

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2170

Introduced by Assembly Member Frazier
(Coauthors: Senators Hueso and Huff)

February 18, 2016

An act to amend Sections 2192 and 2192.2 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2170, as amended, Frazier. Trade Corridors Improvement Fund: federal funds.

The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) created the Trade Corridors Improvement Fund and provided for allocation by the California Transportation Commission of \$2 billion in bond funds for infrastructure improvements on highway and rail corridors that have a high volume of freight movement, and specified categories of projects eligible to receive these funds. Existing law continues the Trade Corridors Improvement Fund in existence in order to receive revenues from sources other than the bond act for these purposes.

This bill would require revenues apportioned to the state from the National Highway Freight Program established by the federal Fixing America's Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions.

Existing law requires the commission, in determining projects eligible for funding, to consult various state freight and regional infrastructure and goods movement plans and the statewide port master plan.

This bill would delete consideration of the State Air Resources Board’s Sustainable Freight Strategy and the statewide port master plan and would instead include consideration of the applicable port master plan *and, for the nonfederal funds, the California Sustainable Freight Action Plan* when determining eligible projects for funding. The bill would also expand eligible projects to include rail landside access improvements, landside freight access improvements to airports, and certain capital and operational improvements.

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. Section 2192 of the Streets and Highways Code
 2 is amended to read:
 3 2192. (a) (1) The Trade Corridors Improvement Fund, created
 4 pursuant to subdivision (c) of Section 8879.23 of the Government
 5 Code, is hereby continued in existence to receive revenues from
 6 state sources other than the Highway Safety, Traffic Reduction,
 7 Air Quality, and Port Security Bond Act of 2006.
 8 (2) Revenues apportioned to the state under Section 167 of Title
 9 23 of the United States Code from the National Highway Freight
 10 Program, pursuant to the federal Fixing America’s Surface
 11 Transportation Act (“FAST Act”; Public Law 114-94) shall be
 12 allocated for projects approved pursuant to this chapter.
 13 (b) This chapter shall govern expenditure of those state and
 14 federal revenues described in subdivision (a).
 15 (c) The funding described in subdivision (a) shall be available
 16 upon appropriation for allocation by the California Transportation
 17 Commission for infrastructure improvements in this state on
 18 federally designated Trade Corridors of National and Regional
 19 Significance, on the Primary Freight Network, and along other
 20 corridors that have a high volume of freight movement, as
 21 determined by the commission. In determining the projects eligible
 22 for funding, the commission shall consult the Transportation
 23 Agency’s state freight plan as described in Section 13978.8 of the
 24 Government Code, and the trade infrastructure and goods

1 movement plan submitted to the commission by the Secretary of
2 Transportation and the Secretary for Environmental Protection.
3 The commission shall also consult trade infrastructure and goods
4 movement plans adopted by regional transportation planning
5 agencies, adopted regional transportation plans required by state
6 and federal law, and the applicable port master plan when
7 determining eligible projects for funding. *The commission shall*
8 *also consult the California Sustainable Freight Action Plan when*
9 *determining eligible projects for funding with funds other than*
10 *those described in paragraph (2) of subdivision (a).* Eligible
11 projects for ~~these funds~~ *the funding described in subdivision (a)*
12 include, but are not limited to, all of the following:

13 (1) Highway capacity improvements, rail landside access
14 improvements, landside freight access improvements to airports,
15 and operational improvements to more efficiently accommodate
16 the movement of freight, particularly for ingress and egress to and
17 from the state's land ports of entry, rail terminals, and seaports,
18 including navigable inland waterways used to transport freight
19 between seaports, land ports of entry, and airports, and to relieve
20 traffic congestion along major trade or goods movement corridors.

21 (2) Freight rail system improvements to enhance the ability to
22 move goods from seaports, land ports of entry, and airports to
23 warehousing and distribution centers throughout California,
24 including projects that separate rail lines from highway or local
25 road traffic, improve freight rail mobility through mountainous
26 regions, relocate rail switching yards, and other projects that
27 improve the efficiency and capacity of the rail freight system.

28 (3) Projects to enhance the capacity and efficiency of ports.

29 (4) Truck corridor and capital and operational improvements,
30 including dedicated truck facilities or truck toll facilities.

31 (5) Border capital and operational improvements that enhance
32 goods movement between California and Mexico and that
33 maximize the state's ability to access funds made available to the
34 state by federal law.

35 (6) Surface transportation and connector road improvements to
36 effectively facilitate the movement of goods, particularly for
37 ingress and egress to and from the state's land ports of entry,
38 airports, and seaports, to relieve traffic congestion along major
39 trade or goods movement corridors.

1 (d) (1) Except as provided in paragraph (2), the commission
 2 shall allocate the funding described in subdivision (a) for trade
 3 infrastructure improvements consistent with Section 8879.52 of
 4 the Government Code and the Trade Corridors Improvement Fund
 5 (TCIF) Guidelines adopted by the commission on November 27,
 6 2007, or as amended by the commission, and in a manner that (A)
 7 addresses the state’s most urgent needs, (B) balances the demands
 8 of various land ports of entry, seaports, and airports, (C) provides
 9 reasonable geographic balance between the state’s regions, (D)
 10 places emphasis on projects that improve trade corridor mobility
 11 and safety while reducing emissions of diesel particulate and other
 12 pollutant emissions, and reducing other negative community
 13 impacts, and (E) makes a significant contribution to the state’s
 14 economy.

15 (2) The commission shall allocate the federal freight funding,
 16 specifically, pursuant to the original TCIF Guidelines, as adopted
 17 by the commission on November 27, 2007, and in the manner
 18 described in ~~subparagraphs~~ (A) to (E), inclusive, of paragraph (1).

19 (3) In addition, the commission shall also consider the following
 20 factors when allocating these funds:

21 (A) “Velocity,” which means the speed by which large cargo
 22 would travel from the land port of entry or seaport through the
 23 distribution system.

24 (B) “Throughput,” which means the volume of cargo that would
 25 move from the land port of entry or seaport through the distribution
 26 system.

27 (C) “Reliability,” which means a reasonably consistent and
 28 predictable amount of time for cargo to travel from one point to
 29 another on any given day or at any given time in California.

30 (D) “Congestion reduction,” which means the reduction in
 31 recurrent daily hours of delay to be achieved.

32 SEC. 2. Section 2192.2 of the Streets and Highways Code is
 33 amended to read:

34 2192.2. The commission shall allocate funds made available
 35 by this chapter to projects that have identified and committed
 36 supplemental funding from appropriate local, federal, or private
 37 sources. The commission shall determine the appropriate amount
 38 of supplemental funding each project should have to be eligible
 39 for moneys based on a project-by-project review and an assessment
 40 of the project’s benefit to the state and the program. Funded

1 improvements shall have supplemental funding that is at least equal
2 to the amount of the contribution under this chapter. The
3 commission may give priority for funding to projects with higher
4 levels of committed supplemental funding.

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