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**SB-69 North Coast Railroad Authority: Great Redwood Trail Agency: rail rights-of-way: Sonoma-Marin Area Rail Transit District.** (2021-2022)

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**Senate Bill No. 69**

**CHAPTER 423**

An act to amend Sections 93010 and 93025 of, to amend the heading of Title 12 (commencing with Section 93000) of, to amend, repeal, and add Sections 93000, 93004, 93005, 93011, 93020, and 93021 of, to add Sections 93024 and 93026 to, to add Chapter 4 (commencing with Section 93030) to Title 12 of, to add and repeal Section 93027 of, to repeal Sections 93003, 93012, and 93030 of, and to repeal and add Section 93022 of, the Government Code, and to amend Sections 105001, 105003, and 105032 of, to add and repeal Section 105088 of, and to repeal Section 105180 of, the Public Utilities Code, relating to transportation.

[ Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 69, McGuire. North Coast Railroad Authority: Great Redwood Trail Agency: rail rights-of-way: Sonoma-Marin 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, the planned transfer of all of the authority's assets, and the authority's dissolution. Under existing law, the authority is governed by a board of directors composed of appointees from the Counties of Humboldt, Marin, Mendocino, and Sonoma, a city representative selected by the cities served by the authority's rail line, and a nonvoting, ex officio member of the Golden Gate Bridge, Highway and Transportation District. Existing law requires the authority to plan for the transfer of all of its assets and liabilities and for its dissolution. Under existing law, the state is not liable for any contracts, debts, or other obligations of the authority.

This bill would rename the North Coast Railroad Authority the Great Redwood Trail Agency on March 1, 2022. The bill would remove the ex officio member of the Golden Gate Bridge, Highway and Transportation District from the board, and authorize the Governor to appoint a nonvoting director from the Transportation Agency and a nonvoting director from the Natural Resources Agency. The bill would delete the requirement that the agency plan for the transfer of all of its assets and liabilities and for its dissolution. 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 its rail rights-of-way, (2) complete an environmental assessment of the conditions of its rail rights-of-way for purposes of trail development, (3) plan, design, construct, operate, and maintain a trail in, or next to, the rail rights-of-way, and (4) complete a federal railbanking process for the rail rights-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, enter into contracts and joint powers agreements, adopt ordinances, and adopt and enforce rules and regulations, as specified. The bill would expressly subject the agency to the Ralph M. Brown Act and California Public Records Act.

The bill would require the agency, before January 1, 2024, and annually thereafter, to report to the Legislature on the agency's progress towards fulfilling the requirements and goals relating to its rail rights-of-way.

The bill would require the agency to convey and transfer all of its rights, interests, privileges, and title, lien free, relating to its rail right-of-way south of the county line separating the Counties of Mendocino and Sonoma, including any associated real property, rail easements, branch or spur lines, leases, contracts, licenses and certificates of public convenience and necessity, common carrier obligations, and railroad assets, to the Sonoma-Marín Area Rail Transit District.

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 give the district's board of directors 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 district's board of directors 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.

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 Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** This act shall be known as the Great Redwood Trail Act.

**SEC. 2.** The heading of Title 12 (commencing with Section 93000) of the Government Code is amended to read:

### **TITLE 12. GREAT REDWOOD TRAIL AGENCY ACT**

**SEC. 3.** Section 93000 of the Government Code is amended to read:

**93000.** (a) This title shall be known and may be cited as the North Coast Railroad Authority Act.

(b) This section shall become inoperative on March 1, 2022, and, as of January 1, 2023, is repealed.

**SEC. 4.** Section 93000 is added to the Government Code, to read:

**93000.** (a) This title shall be known and may be cited as the Great Redwood Trail Agency Act.

(b) This section shall become operative on March 1, 2022.

**SEC. 5.** Section 93003 of the Government Code is repealed.

**SEC. 6.** Section 93004 of the Government Code is amended to read:

**93004.** (a) As used in this title "authority" means the North Coast Railroad Authority.

(b) This section shall become inoperative on March 1, 2022, and, as of January 1, 2023, is repealed.

**SEC. 7.** Section 93004 is added to the Government Code, to read:

**93004.** (a) For purposes of this title, the following definitions apply:

(1) "Agency" means the Great Redwood Trail Agency.

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

(b) This section shall become operative on March 1, 2022.

**SEC. 8.** Section 93005 of the Government Code is amended to read:

**93005.** (a) The authority is a local agency for purposes of the Disaster Assistance Act (Chapter 7.5 (commencing with Section 8680) of Division 1 of Title 2).

(b) This section shall become inoperative on March 1, 2022, and, as of January 1, 2023, is repealed.

**SEC. 9.** Section 93005 is added to the Government Code, to read:

**93005.** (a) The agency is a local agency for purposes of the Disaster Assistance Act (Chapter 7.5 (commencing with Section 8680) of Division 1 of Title 2).

(b) This section shall become operative on March 1, 2022.

**SEC. 10.** Section 93010 of the Government Code is amended to read:

**93010.** (a) The North Coast Railroad Authority is hereby created, having a service area comprising the Counties of Humboldt, Marin, Mendocino, Sonoma, and Trinity.

(b) On March 1, 2022, the North Coast Railroad Authority shall be renamed the Great Redwood Trail Agency.

(c) Whenever the term "North Coast Railroad Authority" appears in a law, the term means the "Great Redwood Trail Agency."

(d) Existing supplies, forms, insignias, signs, logos, uniforms, emblems, and other materials shall not be destroyed or changed as a result of renaming the North Coast Railroad Authority as the Great Redwood Trail Agency, and those materials shall continue to be used until exhausted or unserviceable.

**SEC. 11.** Section 93011 of the Government Code is amended to read:

**93011.** (a) The authority shall be governed by a board of directors, composed as follows:

(1) Two persons appointed by each of the boards of supervisors of the Counties of Humboldt, Marin, Mendocino, and Sonoma.

(2) A city representative, selected by the cities served by the rail line.

(3) The Governor may appoint a nonvoting director from the Transportation Agency and a nonvoting director from the Natural Resources Agency.

(b) All directors, except the nonvoting directors, shall serve for terms of two years and until their successors have qualified.

(c) Notwithstanding any other law, including the common law doctrine that precludes the simultaneous holding of incompatible offices, a local government officer may be appointed and may serve as a member of the authority's board of directors if the person also meets the other applicable qualifications of this title.

(d) This section shall become inoperative on March 1, 2022, and, as of January 1, 2023, is repealed.

**SEC. 12.** Section 93011 is added to the Government Code, to read:

**93011.** (a) The agency shall be governed by a board of directors, composed as follows:

(1) Two persons appointed by each of the boards of supervisors of the Counties of Humboldt, Marin, Mendocino, and Sonoma.

(2) A city representative, selected by the cities served by the rail line.

(3) The Governor may appoint a nonvoting director from the Transportation Agency and a nonvoting director from the Natural Resources Agency.

(b) All directors, except the nonvoting directors, shall serve for terms of two years and until their successors have qualified.

(c) Notwithstanding any other law, including the common law doctrine that precludes the simultaneous holding of incompatible offices, a local government officer may be appointed and may serve as a member of the agency's board of directors if the person also meets the other applicable qualifications of this title.

(d) This section shall become operative on March 1, 2022.

**SEC. 13.** Section 93012 of the Government Code is repealed.

**SEC. 14.** Section 93020 of the Government Code is amended to read:

**93020.** (a) The authority has all of the following powers:

(1) To acquire, own, operate, and lease real and personal property reasonably related to the furtherance of the purposes of this title. Any sale, easement, or lease entered into by the authority after August 1, 2018, shall be approved by the California Transportation Commission.

(2) To operate railroads along the rights-of-way where they were in operation on January 1, 2018.

(3) To accept grants or loans from state or federal agencies.

(4) To employ an executive officer, other staff, and consultants deemed appropriate for support of the activities of the authority, to further the purposes of this title.

(b) The authority shall cooperate with, and provide information upon request to, the Transportation Agency, Natural Resources Agency, or other state or local agencies or contractors working at the direction of the Transportation Agency or Natural Resources Agency.

(c) This section shall become inoperative on March 1, 2022, and, as of January 1, 2023, is repealed.

**SEC. 15.** Section 93020 is added to the Government Code, to read:

**93020.** (a) The agency has all of the following powers:

(1) To acquire, own, operate, and lease real and personal property reasonably related to the furtherance of the purposes of this title.

(2) To operate railroads.

(3) To accept grants or loans from state or federal agencies.

(4) To employ an executive officer, other staff, and consultants deemed appropriate for support of the activities of the agency, to further the purposes of this title.

(b) The agency shall cooperate with, and provide information upon request to, the Transportation Agency, Natural Resources Agency, or other state or local agencies or contractors working at the direction of the Transportation Agency or Natural Resources Agency.

(c) This section shall become operative on March 1, 2022.

**SEC. 16.** Section 93021 of the Government Code is amended to read:

**93021.** (a) The authority may acquire, own, lease, and operate railroad lines and equipment, including, but not limited to, real and personal property, tracks, rights-of-way, equipment, and facilities, to further the purposes of this title.

(b) This section shall become inoperative on March 1, 2022, and, as of January 1, 2023, is repealed.

**SEC. 17.** Section 93021 is added to the Government Code, to read:

**93021.** (a) The agency may acquire, own, lease, and operate railroad lines and equipment, including, but not limited to, real and personal property, tracks, rights-of-way, equipment, and facilities, to further the purposes of this title.

(b) This section shall become operative on March 1, 2022.

**SEC. 18.** Section 93022 of the Government Code is repealed.

**SEC. 19.** Section 93022 is added to the Government Code, to read:

**93022.** (a) To the extent funding is available, the agency shall do all of the following:

- (1) Initiate, complete, or initiate and complete the federal Surface Transportation Board's railbanking process on its rail rights-of-way. The federal Surface Transportation Board's railbanking process may be initiated, completed, or initiated and completed by segment of the rail rights-of-way.
- (2) Inventory any parcel, easement, or contract related to its rail rights-of-way.
- (3) Complete an environmental assessment of the conditions of the rail rights-of-way for purposes of trail development.
- (4) Plan, design, construct, operate, and maintain a trail in, or parallel to, the rail rights-of-way.
- (5) Conduct a thorough community engagement process that includes landowners, trail advocates, environmental groups, and the community at large. Items to be discussed during this process include, but are not limited to, trail configurations in, and parallel to, the rail rights-of-way, including those on public lands, connecting the trail to other trails, and rail-crossing access and fees.
- (6) Honor existing trail licenses and work with local and state governments, tribal governments, and community groups to expeditiously provide new trail license agreements that meet the goal of this title.
- (7) Use the services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5 of the Public Resources Code, wherever feasible, for projects related to trails, environmental enhancements, and restoration, and other improvement projects.
- (8) Use the services of conservation organizations, wherever feasible, for projects related to trails, fishing access, fish passage barrier restoration, and other environmental enhancement, restoration, and improvement projects.
- (9) Prepare and implement a master plan for the rail rights-of-way, including any environmental analysis required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
- (10) Before January 1, 2024, and annually thereafter, submit a report to the Legislature, in compliance with Section 9795, describing the agency's progress towards fulfilling the requirements and goals relating to the rail rights-of-way.

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

- (1) Contract with public and private entities for trail management.
- (2) Contract with an operator to operate excursion rail service, except that the excursion rail service shall not interfere with or harm the rail rights-of-way. The operator shall pay all expenses associated with rail construction, maintenance, and operation, including equipment, track safety, bridges, trestles, and pedestrian safety applicable to the excursion rail service.
- (3) Work with landowners, fishing organizations, and others to locate and provide fishing and river access along the rail rights-of-way and to discourage and prevent trespassing on private property.

(c) This section shall become operative on March 1, 2022.

**SEC. 20.** Section 93024 is added to the Government Code, to read:

**93024.** (a) The agency shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this title, including, but not limited to, all of the following:

- (1) To enter into and perform all necessary contracts pursuant to Article 53.5 (commencing with Section 20815) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code. For purposes of Article 53.5 (commencing with Section 20815) of Chapter 1 of Part 3 of the Public Contract Code, the agency is a recreation and park district.
- (2) To fix and collect fees for the use of any land owned or controlled, or for any service provided, by the agency. This subdivision does not authorize the agency to fix or collect a fee for public access to the land owned or controlled by the agency.
- (3) To make grants.
- (4) To acquire any real or personal property within or outside the agency, to hold, manage, occupy, dispose of, convey and encumber the property, and to create a leasehold interest in the property for the benefit of the agency.
- (5) To lease, rent, sell, exchange, or transfer interests in real property if doing so is both consistent with the potential full restoration of railroad use upon an order of the federal Surface Transportation Board without cost to the agency, and would not interfere with the continuous use of the rail rights-of-way pursuant to trail standards recommended by the American Association of State Highway and Transportation Officials.

(6) To undertake or fund projects and programs implementing this title or relating to the rail rights-of-way.

(7) To provide for the management of the rail rights-of-way.

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

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

(10) To enter into contracts and joint powers agreements pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1).

(11) To sue and be sued.

(12) To contract with the State Coastal Conservancy, a state agency, or another organization to staff the agency. A state agency may contract with, and provide services to, the agency consistent with Section 11256. Upon a state agency contracting with the agency, the state agency may contract for professional services on behalf of the agency pursuant to Section 4526 and the state agency's regulations.

(13) To hire and appoint necessary employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties.

(14) To engage counsel and other professional services.

(15) To borrow money, give security therefor, and purchase on contract.

(16) To adopt a seal and alter it at pleasure.

(17) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3.

(18) To adopt and enforce rules and regulations for the administration, operation, use, and maintenance of trails, excursion rail service, and other recreational facilities and programs implemented pursuant to this title.

(19) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1.

(b) This section shall become operative on March 1, 2022.

**SEC. 21.** Section 93025 of the Government Code is amended to read:

**93025.** The state is not liable for any contracts, debts, or other obligations of the North Coast Railroad Authority, its predecessor in interest, or the agency.

**SEC. 22.** Section 93026 is added to the Government Code, to read:

**93026.** (a) The agency shall be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(b) This section shall become operative on March 1, 2022.

**SEC. 23.** Section 93027 is added to the Government Code, to read:

**93027.** (a) On or before July 1, 2022, the agency shall hire or contract for professional staff necessary to fulfill the requirements of this title, including by exercising its authority pursuant to paragraph (12) of subdivision (a) of Section 93024. This subdivision does not limit the authority granted elsewhere in this title.

(b) On or before March 1, 2023, in compliance with Section 9795, the agency shall report to the Legislature on the status of the agency and recommendations for a potential governing structure for the agency, including the board's structure and the agency's professional staff.

(c) This section shall become operative on March 1, 2022.

(d) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

**SEC. 24.** Chapter 4 (commencing with Section 93030) is added to Title 12 of the Government Code, to read:

## CHAPTER 4. Transfer of Rights, Privileges, and Title

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

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

(c) This section shall become inoperative on March 1, 2022, and, as of January 1, 2023, is repealed.

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

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

(c) This section shall become operative on March 1, 2022.

**SEC. 25.** Section 105001 of the Public Utilities Code is amended to read:

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

**SEC. 26.** Section 105003 of the Public Utilities Code is amended to read:

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

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

(b) "Dividing line" has the same meaning as defined in Section 93004 of the Government Code.

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

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

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

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

**SEC. 27.** Section 105032 of the Public Utilities Code is amended to read:

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

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

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

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

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

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

- (f) Adopt rules and regulations governing the use of rail transit and freight facilities owned or operated by the district.
- (g) Cause a postaudit of the financial transactions and records of the district to be made at least annually by a certified public accountant.
- (h) Adopt rules and regulations providing for the administration of employer-employee relations.
- (i) Consider potential alternatives to help address the housing needs of current and future employees.
- (j) Do any and all things necessary to carry out the purposes of this part.

**SEC. 28.** Section 105088 is added to the Public Utilities Code, to read:

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

(b) The district may partner or contract with trail agencies, including the North Coast Railroad Authority, on creation and maintenance of the bicycle and pedestrian pathways under the district's jurisdiction.

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

(d) This section shall become inoperative on March 1, 2022, and, as of January 1, 2023, is repealed.

**SEC. 29.** Section 105088 is added to the Public Utilities Code, to read:

**105088.** (a) Upon receiving the Great Redwood Trail Agency's rights, privileges, and interests relating to the agency's rail right-of-way south of the dividing line pursuant to Section 93030 of the Government Code, the district shall designate a single point of contact for the agency.

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

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

(d) This section shall become operative on March 1, 2022.

**SEC. 30.** Section 105180 of the Public Utilities Code is repealed.

**SEC. 31.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.