public facilities or infrastructure to be funded in whole or in part by public funds and which has been adopted by a local, regional, or state agency.

(c) "Applicable mitigation requirements" means all mitigation measures included in an applicable plan with the exception of mitigation measures the lead agency determines, based on substantial evidence, are not required to mitigate a potentially significant impact of a proposed project.

(d) "CEQA" means the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(e) "Implementing agency" means any state or federal agency, board, or commission, any county, city and county, city, regional agency, public district, or other political subdivision.

(f) "Standard" means a quantitative or qualitative level of protection, preservation, enhancement, pollution, reduction, avoidance, or other measure for a topical area requiring analysis and mitigation under CEQA.

21202. (a) An environmental document prepared pursuant to CEQA shall disclose all applicable environmental laws.

(1) An environmental document prepared under CEQA and that discloses an applicable environmental law described in paragraph (1) of subdivision (a) of Section 21201 shall disclose the applicable compliance requirements of that law, and compliance with the applicable standards for impacts that occur or might occur as a result of approval of the project shall be the exclusive means of evaluating and mitigating environmental impacts under CEQA regarding the subject of that law, notwithstanding any other provision of law.

(2) An environmental document prepared under CEQA and that discloses an applicable environmental law described in paragraph (2) of subdivision (a) of Section 21201 shall disclose the applicable analytical methods or approaches, and the disclosure of those analytical methods or approaches shall be the exclusive means of evaluating potential project impacts under CEQA regarding the relevant law, notwithstanding any other provision of law.

(3) An environmental document prepared under CEQA and that discloses an applicable environmental law described in paragraph (3) of subdivision (a) of Section 21201 shall disclose the applicable mitigation and minimization methods or approaches typically used by implementing agencies as part of their review and approval or permits, licenses, or authorization applications, and compliance with mitigation and minimization practices shall be the exclusive means of mitigating environmental impacts under CEQA regarding the subject of the relevant law, notwithstanding any other provision of law.

(b) The disclosure obligations set forth in this section are intended to foster informed environmental review and public participation in the environmental and public review process required by CEQA or other applicable laws and regulations, such as the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

21203. (a) A cause of action shall not be commenced under Section 21167 for noncompliance with CEQA under either of the following circumstances:

(1) If the cause of action relates to an environmental topical area listed in subdivision (b) of Section 21200.5 and the environmental document discloses compliance with any applicable environmental law pertaining to a topical area or any regulation, plan, permit, license, or authorization application and approval processing procedures adopted by an implementing agency as directed or authorized by that applicable environmental law.

(2) If the environmental document for the project discloses compliance with applicable environmental law pertaining to a topical area or any regulation, plan, permit, license, or authorization application and approval processing procedures adopted by an implementing agency as directed or authorized by that applicable environmental law; the project conforms to the use designation, density, or building intensity in a land use plan or was included in any other applicable plan identified in subdivision (b) of Section 21201; and the lead agency incorporates applicable mitigation requirements included in the certified environmental impact report, supplemental environmental impact report, or environmental impact report addendum prepared for the applicable plan into the environmental document prepared for the project.

(b) This section does not prohibit a cause of action otherwise authorized by law to enforce compliance with any other existing local, state, and federal law, regulation, or applicable plan.

21204. (a) Except for projects with potentially significant aesthetic impacts on an official state scenic highway established pursuant to section 262 of the Streets and Highways Code, a lead agency shall not be required to evaluate aesthetics pursuant to CEQA or this division, and the lead agency shall not be required to make findings pursuant to subdivision (a) of Section 21081 on or relating to aesthetic impacts.

(b) This section does not change the authority of a lead agency to consider aesthetic issues and to require mitigation or avoidance of adverse aesthetic impacts pursuant to discretionary powers provided by laws other than CEQA or this division.

21204.5. This division does not modify the obligation of a lead agency to evaluate the potential for a project to effect Native American resources and to comply with Section 5097.98, including the obligation to discuss and confer with the appropriate Native Americans, as identified by the Native American Heritage Commission and the obligation to avoid, mitigate, and minimize adverse impacts to significant Native American resources.

21205. This division applies only to projects for which the lead agency or applicant has agreed to provide to the public in a readily accessible electronic format an annual compliance report prepared pursuant to the mitigation monitoring and reporting program required by paragraph (1) of subdivision (a) of Section 21081.6.

21206. This division does not preclude any state agency, board, or commission, or any city, county, city and county, regional agency, public district, redevelopment agency, or other political subdivision from requiring information or analysis of the project under consideration, or imposing conditions of approval for that project, under laws and regulations other than this division and CEQA.

21207. (a) An environmental document, prepared pursuant to CEQA, shall be required to consider only those environmental topical areas listed in subdivision (b)

of Section 21200.5 and only to the extent those environmental topical areas are relevant to the project.

(b) Subdivision (b) of Section 21200.5 is not intended to affirm, reject, or otherwise affect court decisions concerning the consistency of the guidelines provisions within the provisions of CEQA.

(c) This section does not preclude a lead agency from modifying or updating its analytical methodologies for those topical areas.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Amendment 4
On page 2, strike out lines 1 to 14, inclusive

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A Tradition of Stewardship
A Commitment to Service



August 21, 2012

The Honorable Edmund G. Brown, Jr.
Office of the Governor of California
State Capitol Building
Sacramento, CA 95814

Re: Two Part Test Determination: Enterprise Rancheria of
Maidu Indians and the North Fork Rancheria of Mono Indians

Dear Governor Brown:

I am the current Chairperson of the Northern California Counties Tribal Matters Consortium (Consortium) which has provided testimony at various congressional hearings on the critical issue of reservation shopping. These issues come to the fore as you will make a precedent setting decision of whether, under the Indian Gaming Regulatory Act (IGRA), to concur in the Department of the Interior Secretarial determination that off reservation gaming by the Enterprise Rancheria of Maidu Indians and the North Fork Rancheria of Mono Indians "will not be detrimental to the surrounding community." As you know, this issue has taken on critical importance to local governments, such as ours, which are located near lucrative urban population centers and face intense pressures for casino development.

The Consortium is a collaboration between Napa, Solano and Sonoma Counties. It was founded upon the realization that we must work together to respond effectively to the federal legal and policy decisions which often drive tribal development. The Consortium's Policies (attached) reflect the key determinants of whether concurrence should be granted. First, whether a tribe has demonstrated significant historic ties to an area, second, whether there has been close consultation with the local governments involved, and finally, whether the local and regional impacts anticipated from the proposed casinos are adequately addressed through enforceable intergovernmental agreements.

As you know, the general presumption is that land acquired by a tribe after IGRA's enactment on October 17, 1988, is not eligible for gaming. Narrow exceptions to this rule exist and we believe should be used sparingly. A significant exception, rarely if ever used in California, is what is known as the "two-part test," whereby gaming may occur on off-reservation trust lands if the Governor concurs in the Secretary's determination that a gaming establishment would be (1) in the best interest of the applicant tribe and its members and (2) would not be detrimental to the surrounding community. This determination can only come after the Secretary consults with the State and appropriate local officials including nearby Tribes. The Governor must then concur within one year of the Secretary's determination to meet the "two part test."

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Although your determination on its face will only immediately impact the two tribes at issue, its implications will be both far reaching for future tribal proposals; and have unintended effects of spurring additional off-reservation gaming efforts. At a minimum, the Consortium strongly urges a decision that clearly documents full satisfaction of the key Consortium Policies: 1) significant historic ties to the area; 2) close consultation with affected local governments; and 3) county-tribal agreements which address jurisdictional conflicts and insure the mitigation of off-reservation impacts.

Thank you for your consideration of the Consortium's Policies and concerns. If you have any questions or would like additional information, please do not hesitate to contact me or Sonoma County Counsel Bruce Goldstein ((707) 565-6118; Bruce.Goldstein@sonoma-county.org).

Very truly yours,



Supervisor Valerie Brown
Sonoma County First District
Chairperson, Northern California Counties Tribal Matters Consortium

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Northern California Counties Tribal Matters Consortium General Policy Principles

I. Introduction

California, more than any other state, has experienced an explosion of tribal gaming and land development since the 1988 enactment of the Indian Gaming Regulatory Act (“IGRA”). This development accelerated in California with the 1999 passage of Proposition 1A, and the 1998 passage of Proposition 5. The result is over 55 operational casinos maintained by 53 tribal governments in 34 counties, with at least 25 additional tribal casinos in the planning stage. The scope of potential casino development is also reflected in the over 100 federally recognized tribes in California, with over 65 existing compacts, many of them providing for two casinos per tribe. As these IGRA casinos have proliferated, increased tribal gaming wealth, or its promise, has provided capital for still more gaming and non-gaming tribal development. All levels of state government now face significant challenges raised by tribal development initiatives. It is a key consideration that these tribal development proposals are generally governed by federal Indian law, which affords little protection to communities struggling to address the profound local impacts that often accompany gaming or other large tribal projects.

A. Purpose of the Consortium

Many tribal development initiatives, particularly gaming, have regional impacts beyond any specific jurisdiction. The Northern California Counties Tribal Matters Consortium (“Consortium”) is founded by county governments based on the realization that they must work together to share expertise and respond effectively to the federal legal and policy decisions driving tribal development.

Along the legal pathway to any type of tribal development, there are a series of federal decisions and procedural steps. These steps may include tribal acknowledgment, land acquisition, fee-to-trust land conversion, approvals for gaming uses of trust lands, and approvals for gaming itself. Most of the steps offer a role and some measure of influence for the state and affected local governments. While this role is not as strong as it should be, it does afford an opportunity to take action. Proactive state and local participation is crucial as federal decisions are under consideration, because once made, jurisdiction over the tribal entity and its members is vitiated by the tribe's sovereign status, and key local regulatory powers are preempted once the property becomes tribal land. Formation of the Consortium is

important to allow local governments to work together to understand the rules and laws applicable to tribal status and development and to play a meaningful and united role in shaping federal and state decisions.

County coordination is especially critical in Northern California where a growing number of tribal entities are attempting to acquire land, seek trust status, and advance development proposals for casinos and other uses in locations based solely upon market appeal. Some tribes are attempting to develop land without regard to current reservation location or the existence of historic or other significant ties to a chosen location. There are many legal permutations of "reservation shopping," and many jurisdictions are forced to deal with the complex legal issues it raises, often on an emergency basis. Reservation shopping is fueled by improved tribal financial capability, usually through third-party investors. This creates the ability not only to buy land, but also to sustain long-term procedural and political campaigns and legal disputes, often exploiting ambiguous federal rules and policies.

Federal laws, regulations, and policies do provide states and local government with some opportunity to influence the outcome of tribal land development issues. Whether an affected state or local government can effectively take advantage of the procedural opportunities available to them depends on the governmental entity's knowledge of federal law and procedures, its readiness to respond appropriately, and its commitment to persevere in a position. A consortium of counties provides a more influential body to address federal or state legislative and administrative proposals regarding tribal matters.

B. Consortium Goals

The Consortium has been organized to inform member counties of federal Indian law and policy so that they can effectively exercise their authority to respond to emerging policy and tribal development proposals. Each county belonging to the Consortium has varying degrees of experience with the conversion of fee land to federal trust status on behalf of Indian tribes and related proposals to develop that land for gaming or other economic purposes. In almost all cases, tribal plans for trust lands are inconsistent with the host county's general plans, ordinances, zoning, environmental standards or other policies. These lands and the facilities built on them become exempt from state and local taxation, and land use control, and potentially lead to serious adverse consequences on affected communities.

The Consortium's goal is to develop common principles that will guide the actions of each county and enable them to influence legislative and administrative policies in order to avoid or reduce impacts as much as possible. These general principles are intended to provide a proactive foundation for county action regarding trust land

proposals, to give advance notice of county policies and standards to those who intend to propose tribal development on such land, and to advise federal and state decisionmakers of a county's position.

The Consortium approach explicitly recognizes the distinction between tribal entities that have significant documented ties (definition attached) to specific locations in a county and those that do not. While federal processes may also apply to this determination, Consortium counties will make their own determination with respect to such ties. This will guide county responses to tribal development proposals or development initiatives, and assist the counties in taking positions in federal proceedings. The presumption is that proposals by tribal entities without significant ties to specific locations in a county will be generally opposed and therefore ineligible for agreements with the counties. Those having significant documented ties will be eligible for government-to-government discussions and potential agreements consistent with Consortium principles.

II. Consortium Basic Principles

The following principles represent the Consortium's general policies toward tribal trust land acquisitions and other development proposals on trust lands:

- A.** The Consortium is opposed to any federal fee-to-trust request on behalf of any tribe that lacks significant, long-term and documented ties to the specific location in the county where the trust land acquisition or development is proposed.

The policy presumption is that each Consortium county will oppose any trust land request, regardless of the developmental purpose, where the tribe on behalf of which trust status is proposed, lacks significant ties. Counties will make their own determination on this issue and will be active participants in applicable federal proceedings. Until the county in question is satisfied that such ties exist, or are reasonably likely to be proven, no proposals for county-tribal agreements will be entertained, and other agreements related to the trust land proposal, such as those involving local governments or the State, will be disfavored.

- B.** In circumstances where a county is satisfied that a tribe, or an unrecognized group seeking federal acknowledgment as a tribal entity, has significant ties to a specific location, Consortium member counties:
 - 1. Will work with the Tribe on a government-to-government basis to consider development proposals within the policy framework of the Consortium;

2. Will consider proposals to have land placed into trust for any development purpose in accordance with applicable legal authority on tribal purpose, need, and other factors, and to ensure consistency with county ordinances, zoning, environmental standards, health and safety standards, and other applicable development rules and standards;
3. Will disfavor gaming-related proposals until it is conclusively shown that the development is fully consistent with Consortium principles and is in the best interest of the county;
4. Will reserve the right to participate actively in any tribal acknowledgment proceeding based on the merits of the petition;
5. Will oppose federal acknowledgment proposals by groups seeking federal recognition outside the BIA administrative process (by legislation, for example) in the absence of approval of the county or an existing county-tribal agreement;
6. Will require that any county-tribal agreement will fully mitigate environmental impacts of the proposed project and that there will be guarantees of substantial compliance with county ordinances, zoning and environmental policies through a Memorandum of Understanding or similar agreement, in which the tribe must provide a sufficient waiver of tribal sovereign immunity to permit enforcement of the agreement; and
7. Will oppose the Congressional designation of trust land or the authorization of trust land selections in the absence of approval of the county or the existence of a county-tribal agreement.

III. Implementation Guidelines

In carrying out these principles, Consortium counties agree that they will be committed to the following:

- A. Mutual Respect. The counties will be committed to respectful government-to-government relationships with tribal entities and recognize the unique role and interest of each. The same respect extends to the affected state and local governments. The concept of reciprocal respect will guide the actions of Consortium members.

- B.** Information Gathering. The counties affected by tribal development proposals will obtain information needed to evaluate the unique character of tribal status and the impacts of tribal development on the community, and the well-being and economic self-sufficiency of the tribal entity.
- C.** Education. The counties will develop, on an individual county or cooperative basis, a public education program to promote informed decisions on tribal proposals.
- D.** Active Participation. To protect local interests, the counties, through the Consortium, will participate actively and appropriately in state and federal policy and legislative processes to support the principles of the Consortium.
- E.** Trust Land/Development Response. The counties will ensure that any fee-to-trust transaction or other tribal development proposal by a recognized tribe:
1. Is subject to a comprehensive agreement (e.g., Memorandum of Understanding) enforceable in federal or state court between the tribal entity and the county;
 2. Is consistent with the county's general plan;
 3. Undergoes environmental review that is at least equivalent to the level of environmental review applicable to any comparable non-tribal proposal, including impacts, cumulative impacts, mitigation requirements, and other factors;
 4. Includes enforceable provisions between the tribal entity and the county under which the tribal entity agrees to make payments to compensate for the government services typically covered by applicable taxes, to provide a negotiated fair share for health, welfare, and safety services, and to offset impacts of whatever developmental activity is proposed. This recognizes that such costs include: a) processing and administrative costs (such as permitting); b) impact mitigation; and c) the ongoing impacts of the activity or development;
 5. Provides for the payment or mitigation from tribal entities to cover all public sector costs and economic impacts (police, fire,

sewer, road, education, housing and others) associated with any development on trust lands;

6. Satisfies the health and safety standards (ordinances) of the county, either directly or by enforceable (third part enforcement) tribal ordinances;
7. Includes enforceable conditions and limitations with respect to the future development and/or changed use of any land that is to be placed in trust on behalf of the tribal entity; and
8. Includes a limited waiver of sovereign immunity of the tribal entity sufficient to permit enforcement of the terms of an agreement in federal or state court, or includes acceptable alternative enforcement provisions.

F. State and Local Government Relationships. With respect to the relationship between the counties and the State of California, and with local governments in each respective County:

1. The counties will respect and seek a partnership with the State and local governments consistent with these principles and the legal rights and responsibilities of these other governments;
2. Wherever possible, the counties will provide support and assistance to local governments and the State as they consider trust land and related tribal development proposals;
3. The counties will communicate these principles and standards, once adopted, to local governments in each county, the State, and any tribal entity interested in land within the respective county; and
4. The counties will seek to make decisions that are consistent with the interests of local governments within the counties that are likely to be significantly impacted by any proposed development.

IV. Conclusion

Tribal gaming and economic development on trust land presents a significant challenge to local governments. Through these principles, the counties in the

Consortium will cooperate in efforts that protect the public interest, and provide information to tribal governments regarding the expectations that must be met to proceed with development activities. The ultimate goal is to establish a foundation upon which legitimate tribal development initiatives can proceed through a process of mutual respect and cooperation while fully protecting local community and tribal rights and interests.

