
SENATE COMMITTEE ON TRANSPORTATION AND HOUSING

Senator Jim Beall, Chair

2017 - 2018 Regular

Bill No: AB 758 **Hearing Date:** 9/13/17
Author: Eggman
Version: 9/8/2017 Amended Senate
Urgency: No **Fiscal:** Yes
Consultant: Randy Chinn

SUBJECT: Transportation: Tri-Valley-San Joaquin Valley Regional Rail Authority.

DIGEST: This bill establishes the Tri-Valley-San Joaquin Valley Regional Rail Authority (Authority) and designates various duties, as specified.

ANALYSIS:

Existing law:

- 1) Provides for the creation of statewide and local transportation agencies, which may be established as joint powers authorities or established expressly by statute.
- 2) Establishes the Bay Area Rapid Transit District (BART), which is authorized to acquire, construct, own, operate, control, or use rights-of-way, rail lines, bus lines, stations, platforms, switches, yards, terminals, parking lots, and any and all other facilities necessary or convenient for rapid transit service.
- 3) Allows for the creation of the San Joaquin Regional Rail Commission which operates the commuter rail service otherwise known as the Altamont Corridor Express (ACE) providing commuter rail passenger rail service from Stockton to San Jose.

This bill:

- 1) Makes legislative findings and declarations regarding the need for strategic and planned interregional mobility in the Altamont Pass corridor.
- 2) Establishes the Authority for purposes of planning, developing, and delivering cost-effective and responsive transit connectivity between BART and ACE that meets the goals and objectives of the San Joaquin Valley and Tri-Valley

communities, consistent with a project feasibility report required by this bill. The Authority's membership is composed of one representative from each of the following entities:

- a) BART;
 - b) The City of Dublin;
 - c) The City of Lathrop;
 - d) The City of Livermore;
 - e) The City of Manteca;
 - f) The City of Pleasanton;
 - g) The City of Stockton;
 - h) The City of Tracy;
 - i) The County of Alameda;
 - j) The County of San Joaquin;
 - k) The Livermore Amador Valley Transit Authority (LAVTA); and,
 - l) Mountain House Community Services District;
 - m) San Joaquin Regional Rail Commission;
 - n) The City of Danville;
 - o) The City of San Ramon.
- 3) Provides that the Authority possesses all powers necessary for planning, acquiring property, leasing, developing, owning, controlling, designing, procuring contracts, and constructing facilities to achieve transit connectivity between BART and ACE.
 - 4) Requires the Livermore Amador Valley Transit Authority administrative staff to provide all necessary administrative support to the authority board for 18 months.
 - 5) Requires that all unencumbered local funds programmed for the completion of the BART to Livermore extension are to be transferred to the Authority to fund the identified connection project except:

- a) local funds controlled by the Alameda County Transportation Commission (ACTC) to be used for the BART Livermore extension shall continue to be programmed and allocated by ACTC;
 - b) local funds controlled by the San Joaquin Regional Rail Commission (SJRRRC) that have been identified for connectivity shall continue to be programmed and allocated by (SJRRRC);
- 6) Specifies that the Authority is eligible to apply for and receive state and federal fund allocations, except for funds available under the Transportation Development Act for which any member entity of the authority is also an applicant.
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- 7) Requires the Authority to provide a project feasibility report by July 1, 2019. The report shall include:
- a) Recommendations for expediting the development of cost-effective and responsive transit connectivity between BART and ACE in the Tri-Valley region;
 - b) Identification of a preferred entity or entities to deliver transit connectivity between BART and ACE;
 - c) A funding plan describing any grants, loans, allocations, fund transfers, or awards of local, regional, state, federal, or private funds to be made available for achieving transit connectivity;
 - d) A description of any financing plan;
 - e) A proposed schedule for completion;
 - f) A preliminary design for the project or projects;
- 8) If the feasibility report includes a recommendation for an extension of BART's system, the BART governing board has the authority to approve or deny the recommendation. Similarly, if the feasibility report includes a recommendation for an extension of the ACE service, the governing board of the SJRRRC shall have the authority to approve or deny the recommendation.
- 9) Authorizes the Authority to use any relevant environmental documents previously completed by BART and the SJRRRC to complete the feasibility report.

- 10) Requires the Authority and any entity which operates the connection between BART and ACE to be subject to the Meyers-Lilias-Brown Act, the California Public Records Act, and the Brown Act.
- 11) Declares that nothing in the bill is intended to disrupt the environmental review processes currently underway at BART or SJRRC, or infringe upon BART's process for planning, development, and delivery of a BART extension within the I-580 Corridor to the vicinity of the I-580/Isabel Avenue interchange. This section becomes inoperative on July 1, 2018 if the BART governing board fails to adopt a preferred alternative for a BART extension.

COMMENTS:

- 1) *Purpose.* According to the author, "Interstate 580 through the Altamont Pass Corridor connects the industrial and agricultural powerhouse that is the San Joaquin Valley to the Bay Area, the capital of high tech and innovation. Combined, the two comprise an economic megaregion with links to ground, air and ocean trade networks. Thousands of drivers commute over the interstate daily from the San Joaquin Valley, where home prices are affordable, to the Bay Area, where many jobs are located. Creating an authority that can focus on establishing a connection between ACE Rail and BART will help to both decrease traffic on this critical freeway and reduce greenhouse gas emissions."
- 2) *Altamont Pass and ACE.* The Altamont Pass serves as the commuter corridor connecting the San Joaquin Valley to the Bay Area. I-580 is the freeway connector and ranks as one of the most congested freeways in the mega-region during peak hours due to a high volume of regional and interregional commuter, freight, and recreational traffic. Additionally, San Joaquin County, and other counties in the San Joaquin Valley, are some of the fastest growing in the state. Since 1990, the number of people commuting daily from the northern San Joaquin Valley to the Bay Area has more than doubled, growing from 32,000 to nearly 65,000 commuters. Currently, the ACE train brings commuters from the northern San Joaquin Valley from the cities of Stockton, Lathrop and Tracy to the San Jose region. ACE carries nearly 3,000 commuters daily one way or 6,000 round trips.
- 3) *BART Extension to Livermore.* Currently BART is developing an extension to Livermore, extending the BART rail line by 5.5 miles along the median of I-580 from the existing Dublin/Pleasanton Station to a new station in the vicinity of the Isabel Avenue interchange. The project would also incorporate

improvements to the local bus system, connections with key activity centers in Livermore and inter-regional rail service.

A draft Environmental Impact Report was released on July 31, 2017 for public comment, with the comment period closing this week. Several options are being considered, including an extension of the BART system at a capital cost of \$1.6 billion, a light rail extension at a similar capital cost, a bus rapid transit system for about \$400 million, and an option not to build any project.

Following a public review and comment period, one of the options for the project will be selected by the BART Board of Directors as the preferred transit mode for the extension to Livermore. BART then anticipates preparing a federal-level Environmental Impact Statement to comply with the National Environmental Policy Act, as federal monies may be part of the funding picture. BART's anticipated date for opening the completed extension and new BART station is 2026.

- 4) *No connection.* While the Livermore extension is only the first part to a final connection, no formal plan exists that identifies a pathway and/or project to connect ACE and BART. However, there are numerous options being discussed and explored. For example, ACE is undertaking an EIR process at a programmatic and project level to study options for the connection and increasing ACE service as part of its ACEForward initiative. Additionally, in February 2016, local officials created the Altamont Regional Rail Working Group to focus on potential ACE to BART linkages to better connect the Bay Area to the Central Valley region. The Working Group contains local officials from the area communities, and representatives from ACE and BART.

The provisions specified in this bill build off the working group by creating an Authority to study, develop, and construct a cost effective connection between ACE and BART. Supporters of this bill assert that this bill is necessary to deliver a much-needed interregional rail connection between the San Joaquin Valley and the Bay Area's Tri-Valley region. Some have raised concerns that this bill would duplicate and undermine the existing studies being conducted by ACE and BART and also create a new entity that may compete for funds with other Bay Area and Central Valley transportation agencies.

- 5) *Retaining Discretion.* This bill illustrates the tension between funding for much-needed improvements to the existing BART system and extending the BART system to serve new riders. That BART and ACE should connect is not controversial. How and where that connection should be made is. This bill creates a process for determining that connection, albeit with the overall

constraint that the connections occur in the Tri-Valley area. The bill establishes a rail authority whose first task is developing a feasibility study recommending a cost-effective connection between BART and ACE. To preserve their autonomy, the bill allows both BART and SJRRC, the ACE operator, veto power over any recommendation which requires either of them to connect with the other. The bill also explicitly states that it is not intended to interfere with BART's current effort to determine if and how they will extend into Livermore. These provisions will push the parties towards a consensus solution.

- 6) *Following the Money.* This bill requires certain funds to be turned over to the Authority. Of \$533 million in local funds that BART has identified for their Livermore project, \$40 million from the City of Livermore's Traffic Impact Fees will be turned over to the Authority and \$398 million will be retained by the Alameda County Transportation Commission. It isn't clear whether the remaining \$95 million, which come from bridge tolls, will be turned over to the Authority.
- 7) *Opposition.* There is opposition to the prior version of the bill; most positions have not been updated to account for the recent revisions. Some opponents are concerned about expanding BART before improving BART's existing operations. And BART is concerned that the bill doesn't give them approval authority over any extension and jeopardizes their Livermore funding. The recently amended bill appears to address many, but not all, of the concerns of the opposition by giving BART veto authority over any plan which requires them to connect to ACE, limiting the funding that will be transferred to the Authority, and declaring that the bill is not intended to interfere with BART's currently Livermore project review process.

Assembly votes:

Floor: 72-0
Approps: 17-0
Trans: 14-0

RELATED LEGISLATION:

AB 2762 (Baker, 2016) — would have created the Altamont Pass Regional Rail Authority for the purposes of planning and delivering a cost effective and responsive interregional rail connection between BART and ACE in the City of Livermore. *AB 2762 was held in the Assembly Transportation Committee.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before 10 a.m. on Wednesday, September 13, 2017.)

SUPPORT:

Alameda County
Alameda-San Joaquin Regional Rail Working Group
City of Dublin
City of Lathrop
City of Livermore
City of Stockton
City of Tracy
East Bay Leadership Council
Innovation Tri-Valley Leadership Group
Livermore Amador Valley Transit Authority
Livermore Valley Chamber of Commerce
San Joaquin County
San Joaquin Partnership
Town of Danville

OPPOSITION:

Amalgamated Transit Union
BART
Bay Area Transportation Working Group
TransForm
Urban Habitat and Public Advocates

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