

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 7, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Galgiani

February 8, 2011

An act to add Section 185034.3 to the Public Utilities Code, relating to high-speed rail.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, Galgiani. High-speed rail: agricultural lands.

Existing law, the California High-Speed Rail Act, creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties. Existing law, pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by the voters as Proposition 1A at the November 4, 2008, general election, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes. Various federal laws provide funding for allocation nationally to high-speed rail and other related projects.

~~This bill would require the authority to develop a policy that addresses the preservation of farmland in agricultural areas where high-speed rail lines are proposed for construction and considers various impacts on those lands that may occur as a result of high-speed rail construction. The bill would require the authority, based on that policy, to develop, and following an opportunity for public comment, to adopt and implement a farmland preservation and mitigation plan. The bill would also require the independent peer review group, established to review~~

~~certain of the authority’s plans and assumptions, to consult with persons with whom the authority has entered into memoranda of understanding for the purpose of identifying best practices for mitigating impacts to farmland from high-speed rail construction, and to report to the Legislature in that regard by March 1, 2012 appoint an agricultural advisory committee with an unspecified number of members. The bill would require the authority to consult with the committee and to reflect the committee’s comments on authority policies and related matters in any action item brought before the board of the authority.~~

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

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) The agricultural industry is concerned that the High-Speed*
- 4 *Rail Authority is not preserving agricultural lands in its planning*
- 5 *activities.*
- 6 *(b) Proposed plans for high-speed rail alignments divide*
- 7 *parcels, separating wells from growing fields, leaving some farmers*
- 8 *without access to water or otherwise adversely affecting irrigation*
- 9 *systems.*
- 10 *(c) Proposed plans cause some parcels to be orphaned, without*
- 11 *egress, and potentially unprofitable.*
- 12 *(d) Loss of agricultural lands creates long-term loss of revenues*
- 13 *to farm families, farmworkers and their families, and related*
- 14 *agricultural business suppliers.*
- 15 *(e) California farmland is some of the most fertile farmland in*
- 16 *the world and is not a renewable resource.*
- 17 *(f) Many potentially impacted lands are considered heritage*
- 18 *lands, having been in the same family for over 100 years.*
- 19 *(g) California farmers and ranchers are major contributors to*
- 20 *local, state, and national economies, providing employment to*
- 21 *many and generating a domestic food supply.*
- 22 *(h) It is the intent of the Legislature that any impacts on*
- 23 *agriculture and resulting problems from high-speed rail*
- 24 *construction be fully mitigated. Mitigation considerations should*
- 25 *not be limited to conventional practices, but should also include*

1 options used by other states and nations, or new mitigation options
2 not previously implemented.

3 SEC. 2. Section 185034.3 is added to the Public Utilities Code,
4 to read:

5 185034.3. (a) The authority shall appoint an agricultural
6 advisory committee. The purpose of the committee is to advise the
7 authority on the impact that authority policies, plans, practices,
8 and procedures will have on the agricultural community. The
9 authority shall consult with the agricultural advisory committee
10 prior to adopting any policy relevant to agriculture, and reflect
11 the comments of the advisory committee in any action item to adopt
12 a policy or other action that is brought before the board of the
13 authority. The authority shall provide written responses to the
14 committee's comments, which shall be distributed both to the board
15 and the committee.

16 (b) The agricultural advisory committee shall consist of ____
17 members, representing specific areas proposed to be affected by
18 plans for high-speed rail. Each member shall be active in a farming
19 enterprise and have technical expertise in farm-related activities,
20 including, but not limited to, well drilling, irrigation systems,
21 animal husbandry, harvesting, processing, and agricultural
22 transportation. The committee shall include representatives of
23 agricultural and related trade organizations.

24 (c) Nothing in this section shall be construed to affect any other
25 requirements that may be imposed by law for the authority to
26 respond to public comments submitted to the authority in writing
27 or at public hearings.

28 SECTION 1. ~~Section 185034.3 is added to the Public Utilities~~
29 ~~Code, to read:~~

30 ~~185034.3. (a) The authority shall develop a policy that~~
31 ~~addresses the preservation of farmland in agricultural areas where~~
32 ~~high-speed rail lines are proposed for construction. The authority~~
33 ~~shall give consideration to all of the following:~~

- 34 ~~(1) Displacement or disruption of water wells.~~
35 ~~(2) Displacement or disruption of water irrigation systems.~~
36 ~~(3) Loss of revenues from future crops when determining land~~
37 ~~valuations associated with land acquisition for high-speed rail~~
38 ~~lines.~~

1 ~~(4) Loss of value to property in cases where a high-speed rail~~
2 ~~line crosses farmland on a diagonal, rendering the remaining~~
3 ~~farmland compromised or unusable.~~

4 ~~(5) Other impacts on agriculture identified in hearings of the~~
5 ~~authority, hearings of the Senate and Assembly committees with~~
6 ~~jurisdiction over agriculture, and hearings of the Assembly Select~~
7 ~~Committee on High-Speed Rail.~~

8 ~~(b) (1) Based on the policy developed pursuant to subdivision~~
9 ~~(a), the authority shall develop, adopt, and implement a farmland~~
10 ~~preservation and mitigation plan.~~

11 ~~(2) The authority shall provide a 60-day public comment period~~
12 ~~on the draft farmland preservation and mitigation plan prior to~~
13 ~~adopting the plan.~~

14 ~~(c) The independent peer review group established pursuant to~~
15 ~~Section 185035 shall consult with persons with whom the authority~~
16 ~~has entered into memoranda of understanding for the purpose of~~
17 ~~identifying best practices for mitigating impacts to farmland from~~
18 ~~high-speed rail construction. The peer review group shall provide~~
19 ~~a report of its findings from those consultations to the authority,~~
20 ~~the Senate and Assembly committees with jurisdiction over~~
21 ~~agriculture, and the Assembly Select Committee on High-Speed~~
22 ~~Rail. The report shall be submitted on or before March 1, 2012.~~