

AMENDED IN ASSEMBLY JULY 5, 2012

AMENDED IN ASSEMBLY JUNE 26, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1117

Introduced by Senator DeSaulnier

(Coauthor: Assembly Member Bonnie Lowenthal)

February 17, 2012

An act to amend Sections 14036 and 14522 of the Government Code, and to add Section 185033.1 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1117, as amended, DeSaulnier. Passenger rail: planning.

Existing law creates the California Transportation Commission, with various powers and duties relating to the programming and allocation of certain funds available for transportation capital improvement projects and various other transportation policy matters, and authorizes the commission to develop guidelines for preparation of regional transportation plans. Existing law creates the Department of Transportation with various powers and duties relating to the state highway system and other transportation modes, including the authority to contract for conventional rail passenger service. Existing law requires the department to prepare a 10-year State Rail Plan on a biennial basis, with both passenger and freight rail elements. Existing law creates the High-Speed Rail Authority to develop and implement a high-speed rail system in the state, with specified powers and duties, including preparation of a business plan on a biennial basis. Existing law, pursuant

to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, provides for the issuance of \$9.95 billion in general obligation bonds for high-speed rail and related purposes.

This bill would require the California Transportation Commission to include in its guidelines for regional transportation plans policy direction regarding the integration of all passenger rail services into a coordinated system with emphasis on intermodal facilities and cost-effective rail services, as specified. The bill would revise the requirements for the 10-year state rail plan prepared by the department to require the plan to be consistent with the federal Passenger Rail Investment and Improvement Act of 2008 and to contain various passenger rail elements, including, among other things, plans for a comprehensive and integrated statewide rail system, a statement of the state's passenger rail service objectives, and identification of improvements that have utility both for freight and passenger rail services. The bill would delete the requirement for the state rail plan to have a freight rail element *and would delete the requirement that it be prepared on a biennial basis*. The bill would require the department to submit a draft plan under these new requirements for review and comment to the commission and authority by ~~April 30~~ *December 1, 2015, and would require public hearings on the plan, and would require the final plan to be submitted to the commission for its advice and consent by December 31, 2015*. The bill would require the final plan to be approved by the Secretary of Business, Transportation and Housing by March 1, 2016, and then to be submitted to the Legislature, *Governor, and various state agencies*. The bill would require the plan to be updated at least every 5 years.

This bill would also impose certain requirements on the High-Speed Rail Authority with regard to implementation of blended systems by the authority, including preparation of a plan in that regard, by December 31, 2013, which would be incorporated into the authority's business plan.

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) Passage of the federal Passenger Rail Investment and
- 4 Improvement Act of 2008 (PRIIA) requires comprehensive rail

1 plans in order for states to be eligible for new federal rail capital
2 grants. To comply with federal law, the state rail plan must include,
3 at a minimum, all of the following:

4 (1) An inventory of the existing transportation system and rail
5 services and facilities within the state, and an analysis of the role
6 of rail transportation within the state’s surface transportation
7 system.

8 (2) A review of all rail lines within the state, including proposed
9 high-speed rail corridors.

10 (3) A statement of the state’s passenger rail objectives.

11 (4) A general analysis of the transportation, economic, and
12 environmental impacts of rail in the state, including congestion
13 mitigation, trade and economic development, air quality, land use,
14 energy use, and community impacts.

15 (5) A long-range investment program for current and future
16 freight and passenger rail infrastructure in the state.

17 (b) The Department of Transportation, pursuant to Section 14036
18 of the Government Code, is responsible for the preparation of a
19 10-year state rail plan, to be updated biennially. Furthermore, the
20 department has been designated by the Federal Railroad
21 Administration as the responsible agency for development of the
22 federally required state rail plan.

23 (c) In addition to the PRIIA requirements, California should
24 build upon its existing rail planning activities, as follows:

25 (1) To foster more complete integration of passenger rail
26 throughout the transportation system, including high-speed,
27 intercity, commuter, and connections to urban passenger rail
28 systems.

29 (2) To support the state’s goal of an integrated, multimodal
30 transportation system and to establish a framework for the delivery
31 of cost-effective rail services in California that promote climate
32 stabilization, job access, environmental enhancements, and
33 improved mobility.

34 (3) To address issues relating to the shared use of rail lines by
35 freight and passenger services.

36 (4) To provide detailed insight into the concerns facing the
37 state’s transportation system and to set forth a vision of how rail
38 transportation can address those issues.

39 SEC. 2. Section 14036 of the Government Code is amended
40 to read:

1 14036. (a) The department shall prepare a 10-year State Rail
2 Plan ~~biennially for submission to the Legislature, the Governor,~~
3 ~~the Public Utilities Commission, and the California Transportation~~
4 ~~Commission.~~ Pursuant to Section 22702 of Title 49 of the United
5 States Code, the department is designated as the state rail
6 transportation authority to prepare, maintain, coordinate, and
7 administer the plan.

8 (b) The passenger rail element shall:

9 (1) Comply with the requirements set forth in the federal
10 Passenger Rail Investment and Improvement Act of 2008 (PRIIA;
11 Public Law 110-432).

12 (2) Include plans for a comprehensive and integrated statewide
13 passenger rail system, including high-speed rail, conventional
14 intercity and commuter rail, and connections to urban rail systems.

15 (3) Review all high-speed rail routes, the rail freight system,
16 conventional intercity and commuter rail systems, and urban rail
17 system connections to high-speed rail and conventional intercity
18 and commuter rail systems, including a statement of the state's
19 passenger rail objectives for routes in the state.

20 (4) In consultation with the freight railroad industry, identify
21 improvements that have utility to both rail freight and passenger
22 rail services in the state.

23 (5) Include an inventory of the existing rail transportation system
24 and rail services and facilities in the state, and an analysis of the
25 role of rail transportation within the state's overall transportation
26 system.

27 (c) (1) The department shall submit, for review and comment,
28 a draft plan developed pursuant to this section to the High-Speed
29 Rail Authority and the commission on or before ~~April 30~~ *December*
30 *1*, 2015.

31 (2) Prior to final adoption of the plan, the department shall hold
32 at least two public workshops on the draft plan, with at least one
33 workshop in northern California and one in southern California.

34 ~~(3) The final plan shall be submitted to the commission for its~~
35 ~~advice and consent on or before December 31, 2015. The~~
36 ~~department shall notify the commission how it incorporated the~~
37 ~~commission's comments.~~

38 (4) On or before March 1, 2016, the final plan shall be submitted
39 to the Business, Transportation and Housing Agency for approval
40 pursuant to Section 22702 of Title 49 of the United States Code.

1 (5) The approved plan shall thereafter be submitted to the
2 Legislature, *the Governor, the Public Utilities Commission, the*
3 *High-Speed Rail Authority, and the commission.*

4 (d) The plan shall be updated, at a minimum, every five years
5 thereafter. The process for review and approval shall be essentially
6 the same as provided for the initial plan pursuant to subdivision
7 (c).

8 SEC. 3. Section 14522 of the Government Code is amended
9 to read:

10 14522. In cooperation with the regional transportation planning
11 agencies, the commission may prescribe study areas for analysis
12 and evaluation by such agencies and guidelines for the preparation
13 of the regional transportation plans.

14 The commission shall include in these guidelines policy direction
15 regarding the integration of all passenger rail services, including
16 high-speed, intercity, commuter, and urban passenger rail services,
17 into a coordinated system with an emphasis on intermodal facilities
18 connecting the various passenger rail systems with each other as
19 well as with the overall transportation system, and provision of
20 cost-effective passenger rail services that contribute to climate
21 stabilization, job access, environmental enhancements, and
22 improved mobility.

23 SEC. 4. Section 185033.1 is added to the Public Utilities Code,
24 to read:

25 185033.1. (a) Consistent with Proposition 1A (2008) and the
26 ~~policies and guidelines of the California Transportation~~
27 ~~Commission relative to the high-speed intercity rail element of the~~
28 ~~statewide passenger rail transportation plan~~ *policy objectives set*
29 *forth in the State Rail Plan* adopted pursuant to Section 14036 of
30 the Government Code, the authority shall plan for implementation
31 of blended systems, consistent with its business plan prepared
32 pursuant to Section 185033. The authority's plan pursuant to this
33 section shall include, at a minimum, both of the following:

34 (1) Identification of investments in passenger rail projects in
35 the Phase I high-speed rail corridor (San Francisco Transbay
36 Terminal-Los Angeles Union Station-Anaheim) that benefit
37 conventional intercity and commuter rail services that are
38 compatible with being upgraded to high-speed rail service in the
39 future.

1 (2) Investments in operable segments in the Phase I high-speed
2 rail corridor that generate sufficient passenger revenue to be
3 attractive to private investors.

4 (b) In developing the blended program, the authority shall
5 consult with the department, regional transportation planning
6 agencies, agencies administering or operating commuter rail,
7 freight railroads operating in the conventional intercity and
8 commuter rail corridors and in the Phase I corridors, and firms
9 that have experience in commercial high-speed intercity rail
10 operations.

11 (c) The authority shall submit a draft of its blended program to
12 the California Transportation Commission, *the department*, and
13 the Legislature on or before December 31, 2013. The program
14 shall subsequently be incorporated into the authority’s business
15 plan prepared pursuant to Section 185033.

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18 **CORRECTIONS:**

19 **Authors—line 2.**

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