

1976

# MOTOR VEHICLE TAXES-LOCAL SURPLUS PROPERTY

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**Ballot Title**

**MOTOR VEHICLE TAXES—LOCAL SURPLUS PROPERTY. LEGISLATIVE CONSTITUTIONAL AMENDMENT.** Amends Constitution, Article XXVI. Notwithstanding present constitutional restrictions on use of motor vehicle tax revenues, permits an entity other than the state to use surplus real property purchased with such revenues for local park and recreation purposes when no longer required for the purpose for which originally purchased. Financial impact: No state effect. Possible minor changes in city and county revenues and costs to the extent this authorization is exercised.

**FINAL VOTE CAST BY LEGISLATURE ON ACA 41 (PROPOSITION 11):**

ASSEMBLY—Ayes, 58      SENATE—Ayes, 28  
                               Noes, 0                      Noes, 8

**Analysis by Legislative Analyst****PROPOSAL:**

**Background.** In the process of planning street or road systems, cities and counties acquire land for rights-of-way. Some of this land is purchased with state gasoline excise tax money. When a specific road plan is completed, some portions of the acquired land may be found to be in excess of needs. At present, the city or county must use the proceeds from the sale of such excess lands for road purposes if the land was originally purchased with state gasoline excise tax money.

**Proposal.** This proposition would permit cities and counties to use such excess land for local public park and recreational areas.

**FISCAL EFFECT:**

This proposal would have no direct effect on state or local government costs or revenues. To the extent that cities and counties exercised the park development option, a decrease in local road funds could occur, but, in our opinion, this decrease would be very small. To the extent that excess road lands are used for park and recreation areas in lieu of local expenditures for that purpose, equivalent savings in local general tax funds could result.

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## Text of Proposed Law

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This amendment proposed by Assembly Constitutional Amendment No. 41 (Statutes of 1975, Resolution Chapter 108) amends an existing article of the Constitution by adding a section thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENT TO ARTICLE XXVI

*SEC. 8. Notwithstanding Sections 1 and 2 of this article, any real property acquired by the expenditure of the designated tax revenues by an entity other than the State for the purposes authorized in those sections, but no longer required for such purposes, may be used for local public park and recreational purposes.*

**Remember to Vote on Election Day**

**Tuesday, June 8, 1976**

## Argument in Favor of Proposition 11

Your yes vote on Proposition 11 is necessary to afford local public agencies the opportunity to utilize surplus parcels from local street improvement projects for park purposes.

Under the existing provisions of Article XXVI of the State Constitution, land left over from gas-tax financed local street improvement projects must be sold at fair market value and the proceeds reimbursed to their local share of the gas tax fund. Presently, if a local agency wanted to retain the use of the excess parcels, they must in effect re-purchase the parcels with non-gas tax funds. It seems to us that we all should be doing everything we can to provide local agencies with means to facilitate their efforts to provide parkland and green-space which will benefit the people of this state. Proposition 11 will do just that.

Legislation was passed and signed by Governor Brown during the past legislative session which will provide the statutory controls under which this program will operate once Proposition 11 is ratified by the voters. These controls guarantee that only excess parcels (upon which it is determined that the highest and best use of the property is for park purposes) will be used for such purposes. We see no purpose to be served by requiring local agencies to in effect re-purchase their own surplus land out of another fund, funds which otherwise would be used for needed municipal and county services.

For example, many cities and counties have been developing small parcels into so-called "mini-parks",

"vest-pocket parks", or "neighborhood parks". Three recent projects in the City of Los Angeles are situated on land left over from local street improvement projects financed with local gas-tax money. To retain these parcels for park purposes, the City had to agree to reimburse the gas-tax fund with non gas-tax money at 100 percent of the fair market value, at approximately \$138,000. These small odd-shaped parcels were not suitable for other purposes so they would have probably sat vacant and off the tax rolls if the City hadn't in effect re-purchased the parcels from themselves. The funds used to purchase these parcels could have been used for other badly needed acquisitions or development if the Constitution did not contain its present restrictions. Proposition 11 would correct that situation. We believe that Proposition 11 will give local government the discretionary authority to retain excess local gas tax parcels when the parcels can be effectively used for local park purposes.

Proposition 11 offers local agencies the flexibility to determine if an appropriate excess parcel should be retained for park purposes at no additional cost to the taxpayer.

As a means to provide needed park facilities at no added cost to the people, we urge your yes vote on Proposition 11.

**PAUL PRIOLO**

*Member of the Assembly, 38th District*

**TOM BRADLEY**

*Mayor, City of Los Angeles*

## Rebuttal to Argument in Favor of Proposition 11

Proposition 11 deserves a NO vote because it would further erode money needed for street and highway improvement, already in very short supply.

Proposition 11 proponents are misleading when they say it allows cities to, in effect, repurchase surplus parcels from street improvement projects for park purposes. If these parcels are simply allowed to revert back to cities, then where will the funds be found for the needed road work?

That's the key question, and one the proponents have failed to answer.

More parks may be very desirable, but the voters should consider what the real costs are before approving this kind of proposal, which is like robbing Peter to pay Paul. That may be a cliché, but in this case it is applicable.

Vote NO on Proposition 11.

**H. L. RICHARDSON**

*Member of the Senate, 19th District*

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

## Argument Against Proposition 11

Vote NO on Proposition 11 unless you want to insure that California's already hard-hit Highway Users Tax Fund will be further depleted in the name of parks and recreation.

This proposition would permit property purchased with gas tax funds and other auto and motorist fees to be used as local park and recreation facilities if the land is no longer necessary for highway purposes. But local governments would not have to reimburse the state for the highway land!

Who decides what is necessary or unnecessary for use in the construction of highways? And why should it be given free?

Our state freeway system is incomplete as it is. Freeway engineers and other highway (CALTRANS) workers have been laid off. Obviously, this has sorely affected the construction industry.

All of this is crippling to the state's economy, which needs stimulating, not depressing. The completion of freeway routes could serve to at least hold down freight and other costs, because trucks now have to detour and go more miles.

Even if you are sympathetic to the idea of surplus highway land going for park use, why should the Gas Tax Fund not have to be reimbursed by the local governments involved?

Certainly, it is all tax money out of your pocket, but the money expressly available for the construction and maintenance of the state's highway system can't stand further depletion.

People in California historically have wanted their Gas Tax Funds to be used to build and maintain what has been the best highway system in the country, perhaps the world. It has been a users tax, meaning that the money has come from gasoline sales, registration fees, weight fees and drivers license fees.

There are those who would have all this money thrown into the General Fund pot, to be spent willy nilly. Using it for parks is a more defensible aim than that, but even so the millions of motorists in California, many of them voters, should want to protect and enhance the only rapid transportation system we have at this time—our highway system.

Since this measure would tend to delete the highway fund, and since this would not serve the best interests of all the people at this time, please vote NO on Proposition 11.

**H. L. RICHARDSON**  
*Member of the Senate, 19th District*

## Rebuttal to Argument Against Proposition 11

The argument presented by the opponent to Proposition 11 is misleading and does not address itself to the provisions of this proposal.

Proposition 11 does not change the constitution as it relates to the State share of the gas tax; it does not relate to funds for State highways or freeways; and, it does not relate to the layoffs at Caltrans.

Proposition 11 addresses only the local share of the gas tax fund. It simply would allow a city or county which has acquired a parcel of land for a city or county street project using its own gas tax funds, to use any of the parcel left over after the completion of the project for park purposes. And then only if it has been

determined that the use for park purposes is the highest and best use of that land.

Vote YES on PROPOSITION 11 as a means to provide land for more local park facilities.

Vote YES on PROPOSITION 11 to provide the tools to local agencies to develop unwanted parcels left over from local street projects which would otherwise sit vacant and become a blight on the community.

**VOTE YES ON PROPOSITION 11.**

**PAUL PRIOLO**  
*Member of the Assembly, 38th District*

**TOM BRADLEY**  
*Mayor, City of Los Angeles*