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**GOVERNMENT CODE - GOV**

**TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]** ( Title 2 enacted by Stats. 1943, Ch. 134. )

**DIVISION 1. GENERAL [8000 - 8899.95]** ( Division 1 enacted by Stats. 1943, Ch. 134. )

**CHAPTER 12.491. Implementation of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 [8879.50 - 8879.78]** ( Chapter 12.491 added by Stats. 2007, Ch. 181, Sec. 1. )

**ARTICLE 2.5. Trade Corridors Improvement Fund [8879.52- 8879.52.]** ( Article 2.5 added by Stats. 2008, Ch. 756, Sec. 1. )

**8879.52.** (a) The commission shall evaluate, consistent with the commission's Trade Corridors Improvement Fund (TCIF) Guidelines, adopted November 27, 2007, as part of the 2010 TCIF review, the total potential costs and total potential economic and noneconomic benefits of the program to California's economy, environment, and public health. The commission shall consult with the State Air Resources Board in order to use the appropriate models, techniques, and methods to develop the evaluation required by this subdivision.

(b) With respect to the two billion dollars (\$2,000,000,000) appropriated from the TCIF, as described in paragraph (1) of subdivision (c) of Section 8879.23, and the five hundred million dollars (\$500,000,000) to be made available from the State Highway Account, the following programming schedule shall apply:

- (1) The Los Angeles/Inland Empire Corridor shall receive a minimum of one billion five hundred million dollars (\$1,500,000,000).
- (2) The San Diego/International Border Corridor shall receive a minimum of two hundred fifty million dollars (\$250,000,000).
- (3) The San Francisco Bay/Central Valley Corridor shall receive a minimum of six hundred forty million dollars (\$640,000,000).
- (4) Other corridors, as determined by the commission, shall receive a minimum of sixty million dollars (\$60,000,000).

(c) The corridors referenced in subdivision (b) shall receive the minimum amount of funding programmed for that corridor notwithstanding the deprogramming of any project or projects in that corridor by the commission. If a project is, or projects are, deprogrammed, the commission shall collaborate with the local transportation agencies in that corridor to select another project or projects for programming of those funds within the minimum amount provided to each corridor pursuant to subdivision (b).

(d) If the Colton Crossing project programmed in the commission's TCIF Program as of April 10, 2008, does not meet the requirements or delivery schedule contained in its project baseline agreement when reviewed by the commission no later than March 2010, the project shall be ineligible to receive an allocation from the TCIF. The ninety-seven million dollars (\$97,000,000) associated with the project shall then be available for programming in the Los Angeles/Inland Empire Corridor. In that event, the commission shall collaborate with the local transportation agencies in that corridor to select another project or projects for programming of those funds, and, in making that selection, shall take into consideration the Los Angeles/Inland Empire Corridor Tier One or Tier Two Project Lists and any other project identified by the local agencies. Projects currently receiving TCIF funding shall not be considered for selection.

(e) (1) The commission shall report to the Assembly Committee on Transportation, the Senate Committee on Transportation and Housing, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, the Senate Committee on Appropriations, and the Assembly Committee on Appropriations a summary of any memorandum of understanding, along with a copy of the memorandum, or any agreement executed between a railroad company and any state or local transportation agency as it relates to any project funded with moneys allocated from the TCIF within 30 days of the commission's receipt of those documents.

(2) Commencing January 1, 2012, the commission shall provide semiannual reports to the Assembly Committee on Transportation, the Senate Committee on Transportation and Housing, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, the Senate Committee on Appropriations, and the Assembly Committee on Appropriations on the status of all railroad projects programmed in the TCIF program.

(3) This subdivision shall become inoperative on January 1, 2015, pursuant to Section 10231.5.

(f) (1) The commission shall establish a competitive funding program to provide funds to the department or regional transportation planning agencies, or both, for short-line railroad projects such as railroad reconstruction, maintenance, upgrade, or replacement. The commission shall establish the program in accordance with all of the following:

(A) (i) The commission shall adopt guidelines for the program in consultation with the Transportation Agency, one representative from a regional transportation planning agency, and one representative from the Class III railroad industry.

(ii) The guidelines shall be used by the commission to select projects for programming and allocation and shall be consistent with the goals and objectives of the 2018 California State Rail Plan with regard to short-line railroad infrastructure investment.

(iii) The guidelines shall include performance metrics and shall require an applicant to demonstrate its ability to achieve those performance metrics in its application. The performance metrics shall include, but are not limited to, requiring an applicant to demonstrate that its project will improve the ability to move freight and will have a useful life of no less than 15 years.

(iv) The guidelines shall specify that allocated funds shall not be used to support the operations of any rail system.

(v) The commission shall adopt the guidelines by July 1, 2020, and shall provide a 90-day public comment period before adopting the guidelines.

(B) The commission shall determine the amount of project funding subject to the following requirements:

(i) The amount of funding allocated shall not exceed 50 percent of the total project cost.

(ii) In order to receive program funding, at least 30 percent of the total project cost shall be provided from nongovernmental sources.

(iii) Funding allocated to an individual project shall not exceed 25 percent of the total funding available in a fiscal year.

(2) For purposes of this subdivision, "railroad reconstruction, maintenance, upgrading, or replacement" means the reconstruction, maintenance, or replacement of railroad right-of-way infrastructure, including, but not limited to, track, roadbed, bridges, industrial leads, and track-related structures on Class III railroads, as defined by the federal Surface Transportation Board as of January 1, 2020. "Railroad reconstruction, maintenance, upgrading, or replacement" shall also include new construction of industrial leads, switches, spurs and sidings, and extensions of existing sidings.

*(Amended by Stats. 2019, Ch. 32, Sec. 2. (SB 87) Effective June 27, 2019.)*