

Date of Hearing: April 22, 2019

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 1025 (Grayson) – As Amended March 26, 2019

**SUBJECT:** Transportation: California Transportation Commission: San Ramon Branch Corridor: reimbursement

**SUMMARY:** Relinquishes the state’s rights to reimbursement relating to three specific allocation resolutions adopted by the California Transportation Commission (CTC) in the 1980s and requires Contra Costa County to revise the bylaws of the Iron Horse Corridor Management Program Advisory Committee as specified. Specifically, **this bill:**

- 1) Relinquishes the state’s rights to reimbursement established pursuant to the following CTC allocation resolutions:
  - a) Resolution MT-83-16 (December 17, 1982);
  - b) Resolution MT-86-1 (September 1985); and
  - c) Resolution MT-87-2 (July 1986).
- 2) Requires Contra Costa County to revise the bylaws of the Iron Horse Corridor Management Program Advisory Committee to:
  - a) Include a seat for a Contra Costa Transportation Authority (CCTA) representative;
  - b) Consider proposals to study new and emerging mobility modes and technologies in the corridor; and
  - c) Recommend a framework for acting on the proposals.
- 3) Includes legislative findings and declarations related to the reasons why the state should not seek reimbursement for the allocations.

**EXISTING LAW:**

- 1) Establishes the 13-member CTC and provides that it is responsible for programming and allocating funds for the construction of highway, passenger rail, transit, and active transportation improvements throughout California.
- 2) Directs CTC to advise and assist the Secretary of Transportation and the Legislature in formulating and evaluating state policies and plans for transportation programs in the state.
- 3) Creates the Public Transportation Account as the successor fund to the Transportation Planning and Development Account (TD&PA) and provides that the funds in the account are only available for transportation planning and mass transportation purposes.

**FISCAL EFFECT:** Unknown.

**COMMENTS:** In 1978, the Legislature created CTC out of a concern that transportation infrastructure was not being efficiently planned for or implemented statewide, and the existing state boards and commissions at the time were so friendly to the various stakeholders that the state's best interests were not always being considered. The Legislature envisioned CTC as an agency responsible for programming and allocating state transportation funds in California in order to hold funding recipients accountable for proper use of these funds.

As part of its charge, CTC administers various programs and allocates funds to specific projects. When allocating funds, CTC typically enters into an agreement with the recipient by adopting a resolution at its public meeting. The resolution generally lays out the expectations for the recipient in order to have the funding allocated to it for expenditure.

Back in the 1980s, CTC provided Contra Costa County three separate allocations for the San Ramon Branch Railroad Line from the Transit Capital Improvement Abandoned Railroad Right-of-Way Program, which is funded from the TD&PA. These allocations totaled roughly \$10.6 million as follows:

- a) \$2 million in December, 1982;
- b) \$2.6 million in September, 1985; and
- c) \$6 million in July 1986.

Each of the resolutions related to these allocations included the following language, "If Contra Costa County does not identify by June 30, 1989, a specific project for constructing a busway or exclusive mass transit guideway that uses the San Ramon Branch corridor, the County shall reimburse the State."

Following extensive study and citizen input, the County determined that constructing a busway or exclusive mass transit guideway that uses the San Ramon Branch corridor was infeasible, and have since turned the right-of-way into a very successful active transportation space called the Iron Horse Regional Trail which is managed by the East Bay Regional Park District. Some have raised concerns that, because the funding came from the TD&PA, which moneys are only available for transportation planning and mass transportation purposes, it is not appropriate for this corridor to only be a bike and pedestrian trail.

Within the legislative declarations of this bill, the proponents argue, "Contra Costa County remains committed to continuing its good faith effort in working with corridor-adjacent cities and CCTA, to collaboratively invest, study, and develop the corridor for the public benefit, including the examination of new transportation modes and technologies as they evolve. This commitment is evidenced by the Iron Horse Active Transportation Corridor Study currently underway. The study includes an examination of the accommodation of shared autonomous vehicles." It appears this bill intends to both relieve Contra Costa County of its obligation to reimburse the state for funding it received for a transit project it ultimately did not construct and to improve the structure of the Trail Advisory Committee so that it can more effectively identify technology solutions for mobility through the corridor.

According to the author, "AB 1025 removes the obligation for Contra Costa County to reimburse the state for Transportation Planning and Development Account grants used to develop the Iron Horse Regional Trail. It will also require the County to include a representative from the CCTA

on the Iron Horse Trail Corridor Management Program Advisory Committee. AB 1025 recognizes Contra Costa County's continued investment in multi-modal pathways along the San Ramon Branch Corridor, and allows the County to continue planning to maximize the Iron Horse Regional Trail's benefits for constituents in the Bay Area."

*Committee comment:* It is unclear whether this bill is necessary, as CTC has presumably had the opportunity to require reimbursement from Contra Costa County for 30 years and has not exercised this option. While the original moneys were intended for the purpose of pursuing the development of a transit system, further study made it clear that this corridor was not a good fit for transit. Meanwhile, the right-of-way that the money purchased has been put to good public use and is providing significant public benefit. With this in mind, it seems reasonable to clarify in statute that Contra Costa County no longer needs to reimburse the state for grant funds received decades ago that no longer appear to be in dispute.

**REGISTERED SUPPORT / OPPOSITION:****Support**

None on file.

**Opposition**

None on file.

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