

AMENDED IN ASSEMBLY JUNE 14, 2000

AMENDED IN SENATE MAY 25, 2000

AMENDED IN SENATE MAY 23, 2000

AMENDED IN SENATE MAY 3, 2000

AMENDED IN SENATE APRIL 13, 2000

AMENDED IN SENATE APRIL 5, 2000

SENATE BILL

No. 2019

Introduced by Senator Polanco

February 25, 2000

An act to add Section 18538 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 2019, as amended, Polanco. Transportation: High-Speed Rail Authority: magnetic levitation project.

Existing law requires the High-Speed Rail Authority to direct the development and implementation of intercity high-speed rail service that is fully integrated with the state's existing intercity rail and bus network, consisting of interlinked conventional and high-speed rail lines and associated feeder buses.

This bill would require the authority to prepare a ~~plan~~ *feasibility study* for the construction and operation of a maglev high-speed train, as defined, to connect Los Angeles International Airport with downtown Los Angeles, the San Gabriel Valley, Ontario International Airport, March Field in

Riverside County, and Palmdale International Airport. Upon completion, the plan would be submitted to the Legislature and Governor for review.

The bill would authorize the authority to conduct engineering and other studies, and perform certain other preparatory activities, related to the maglev plan.

The bill would authorize the authority, if the specified plan is approved by the Legislature, to solicit proposals and enter into agreements with private entities, or with consortia thereof, for the construction and operation by, and lease to, those private entities of a California maglev project.

The bill would authorize the Department of Transportation to authorize the authority to use rights-of-way in, and airspace over or under, state highways for the granting by the authority of necessary easements, and for the issuance of permits or other authorization, to enable the private entity to construct the maglev system.

The bill would require that all agreements proposed under these provisions be submitted for review by the Senate and Assembly Committees on Transportation and would prohibit those agreements from becoming effective until 90 days, not counting days when the Legislature is in joint recess, have elapsed from the date the agreement is submitted for that review.

The bill would prohibit state funds from being used in the planning, construction, or operation of the project and would provide that the state shall have no liability or responsibility for the construction, operation, maintenance, repairs, or rehabilitation of the project.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that
2 the High-Speed Rail Authority has joined with the
3 Business, Transportation and Housing Agency, and the
4 Southern California Association of Governments to
5 undertake predeployment planning of high-speed
6 ~~"Maglev"~~ "maglev" service in southern California.

1 Maglev is a high-speed train that uses magnetic levitation
2 and propulsion of vehicles to carry passengers and freight
3 along a guideway at speeds as high as 300 miles per hour.
4 California maglev predeployment planning is being
5 undertaken in conjunction with a federal maglev
6 development program. A goal of both the California and
7 federal programs is to maximize private sector
8 participation in maglev deployment. Projects that
9 maximize private sector participation enhance their
10 chances for securing federal funding. The California
11 maglev project is one of seven projects in the nation
12 competing for federal funding to support
13 implementation of maglev technology. The proposed
14 California maglev system could serve as an integral part
15 of the statewide intercity high-speed train system being
16 developed by the authority, and could connect Los
17 Angeles International Airport with downtown Los
18 Angeles, San Gabriel Valley, Ontario International
19 Airport, March Field in Riverside County, and Palmdale
20 International Airport.

21 SEC. 2. The Legislature further finds and declares all
22 of the following:

23 (a) Successful implementation of the California
24 Maglev project supports the intent of the Legislature in
25 enacting Section 185030 of the Public Utilities Code to
26 develop intercity high-speed train service.

27 (b) Southern California is an ideal location to
28 demonstrate the benefits of ~~Maglev~~ maglev technology
29 due to the severe traffic congestion and the wealth of
30 human resources and high technology manufacturing
31 resources that exist there.

32 (c) Selection of the California Maglev project by the
33 federal government will result in significant federal
34 funding support that will enhance the potential for
35 success of the project and stimulate the state's economy.

36 (d) The Legislature supports implementation of the
37 California Maglev project and strongly encourages the
38 federal government to select the California Maglev
39 project in the national competition for federal funding.

1 (e) The current California Maglev planning study has
2 identified that legislation specific to this project is
3 necessary to enhance its potential for success.

4 SEC. 3. Section 18538 is added to the Public Utilities
5 Code, to read:

6 18538. (a) For the purposes of this section, the
7 following terms have the following meanings:

8 (1) "Maglev" means a high-speed train that uses
9 magnetic levitation and propulsion of vehicles to carry
10 passengers and freight along a guideway at speeds that
11 may reach 300 miles per hour.

12 (2) The "California Maglev project" or "project" is a
13 program to undertake deployment of a maglev system in
14 this state.

15 (b) The authority shall prepare a ~~plan~~ *feasibility study*
16 for the construction and operation of a maglev high-speed
17 train to connect Los Angeles International Airport with
18 downtown Los Angeles, the San Gabriel Valley, Ontario
19 International Airport, March Field in Riverside County,
20 and Palmdale International Airport. In preparing the
21 ~~plan~~ *feasibility study*, the authority shall confer with the
22 City of San Bernardino and other affected local entities.
23 Upon completion, the ~~plan~~ *feasibility study* shall be
24 submitted to the Legislature and Governor for review.

25 (c) The authority may do any of the following:

26 (1) Conduct engineering and other studies related to
27 the selection and acquisition of rights-of-way and the
28 selection of a franchisee, including, but not limited to,
29 studies regarding environmental impact, socioeconomic
30 impact, and financial feasibility.

31 (2) Evaluate maglev technology.

32 (3) Establish criteria for the award of a franchise.

33 (4) Accept grants, fees, and allocations from the
34 federal government, foreign governments, private
35 sources, and other parties.

36 (5) Select a proposed franchisee, route, and terminal
37 sites.

38 (6) Enter into contracts with public and private
39 entities for the preparation of the ~~plan~~ *feasibility study*.

1 (7) Prepare a detailed financing plan, including, but
2 not limited to, any necessary fees or bonds to pay for the
3 construction of the maglev system.

4 (d) If the Legislature approves the ~~plan~~ *feasibility*
5 *study* submitted under subdivision (b), the authority may
6 do both of the following:

7 (1) Enter into a joint powers agreement with one or
8 more public entities, or may delegate or transfer its
9 authority to another public entity, for the purpose of
10 implementing and operating a California maglev project.

11 (2) Solicit proposals and enter into agreements with
12 private entities, or with consortia thereof, for the
13 construction and operation by, and lease to, those private
14 entities of the project.

15 (e) To facilitate the project, the department may
16 authorize the authority to use rights-of-way in, and
17 airspace over or under, state highways for the granting by
18 the authority of necessary easements, and for the issuance
19 of permits or other authorization, to enable the private
20 entity to construct the maglev system.

21 (f) (1) All agreements proposed under this section
22 shall be submitted for review by the Senate and Assembly
23 Committees on Transportation.

24 (2) No agreement proposed under this section may
25 become effective until 90 days, not counting days when
26 the Legislature is in joint recess, have elapsed from the
27 date the agreement is submitted for review under
28 paragraph (1).

29 (g) No state funds may be used in the planning,
30 construction, or operation of the project.

31 (h) The state shall have no liability or responsibility for
32 the construction, operation, maintenance, repairs, or
33 rehabilitation of the project.