

PROPOSED CONFERENCE REPORT NO. 1  
JULY 2, 1996

AMENDED IN ASSEMBLY AUGUST 31, 1995

AMENDED IN ASSEMBLY AUGUST 21, 1995

AMENDED IN ASSEMBLY JULY 18, 1995

AMENDED IN ASSEMBLY JUNE 30, 1995

AMENDED IN SENATE APRIL 17, 1995

**SENATE BILL**

**No. 457**

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**Introduced by Senator Kelley**  
**(Principal coauthor: Senator Kopp)**  
*(Principal coauthors: Assembly Members Bowler, Brewer,  
and Hannigan)*

February 16, 1995

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An act to ~~amend Sections 14031.8, 14031.9, and 14035 of the Government Code, and to amend Section 164.55 of the Streets and Highways Code, relating to transportation, and making an appropriation therefor.~~ *add Article 5 (commencing with Section 14070), Article 5.2 (commencing with Section 14072), Article 5.4 (commencing with Section 14074), and Article 5.6 (commencing with Section 14076) to Chapter 1 of Part 5 of Division 3 of Title 2 of, and to repeal and add Section 14031.8 of, and to repeal Sections 14031.9 and 14031.10 of, the Government Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

## LEGISLATIVE COUNSEL'S DIGEST

SB 457, as amended, Kelley. Transportation: intercity ~~and commuter rail services funding: California Transportation Commission~~ passenger rail service.

(1) Under existing law, an intercity rail service receiving specified state funding is eligible to continue to receive those funds only if it maintains a ratio of fare revenues to avoidable costs of at least 55%. In order to receive state funding, a commuter rail service is required to maintain a ratio of fare revenues to avoidable costs of at least 40%. The California Transportation Commission, at the request of the Department of Transportation, may waive those requirements for up to 3 years.

*This bill would delete those provisions and would authorize the department, upon approval of the Secretary of Business, Transportation and Housing, to enter into interagency transfer agreements with specified joint exercise of powers entities, pursuant to which the respective joint powers entity would assume responsibility for intercity passenger rail services within a particular corridor, and be allocated funds for that purpose pursuant to the agreement. The transfer of funds would constitute an appropriation. The bill would specify various terms to be included in the agreement. A business plan, as specified, would be required to be prepared for the provision of intercity passenger rail services pursuant to an interagency transfer agreement.*

*The bill would authorize expansion of the membership of the Southern California Regional Rail Authority, an existing joint exercise of powers entity formed to operate the commuter rail network known as Metrolink, for the purpose of administering intercity rail services in 10 specified southern California counties.*

*This bill would create the Capitol Corridor Joint Powers Board, subject to being organized, as provided, specify its membership, prescribe its functions and responsibilities, and authorize the board to enter into an interagency agreement with the department to assume responsibility for Capitol Corridor intercity rail services. The board would be organized when 2 jurisdictions elect to appoint members to the board and only those jurisdictions that appoint members to the*



board prior to December 31, 1996, would be member-agencies of the board.

The bill would authorize specified local agencies to form a joint exercise of powers board for the purpose of assuming responsibility for intercity rail passenger services in the San Joaquin Corridor.

(2) The bill would declare that it is to take effect immediately as an urgency statute.

~~This bill would prohibit an intercity or commuter rail service from receiving any state operating subsidy if it failed to achieve the prescribed fare revenue ratios by its 3rd year of operation plus any additional years, not to exceed 3 years, for which a waiver was granted. The bill would require any waiver granted by the commission to be annually reviewed and reconsidered by the commission, and would require the commission to conduct a public hearing on a request for a waiver.~~

~~The bill would require the department to transfer to the Southern California Regional Rail Authority, through an interagency agreement, all responsibility for administering a specified intercity rail service between the Cities of San Diego and Santa Barbara. The bill would require the agreement to contain specified provisions. The bill would also require the department and the authority to enter into an agreement to transfer from the department to the authority funds necessary to operate intercity rail services in southern California. The transfer of the funds would constitute an appropriation. The bill would prescribe a formula for the expenditure of those funds.~~

~~The bill would provide a process whereby the authority would submit to the commission, not later than September 1 of each year, a business plan relating to the intercity rail service. The department and the commission would review the business plan and would make suggestions for improvement. The authority would submit the final plan. The bill would require the authority to submit the initial business plan pursuant to that process on the commencement date of the interagency agreement.~~

~~(2) Existing law authorizes the department to enter into contracts with the National Railroad Passenger Corporation~~



~~(Amtrak) to provide commuter and intercity passenger rail services.~~

~~This bill would authorize the department to also enter into those contracts with other rail operators.~~

~~(3) Existing law establishes a state transportation funding plan for the expenditure, during the 10 year period from July 1, 1990, to June 30, 2000, of new revenues resulting from the enactment of transportation revenue measures in 1989. That plan calls for the expenditure of \$3,000,000,000 for intercity rail, commuter rail, and urban rail transit, and specifies the eligible corridors within each category.~~

~~This bill would include the Los Angeles-San Bernardino Barstow rail corridor among the eligible intercity rail corridors.~~

~~Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.~~

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

- 1 ~~SECTION 1. (a) The Legislature finds and declares~~
- 2 *SECTION 1. This act shall be known and may be cited*
- 3 *as the Intercity Passenger Rail Act of 1996.*
- 4 *SEC. 2. (a) The Legislature finds and declares all of*
- 5 *the following:*
- 6 *(1) An intercity rail passenger system, linking major*
- 7 *urban centers and complemented by feeder bus services*
- 8 *that provide access to outlying areas and destinations, is*
- 9 *an important element of the state's transportation*
- 10 *system, and shall remain a state-funded program.*
- 11 *(2) The state has a continuing interest in the provision*
- 12 *of cost-effective intercity rail passenger services and has*
- 13 *a responsibility to coordinate intercity rail passenger*
- 14 *services statewide.*
- 15 *(3) Since 1976, the state has invested over one billion*
- 16 *dollars (\$1,000,000,000) in capital improvements and*
- 17 *operating support for intercity rail passenger service and*
- 18 *must ensure the protection of that investment. Recently,*
- 19 *state costs to support operation of this service have*
- 20 *increased greatly due to congressional reductions in*
- 21 *Amtrak's federal operating support.*



1 (b) The Legislature, through the enactment of this  
2 act, intends all of the following:

3 (1) The Secretary of Business, Transportation and  
4 Housing shall be responsible for the overall planning,  
5 coordination, and budgeting of the intercity passenger  
6 rail service.

7 (2) If the secretary determines that transferring  
8 responsibility for intercity rail service in a particular  
9 corridor or corridors to a statutorily created joint powers  
10 agency would result in administrative or operating cost  
11 reductions, the secretary may authorize the Department  
12 of Transportation to enter into an interagency agreement  
13 to effect a transfer of those administrative functions.

14 (3) Any intercity rail corridor for which  
15 administrative responsibility has been transferred to a  
16 joint powers board through an interagency agreement  
17 shall remain as a component of the statewide system of  
18 intercity rail corridors.

19 (4) The public interest requires expansion of the state  
20 intercity rail program in order to keep pace with the  
21 needs of an expanding population.

22 (5) For not less than a three-year period, the level of  
23 state funding for intercity rail service in each corridor  
24 shall be maintained at a level equal to at least the current  
25 level of service in the corridor, thus providing fiscal  
26 stability that will allow appropriate planning and  
27 operation of these services.

28 SEC. 3. Section 14031.8 of the Government Code is  
29 repealed.

30 ~~14031.8. (a) Any proposed new intercity service~~  
31 ~~funded under Section 14031.6 shall continue to be eligible~~  
32 ~~for those funds, commencing with its fourth year of~~  
33 ~~operation, only if it maintains a ratio of fare revenues to~~  
34 ~~avoidable costs of at least 55 percent by its third year of~~  
35 ~~operation.~~

36 ~~(b) Any existing intercity service funded under~~  
37 ~~Section 14031.6 shall be eligible for those funds,~~  
38 ~~commencing with the 1984-85 fiscal year, if it maintains~~  
39 ~~a ratio of fare revenues to avoidable costs of at least 55~~  
40 ~~percent during the previous year of operation.~~



1 ~~(c) For any new or existing intercity service not~~  
2 ~~achieving the ratio of fare revenues to avoidable costs~~  
3 ~~required by subdivision (a) or (b), the commission may~~  
4 ~~grant a waiver for continuation of service, for not to~~  
5 ~~exceed a maximum of three years, only if the department~~  
6 ~~makes a request for such a waiver at least six months prior~~  
7 ~~to the termination date. Any request for a waiver shall be~~  
8 ~~accompanied with an analysis of the service in question~~  
9 ~~defining a specific program designed to improve the~~  
10 ~~service's fare revenues to avoidable costs ratio.~~

11 *SEC. 4. Section 14031.8 is added to the Government*  
12 *Code, to read:*

13 *14031.8. (a) The Secretary of Business,*  
14 *Transportation and Housing shall establish, through an*  
15 *annual budget process, the level of state funding available*  
16 *for the operation of intercity passenger rail service in*  
17 *each corridor.*

18 *(b) Where applicable, operating funds shall be*  
19 *allocated by the secretary to the joint powers board in*  
20 *accordance with an interagency agreement which*  
21 *includes mutually agreed-upon rail services. Funds for*  
22 *the administration and marketing of services, as*  
23 *appropriate, shall also be transferred by the secretary to*  
24 *the joint powers board, subject to the terms of the*  
25 *interagency agreement.*

26 *(c) The joint powers board or local or regional entities*  
27 *may augment state-provided resources to expand*  
28 *intercity passenger rail services, or to address funding*  
29 *shortfalls in achieving agreed-upon performance*  
30 *standards.*

31 *(d) The department may provide any support services*  
32 *as may be mutually agreed upon by the board and the*  
33 *department.*

34 *(e) Operating costs shall be controlled by dealing*  
35 *with, at a minimum, the current Amtrak cost allocation*  
36 *formula and the ability to contract out to Amtrak or other*  
37 *rail operators as a part of federal legislation dealing with*  
38 *Amtrak reauthorization.*

39 *(f) Not later than December 31, 1997, the secretary*  
40 *shall establish a set of uniform performance standards for*



1 all corridors and operators to control cost and improve  
2 efficiency.

3 SEC. 5. Section 14031.9 of the Government Code is  
4 repealed.

5 ~~14031.9. (a) Any proposed new commuter service  
6 funded under Section 14031.6 shall continue to be eligible  
7 for those funds, commencing with its fourth year of  
8 operation, only if it maintains a ratio of fare revenues to  
9 avoidable costs of at least 40 percent by its third year of  
10 operation.~~

11 ~~(b) Any existing commuter service funded under  
12 Section 14031.6 shall be eligible for those funds,  
13 commencing with the 1984-85 fiscal year, only if it  
14 maintains a ratio of fare revenues to operating costs of at  
15 least 40 percent during the previous year of operation.~~

16 ~~(c) For any new or existing commuter service not  
17 achieving the ratio of fare revenues to avoidable costs or  
18 operating costs required by subdivision (a) or (b), the  
19 commission may grant a waiver for continuation of  
20 service, for not to exceed three years, only if the  
21 department makes a request for such a waiver at least six  
22 months prior to the termination date. Any request for a  
23 waiver shall be accompanied with an analysis of the  
24 service in question defining a specific program designed  
25 to improve the service's fare revenues to avoidable costs  
26 or operating costs ratio.~~

27 SEC. 6. Section 14031.10 of the Government Code is  
28 repealed.

29 ~~14031.10. For purposes of Sections 14031.8 and  
30 14031.9:~~

31 ~~(a) "Avoidable cost" means all costs associated with a  
32 particular service which would not be incurred if the  
33 service were not provided.~~

34 ~~(b) "Operating costs" means all costs, exclusive of  
35 capital costs, amortization and depreciation costs, costs of  
36 demonstration projects of no more than two years  
37 duration designed to increase efficiency of operations and  
38 improve farebox ratios, and  
39 lease-with-an-option-to-purchase costs, associated with a~~



1 particular service which would be incurred only if the  
2 service were provided.

3 (e) “Fare revenues” means the total revenues  
4 collected from the operation of a particular service and  
5 includes that portion of the local operating support for  
6 any existing commuter services funded under Section  
7 14031.6 which exceeds the level of local operating support  
8 as required by the terms of any agreement in existence  
9 on January 1, 1986, between the department and local  
10 agencies.

11 SEC. 7. Article 5 (commencing with Section 14070) is  
12 added to Chapter 1 of Part 5 of Division 3 of Title 2 of the  
13 Government Code, to read:

14  
15 *Article 5. Intercity Rail Agreements*

16  
17 14070. As used in this article, the following terms have  
18 the following meanings:

19 (a) “Board” or “joint powers board” means the  
20 governing board of a joint exercise of powers agency  
21 established pursuant to Article 5.2 (commencing with  
22 Section 14072), Article 5.4 (commencing with Section  
23 14074), or Article 5.6 (commencing with Section 14076)  
24 for the purpose of assuming administrative responsibility  
25 for intercity passenger rail service within the respective  
26 corridor.

27 (b) “Secretary” means the Secretary of the Business,  
28 Transportation and Housing Agency.

29 14070.2. (a) If authorized by the secretary, the  
30 department may, through an interagency agreement,  
31 transfer to a joint powers board, and the board may  
32 assume, all responsibility for administering passenger rail  
33 service in the corridor. Upon the date specified in the  
34 agreement, the board shall succeed to the department’s  
35 powers and duties relative to that service, except that the  
36 department shall retain responsibility for developing  
37 budget requests for the service through the state budget  
38 process, which shall be developed in consultation with the  
39 board, and for coordinating service in the corridor with  
40 other passenger rail services in the state.



1 (b) The interagency agreement shall be executed on  
2 or before December 31, 1996. If an interagency  
3 agreement is not entered into on or before December 31,  
4 1996, the secretary shall provide a report to the Governor  
5 and the Legislature on or before January 30, 1997,  
6 explaining why an acceptable agreement has not been  
7 developed, with specific recommendations for  
8 developing an acceptable interagency agreement.

9 (c) The secretary shall require the board to  
10 demonstrate the ability to meet the performance  
11 standards established by the secretary pursuant to  
12 subdivision (f) of Section 14031.8.

13 14070.4. (a) An interagency transfer agreement  
14 between the department and a joint powers board, when  
15 approved by the secretary, shall do all of the following:

16 (1) Specify the date and conditions for the transfer of  
17 responsibilities and identify the annual level of funding  
18 for the initial five years of the transfer and ensure that the  
19 level of funding is consistent with and sufficient for the  
20 planned service improvements within the corridor.

21 (2) Identify, for the initial year and subsequent years,  
22 the funds to be transferred to the board including state  
23 operating subsidies made available for intercity rail  
24 services in the corridor, and funds currently used by the  
25 department for administration and marketing of the  
26 corridor, with the amounts adjusted annually for inflation  
27 and in accordance with the business plan.

28 (3) Specify the level of service to be provided, the  
29 respective responsibilities of the board and the  
30 department, the methods that the department will use to  
31 assure the coordination of services with other rail  
32 passenger services in the state, and the methods that the  
33 department will use for the annual review of the business  
34 plan and annual proposals on funding and appropriations.

35 (4) Describe the terms for transferring to the joint  
36 exercise of powers agency car and locomotive train sets,  
37 and other equipment and property owned by the  
38 department and required for the intercity service in the  
39 corridor including, but not limited to, the number of units



1 to be provided, liability coverage, maintenance and  
2 warranty responsibilities, and indemnification issues.

3 (5) Describe auditing responsibilities and process  
4 requirements, reimbursement and billing procedures,  
5 the responsibility for funding shortfalls, if any, during the  
6 course of each fiscal year, an operating contract oversight  
7 review process, performance standards and reporting  
8 procedures, the level of rail infrastructure maintenance,  
9 and other relevant monitoring procedures. The  
10 description shall contain an evaluation of the impact of  
11 any transfer of equipment on other intercity corridors.  
12 The agreement shall endeavor to minimize the impact  
13 and maximize the efficient use of the equipment,  
14 including continued joint use of equipment that is  
15 currently shared by one or more corridors.

16 (b) Use of the annual state funding allocation, as set  
17 forth in the interagency transfer agreement for the initial  
18 five years, shall be described in an annual business plan  
19 submitted by the board to the secretary for review and  
20 recommendation by April 1 of each year. The business  
21 plan, when approved by the secretary, shall be deemed  
22 accepted by the state. The budget proposal developed by  
23 the department for the subsequent year shall be based  
24 upon the business plan approved by the secretary. The  
25 business plan shall be consistent with the interagency  
26 agreement and shall include a report on the recent as well  
27 as historical performance of the corridor service, an  
28 overall operating plan including proposed service  
29 enhancement to increase ridership and provide for  
30 increased traveler demands in the corridor for the  
31 upcoming year, short-term and long-term capital  
32 improvement programs, funding requirements for the  
33 upcoming fiscal year, and an action plan with specific  
34 performance goals and objectives. The business plan shall  
35 document service improvements to provide the planned  
36 level of service, inclusion of operating plans to serve peak  
37 period work trips, and consideration of other service  
38 expansions and enhancements. The plan shall clearly  
39 delineate how funding and accounting for  
40 state-sponsored rail passenger services shall be separate



1 from locally sponsored services in the corridor. Proposals  
2 to expand or modify passenger services shall be  
3 accompanied by the identification of all associated costs  
4 and ridership projections. The business plan shall  
5 establish, among other things: fares, operating strategies,  
6 capital improvements needed, and marketing and  
7 operational strategies designed to meet performance  
8 standards established in the interagency agreement.

9 (c) Based on the annual business plan and the  
10 subsequent appropriation by the Legislature, the  
11 secretary shall allocate state funds on an annual basis to  
12 the board. As provided in the interagency agreement,  
13 any additional funds that are required to operate the  
14 passenger rail service during the fiscal year shall be  
15 provided by the board from jurisdictions that receive  
16 service. In addition, the board may use any cost savings  
17 or farebox revenues to provide service improvements  
18 related to intercity service. In any event, the board shall  
19 report the fiscal results of the previous year's operations  
20 as part of the annual business plan.

21 (d) The term of the agreement shall not exceed three  
22 years.

23 (e) The level of service funded by the state shall in no  
24 case be less than the current number of intercity  
25 roundtrips operated in a corridor and serving the end  
26 points currently served by the intercity rail corridor. The  
27 level of service funded by the state shall also include  
28 feeder bus service with substantially the same number of  
29 route miles as the current feeder system, to be operated  
30 in conjunction with the trains.

31 (f) Nothing in this article shall be construed to  
32 preclude expansion of state-approved intercity rail  
33 service.

34 14070.6. The department and any entity that assumes  
35 administrative responsibility for passenger rail services  
36 through an interagency transfer agreement, may,  
37 through a competitive bid process, contract with the  
38 National Railroad Passenger Corporation (Amtrak) or  
39 with other organizations authorized under state or  
40 federal law to provide passenger rail services, and may



1 contract with rail corporations and other rail operators for  
2 the use of tracks and other facilities and for the provision  
3 of passenger services on terms and conditions as the  
4 parties may agree. The department is deemed to be a  
5 third-party beneficiary of the contract, and the contract  
6 shall not contain any provision or condition that would  
7 negatively impact on or conflict with any other contracts  
8 the department has regarding intercity rail services. Any  
9 entity that succeeds the department as sponsor of  
10 state-supported passenger rail services through an  
11 interagency transfer agreement, is deemed an agency of  
12 the state for all purposes related to passenger rail services,  
13 including Section 1614 of Title 49 of the United States  
14 Code.

15 SEC. 8. Article 5.2 (commencing with Section 14072)  
16 is added to Chapter 1 of Part 5 of Division 3 of Title 2 of  
17 the Government Code, to read:

18 14072. The Southern California Regional Rail  
19 Authority is an existing joint powers authority formed  
20 pursuant to Section 130255 of the Public Utilities Code,  
21 made up of the county transportation commissions of the  
22 Counties of Los Angeles, Orange, Riverside, San  
23 Bernardino, and Ventura, and set up to operate the  
24 commuter rail network known as Metrolink in those  
25 counties.

26 14072.2. The joint powers authority, known as the  
27 Southern California Regional Rail Authority, may, if the  
28 authority elects to be a party to an interagency  
29 agreement pursuant to Article 5 (commencing with  
30 Section 14070), be expanded to form an authority for the  
31 administration of intercity passenger rail services in the  
32 Counties of Imperial, Los Angeles, Orange, Riverside,  
33 San Bernardino, San Diego, San Luis Obispo, Santa  
34 Barbara, and Ventura. The expanded authority may  
35 include, but is not limited to, the following agencies: the  
36 Imperial Valley Association of Governments, the Los  
37 Angeles County Metropolitan Transportation  
38 Commission, the Orange County Transportation  
39 Authority, the Riverside County Transportation  
40 Commission, the San Bernardino Association of



1 Governments, the San Diego Association of  
2 Governments, the San Luis Obispo Council of  
3 Governments, the Santa Barbara County Association of  
4 Governments, and the Ventura County Transportation  
5 Commission. For the purposes of this section, “authority”  
6 means the expanded board of the Southern California  
7 Regional Rail Authority. Only the expanded board or  
8 authority, not the Southern California Regional Rail  
9 Authority board existing on July 1, 1996, may exercise  
10 jurisdiction over intercity rail matters for the service area  
11 of the authority. For purposes of taking action on intercity  
12 rail issues, including, but not limited to, equipment,  
13 funding, legislation, marketing, and operations, the  
14 member agency from each county shall be allowed one  
15 vote. Representation shall be limited to one agency per  
16 county.

17 14072.4. Membership in the expanded Southern  
18 California Regional Rail Authority shall be one voting  
19 representative from each of the designated member  
20 agencies. Members shall be appointed from each of the  
21 member agencies annually.

22 14074.6. This article shall be applicable only if the  
23 entities to be represented on the authority enter into a  
24 joint exercise of powers agreement to expand the  
25 authority, and elect to become a party to an interagency  
26 transfer agreement pursuant to Article 5 (commencing  
27 with Section 14070).

28 SEC. 9. Article 5.4 (commencing with Section 14074)  
29 is added to Chapter 1 of Part 5 of Division 3 of Title 2 of  
30 the Government Code, to read:

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32

Article 5.4. San Joaquin Corridor

33

34 14074. As used in this article, the following terms have  
35 the following meanings:

36 (a) “Board” means the governing board of the San  
37 Joaquin Corridor Joint Powers Agency established  
38 pursuant to Section 14074.2.

39 (b) “San Joaquin Corridor” or “corridor” means the  
40 Los



1 Angeles-Bakersfield-Fresno-Stockton-Sacramento-Oakland  
2 rail corridor.

3 14074.2. (a) The San Joaquin Corridor Joint Powers  
4 Agency may be established by agreement of the  
5 represented agencies for the purpose of assuming  
6 responsibility for intercity passenger rail services in the  
7 San Joaquin Corridor.

8 (b) The board shall be composed of the following 19  
9 members:

10 (1) One member from the Capitol Corridor Joint  
11 Powers Board, if that board is in existence.

12 (2) One member from the County of Sacramento,  
13 appointed by the board of supervisors of that county.

14 (3) One member from the County of Los Angeles,  
15 appointed by the board of supervisors of that county.

16 (4) Two members each from the Counties of Fresno,  
17 Kern, Kings, Madera, Merced, San Joaquin, Stanislaus,  
18 and Tulare, appointed by the board of supervisors of the  
19 respective county. Each county shall appoint one  
20 member who is an elected official and one who is a private  
21 citizen.

22 14074.6. This article shall be applicable only if the  
23 entities that would be represented on the board enter  
24 into a joint exercise of powers agreement to form the  
25 agency, and elect to become a party to an interagency  
26 transfer agreement pursuant to Article 5 (commencing  
27 with Section 14070).

28 SEC. 10. Article 5.6 (commencing with Section  
29 14076) is added to Chapter 1 of Part 5 of Division 3 of Title  
30 2 of the Government Code, to read:

31

32 Article 5.6. Capitol Corridor

33

34 14076. As used in this article, the following terms have  
35 the following meanings:

36 (a) "Board" means the Capitol Corridor Joint Powers  
37 Board created by Section 14076.2.

38 (b) "Capitol Corridor" or "corridor" means the  
39 Colfax-Sacramento-Suisun City-Oakland-San Jose rail  
40 corridor.



1 14076.2. (a) There is hereby created the Capitol  
2 Corridor Joint Powers Board, subject to being organized  
3 pursuant to subdivision (b). The board shall be composed  
4 of not more than the following 16 members:

5 (1) Six members of the San Francisco Bay Area Rapid  
6 Transit District Board of Directors, appointed by the  
7 board of directors of that district, as follows:

8 (A) Two who are residents of Alameda County.

9 (B) Two who are residents of Contra Costa County.

10 (C) Two who are residents of the City and County of  
11 San Francisco.

12 (2) Two members of the Board of Directors of the  
13 Sacramento Regional Transit District, appointed by the  
14 board of directors of that district.

15 (3) Two members of the Board of Directors of the  
16 Santa Clara County Transit District, appointed by the  
17 board of directors of that district.

18 (4) Two members of the county congestion  
19 management agency for that County of Yolo, appointed  
20 by that agency.

21 (5) Two members of the county congestion  
22 management agency for the County of Solano, appointed  
23 by that agency.

24 (6) Two members of the Placer County  
25 Transportation Planning Agency, appointed by that  
26 agency.

27 (b) The board shall be organized when at least two of  
28 the jurisdictions described in paragraphs (1) to (6),  
29 inclusive, of subdivision (a) elect to appoint members to  
30 serve on the board. Only those jurisdictions that appoint  
31 members to serve on the board prior to December 31,  
32 1996, shall be member-agencies of the board.

33 14076.4. If the board and the department enter into  
34 an interagency transfer agreement pursuant to Article 5  
35 (commencing with Section 14070), for an initial period,  
36 that begins with the transfer of responsibilities from the  
37 department to the board and continues for a three-year  
38 period subsequent to the completion of the track and  
39 signal improvements between Sacramento and  
40 Emeryville, the San Francisco Bay Area Rapid Transit



1 *District General Manager and the district's*  
 2 *administrative staff shall, if that district has appointed*  
 3 *members to the board in accordance with Section*  
 4 *14076.2, provide all necessary administrative support to*  
 5 *the board to perform its duties and responsibilities, and*  
 6 *may perform for the board any and all activities that they*  
 7 *are authorized to perform for the district. At the*  
 8 *conclusion of the initial period, the board may, through*  
 9 *procedures that it determines, select the San Francisco*  
 10 *Bay Area Rapid Transit District or another existing public*  
 11 *rail transit agency for a three-year term to provide all*  
 12 *necessary administrative support staff to the board to*  
 13 *perform its duties and responsibilities.*

14 *14076.6. The board shall make its decisions in*  
 15 *accordance with the votes of its members, requiring a*  
 16 *majority vote for all matters with the exception of the*  
 17 *approval of the business plan, and revisions, which shall*  
 18 *require a vote of two-thirds of the members.*

19 *14076.8. For the purpose of carrying out its*  
 20 *responsibilities pursuant to this article, the board may*  
 21 *seek funds from any jurisdiction served by the Capitols*  
 22 *passenger rail service for enhanced service.*

23 *SEC. 11. This act is an urgency statute necessary for*  
 24 *the immediate preservation of the public peace, health,*  
 25 *or safety within the meaning of Article IV of the*  
 26 *Constitution and shall go into immediate effect. The facts*  
 27 *constituting the necessity are:*

28 *In order that improved and expanded passenger rail*  
 29 *services may be realized at the earliest possible time, it is*  
 30 *necessary for this act to take effect immediately.*

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**All matter omitted in this version of the  
 bill appears in the bill as amended in the  
 Assembly, August 31, 1995 (JR 11)**

