

STAFF REPORT

Altamont Regional Rail Working Group

SUBJECT: AB 2762 (Baker)
FROM: Executive Director
DATE: May 4, 2016

Assemblywoman Baker has introduced Assembly Bill 2762 (attached), for purposes of establishing the Altamont Pass Regional Rail Authority. The Authority would be responsible for planning and delivering a cost effective and responsive interregional rail connection between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley, within the City of Livermore, that meets the goals and objectives of the community.

The bill would require the authority's governing board to be comprised of 12 representatives and would authorize the authority to appoint an executive who may appoint staff or retain consultants. Representatives identified in the bill includes all of the members of the Altamont Regional Rail Working Group as well as three private sector representatives: Innovation Tri-Valley Leadership Group, San Joaquin Partnership and East Bay Leadership Council. The bill would provide specified authorizations and duties to the authority.

Assemblywoman Baker has advised that there will be hearings over the summer either at the Capitol or in the Tri-Valley and at this time, it is possible that the bill may not follow the regular process.

Attachments:

1. AB 2762

AMENDED IN ASSEMBLY APRIL 5, 2016

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2762

Introduced by Assembly Member Baker

February 19, 2016

~~An act to amend Section 30814 of the Streets and Highways Code, relating to transportation. An act to add Chapter 8 (commencing with Section 132651) to Division 12.7 of the Public Utilities Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2762, as amended, Baker. ~~Toll bridges: pedestrians and bicycles. Transportation: Altamont Pass Regional Rail Authority.~~

Existing law provides for the creation of statewide and local transportation agencies, which may be established as joint powers authorities or established expressly by statute. Existing law establishes the Bay Area Rapid Transit District, which is authorized to acquire, construct, own, operate, control, or use rights-of-way, rail lines, bus lines, stations, platforms, switches, yards, terminals, parking lots, and any and all other facilities necessary or convenient for rapid transit service.

This bill would establish the Altamont Pass Regional Rail Authority for purposes of planning and delivering a cost effective and responsive interregional rail connection between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley, within the City of Livermore, that meets the goals and objectives of the community. The bill would require the authority's

governing board to be composed of 12 representatives and would authorize the authority to appoint an executive who may appoint staff or retain consultants. The bill would provide specified authorizations and duties to the authority.

This bill would require all unencumbered moneys dedicated for the completion of the connection to be transferred to the authority. The bill would require the Bay Area Rapid Transit District to assume ownership of all physical improvements, and to assume operational control, maintenance responsibilities, and related financial obligations for the connection, upon its completion. The bill would require the Department of Transportation to expedite reviews and requests related to the connection. The bill would require the authority to provide a project update report to the public, to be posted on the authority's Internet Web site, on the development and implementation of the connection.

By imposing new duties on local governmental entities, this bill would create a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law, until January 1, 2021, prohibits a toll from being imposed on the passage of a pedestrian or bicycle over any bridge that is part of the state highway system, as specified.~~

~~This bill would extend that prohibition until January 1, 2022.~~

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

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

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

3 (a) *Commute patterns throughout northern California, and in*
4 *particular through the Altamont Pass corridor, traverse the*
5 *boundaries of traditional metropolitan planning agencies. The*
6 *Altamont Pass corridor, located in the center of northern*
7 *California's megaregion, is the gateway to the Tri—Valley—a*

1 vital node in the bay area's economic ecosystem and a key bay
2 area transportation route. Strategic and planned interregional
3 mobility is essential to sustained economic vitality.

4 (b) Connecting the Bay Area Rapid Transit District's rapid
5 transit system and the Altamont Corridor Express in Livermore,
6 as recommended by the Metropolitan Transportation Commission's
7 regional rail plan, would increase interregional mobility, providing
8 much-needed highway capacity for expanded goods movement to
9 the bay area's five seaports. It would also relieve pressure on
10 Interstate 580 and other transportation systems, given the
11 exponential population growth in the central valley.

12 (c) The Bay Area Rapid Transit District has stated its priority
13 is to operate and maintain its existing core commuter rail system;
14 expansion is not a priority for the Bay Area Rapid Transit District.
15 Recent rail expansions in other parts of the state have been
16 successfully implemented by single purpose agencies such as the
17 Metro Gold Line Foothill Extension Construction Authority and
18 the Santa Clara Valley Transportation Authority.

19 (d) The Altamont Pass Regional Rail Authority is needed to
20 connect the Bay Area Rapid Transit District's rapid transit system
21 and the Altamont Corridor Express in Tri-Valley and would be
22 responsive to local needs and issues by including local stakeholders
23 in land use and transit planning decisions.

24 (e) Consistent with the Bay Area Regional Rail Plan adopted
25 by the Metropolitan Transportation Commission (Resolution 3826),
26 the heavy rail connection between the Bay Area Rapid Transit
27 District's rapid transit system and the Altamont Corridor Express
28 is a matter of state interest, and all planning, analysis, alternatives,
29 and mitigations for projects undertaken by the Altamont Pass
30 Regional Rail Authority should be consistent with that state
31 interest.

32 SEC. 2. It is the intent of the Legislature to establish the
33 Altamont Pass Regional Rail Authority to plan and deliver a cost
34 effective and responsive rail extension that connects the Bay Area
35 Rapid Transit District's rapid transit system and the Altamont
36 Corridor Express in the Tri-Valley, within the City of Livermore,
37 to address regional economic and transportation challenges.

38 SEC. 3. Chapter 8 (commencing with Section 132651) is added
39 to Division 12.7 of the Public Utilities Code, to read:

CHAPTER 8. ALTAMONT PASS REGIONAL RAIL AUTHORITY

132651. As used in this chapter, the following terms have the following meanings:

(a) “Authority” means the Altamont Pass Regional Rail Authority created under this chapter.

(b) “Bay Area Rapid Transit” means the Bay Area Rapid Transit District’s rapid transit system.

(c) “Board” means the governing board of the authority.

(d) “Connection” means an interregional rail connection between Bay Area Rapid Transit and the Altamont Corridor Express in the Tri-Valley, within the City of Livermore.

(e) “Phase 1 Project” means the first phase of the connection, which will extend Bay Area Rapid Transit along Interstate 580 to a new station in the vicinity of the Isabel Avenue interchange in the City of Livermore.

132652. The authority is hereby established for purposes of planning and delivering a cost-effective and responsive connection that meets the goals and objectives of the community.

132653. By December 1, 2017, the board shall publish a detailed management, finance, and implementation plan relating to the connection.

132655. The governing board of the authority shall be composed of one representative from each of the following entities to be appointed by the governing board, mayor, or supervisor of each entity:

(a) The Altamont Corridor Express.

(b) The Bay Area Rapid Transit District.

(c) The City of Dublin.

(d) The City of Livermore.

(e) The City of Pleasanton.

(f) The City of Tracy.

(g) The County of Alameda.

(h) The County of San Joaquin.

(i) The East Bay Leadership Council.

(j) Innovation Tri-Valley.

(k) The Livermore Amador Valley Transit Authority.

(l) San Joaquin Partnership.

1 132660. (a) *The board may appoint an executive director to*
 2 *serve at the pleasure of the board.*

3 (b) *The executive director is exempt from all civil service laws*
 4 *and shall be paid a salary established by the board.*

5 (c) *The executive director may appoint staff or retain consultants*
 6 *as necessary to carry out the duties of the authority.*

7 (d) *All contracts approved and awarded by the executive*
 8 *director shall be awarded in accordance with state and federal*
 9 *laws relating to procurement. Awards shall be based on price or*
 10 *competitive negotiation, or on both of those things.*

11 132665. *The Livermore Amador Valley Transit Authority shall*
 12 *enter into a memorandum of understanding with the San Joaquin*
 13 *Regional Rail Commission to comanage the rail-specific elements*
 14 *necessary to support the authority. For an initial one-year period,*
 15 *the Livermore Amador Valley Transit Authority's administrative*
 16 *staff shall, if that authority has appointed a member to the board*
 17 *in accordance with Section 132655, provide all necessary*
 18 *administrative support to the board to perform its duties and*
 19 *responsibilities and may perform for the board any and all*
 20 *activities that they are authorized to perform for the Livermore*
 21 *Amador Valley Transit Authority. At the conclusion of the initial*
 22 *period, the board may, through procedures that it determines,*
 23 *select the Livermore Amador Valley Transit Authority, San Joaquin*
 24 *Regional Rail Commission, or another existing public rail transit*
 25 *agency for one three-year term immediately following the initial*
 26 *period, and thereafter for five-year terms, to provide all necessary*
 27 *administrative support staff to the board to perform its duties and*
 28 *responsibilities.*

29 132670. *The Bay Area Rapid Transit District shall identify and*
 30 *expeditiously enter into an agreement with the authority to hold*
 31 *in trust for the authority all real and personal property and any*
 32 *other assets accumulated in the planning, environmental review,*
 33 *design, right-of-way acquisition, permitting, and construction of*
 34 *the connection, including, but not limited to, rights-of-way,*
 35 *documents, interim work products, studies, third-party agreements,*
 36 *contracts, and design documents, as necessary for completion of*
 37 *the connection.*

38 132675. *All unencumbered moneys dedicated for the completion*
 39 *of the Phase 1 Project or the connection shall be transferred to*
 40 *the authority for the completion of the connection.*

1 132680. *The authority shall not be responsible for any core*
2 *system upgrades that preexist its establishment. This includes both*
3 *existing core system deficiencies necessary to support planned*
4 *service frequency upgrades and any core system upgrades needed*
5 *to support prior system expansions, including, but not limited to,*
6 *the Silicon Valley rapid transit corridor.*

7 132685. *Upon the completion of the connection or any phase*
8 *of the connection, the Bay Area Rapid Transit District shall assume*
9 *ownership of all physical improvements constructed for that phase*
10 *or the connection, and shall assume operational control,*
11 *maintenance responsibilities, and related financial obligations of*
12 *the phase or connection.*

13 132690. (a) *The authority has all of the powers necessary for*
14 *planning, acquiring, leasing, developing, jointly developing,*
15 *owning, controlling, using, jointly using, disposing of, designing,*
16 *procuring, and building the Phase 1 Project and connection,*
17 *including, but not limited to, all of the following:*

18 (1) *Acceptance of grants, fees, allocations, and transfers of*
19 *moneys from federal, state, and local agencies, including, but not*
20 *limited to, moneys from local measures, as well as private entities.*

21 (2) *Acquiring, through purchase or through eminent domain*
22 *proceedings, any property necessary for, incidental to, or*
23 *convenient for, the exercise of the powers of the authority.*

24 (3) *Incurring indebtedness, secured by pledges of revenue*
25 *available for the Phase 1 Project or connection completion.*

26 (4) *Contracting with public and private entities for the planning,*
27 *design, and construction of the connection. These contracts may*
28 *be assigned separately or may be combined to include any or all*
29 *tasks necessary for completion of the Phase 1 Project or*
30 *connection.*

31 (5) *Entering into cooperative or joint development agreements*
32 *with local governments or private entities. These agreements may*
33 *be entered into for purposes of sharing costs, selling or leasing*
34 *land, air, or development rights, providing for the transferring of*
35 *passengers, making pooling arrangements, or for any other*
36 *purpose that is necessary for, incidental to, or convenient for the*
37 *full exercise of the powers granted to the authority. For purposes*
38 *of this paragraph, "joint development" includes, but is not limited*
39 *to, an agreement with any person, firm, corporation, association,*
40 *or organization for the operation of facilities or development of*

1 projects adjacent to, or physically or functionally related to, the
2 Phase 1 Project or connection.

3 (6) Relocation of utilities, as necessary for completion of the
4 connection.

5 (7) Conducting all necessary environmental reviews, including,
6 but not limited to, completing environmental impact reports.

7 (b) The duties of the authority include, but are not limited to,
8 both of the following:

9 (1) Conducting the financial studies and the planning and
10 engineering necessary for completion of the Phase 1 Project and
11 connection. Although this duty rests solely on the authority, the
12 authority may exercise any of the powers described in subdivision
13 (a) to fulfill this duty.

14 (2) Adoption of an administrative code, not later than December
15 1, 2017, for administration of the authority in accordance with
16 any applicable laws, including, but not limited to, the Ralph M.
17 Brown Act (Chapter 9 (commencing with Section 54950) of Part
18 1 of Division 2 of Title 5 of the Government Code), the provisions
19 of this chapter, laws generally applicable to local agency
20 procurement and contracts, laws relating to contracting goals for
21 minority and women business participation, and the Political
22 Reform Act of 1974 (Title 9 (commencing with Section 81000) of
23 the Government Code).

24 132694. The authority shall enter into a memorandum of
25 understanding with the Bay Area Rapid Transit District that shall
26 address the ability of the Bay Area Rapid Transit District to review
27 any significant changes in the scope of the design or construction,
28 or both design and construction, of the Phase 1 Project and
29 connection.

30 132695. The Department of Transportation shall expedite
31 reviews and requests related to the Phase 1 Project or connection
32 and shall provide responses within 60 days.

33 132697. On or before December 1, 2017, and annually
34 thereafter, the authority shall provide a project update report to
35 the public, to be posted on the authority's Internet Web site, on
36 the development and implementation of the Phase 1 Project and
37 connection. The report, at a minimum, shall include a project
38 summary, as well as details by phase, with all information
39 necessary to clearly describe the status of the phase, including,
40 but not limited to, all of the following:

1 (a) *A summary describing the overall progress of the phase.*

2 (b) *The baseline budget for all phase costs, by segment or*
3 *contract.*

4 (c) *The current and projected budget, by segment or contract,*
5 *for all phase costs.*

6 (d) *Expenditures to date, by segment or contract, for all phase*
7 *costs.*

8 (e) *A summary of milestones achieved during the prior year and*
9 *milestones expected to be reached in the coming year.*

10 (f) *Any issues identified during the prior year and actions taken*
11 *to address those issues.*

12 (g) *A thorough discussion of risks to the project and steps taken*
13 *to mitigate those risks.*

14 132699. *The authority shall be dissolved upon both the*
15 *completion of the connection and the assumption by Bay Area*
16 *Rapid Transit District of operational control of the connection as*
17 *provided in Section 132685.*

18 SEC. 4. *If the Commission on State Mandates determines that*
19 *this act contains costs mandated by the state, reimbursement to*
20 *local agencies and school districts for those costs shall be made*
21 *pursuant to Part 7 (commencing with Section 17500) of Division*
22 *4 of Title 2 of the Government Code.*

23 SECTION 1. ~~Section 30814 of the Streets and Highways Code~~
24 ~~is amended to read:~~

25 ~~30814. (a) No toll shall be imposed on the passage of a~~
26 ~~pedestrian or bicycle over any bridge that is part of the state~~
27 ~~highway system, on which the travel of pedestrians and bicycles~~
28 ~~is otherwise authorized, and on which tolls are imposed on the~~
29 ~~passage of motor vehicles, including any bridge constructed~~
30 ~~pursuant to a franchise granted under this article.~~

31 ~~(b) This section shall remain in effect only until January 1, 2022,~~
32 ~~and as of that date is repealed, unless a later enacted statute, that~~
33 ~~is enacted before January 1, 2022, deletes or extends that date.~~