

AMENDED IN SENATE APRIL 30, 2018
AMENDED IN SENATE APRIL 16, 2018
AMENDED IN SENATE APRIL 5, 2018
AMENDED IN SENATE MARCH 15, 2018

SENATE BILL

No. 1029

Introduced by Senator McGuire

February 8, 2018

An act to add Section 14111 to, and to add Chapter 4 (commencing with Section 93030) to Title 12 of, the Government Code, to add Chapter 14 (commencing with Section 5880) to Division 5 of, and to repeal Section 5883 of, the Public Resources Code, and to amend Sections 105001, 105003, 105012, 105020, 105032, and 105095 of, to add Section 105088 to, and to repeal Sections 105104, 105105, and 105180 of, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1029, as amended, McGuire. North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency: Sonoma-Marín Area Rail Transit District.

(1) Existing law creates the North Coast Railroad Authority with various powers and duties relating to rail service in the north coast area of the state, including the authority to acquire, own, operate, and lease real and personal property reasonably related to the operation and maintenance of railroads.

This bill would require the authority, before April 1, 2019, to transfer its rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to both its right-of-way south of a point in the City of Willits and the

railroad assets the authority owns to the Sonoma-Marine Area Rail Transit District, and to transfer its rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to its right-of-way north of that point in the City of Willits to the Department of Transportation. The bill would abolish the authority after those transfers are made.

(2) Existing law establishes the Active Transportation Program, within the Department of Transportation, to fund projects that promote active modes of transportation, such as biking and walking.

This bill would require the department, within 2 years of being transferred the rights, privileges, and responsibilities relating to the northern right-of-way described in paragraph (1), to inventory any parcel or contract related to the right-of-way and complete an environmental assessment of the right-of-way. The bill would require the department, before January 1, 2021, to transfer those rights, privileges, and responsibilities to the Great Redwood Trail Agency.

This bill would create the Great Redwood Trail Agency, and provide for the appointment of its board of directors. The bill would require the agency, upon 4 board members joining the agency's initial board of directors, to advise the department on certain issues relating to the northern right-of-way. The bill would require the agency to create and maintain a trail in, or next to, the northern right-of-way. The bill would require the agency to complete the railbanking process on a portion of the northern right-of-way, and would authorize the agency to contract with an operator to operate freight or excursion rail service on the remaining portion of the northern right-of-way, as specified.

(3) Existing law creates, within the Counties of Sonoma and Marin, the Sonoma-Marine Area Rail Transit District, which is governed by a 12-member board of directors, with specified duties and powers. Existing law requires the district to work with specified authorities to achieve a safe, efficient, and compatible system of passenger and freight rail service and authorizes the district to own, operate, manage, and maintain a passenger rail system within the territory of the district.

This bill would additionally require the district to ~~provide~~ *consider the need and financing for* employee workforce ~~housing and the means to finance it,~~ *housing,* and would add a member to the *district's* board of directors, to be appointed by the Mendocino County Board of Supervisors. The bill would require the district to conduct a freight rail study incorporating the ~~entire length of the~~ southern right-of-way transferred to the district as described in paragraph (1). The bill would

also make various conforming changes to the district’s provisions relating to the abolishment of the North Coast Rail Authority. The bill would repeal the requirement that the district obtain coverage for itself and its employees under certain federal laws.

(4) Because this bill would impose new requirements on local entities, it would impose 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.

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

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

1 SECTION 1. This bill shall be known, and may be cited, as
2 the Great Redwood Trail Act.

3 SEC. 2. It is the intent of the Legislature to do all of the
4 following:

5 (a) Create a systemwide hiking, biking, and riding trail along
6 or parallel to the North Coast Railroad Authority’s railroad tracks
7 on the north coast.

8 (b) Settle all liabilities, debts, contractual obligations, and
9 leasehold interests held by the Northwestern Pacific Railroad
10 Company, and other legal obligations of the North Coast Railroad
11 Authority, transfer the authority’s assets and the right-of-way as
12 provided for in this act, and abolish the North Coast Railroad
13 Authority, which was established by statute in 1989.

14 (c) Transfer the North Coast Railroad Authority’s real property,
15 rail assets, rail easements, and right-of-way south of mile post
16 142.5 in Willits, California, to the Sonoma-Marín Area Rail Transit
17 District for the purposes of creating and maintaining a passenger
18 and freight railroad service and trail system.

19 (d) Provide funding for the construction and maintenance of the
20 systemwide trail and railroad line, including funding for any related
21 design needs, environmental assessment, permits, mitigation
22 measures, or associated property interests.

1 (e) Create the Great Redwood Trail Agency, which will be
2 responsible for constructing and maintaining a hiking, biking, and
3 riding trail in the northern portion of the right-of-way, from mile
4 post 142.5 to mile post 300.5.

5 (f) Transfer the northern portion of the North Coast Railroad
6 Authority's right-of-way, from mile post 142.5 to mile post 300.5,
7 to the Department of Transportation for a period of not more than
8 two years, and then have it transferred to the Great Redwood Trail
9 Agency.

10 (g) Ensure each portion of the right-of-way not used for rail is
11 railbanked or otherwise used as a trail.

12 (h) Ensure each portion of the right-of-way used for rail also
13 has a trail created and maintained in, or next to, it.

14 (i) (1) Provide for the creation of the trail as a multiuse trail
15 wherever practical, provide a safe, continuous alignment with
16 appropriate and flexible design standards for site conditions, and
17 support the intended uses of the trail.

18 (2) Provide for the specific trail use types, including hiking,
19 biking, and equestrian uses, to be determined by site specific
20 studies and a broad community engagement process.

21 ~~(j) Any successor agency to North Coast Railroad Authority~~
22 ~~shall be subject to the California Environmental Quality Act~~
23 ~~(CEQA), to the extent indicated by Friends of the Eel River v.~~
24 ~~North Coast Railroad Authority (2017) 3 Cal.5th 677.~~

25 SEC. 3. Section 14111 is added to the Government Code, to
26 read:

27 14111. (a) Within two years of receiving the North Coast
28 Railroad Authority's rights, privileges, and responsibilities,
29 excluding any preexisting liability related to debt, litigation, or
30 contractual obligations, relating to the authority's right-of-way
31 north of mile post 142.5 in the City of Willits, including any
32 associated branch or spur lines, pursuant to Section 93031, the
33 department shall do both of the following:

34 (1) Inventory any parcel or contract related to the right-of-way.

35 (2) Complete an environmental assessment of the right-of-way.

36 (b) Before January 1, 2021, and after receiving notice from the
37 Great Redwood Trail Agency pursuant to Section 5884 of the
38 Public Resources Code, the department shall transfer those rights,
39 privileges, and responsibilities described in subdivision (a) to the
40 Great Redwood Trail Agency.

1 SEC. 4. Chapter 4 (commencing with Section 93030) is added
2 to Title 12 of the Government Code, to read:

3
4 CHAPTER 4. ABOLISHMENT
5

6 93030. Before April 1, 2019, the authority shall transfer its
7 rights, privileges, and responsibilities, excluding any preexisting
8 liability related to debt, litigation, or contractual obligations,
9 relating to both its right-of-way south of mile post 142.5 in the
10 City of Willits, including any associated real property, rail
11 easements, and branch or spur lines, and the railroad assets the
12 authority owns to the Sonoma-Marin Area Rail Transit District
13 created pursuant to Section 105010 of the Public Utilities Code.

14 93031. Before April 1, 2019, the authority shall transfer its
15 rights, privileges, and responsibilities, excluding any preexisting
16 liability related to debt, litigation, or contractual obligations,
17 relating to its right-of-way north of mile post 142.5 in the City of
18 Willits, including any associated branch or spur lines, to the
19 Department of Transportation.

20 93032. In making the transfers pursuant to Sections 93030 and
21 93031, the authority shall transfer all of its rights, privileges, and
22 responsibilities, excluding any preexisting liability related to debt,
23 litigation, or contractual obligations, relating to any right-of-way.

24 93033. Upon making all of the transfers described in this
25 chapter, the authority shall be abolished.

26 SEC. 5. Chapter 14 (commencing with Section 5880) is added
27 to Division 5 of the Public Resources Code, to read:

28
29 CHAPTER 14. GREAT REDWOOD TRAIL AGENCY
30

31 5880. The Great Redwood Trail Agency is hereby created.

32 5881. For purposes of this chapter, the following definitions
33 shall apply:

34 (a) "Agency" means the Great Redwood Trail Agency.

35 (b) "Board" means the agency's board of directors described in
36 Section 5882.

37 (c) "Department" means the Department of Transportation.

38 (d) "Right-of-way" means the entire length of the right-of-way
39 transferred to the department pursuant to Section 93031 of the
40 Government Code.

1 5882. The agency shall be governed by a board of directors,
2 composed as follows:

3 (a) The Governor shall appoint two board members, one
4 representing the department and one representing the Natural
5 Resources Agency, who are knowledgeable about trails, parks,
6 railroads, or rivers.

7 (b) The Senate Committee on Rules shall appoint one board
8 member who is knowledgeable about trails, parks, railroads, or
9 rivers.

10 (c) The Speaker of the Assembly shall appoint one board
11 member who is knowledgeable about trails, parks, railroads, or
12 rivers.

13 (d) The Board of Supervisors of the County of Mendocino may
14 appoint one board member.

15 (e) The Board of Supervisors of the County of Humboldt may
16 appoint one board member.

17 (f) _____ may appoint one board member.

18 5883. (a) Upon four board members joining the agency's initial
19 board, the agency shall advise the department on issues relating
20 to railbanking and the creation and maintenance of a trail in, or
21 next to, the right-of-way.

22 (b) This section shall remain in effect only until January 1,
23 2022, and as of that date is repealed.

24 5884. (a) Before January 1, 2021, the board of directors shall
25 notify the department that the agency is ready to assume ownership
26 of the right-of-way.

27 (b) Upon the department making the transfer described in
28 Section 14111 of the Government Code, the agency shall assume
29 ownership of the right-of-way.

30 5885. The agency shall do all of the following:

31 (a) For the portion of the right-of-way between mile post 142.5
32 and mile post 284, including any associated branch or spur lines,
33 the agency shall complete the railbanking process on, and create
34 and maintain a trail in, or next to, that portion of the right-of-way.
35 The agency may contract with a trail manager or organization to
36 meet the requirements of this subdivision.

37 (b) For the portion of the right-of-way between mile post 284
38 and mile post 300.5, including any associated branch or spur lines,
39 the agency shall create and maintain a trail in, or next to, that
40 portion of the right-of-way, and may contract with a trail manager

1 or organization to meet these requirements. The agency may
2 contract with an operator to operate freight or excursion rail service
3 on this portion of the right-of-way, except that the service shall
4 not interfere with or harm the agency's trail.

5 (c) Before January 1, 2020, and annually thereafter, submit a
6 report to the Legislature, in compliance with Section 9795 of the
7 Government Code, describing its progress towards fulfilling the
8 requirements and goals relating to the right-of-way.

9 5886. The agency shall have and may exercise all rights and
10 powers, expressed or implied, necessary to carry out the purposes
11 and intent of this chapter, including, but not limited to, to enter
12 into and perform all necessary contracts pursuant to Article 53.5
13 (commencing with Section 20815) of Chapter 1 of Part 3 of
14 Division 2 of the Public Contract Code.

15 5887. The agency shall be subject to the Ralph M. Brown Act
16 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
17 2 of Title 5 of the Government Code) and the California Public
18 Records Act (Chapter 3.5 (commencing with Section 6250) of
19 Division 7 of Title 1 of the Government Code).

20 SEC. 6. Section 105001 of the Public Utilities Code is amended
21 to read:

22 105001. It is the intent of the Legislature in enacting this part
23 to provide for a unified, comprehensive institutional structure for
24 the ownership and governance of a passenger rail system within
25 the Counties of Sonoma and Marin and a freight service that
26 operates upon the same rail line and serves the Counties of
27 Humboldt, Marin, Mendocino, Napa, and Sonoma.

28 SEC. 7. Section 105003 of the Public Utilities Code is amended
29 to read:

30 105003. As used in this part, the following terms have the
31 following meanings:

32 (a) "District" means the Sonoma-Marín Area Rail Transit
33 District.

34 (b) "Rail transit" means the transportation of passengers and
35 their incidental baggage by rail and provision of freight service by
36 rail.

37 (c) "Rail transit works" or "rail transit facilities" means any or
38 all real and personal property, equipment, ~~rights~~ *rights*, or interests
39 owned or to be acquired by the district for rail transit service

1 purposes, including ancillary bicycle and pedestrian pathways that
2 provide connections between and access to station sites.

3 (d) “Board of directors,” “board,” or “directors” means the board
4 of directors of the district.

5 (e) “Public agency” includes the state, and any county, city and
6 county, city, district, or other political subdivision or public entity
7 of, or organized under the laws of, this state, or any department,
8 instrumentality, or agency thereof.

9 SEC. 8. Section 105012 of the Public Utilities Code is amended
10 to read:

11 105012. (a) Upon the dissolution of the Sonoma-Marín Area
12 Rail Transit Commission and the Northwestern Pacific Railroad
13 Authority, the district shall succeed to any or all of the powers,
14 duties, rights, obligations, liabilities, indebtedness, bonded and
15 otherwise, immunities, and exemptions of the commission and its
16 board of commissioners and the authority and its board of directors.

17 (b) Upon the dissolution of the Sonoma-Marín Area Rail Transit
18 Commission and the Northwestern Pacific Railroad Authority, the
19 district shall assume the rights and obligations of the commission
20 and the authority under any contract to which the commission or
21 the authority is a party and ~~which~~ *that* is to be performed, in whole
22 or in part, on or after the date of dissolution of the Sonoma-Marín
23 Area Rail Transit Commission and the Northwestern Pacific
24 Railroad Authority.

25 (c) All real and personal property owned by the Sonoma-Marín
26 Area Rail Transit Commission and the Northwestern Pacific
27 Railroad Authority may be transferred to the district.

28 (d) Upon the dissolution of the Sonoma-Marín Area Rail Transit
29 Commission, the district shall assume, without any condition
30 whatsoever, all responsibilities and obligations previously assumed
31 by the commission with respect to its fund transfer agreement with
32 the Department of Transportation for the funding of the
33 Sonoma-Marín Area Rail Transit Project.

34 (e) On and after the date of dissolution of the Sonoma-Marín
35 Area Rail Transit Commission and the Northwestern Pacific
36 Railroad Authority, any reference in any provision of law or
37 regulation to the commission or the authority shall be deemed to
38 refer to the district.

39 SEC. 9. Section 105020 of the Public Utilities Code is amended
40 to read:

1 105020. The government of the district shall be vested in a
2 board of directors, which shall consist of 12 or 13 members,
3 appointed as follows:

4 (a) Two members of the Sonoma County Board of Supervisors,
5 each of whom shall also serve on the Board of Directors of the
6 Sonoma County Transportation Authority, appointed by the
7 Sonoma County Board of Supervisors.

8 (b) Two members of the Marin County Board of Supervisors,
9 appointed by the Marin County Board of Supervisors.

10 (c) Three members, each of whom shall be a mayor or council
11 member of a city or town within the County of Sonoma, appointed
12 by the Sonoma County Mayors and Council Members Association
13 or its successor, provided the following conditions are met:

14 (1) At least two members are also city representatives for the
15 Sonoma County Transportation Authority.

16 (2) All of the members are from cities on the rail line in Sonoma
17 County.

18 (3) No city has more than one member.

19 (d) The member of the City Council of the City of Novato who
20 also serves on the Marin County Congestion Management Agency,
21 appointed by the Marin County Congestion Management Agency
22 or its successor.

23 (e) The member of the City Council of the City of San Rafael
24 who also serves on the Marin County Congestion Management
25 Agency, appointed by the Marin County Congestion Management
26 Agency or its successor.

27 (f) One member, who shall be a mayor or council member of a
28 city or town within the County of Marin and a member of the
29 Marin County Congestion Management Agency, appointed by the
30 Marin County Council of Mayors and Council Members or its
31 successor.

32 (g) Two members of the Golden Gate Bridge, Highway and
33 Transportation District, neither of whom shall be a member of the
34 Marin or Sonoma County Boards of Supervisors, appointed by the
35 Golden Gate Bridge, Highway and Transportation District or its
36 successor.

37 (h) One member appointed by the Mendocino County Board of
38 Supervisors, if it chooses to do so.

39 SEC. 10. Section 105032 of the Public Utilities Code is
40 amended to read:

1 105032. It shall be the duty of the board and it shall have the
2 power to:

3 (a) Own, operate, manage, and maintain a passenger rail system
4 within the territory of the district.

5 (b) Determine the rail transit facilities, including ancillary
6 bicycle and pedestrian pathways, to be acquired and constructed
7 by the district, the manner of operation, and the means to finance
8 them.

9 (c) Adopt an annual budget for the district that provides for the
10 compensation of its officers and employees.

11 (d) Fix rates, rentals, charges, and classifications of rail transit
12 service operated by the district.

13 (e) Adopt an administrative code that prescribes the powers and
14 duties of district officers, the method of appointment of district
15 employees, and the methods, procedures, and systems for the
16 operation and management of the district.

17 (f) Adopt rules and regulations governing the use of rail transit
18 facilities owned or operated by the district.

19 (g) Cause a postaudit of the financial transactions and records
20 of the district to be made at least annually by a certified public
21 accountant.

22 (h) Adopt rules and regulations providing for the administration
23 of employer-employee relations.

24 (i) ~~Provide—Consider the need and financing for employee~~
25 ~~workforce housing and the means to finance it. housing.~~

26 (j) Do any and all things necessary to carry out the purposes of
27 this part.

28 SEC. 11. Section 105088 is added to the Public Utilities Code,
29 to read:

30 105088. Upon receiving the North Coast Railroad Authority’s
31 rights, privileges, and responsibilities relating to the authority’s
32 right-of-way south of mile post ~~142~~ 142.5 in the City of Willits
33 pursuant to Section 93030 of the Government Code, and upon
34 receiving funding, the district shall do all of the following:

35 (a) Conduct a freight rail study incorporating the ~~entire length~~
36 ~~portion of the right-of-way. right-of-way between mile post 0.0~~
37 ~~and mile post 142.5.~~

38 (b) Create or assign the positions of trail manager and freight
39 rail manager.

1 (c) Before January 1, 2020, and annually thereafter, submit a
2 report to the Legislature, in compliance with Section 9795 of the
3 Government Code, describing its progress towards fulfilling the
4 requirements and goals relating to the right-of-way.

5 SEC. 12. Section 105095 of the Public Utilities Code is
6 amended to read:

7 105095. The district may provide a rail transit system for the
8 transportation of passengers and their incidental baggage by rail
9 and provision of freight service by rail.

10 SEC. 13. Section 105104 of the Public Utilities Code is
11 repealed.

12 SEC. 14. Section 105105 of the Public Utilities Code is
13 repealed.

14 SEC. 15. Section 105180 of the Public Utilities Code is
15 repealed.

16 SEC. 16. If the Commission on State Mandates determines
17 that this act contains costs mandated by the state, reimbursement
18 to local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.