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SB-904 Sonoma-Marín Area Rail Transit District. (2023-2024)

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Senate Bill No. 904

CHAPTER 866

An act to amend Section 20355.1 of the Public Contract Code, and to amend Sections 105012, 105096, 105104, 105115, 105181, and 105336 of, to add Section 105045 to, and to repeal Section 105105 of, the Public Utilities Code, relating to transportation.

[Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 904, Dodd. Sonoma-Marín Area Rail Transit District.

Existing law creates, within the Counties of Sonoma and Marin, the Sonoma-Marín Area Rail Transit District with specified duties and powers relative to the provision of a passenger and freight rail system within the territory of the district. Under existing law, the district is governed by a 12-member board of directors appointed by various local governmental entities. Existing law authorizes the board to submit to the voters of the district a measure proposing a retail transactions and use tax ordinance.

This bill would also authorize those special taxes to be imposed by a qualified voter initiative if that initiative complies with certain requirements. The bill would require the board of supervisors of the Counties of Sonoma and Marin to call a special election on a tax measure proposed by the district's board of directors or a qualified voter initiative in their respective counties and would require the district to reimburse the counties upon request for the incremental cost of submitting the measure to the voters, as specified. To the extent that the bill would impose additional duties on a county elections official, the bill would impose a state-mandated local program.

The bill would delete a provision that limits the district, in the County of Sonoma north of the City of Healdsburg, to locating commuter stations only within incorporated areas.

The bill would require the district to obtain coverage for the district and its employees under the appropriate federal and state workers' compensation, unemployment compensation, and disability and unemployment insurance laws, instead of only under laws of this state.

Existing law renamed the North Coast Railroad Authority the Great Redwood Trail Agency on March 1, 2022. Existing law requires the agency to convey and transfer all of its rights, interests, privileges, and title relating to its rail right-of-way south of the county line separating the Counties of Mendocino and Sonoma to the Sonoma-Marín Area Rail Transit District.

This bill would delete various obsolete references to the North Coast Railroad Authority located within provisions governing the Sonoma-Marín Area Rail Transit District.

Existing law requires the Sonoma-Marín Area Rail Transit District's contracts for the purchase of supplies, equipment, and materials to be let to the lowest responsible bidder when the expenditure required exceeds \$40,000.

This bill would increase that threshold to \$75,000 and would authorize the contract to be let to the lowest responsible bidder, or, in the district's discretion, to the responsible bidder who submitted a proposal that provides the best value to the district on the basis of the factors identified in the solicitation. The bill would require the district, to the extent practicable, to obtain a minimum of 3 quotations, either written or oral, that permit prices and terms to be compared whenever the expected expenditure required for the purchase of supplies, equipment, or materials exceeds \$10,000 but does not exceed \$75,000.

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

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

SECTION 1. Section 20355.1 of the Public Contract Code is amended to read:

20355.1. (a) The purchase of all supplies, equipment, and materials, when the expenditure required exceeds seventy-five thousand dollars (\$75,000), shall be by contract let to the lowest responsible bidder, or, in the district's discretion, to the responsible bidder who submitted a proposal that provides the best value to the district on the basis of the factors identified in the solicitation. "Best value" means the overall combination of quality, price, and other elements of a proposal that, when considered together, provide the greatest overall benefit in response to the requirements described in the solicitation documents.

(b) To the extent practicable, the district shall obtain a minimum of three quotations, either written or oral, that permit prices and terms to be compared whenever the expected expenditure required for the purchase of supplies, equipment, or materials exceeds ten thousand dollars (\$10,000), but does not exceed seventy-five thousand dollars (\$75,000).

(c) The construction of facilities and works when the expenditure required exceeds ten thousand dollars (\$10,000) shall be by contract let to the lowest responsible bidder.

(d) Notice requesting bids shall be published at least once in a newspaper of general circulation. This publication shall be made at least 10 days before the bids are received. The district may reject any and all bids and readvertise in its discretion.

SEC. 2. Section 105012 of the Public Utilities Code is amended to read:

105012. (a) Upon the dissolution of the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority, the district shall succeed to any or all of the powers, duties, rights, obligations, liabilities, indebtedness, bonded and otherwise, immunities, and exemptions of the commission and its board of commissioners and the authority and its board of directors.

(b) Upon the dissolution of the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority, the district shall assume the rights and obligations of the commission and the authority under any contract to which the commission or the authority is a party and which is to be performed, in whole or in part, on or after the date of dissolution of the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority.

(c) All real and personal property owned by the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority may be transferred to the district. Any real or personal property owned individually or jointly by the Golden Gate Bridge, Highway and Transportation District, the County of Marin, or the Marin County Transit District, or any other public agency, may be transferred to the district.

(d) Upon the dissolution of the Sonoma-Marín Area Rail Transit Commission, the district shall assume, without any condition whatsoever, all responsibilities and obligations previously assumed by the commission with respect to its fund transfer agreement with the Department of Transportation for the funding of the Sonoma-Marín Area Rail Transit Project.

(e) On and after the date of dissolution of the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority, any reference in any provision of law or regulation to the commission or the authority shall be deemed to refer to the district.

SEC. 3. Section 105045 is added to the Public Utilities Code, to read:

105045. (a) If the district or a qualified voter initiative proposes a measure pursuant to Section 105115, the board of supervisors of the Counties of Sonoma and Marin shall call a special election on the measure in their respective counties. The special

election may be consolidated with a statewide election and the measure shall be submitted to the voters of the Counties of Sonoma and Marin.

(b) The district shall reimburse the Counties of Sonoma and Marin upon request for the incremental cost of submitting a measure to the voters pursuant to subdivision (a). These costs shall be reimbursed from revenues derived from the measure if it is approved by the voters, or, if the measure is not approved, from any existing revenues administered by the district.

SEC. 4. Section 105096 of the Public Utilities Code is amended to read:

105096. (a) The district may acquire, construct, own, operate, control, or use rights-of-way, rail lines, stations, platforms, switches, yards, terminals, parking lots, and any and all other facilities necessary or convenient for rail transit within and without the district, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, including ancillary bicycle and pedestrian pathways, and may acquire or contract for any interest in or rights to the use or joint use of any or all of the foregoing.

(b) The district may contract with any public agency or person for the operation of shuttle services necessary or convenient for rail transit.

(c) In the County of Marin, north of the City of San Rafael, the district shall locate commuter stations only within areas that are incorporated as of January 1, 2003.

SEC. 5. Section 105104 of the Public Utilities Code is amended to read:

105104. The district shall work with the Federal Railroad Administration and any of its successor agencies to achieve safe, efficient, and compatible operations of both passenger rail and freight service along the rail line in the Counties of Sonoma and Marin.

SEC. 6. Section 105105 of the Public Utilities Code is repealed.

SEC. 7. Section 105115 of the Public Utilities Code is amended to read:

105115. (a) Upon the affirmative vote of a majority of the directors, which shall include an affirmative vote of at least three directors from each county within the district appointed pursuant to subdivisions (a), (b), (c), (d), (e), and (f) of Section 105020, the board may by resolution submit to the voters of the district a measure proposing a retail transactions and use tax ordinance in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code.

(b) Notwithstanding any other law, the special taxes authorized in this article may also be imposed by a qualified voter initiative pursuant to Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code if the qualified voter initiative complies with both of the following requirements:

(1) The qualified voter initiative proposes a rate for the retail transactions and use tax that is no less than one-quarter of 1 percent.

(2) The qualified voter initiative proposes expenditures for the revenues generated from the retail transactions and use tax that are consistent with the purpose of providing a rail transit system under the jurisdiction of the district.

SEC. 8. Section 105181 of the Public Utilities Code is amended to read:

105181. The district shall obtain coverage for the district and its employees under the appropriate federal and state workers' compensation, unemployment compensation, and disability and unemployment insurance laws.

SEC. 9. Section 105336 of the Public Utilities Code is amended to read:

105336. Upon dissolution, the right, title, and interest to any property owned or controlled by the district that was acquired by the district from the Golden Gate Bridge, Highway and Transportation District shall be returned to the Golden Gate Bridge, Highway and Transportation District or disposed of as designated by the Golden Gate Bridge, Highway and Transportation District. It is the intent of the Legislature that any remaining property continue to be held in public ownership. A joint powers agency, members of which may include the Counties of Marin and Sonoma and the Golden Gate Bridge, Highway and Transportation District, may be formed to hold title to the remaining district property. If a joint powers agency cannot be formed, the district, in consultation with the Counties of Humboldt, Marin, Mendocino, and Sonoma, and the Golden Gate Bridge, Highway and Transportation District, shall make a recommendation to the Legislature regarding an appropriate disposition of the property.

SEC. 10. 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.