

AMENDED IN SENATE APRIL 26, 2021
AMENDED IN SENATE MARCH 10, 2021

SENATE BILL

No. 69

Introduced by Senator McGuire

December 8, 2020

An act 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 the Public Resources Code, and to amend Sections 105001, 105003, and 105032 of, to add Section 105088 to, and to repeal Section 105180 of, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 69, as amended, McGuire. North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency: Sonoma-Marín Area Rail Transit District.

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, ~~and~~ the planned transfer of all of the authority's assets, and the authority's dissolution.

Existing law creates, within the Counties of Sonoma and Marin, the Sonoma-Marín 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, including the North Coast Railroad Authority, to achieve a safe, efficient, and compatible system of passenger and freight rail service and authorizes the district to, among other things, provide a rail transit

system for the provision of freight service by rail and own, operate, manage, and maintain a passenger rail system within the territory of the district.

This bill would require the authority, or a successor agency, to convey and transfer all of its rights, interests, privileges, and title, lien free, relating to the southern portion of a specified right-of-way to the district, as provided.

This bill would give the board of governors of the district the duty and power to, among other things, own, operate, manage, and maintain a freight rail system within the district and fix rates, rentals, charges, and classifications of freight service operated by the district. The bill would also give the board of governors of the district the duty and power to consider potential alternatives to help address the housing needs of current and future employees. The bill would repeal the requirement that the district obtain coverage for itself and its employees under certain federal laws.

This bill would designate the ancillary bicycle and pedestrian pathways that provide connections between and access to district station sites and the district's other pathways as "The Great Redwood Trail, Southern Segment," and would authorize the district to partner and contract with trail agencies, as provided.

On or before July 1, 2022, this bill would rename the North Coast Railroad Authority the Great Redwood Trail Agency. The bill would provide for the appointment of the agency's board of directors, as specified. On or before July 1, 2022, the bill would require the authority to transfer all of its rights, interests, privileges, and responsibilities relating to the northern portion of the right-of-way to the agency, as provided. The bill would, to the extent funding is available, require the agency to, among other things, (1) inventory any parcel, easement, or contract related to the northern portion of the right-of-way, (2) complete an environmental assessment of the conditions of the northern portion of the right-of-way, (3) plan, design, construct, operate, and maintain a trail in, or next to, the northern portion of the right-of-way, and (4) complete a federal railbanking process for the northern portion of the right-of-way. The bill would also give the agency certain enumerated rights and powers, including, among other things, the right and power to fix and collect fees, make grants, acquire interests in real property, and enter into contracts and joint powers agreements.

By imposing new requirements on local entities, the bill 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 act shall be known as the Great Redwood
2 Trail Act.

3 ~~SECTION 1.~~

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

6

7 CHAPTER 4. TRANSFER OF RIGHTS, PRIVILEGES, AND TITLE

8

9 93030. (a) The authority or a successor agency shall convey
10 and transfer all of its rights, interests, privileges, and title, lien free,
11 relating to its rail right-of-way south of the dividing line, including
12 any associated real property, rail easements, branch or spur lines,
13 leases, contracts, licenses and certificates of public convenience
14 and necessity, common carrier obligations held by the authority
15 or a successor agency, or an associated freight operator, and
16 railroad assets the authority or a successor agency owns to the
17 Sonoma-Marín Area Rail Transit District, created pursuant to
18 Section 105010 of the Public Utilities Code.

19 (b) The Sonoma-Marín Area Rail Transit District shall retain
20 and maintain, in perpetuity, all common carrier rights and
21 obligations received from the authority or a successor agency.

22 93031. (a) On or before July 1, 2022, the authority shall
23 transfer all of its rights, interests, privileges, and responsibilities
24 relating to its right-of-way north of the dividing line, including
25 any associated real property, rail easements, branch or spur lines,
26 leases, contracts, licenses and certificates of public convenience
27 and necessity, common carrier obligations held by the authority,
28 or an associated freight operator, and railroad assets the authority

1 owns, to its successor agency, the Great Redwood Trail Agency
 2 established pursuant to Chapter 14 (commencing with Section
 3 5880) of Division 5 of the Public Resources Code.

4 (b) The transfers made pursuant to subdivision (a) shall not
 5 affect or negate any rights under Memorandum of Agreement
 6 1991-2324, which was filed on January 31, 1991, with the county
 7 clerk-recorder's office for the County of Humboldt.

8 93032. In making the transfers pursuant to Sections 93030 and
 9 93031, and upon a majority of the Great Redwood Trail Agency's
 10 board of directors being appointed pursuant to Section 5882 of the
 11 Public Resources Code, the authority shall have no rights,
 12 privileges, and responsibilities relating to any right-of-way.

13 93033. Upon making the transfers pursuant to Sections 93030
 14 and 93031, and a majority of the Great Redwood Trail Agency's
 15 board of directors being appointed pursuant to Section 5882 of the
 16 Public Resources Code, the authority's board of directors shall
 17 dissolve.

18 93034. For purposes of this chapter, "dividing line" has the
 19 same meaning as defined in Section 5881 of the Public Resources
 20 Code.

21 ~~SEC. 2.~~

22 SEC. 3. Chapter 14 (commencing with Section 5880) is added
 23 to Division 5 of the Public Resources Code, to read:

24

25 CHAPTER 14. GREAT REDWOOD TRAIL AGENCY
 26

27 5880. (a) On or before July 1, 2022, the North Coast Railroad
 28 Authority shall be renamed the Great Redwood Trail Agency. If
 29 a majority of the agency's board of directors are not appointed on
 30 or before July 1, 2022, the North Coast Railroad Authority's board
 31 of directors shall oversee the agency's operations under this chapter
 32 until a majority of the agency's board of directors are appointed.

33 (b) (1) The goal of this chapter is for the agency to use the
 34 existing right-of-way, or paths parallel to the right-of-way, to plan,
 35 design, construct, operate, and maintain the northern portion of
 36 the Great Redwood Trail in, or parallel to, the right-of-way.

37 (2) The agency shall assume, own, and manage all aspects of
 38 the rail operations from the North Coast Railroad Authority north
 39 of the dividing line, including, but not limited to, the common
 40 carrier license, rail easements, licenses, and contracts.

1 5881. As used in this chapter, unless the context requires
2 otherwise, the following definitions apply:

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

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

6 (c) "Dividing line" means the county line separating the
7 Counties of Mendocino and Sonoma at or near mile post 89.

8 (d) "Northern portion of the Great Redwood Trail" means the
9 trail planned, designed, constructed, operated, and maintained in,
10 or parallel to, the right-of-way pursuant to paragraph (4) of
11 subdivision (a) of Section 5883.

12 (e) "Right-of-way" means the entire length of the right-of-way
13 transferred to the agency pursuant to Section 93031 of the
14 Government Code.

15 5882. (a) The agency shall be governed by a board of
16 directors, composed as follows:

17 (1) The Governor shall appoint, subject to Senate confirmation,
18 three board members, one representing the Department of
19 Transportation, one representing the Natural Resources Agency,
20 and one appointed at the Governor's discretion, who are
21 knowledgeable about trails, parks, or rivers.

22 (2) The Senate Committee on Rules shall appoint one board
23 member who is knowledgeable about trails, parks, or rivers.

24 (3) The Speaker of the Assembly shall appoint one board
25 member who is knowledgeable about trails, parks, or rivers.

26 (b) (1) Each member of the board shall serve a term of four
27 years.

28 (2) Notwithstanding paragraph (1), each member shall serve on
29 the board until the member's successor has been appointed.

30 (c) The board shall elect a chair from among its board members
31 who shall serve a term of one year. The chair may serve successive
32 terms.

33 (d) The initial board members shall be appointed on or before
34 July 1, 2022.

35 5883. Upon the agency receiving the North Coast Railroad
36 Authority's rights, privileges, and responsibilities, including any
37 associated branch or spur lines, north of the dividing line, both of
38 the following subdivisions shall apply:

39 (a) To the extent funding is available, the agency shall do all of
40 the following:

- 1 (1) Initiate or complete, or initiate and complete, the federal
2 Surface Transportation Board's railbanking process north of the
3 dividing line.
- 4 (2) Inventory any parcel, easement, or contract related to the
5 right-of-way.
- 6 (3) Complete an environmental assessment of the conditions of
7 the right-of-way for purposes of trail development.
- 8 (4) Plan, design, construct, operate, and maintain a trail in, or
9 parallel to, the right-of-way.
- 10 (5) Conduct a thorough community engagement process that
11 includes landowners, trail advocates, environmental groups, and
12 the community at large. Items to be discussed during this process
13 include, but are not limited to, trail configurations in, and parallel
14 to, the right-of-way, including those on public lands, connecting
15 the Great Redwood Trail to existing trails, and rail-crossing access
16 and fees.
- 17 (6) Honor existing trail licenses and work with local and state
18 ~~governments~~ *governments, tribal governments*, and community
19 groups to expeditiously provide new trail license agreements that
20 meet the goal of this chapter.
- 21 (7) Use the services of the California Conservation ~~Corps~~, *Corps*
22 *or certified community conservation corps, as defined in Section*
23 *14507.5*, wherever feasible, for projects related to trails,
24 environmental enhancements, and restoration, and other
25 improvement projects.
- 26 (8) Use the services of conservation organizations, wherever
27 feasible, for projects related to trails, fishing access, fish passage
28 barrier restoration, and other environmental enhancement,
29 restoration, and improvement projects.
- 30 (9) Prepare a master plan for the northern portion of the Great
31 Redwood Trail, including any environmental analysis required
32 pursuant to the California Environmental Quality Act (Division
33 13 (commencing with Section 21000)).
- 34 (10) Before January 1, 2024, and annually thereafter, submit a
35 report to the Legislature, in compliance with Section 9795 of the
36 Government Code, describing the agency's progress towards
37 fulfilling the requirements and goal relating to the right-of-way.
- 38 (11) Regulate public access to each segment of the right-of-way
39 until the construction of the trail segment is completed, as
40 determined by the agency.

1 (b) To the extent funding is available, the agency may do any
2 of the following:

3 (1) Contract with a trail manager or organization to meet the
4 requirements of this section.

5 (2) Contract with an operator to operate excursion rail service
6 except that the service shall not interfere with or harm the northern
7 portion of the Great Redwood Trail.

8 (3) Work with landowners, fishing organizations, and others to
9 locate and provide fishing and river access along the right-of-way.
10 In doing so, the agency shall seek to discourage and prevent
11 trespassing on private property.

12 5884. The agency may transfer the responsibility of performing
13 the acts described in this chapter to an appropriate state agency.

14 5886. The agency shall have and may exercise all rights and
15 powers, expressed or implied, necessary to carry out the purposes
16 and intent of this chapter, including, but not limited to, all of the
17 following:

18 (a) To enter into and perform all necessary contracts pursuant
19 to Article 53.5 (commencing with Section 20815) of Chapter 1 of
20 Part 3 of Division 2 of the Public Contract Code.

21 (b) To fix and collect fees for the use of any land owned or
22 controlled, or for any service provided, by the agency.

23 (c) To make grants.

24 (d) To acquire interests in real property.

25 (e) To lease, rent, sell, exchange, or transfer interests in real
26 property.

27 (f) To undertake or fund projects and programs implementing
28 this chapter or relating to the northern portion of the Great
29 Redwood Trail.

30 (g) To provide for the management of the right-of-way and the
31 northern portion of the Great Redwood Trail.

32 (h) To apply for and accept grants, gifts, donations of money
33 and property, subventions, rents, royalties, or other assistance from
34 public or private sources.

35 (i) To recruit and coordinate volunteers and experts to conduct
36 interpretive and recreational programs, and to assist with
37 construction projects and the maintenance of facilities.

38 (j) To enter into contracts and joint powers agreements.

39 (k) To sue and be sued.

1 (l) To contract with the State Coastal Conservancy, a state
2 agency, or another organization to staff the agency.

3 5887. The agency shall be subject to the Ralph M. Brown Act
4 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
5 2 of Title 5 of the Government Code) and the California Public
6 Records Act (Chapter 3.5 (commencing with Section 6250) of
7 Division 7 of Title 1 of the Government Code).

8 ~~SEC. 3.~~

9 *SEC. 4.* Section 105001 of the Public Utilities Code is amended
10 to read:

11 105001. It is the intent of the Legislature in enacting this part
12 to provide for a unified, comprehensive institutional structure for
13 the ownership and governance of a passenger and freight rail
14 system within the Counties of Marin, Napa, Solano, and Sonoma,
15 and any other counties immediately adjacent to those counties.

16 ~~SEC. 4.~~

17 *SEC. 5.* Section 105003 of the Public Utilities Code is amended
18 to read:

19 105003. As used in this part, the following terms have the
20 following meanings:

21 (a) "District" means the Sonoma-Marín Area Rail Transit
22 District.

23 (b) "Dividing line" has the same meaning as defined in Section
24 5881 of the Public Resources Code.

25 (c) "Rail transit" means the transportation of passengers and
26 their incidental baggage by rail and provision of freight service by
27 rail.

28 (d) "Rail transit works" or "rail transit facilities" means any or
29 all real and personal property, equipment, rights, or interests owned
30 or to be acquired by the district for rail transit service purposes,
31 including ancillary bicycle and pedestrian pathways that provide
32 connections between and access to station sites.

33 (e) "Board of directors," "board," or "directors" means the board
34 of directors of the district.

35 (f) "Public agency" includes the state, and any county, city and
36 county, city, district, or other political subdivision or public entity
37 of, or organized under the laws of, this state, or any department,
38 instrumentality, or agency thereof.

1 ~~SEC. 5.~~

2 *SEC. 6.* Section 105032 of the Public Utilities Code is amended
3 to read:

4 105032. It shall be the duty of the board and it shall have the
5 power to:

6 (a) Own, operate, manage, and maintain a passenger and freight
7 rail system within the territory of the district.

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

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

14 (d) Fix rates, rentals, charges, and classifications of rail transit
15 and freight service operated by the district.

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

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

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

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

27 (i) Consider potential alternatives to help address the housing
28 needs of current and future employees.

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

31 ~~SEC. 6. Section 105088 is added to the Public Resources Code,~~
32 ~~to read:~~

33 ~~105088.—~~

34 *SEC. 7. Section 105088 is added to the Public Utilities Code,*
35 *to read:*

36 105088. (a) Upon receiving the North Coast Railroad
37 Authority's rights, privileges, and interests relating to the
38 authority's rail right-of-way south of the dividing line pursuant to
39 Section 93030 of the Government Code, the district shall designate
40 a single point of contact for the Great Redwood Trail.

1 (b) The district may partner or contract with trail agencies,
2 including the Great Redwood Trail Agency, on creation and
3 maintenance of the bicycle and pedestrian pathways under the
4 district's jurisdiction.

5 (c) The ancillary bicycle and pedestrian pathways that provide
6 connections between and access to district station sites and the
7 district's other pathways shall be known as "The Great Redwood
8 Trail, Southern Segment."

9 ~~SEC. 7.~~

10 *SEC. 8.* Section 105180 of the Public Utilities Code is repealed.

11 ~~SEC. 8.~~

12 *SEC. 9.* If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.