

Opponents of California's gas tax hike will sue over the state's 'misleading' ballot description



California Assemblyman Travis Allen (R-Huntington Beach) addresses the Assembly in Sacramento in 2016. He is the organizer of a campaign to repeal the gas tax increase. (Rich Pedroncelli / Associated Press)



By **Patrick McGreevy**

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Proponents of an initiative to repeal gas tax increases in California plan to sue over the state-drafted title and summary for the ballot measure, which they say is misleading and negative.

The state attorney general's office on Monday released [the description](#) — language that must appear on petitions circulated by people who want to overturn the tax.

Assemblyman Travis Allen (R-Huntington Beach) is leading the repeal effort.

Gov. Brown's attorney general has issued a

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The lawmaker said “almost everything” in the short summary would mislead voters. “We will wait to win in court and then we will be gathering signatures up and down the state,” Allen said after consulting with attorneys.

Allen, who is running for governor in 2018, needs to collect 365,000 signatures of registered voters in 150 days to qualify a measure for the ballot that would repeal SB 1, the \$52-billion tax increase [legislation signed in April](#) by Gov. Jerry Brown to fund transportation projects in the state.

The title approved for the initiative by the office of Democratic Atty. Gen. Xavier Becerra says it “Eliminates recently enacted road repair and transportation funding by repealing revenues dedicated for those purposes.”

Critics of the new law have said it lacks sufficient safeguards for the money to be spent on road repairs and transportation and could allow money to be spent on other functions.

The summary also highlights that the ballot measure “Eliminates Independent Office of Audits and Investigations, which is responsible for ensuring accountability in the use of revenue for transportation projects.” Such an office has not existed.

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Allen said the lawsuit to be filed this week will detail exactly how the statements are misleading.

The bill Allen wants to repeal raises gas taxes and vehicle fees to generate \$5.2 billion during each of the first 10 years for road and bridge repairs, mass transit, bike lanes and congestion-reduction projects.

SB 1 is supported by a group of labor, business and local governments called the Fix Our Roads coalition. It is preparing to fight any repeal effort, according to coalition member Michael Quigley, executive director of the California Alliance for Jobs.

“The Fix Our Roads coalition is ready to oppose any effort that would defund our transportation safety and maintenance programs including a repeal of SB1,” Quigley said. “We know voters strongly support increasing funding for transportation improvements, especially when that includes constitutional protections and accountability requirements that ensure funds are allocated exclusively for transportation.”

Allen has formed a campaign committee for the initiative drive but it has not yet reported any fundraising. He faces tough odds to qualify the measure without significant money and support from other groups, said Larry Gerston, a political science professor at San Jose State.

“The rule of thumb is that he'll need about \$3 million to finance signature collection, and that kind of money doesn't grow on trees, even in fertile California,” Gerston said, adding that the effort may be hindered by the fact that the gas tax increase will not hit voters' wallets until November.

The gas tax will increase by 12 cents per gallon and the diesel tax will go up 20 cents on Nov. 1. The new law also creates an annual vehicle fee ranging from \$25 for cars valued at less than \$5,000 to \$175 for cars worth \$60,000 or more. That fee kicks in Jan. 1.

Electric car owners will pay a \$100 annual fee in lieu of gas taxes starting in 2020. In signing the bill, Brown said the taxes and fees would cost most Californians less than \$10 per month.

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