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SB-1068 Tri-Valley-San Joaquin Valley Regional Rail Authority: contracting: Construction Manager/General Contractor project delivery method. (2023-2024)

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Senate Bill No. 1068

CHAPTER 181

An act to amend Section 132656 of the Public Utilities Code, relating to transportation.

[Approved by Governor August 19, 2024. Filed with Secretary of State August 19, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1068, Eggman. Tri-Valley-San Joaquin Valley Regional Rail Authority: contracting: Construction Manager/General Contractor project delivery method.

Existing law establishes the Tri-Valley-San Joaquin Valley Regional Rail Authority for purposes of planning, developing, delivering, and operating cost-effective and responsive transit connectivity, between the Bay Area Rapid Transit District's rapid transit system and the Altamont Corridor Express commuter rail service. Existing law gives the authority all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, among other powers, the power to contract with public and private entities for the planning, design, and construction of the connection. Existing law authorizes these contracts to be assigned separately or combined to include any or all tasks necessary to achieve transit connectivity.

Existing law authorizes certain entities, including, among others, the Department of Transportation and regional transportation agencies, as defined, to engage in a Construction Manager/General Contractor project delivery method for specified public work projects, as specified. Existing law defines the Construction Manager/General Contractor project delivery method as a project delivery method in which a construction manager is procured to provide both preconstruction services during the design phase of the project and construction services during the construction phase of the project. Existing law also requires the Department of Transportation to perform construction inspection services for projects on or interfacing with the state highway system, as specified.

This bill would authorize the Tri-Valley-San Joaquin Valley Regional Rail Authority to use the Construction Manager/General Contractor project delivery method when contracting for the planning, design, and construction of the connection. The bill would additionally authorize the contracts of the authority to extend to work on the state highway system for the construction of passenger rail service through the Altamont Pass Corridor. The bill would require the Department of Transportation to perform construction inspection services for any of these projects that are on or that interface with the state highway system.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. Section 132656 of the Public Utilities Code is amended to read:

132656. The authority has all of the powers necessary for planning, acquiring, leasing, developing, jointly developing, owning, controlling, using, jointly using, disposing of, designing, procuring, and constructing facilities to achieve transit connectivity, including, but not limited to, all of the following:

(a) Acceptance of grants, fees, allocations, and transfers of moneys from federal, state, and local agencies, including, but not limited to, moneys from local measures, as well as private entities.

(b) Acquiring, through purchase or through eminent domain proceedings, any property necessary for, incidental to, or convenient for, the exercise of the powers of the authority.

(c) Incurring indebtedness, secured by pledges of available revenue.

(d) (1) Contracting with public and private entities for the planning, design, and construction of the connection. These contracts may be assigned separately or may be combined to include any or all tasks necessary to achieve transit connectivity, and may extend to work on the state highway system for the construction of passenger rail service through the Altamont Pass Corridor.

(2) Contracting pursuant to paragraph (1) may include the use of the Construction Manager/General Contractor project delivery method, pursuant to Chapter 6.7 (commencing with Section 6970) of Part 1 of Division 2 of the Public Contract Code.

(3) Contracts authorized pursuant to paragraph (1) shall not include the authority to perform construction inspection services for projects on, or interfacing with, the state highway system. The Department of Transportation shall perform construction inspection services for these projects consistent with Section 91.2 of the Streets and Highways Code.

(e) Entering into cooperative or joint development agreements with local governments or private entities necessary to achieve transit connectivity. These agreements may be entered into for purposes of sharing costs, selling or leasing land, air, or development rights, providing for the transferring of passengers, making pooling arrangements, or for any other purpose that is necessary for, incidental to, or convenient for the full exercise of the powers granted to the authority. For purposes of this subdivision, "joint development" includes, but is not limited to, an agreement with any person, firm, corporation, association, or organization for the operation of facilities or development of projects adjacent to, or physically or functionally related to, achieving transit connectivity.

(f) Relocation of utilities, as necessary to achieve transit connectivity.