

STAFF REPORT

SUBJECT: Update on AB 758 and the Alameda – San Joaquin Regional Rail Working Group

FROM: Michael Tree, Executive Director

DATE: September 26, 2017

Action Requested

Receive staff report and provide direction

Background

AB 758 (Eggman) was recently approved by the State Legislature and has been sent to the Governor for signature. It is anticipated that the Governor will sign the bill into law, which will create the Tri-Valley – San Joaquin Valley Regional Rail Authority effective January 1, 2018.

Discussion

Per AB 758, LAVTA staff will provide administrative responsibilities for the new agency for at least the first 18-month period. Staff has been working internally to prepare for the impact of the administrative responsibilities and will provide an initial report to the Finance and Administration Committee at its September 26, 2017 meeting.

Recommendation

Receive staff report and provide direction to staff

Attachments:

1. Assembly Bill 758

Assembly Bill No. 758

Passed the Assembly September 16, 2017

Chief Clerk of the Assembly

Passed the Senate September 15, 2017

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2017, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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 758, 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, developing, and delivering cost-effective and responsive transit connectivity between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley, that meets the goals and objectives of the community, as specified. The bill would require the authority's governing board to be composed of 15 representatives. The bill would specify the powers and duties of the authority and would require the unencumbered balance of all local funds programmed for completion of the Bay Area Rapid Transit District's Livermore extension or that have otherwise been identified for the connectivity to be transferred to the authority, except as specified. The bill would authorize the authority to pursue any and all sources of funding, but would prohibit the authority from applying for funds available under the Transportation Development Act for which any member entity of the authority may also be an applicant or for which any member entity of the authority is charged with approving applications for funding under that act, without the express written consent of that affected member entity. The bill would require the authority by July 1, 2019, to provide a project feasibility report to the public, to be posted on the authority's Internet Web site, on

the plans for the development and implementation of transit connectivity and to submit that report upon completion to specified entities.

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 the statutory provisions noted above.

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 the Northern California Megaregion, connects the San Joaquin Valley to the Tri-Valley and is a vital node in the megaregion's economic ecosystem as well as a key megaregion transportation route. Strategic and planned interregional mobility throughout the Altamont Pass Corridor is essential to sustained economic vitality in the megaregion.

(b) The Interstate 580 freeway serves the Altamont Pass Corridor and ranks as one of the most congested freeways in the megaregion during peak hours due to a high volume of regional and interregional commuter, freight, and recreational traffic. It is estimated that traffic on portions of Interstate 580 in this corridor will increase by up to 60 percent between 2013 and 2040.

(c) Connecting the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express, and providing expanded passenger rail connectivity between the San Joaquin Valley and the Bay Area, as recommended by the Metropolitan Transportation Commission's regional rail plan, would increase interregional mobility and provide much-needed highway capacity

for expanded goods movement to the Bay Area's five seaports and the inland Port of Stockton. It would also relieve pressure on Interstate 580 and other transportation systems, given the large exponential population growth in the San Joaquin Valley.

(d) The Department of Finance projects that San Joaquin County, along with other counties in the San Joaquin Valley, will be among the fastest growing counties in the state. Between 1990 and 2013, the number of people commuting daily from the northern San Joaquin Valley to the Bay Area more than doubled, growing from 32,000 to nearly 65,000 commuters. This trend is expected to continue with the San Joaquin Valley's rapid population growth combined with the increasing high housing costs and strong job growth in the Bay Area.

(e) Because transportation is the major contributor to ozone precursors, increasing auto travel threatens improvement in air quality throughout the megaregion. Growing congestion will add to potential problems because of increased emissions of vehicles operating in stop-and-go traffic. Shifting commuters and other travelers to rail transportation between the San Joaquin Valley and the Bay Area is highly desirable as a means to partially offset the effects on air quality produced by the growth in auto travel.

(f) Taxpayers in Alameda County have voted to tax themselves to achieve expanded transit services to the Tri-Valley region.

(g) The State of California supports enhanced public transit services that improve connectivity between transit operators and provide seamless and convenient travel for public transit passengers.

SEC. 2. It is the intent of the Legislature to establish the Tri-Valley-San Joaquin Valley Regional Rail Authority to plan and help deliver a cost-effective connection from the San Joaquin Valley to the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express in the Tri-Valley, 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” (BART) means the Bay Area Rapid Transit District.
- (c) “Board” means the governing board of the authority.
- (d) “Connectivity” means one or more projects necessary to achieve transit connectivity between BART’s rapid transit system and the San Joaquin Regional Rail Commission’s Altamont Corridor Express commuter rail service, and to provide quality, seamless service to riders using the services operating between the Tri-Valley and the San Joaquin Valley.
- (e) “Tri-Valley” means the Cities of Danville, Dublin, Livermore, Pleasanton, and San Ramon.

132652. The authority is hereby established for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity, between BART’s rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley region of California, that reflects regional consensus and meets the goals and objectives of the San Joaquin Valley and Tri-Valley communities, consistent with the project feasibility report adopted pursuant to Section 132661.

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 Bay Area Rapid Transit District.
- (b) The City of Dublin.
- (c) The City of Lathrop.
- (d) The City of Livermore.
- (e) The City of Manteca.
- (f) The City of Pleasanton.
- (g) The City of Stockton.
- (h) The City of Tracy.
- (i) The County of Alameda.
- (j) The County of San Joaquin.

- (k) The Livermore Amador Valley Transit Authority.
- (l) The Mountain House Community Services District.
- (m) The San Joaquin Regional Rail Commission.
- (n) The City of Danville.
- (o) The City of San Ramon.

132656. 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 constructing facilities to achieve transit connectivity, including, but not limited to, all of the following:

(a) 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.

(b) 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.

(c) Incurring indebtedness, secured by pledges of available revenue.

(d) Contracting with public and private entities for the planning, design, and construction of the connection. These contracts may be assigned separately or may be combined to include any or all tasks necessary to achieve transit connectivity.

(e) Entering into cooperative or joint development agreements with local governments or private entities necessary to achieve transit connectivity. 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, achieving transit connectivity.

(f) Relocation of utilities, as necessary to achieve transit connectivity.

132657. For an initial 18-month 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. At the conclusion of the initial period, the board may select the Livermore Amador Valley Transit Authority or the San Joaquin Regional Rail Commission to provide administrative support, or may alternatively hire an executive director for those functions. If an executive director is hired, the executive may appoint staff or retain consultants as necessary to carry out the duties of the authority.

132658. (a) The unencumbered balance of all local funds programmed for the completion of the BART Livermore extension or that have otherwise been identified for the connectivity shall be transferred to the authority and be considered resources available to effectuate the authority's purposes pursuant to this chapter, except that local funds controlled by the Alameda County Transportation Commission to be used for completion of the BART Livermore extension or that have otherwise been identified for the connectivity shall continue to be programmed and allocated by the Alameda County Transportation Commission pursuant to measures approved by the voters of Alameda County pursuant to Division 19 (commencing with Section 180000).

(b) The unencumbered balance of all local funds programmed for the completion of the BART Livermore extension shall be transferred to the authority and be considered resources available to effectuate the authority's purposes pursuant to this chapter, except that local funds controlled by the San Joaquin Regional Rail Commission that have otherwise been identified for connectivity shall continue to be programmed and allocated by the San Joaquin Regional Rail Commission pursuant to measures approved by the voters of San Joaquin County pursuant to Division 19 (commencing with Section 180000).

(c) The authority is eligible to apply for and receive state and federal funds to perform its duties pursuant to this chapter.

(d) The authority may pursue any and all sources of funding to achieve connectivity except that the authority shall not apply for funds available under the Transportation Development Act (Chapter 4 (commencing with Section 99200) of Part 11 of Division 10) for which any member entity of the authority may also be an applicant or for which any member entity of the authority is charged with approving applications for funding under that act, without the express written consent of that affected member entity.

132659. (a) The authority may enter into agreements with the Bay Area Rapid Transit District, the San Joaquin Regional Rail Commission, or any other entity to address any and all issues necessary to achieve transit connectivity, consistent with the project feasibility report's findings, conclusions, and recommendations adopted pursuant to Section 132661.

(b) If the project feasibility report includes a recommendation for an extension of BART's rapid transit system, the governing board of the Bay Area Rapid Transit District shall have the authority to approve or deny the recommendation.

(c) If the project feasibility report includes a recommendation for an extension of the Altamont Corridor Express commuter rail service, the governing board of the San Joaquin Regional Rail Commission shall have the authority to approve or deny the recommendation.

132660. The authority and any entity contracted with to serve as the operator of any transit connectivity developed and delivered pursuant to this chapter shall be subject to all of the following:

(a) The Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code).

(b) The California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(c) The Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

132661. (a) On or before July 1, 2019, the authority shall provide a project feasibility report to the public, to be posted on the authority's Internet Web site, on the plans for the development and implementation of transit connectivity in the Tri-Valley region. The report, at a minimum, shall include the following elements:

(1) Recommendations for expediting the development of cost-effective and responsive transit connectivity between BART's rapid transit system and the Altamont Corridor Express commuter rail service in the Tri-Valley region.

(2) The identification of a preferred entity or entities to deliver transit connectivity, including the role each entity will play in planning, designing, financing, constructing, operating, maintaining, and the leasing, developing, or disposing of land,

facilities, or equipment, necessary to deliver and operate transit connectivity.

(3) A funding plan describing any grants, loans, allocations, fund transfers, or awards of local, regional, state, federal, or private funds that are proposed to be made available for achieving transit connectivity.

(4) A description of any plan to finance the development of transit connectivity, including a description of any revenue source or sources to be pledged for financing, the duration of time to complete the financing, and the estimated total cost of financing.

(5) A proposed schedule for the completion of transit connectivity.

(6) A preliminary design for the project or projects to complete transit connectivity, including the identification of right-of-way, routes, stations, equipment, and any other facilities necessary to achieve transit connectivity.

(b) The authority may use any relevant environmental review documents previously completed by the Bay Area Rapid Transit District or the San Joaquin Regional Rail Commission to prepare the report specified in subdivision (a).

(c) Upon completion and approval by the authority of the project feasibility report required under subdivision (a), the authority shall submit the report to the Metropolitan Transportation Commission, the governing board of the Bay Area Rapid Transit District, the governing board of the San Joaquin Regional Rail Commission, the policy committees of each house of the Legislature with jurisdiction over transportation policy matters, and the Transportation Agency.

SEC. 4. (a) Nothing in this act is intended to disrupt or interrupt related environmental review processes underway at the Bay Area Rapid Transit District (BART) or the San Joaquin Regional Rail Commission, or to infringe upon the Bay Area Rapid Transit District's process for planning, development, and delivery of a BART extension within the I-580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange, as identified in measures approved by the voters of Alameda County pursuant to Division 19 (commencing with Section 180000) of the Public Utilities Code.

(b) This section shall become inoperative on July 1, 2018, if the governing board of BART fails to adopt a preferred alternative for

a BART extension within the I-580 Corridor freeway alignment to the vicinity of the I-580/Isabel Avenue interchange by June 30, 2018.

SEC. 5. 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.