

AB 758, as amended, Eggman. *Transportation: Tri-Valley—San Joaquin Valley 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 Tri-Valley—San Joaquin Valley 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 or a new megaregional rail connection between the Tri-Valley and San Joaquin County. The bill would require the authority's governing board to be composed of ~~12~~ 14 representatives and would authorize the authority to appoint an executive who may appoint staff or retain consultants, advisors and contractors. The bill would provide specified authorizations and duties to the authority that will include the selection of the technology, alignment and stations for this interregional megaregion connection.

This bill would require all unencumbered assets previously identified for this connection, dedicated to or acquired for, the completion of the connection to be transferred to the authority including properties in the vicinities of both Isabel Avenue and Greenville Road along Interstate 580 in Livermore.

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.

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) Commute patterns throughout northern California, and in particular through the Altamont Pass corridor, traverse the boundaries of traditional metropolitan planning agencies. The Altamont Pass corridor, located in the center of northern California's megaregion, is the gateway to the Tri—Valley—a vital node in the bay area's economic ecosystem and a key bay area transportation route. Strategic and planned interregional mobility is essential to sustained economic vitality.

(b) Connecting the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in Livermore,

as recommended by the Metropolitan Transportation Commission's regional rail plan, or a new megaregional rail connection between the Tri-Valley and San Joaquin County, would increase interregional mobility, providing much-needed highway capacity for expanded goods movement to the bay area's five seaports. It would also relieve pressure on Interstate 580 and other transportation systems, given the exponential population growth in the San Joaquin Valley.

(c) The Tri-Valley—San Joaquin Valley Regional Rail Authority is needed to connect the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express or a new megaregional rail connection between the Tri-Valley and San Joaquin County and would be responsive to local needs and issues by including local stakeholders in land use and transit planning decisions.

(d) Consistent with the Bay Area Regional Rail Plan adopted by the Metropolitan Transportation Commission (Resolution 3826), the heavy rail connection between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express or a new megaregional rail connection between the Tri-Valley and San Joaquin County would be a matter of state interest, and all planning, analysis, alternatives, and mitigations for projects undertaken by the Tri-Valley—San Joaquin Valley Regional Rail Authority should be consistent with that state interest and the State Rail Plan.

SEC. 2. *It is the intent of the Legislature to establish the Tri-Valley—San Joaquin Valley Regional Rail Authority to plan and deliver, own, operate, maintain and finance a cost effective and responsive rail extension that connects the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley, within the City of Livermore, or a new megaregional rail service between the Tri-Valley and San Joaquin County to address regional economic and*

transportation challenges.

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

CHAPTER 8. Tri-Valley—San Joaquin Valley Regional Rail Authority

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

(a) "Authority" means the Tri-Valley—San Joaquin Valley Regional Rail Authority created under this chapter.

(b) "Bay Area Rapid Transit" or "BART" 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, or a new megaregional rail service that would be developed, operated and integrated between the Tri-Valley and San Joaquin County.

(e) "Phase 1 Project" means the first phase of the connection, which will the 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 or a new megaregional rail service which will initially extend from the existing BART terminus (Dublin/Pleasanton) ~~to San Joaquin County~~.

(f) "Phase 2 Project" means the second phase of the connection that either extends BART along I-580 to connect to the Altamont Corridor Express at a new station in the vicinity of Greenville Road in the City of Livermore or a new megaregional rail service to San Joaquin County.

132652. *The authority is hereby established for purposes of planning and delivering, owning and operating a cost-effective and responsive connection that meets the goals and objectives of the community. Authority shall have the power to assign ownership and operations and maintenance and related financial obligation functions as it deems appropriate. Authority has the right to exercise these powers as they deem appropriate.*

132653. *By July 1, 2018, the board shall publish a 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. For entities that have members assigned by geographic location the appointee shall be a person who represents the Tri-Valley or northern San Joaquin Valley:*

(a) The San Joaquin Regional Rail Commission.

(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 City of Lathrop

(h) The City of Stockton

~~(i)~~ The County of Alameda.

~~(j)~~ The County of San Joaquin.

~~(k)~~ The East Bay Leadership Council.

~~(l)~~ Innovation Tri-Valley.

~~(m)~~ The Livermore Amador Valley Transit Authority.

~~(n)~~ San Joaquin Partnership.

Only elected officials appointed by the governmental agencies are voting members.

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

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

(c) *The executive director may appoint staff or retain consultants, advisors and contractors as necessary to carry out the duties of the authority.*

(d) *All contracts approved and awarded by the executive director shall be awarded in accordance with state and federal laws relating to procurement. Awards shall be based on price, best value, or competitive negotiation, or on all of these things as appropriate.*

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

necessary administrative support staff to the board to perform its duties and responsibilities.

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

132675. *All unencumbered moneys and assets dedicated for the completion of all project phases shall be transferred to the authority for the completion of the connection. The authority shall pursue any and all sources of funding for the Tri-Valley—San Joaquin Valley Regional Rail Authority; provided, however, that neither the executive director/staff, on behalf of the authority, nor the Board shall apply for existing sources of transit funding, including funds derived from the Transportation Development Act Funds as defined in Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the California Public Utilities Code or for any conflicting funding, for which any member entity of the authority is also an applicant or approving member entity without the express written consent of that member entity.*

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

~~132685. Upon the completion of any Tri-Valley extension of BART, the Bay Area Rapid Transit District shall operate, maintain and be responsible for setting fare policies and related financial obligations of the BART extension. The authority shall not retain ownership of the assets of the BART extension.~~

132690. (a) The authority has all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and building all project phases, including, but not limited to, all of the following:

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

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

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

(4) Contracting with public and private entities for the planning, design, construction, operation, maintenance, financing of all or a portion of all project phases of the connection.

(5) Entering into cooperative or joint development agreements with local governments or private entities. These agreements may be entered into for purposes of sharing costs, selling or leasing land, air, or development rights, providing for the transferring of passengers, making pooling arrangements, or for any other purpose that is necessary for, incidental to, or convenient for the full exercise of the powers granted to the

authority. For purposes of this paragraph, "joint development" includes, but is not limited to, an agreement with any person, firm, corporation, association, or organization for the operation of facilities or development of projects adjacent to, or physically or functionally related to, all phases of Project or connection.

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

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

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

(1) Conducting the financial studies and the planning and engineering necessary for completion of all project phases of the Project and connection. Although this duty rests solely on the authority, the authority may exercise any of the powers described in this subdivision [132690](#) (a) to fulfill this duty.

(2) Adoption of an administrative code, not later than July 1, 2018, for administration of the authority in accordance with any applicable laws, including, but not limited to, the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), the provisions of this chapter, laws generally applicable to local agency procurement and contracts, laws relating to contracting goals for minority and women business participation, and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000) of the Government Code).

132694. *The Bay Area Rapid Transit District and the authority shall enter into a memorandum of understanding that shall address the ability of the Bay Area Rapid Transit District to*

review and comment on any significant changes in the scope of the design or construction, or both design and construction of portion of the connection using BART technology.

132695. *The Department of Transportation shall expedite reviews and requests related to all project phases of the Project or connection and shall provide responses within 60 days. The authority shall enter into a memorandum of understanding with the Department of Transportation that shall address the ability of Caltrans to enter into a partnership for purposes of achieving project cost-sharing and project schedule efficiencies and acceleration.*

132697. *On or before July 1, 2018, and annually thereafter, the authority shall provide a project update report to the public, to be posted on the authority's Internet Web site, on the development and implementation of all project phases of the Project and connection. The report, at a minimum, shall include a project summary, as well as details by phase, with all information necessary to clearly describe the status of the phase, including, but not limited to, all of the following:*

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

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

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

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

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

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

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

132699. *The authority shall be dissolved when it is determined that existing rail service agencies are capable of successfully sustaining the system services.*

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