

AMENDED IN SENATE APRIL 5, 2005

SENATE BILL

No. 1010

Introduced by Senator Florez

February 22, 2005

An act to ~~amend Section 7701 of~~ *add Section 10025* to the Public Utilities Code, relating to rail service ~~assistance~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 1010, as amended, Florez. Rail service ~~assistance: state rail plan: City of Shafter.~~

Existing law ~~makes the Department of Transportation, in cooperation with the Public Utilities Commission, responsible for the preparation and periodic update of the state rail plan~~ *authorizes municipal corporations to acquire, construct, own, operate, or lease any public utility.*

This bill would ~~make the department, in cooperation with the commission, responsible for the preparation and regular update of the state rail plan~~ *authorize the City of Shafter to use certain locomotive units owned by or in the possession of the state, to operate unit intermodal railroad service between the City of Shafter and the Port of Oakland. The bill would authorize the City of Shafter to contract with a railroad, railroad corporation, owner, or operator of a rail line, that is engaged in the business of transporting passengers and freight and subject to the jurisdiction of the federal Surface Transportation Board, to permit that railroad, railroad corporation, owner, or operator of a rail line, to operate a locomotive unit to provide intermodal railroad service between the City of Shafter and the Port of Oakland and to provide financial or other support for this purpose.*

The bill would declare that, due to the special circumstances applicable only to the City of Shafter, a general statute cannot be

made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

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

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

1 ~~SECTION 1. Section 7701 of the Public Utilities Code is~~
2 ~~amended to read:~~

3 ~~7701. The Department of Transportation, in cooperation with~~
4 ~~the commission and other affected state and local agencies, shall~~
5 ~~be responsible for the preparation and regular update of the state~~
6 ~~rail plan required by the act.~~

7 ~~SECTION 1. The Legislature finds and declares all of the~~
8 ~~following:~~

9 ~~(a) Railroads that own or operate lines in the state may have~~
10 ~~sufficient available unused capacity on those lines to permit the~~
11 ~~movement of additional trains or traffic over those lines without~~
12 ~~unreasonably interfering with the ability of the owner or~~
13 ~~operator to provide safe and efficient service to its existing~~
14 ~~customers.~~

15 ~~(b) It is the policy of the state to encourage owners or~~
16 ~~operators of rail lines with available unused capacity to permit~~
17 ~~other railroads to use those lines to move freight and passengers~~
18 ~~that would otherwise be moved over the state's streets and~~
19 ~~highways, thus reducing congestion on the roads and highways~~
20 ~~and reducing air and noise pollution.~~

21 ~~(c) The public interest is served by arrangements whereby~~
22 ~~railroads that own or operate rail lines with available unused~~
23 ~~capacity permit other railroads to use those lines to move freight~~
24 ~~and passengers that would otherwise be moved over the state's~~
25 ~~streets and highways.~~

26 ~~SEC. 2. Section 10025 is added to the Public Utilities Code,~~
27 ~~to read:~~

28 ~~10025. (a) The City of Shafter may use any locomotive units~~
29 ~~owned by or in the possession of the State of California at times~~
30 ~~that the locomotive units are not in use for commuter or intercity~~
31 ~~passenger rail or other regularly scheduled rail service, to~~

1 *operate unit intermodal railroad service between the City of*
2 *Shafter and the Port of Oakland.*

3 *(b) The City of Shafter may contract with a railroad, railroad*
4 *corporation, owner, or operator of a rail line, that is engaged in*
5 *the business of transporting passengers and freight and subject*
6 *to the jurisdiction of the federal Surface Transportation Board,*
7 *to permit that railroad, railroad corporation, owner, or operator*
8 *of a rail line, to operate a locomotive unit pursuant to*
9 *subdivision (a).*

10 *(c) The City of Shafter may provide financial or other support*
11 *to a railroad, railroad corporation, owner, or operator of a rail*
12 *line engaged in the business of transporting passengers and*
13 *freight and subject to the jurisdiction of the federal Surface*
14 *Transportation Board, that seeks authority from the board to*
15 *operate a locomotive unit pursuant to subdivision (b), including*
16 *the authority to reasonably operate the locomotive unit over rail*
17 *lines owned or operated by another.*

18 *SEC. 3. The Legislature finds and declares that, because of*
19 *the unique circumstances applicable only to the City of Shafter, a*
20 *statute of general applicability cannot be enacted within the*
21 *meaning of subdivision (b) of Section 16 of Article IV of the*
22 *California Constitution. Because of its proximity to agricultural*
23 *production, proximity to import and export distribution locations,*
24 *and existing rail line infrastructure, the City of Shafter is*
25 *uniquely situated to provide integrated logistical railroad service*
26 *to serve both domestic and international needs in a manner that*
27 *will relieve congestion in the state's harbors and on its highways.*
28 *Therefore, this special statute is necessary.*