

AMENDED IN SENATE APRIL 4, 2011

**SENATE BILL**

**No. 862**

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**Introduced by Senator Lowenthal**

February 18, 2011

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An act to add Part 3 (commencing with Section 1770) to Division 6 of the Harbors and Navigation Code, relating to the Southern California Goods Movement Authority.

LEGISLATIVE COUNSEL'S DIGEST

SB 862, as amended, Lowenthal. Southern California Goods Movement Authority.

(1) Existing law requests the California Marine and Intermodal Transportation System Advisory Council, a federal entity, to compile data on, among other issues, air pollution caused by the movement of goods through the state's maritime ports and proposed methods of mitigating or alleviating that pollution.

This bill would establish the Southern California Goods Movement Authority consisting of representatives from specified entities. The bill would require the authority to establish a priority list of ~~goods movement infrastructure and air quality improvement~~ projects related to the movement of port-related cargo and port operations in southern California. The bill would require the Alameda Corridor East Construction Authority, a local agency, to provide staff and meeting space for the authority, thereby imposing a state-mandated local program. The bill would authorize the authority to enter into a memorandum of understanding with ~~PierPass, a not-for-profit company~~ PierPASS or a similar entity created by the West Coast Marine Terminal Operator Agreement, for funding the list of ~~goods movement infrastructure and air quality improvement~~ projects. *The bill would*

*provide that this funding is intended to leverage funding from other sources and is not intended to be the sole source of funding for the projects. The bill would require the authority to consider specified projects for inclusion in the priority list and would require the authority to consult with the South Coast Air Quality Management District regarding air quality improvement projects.*

(2) 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 these statutory provisions.

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

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

1 SECTION 1. Part 3 (commencing with Section 1770) is added  
2 to Division 6 of the Harbors and Navigation Code, to read:

3  
4 PART 3. SOUTHERN CALIFORNIA GOODS MOVEMENT  
5 AUTHORITY

6  
7 CHAPTER 1. GENERAL PROVISIONS

8  
9 1770. (a) The Legislature finds and declares all of the  
10 following:

11 (a)  
12 (1) There is a need to mitigate the enormous burden imposed  
13 on the highway transportation system serving the Ports of Los  
14 Angeles and Long Beach by the overland movement of container  
15 cargo shipped to and from those ports.

16 (b)  
17 (2) The operation of the ports and the trains, ships, and trucks  
18 that move cargo containers to and from the ports cause air pollution  
19 that requires mitigation.

20 (c)  
21 (3) The improvement of goods movement infrastructure would  
22 benefit the owners of container cargo moving through the ports

1 by allowing them to move container cargo more efficiently and  
2 reliably, and to move more cargo through those ports.

3 ~~(d)~~

4 (4) It is vital to the movement of goods in California, especially  
5 in southern California, to resolve the road and rail conflicts of  
6 locomotives carrying container cargo and automobile traffic by  
7 building grade separations. This infrastructure will reduce air  
8 pollution and provide benefits to the owners of container cargo by  
9 mitigating rail expansion. Without these grade separations, the rail  
10 expansion may not happen, and California could lose valuable  
11 goods movement jobs.

12 ~~(e)~~

13 (5) The reduction of goods movement air pollution would benefit  
14 the owners of container cargo moving through the ports by  
15 contributing to the achievement or maintenance of federal air  
16 quality standards, which will allow for continued federal funding  
17 of goods movement infrastructure projects.

18 ~~(f)~~

19 (6) The Ports of Los Angeles and Long Beach operate in unique  
20 communities, environments, and markets that require infrastructure  
21 improvements and air pollution reduction measures tailored to the  
22 nature and degree of need in each port of each community.

23 *(b) It is the intent of the Legislature to alleviate these burdens*  
24 *by leveraging public dollars with private funds to do both of the*  
25 *following:*

26 *(1) Improve the goods movement infrastructure system in*  
27 *southern California with a cleaner, more efficient infrastructure*  
28 *system.*

29 *(2) Mitigate the air pollution resulting from port operations*  
30 *moving goods from the Ports of Los Angeles and Long Beach*  
31 *throughout southern California.*

32

33 CHAPTER 2. THE AUTHORITY

34

35 1772. (a) There is hereby established the Southern California  
36 Goods Movement Authority. The authority shall be composed of  
37 one representative from each of the following:

38 (1) The Port of Los Angeles, appointed by the Los Angeles  
39 Board of Harbor Commissioners.

1 (2) The Port of Long Beach, appointed by the Long Beach Board  
2 of Harbor Commissioners.

3 (3) The City of Los Angeles, appointed by the Mayor of Los  
4 Angeles.

5 (4) The City of Long Beach, appointed by the Mayor of Long  
6 Beach.

7 (5) The City of Anaheim, appointed by the Mayor of Anaheim.

8 (6) The City of Riverside, appointed by the Mayor of Riverside.

9 (7) The City of San Bernardino, appointed by the Mayor of San  
10 Bernardino.

11 (8) The Los Angeles County Metropolitan Transportation  
12 Authority, appointed by the board of directors of the Los Angeles  
13 County Metropolitan Transportation Authority.

14 (9) The Orange County Transportation Authority, appointed by  
15 the board of directors of the Orange County Transportation  
16 Authority.

17 (10) The Riverside County Transportation Commission.

18 (11) The San Bernardino Associated Governments.

19 (12) The Alameda Corridor East Construction Authority.

20 ~~(b) The authority shall be organized solely for the purpose of~~  
21 ~~establishing a priority list of goods movement projects in southern~~  
22 ~~California.~~

23 (b) Each representative shall have one vote when determining  
24 the list of projects. When deciding on a list of projects, the authority  
25 shall have at least a majority of its members ~~supporting the list~~  
26 ~~that is transmitted to the California Transportation Commission~~  
27 *supporting the list. The authority shall consider infrastructure and*  
28 *air quality improvement projects that are consistent with Section*  
29 *1773 or 1774.*

30 (c) For organization and meeting purposes, the Alameda  
31 Corridor Transportation Authority shall provide staff and meeting  
32 space for the authority. Public meeting laws that apply to the City  
33 of Long Beach or the City of Los Angeles shall apply to the  
34 authority.

35 (d) The authority may enter into a memorandum of  
36 ~~understanding with PierPass, a not-for-profit company created by~~  
37 ~~the marine terminal operators at the Ports of Los Angeles and Long~~  
38 ~~Beach, for funding projects listed pursuant to subdivision (b).~~  
39 *understanding with PierPASS, created by the West Coast Marine*  
40 *Terminal Operator Agreement, or a similar entity created by the*

1 *agreement and approved by the Federal Maritime Commission*  
2 *for providing funding for projects listed pursuant to subdivision*  
3 *(b) that are consistent with Sections 1773 and 1774.*

4 *(e) Funding sought by the authority pursuant to subdivision (c)*  
5 *for projects is intended to leverage funding from other sources,*  
6 *including, but not limited to, local agencies, state sources, and*  
7 *federal sources, and is not intended to be the sole source of*  
8 *funding.*

9

10 *CHAPTER 3. INFRASTRUCTURE AND AIR QUALITY IMPROVEMENT*  
11 *PROJECTS*

12

13 *1773. (a) When considering infrastructure projects, the*  
14 *authority shall consider all of the following projects:*

15 *(1) Grade separation projects in the Counties of Los Angeles,*  
16 *Orange, Riverside, and San Bernardino.*

17 *(2) A project to separate at-grade rail crossings between the*  
18 *Union Pacific Railroad and the Burlington Northern Santa Fe*  
19 *Railroad in the County of San Bernardino, also known as Colton*  
20 *Crossing.*

21 *(3) A project to improve ondock rail infrastructure at the Port*  
22 *of Los Angeles and the Port of Long Beach using electricity,*  
23 *magnetic levitation, or other similar zero-emission technology.*

24 *(4) Other projects deemed appropriate by the authority.*

25 *(b) In determining which projects to select for the list, the*  
26 *authority shall also take into account the entire rail and trade*  
27 *corridor servicing the Ports of Los Angeles and Long Beach.*

28 *(c) A rail grade separation project considered pursuant to this*  
29 *section shall reduce conflicts between trains carrying port-related*  
30 *cargo and motor vehicles, or reduce conflicts among trains*  
31 *carrying port-related cargo.*

32 *1774. (a) When considering air quality improvement projects,*  
33 *the authority shall consider all of the following projects:*

34 *(1) The replacement, repowering, or retrofitting of heavy-duty*  
35 *diesel vehicles moving port-related cargo.*

36 *(2) The replacement, repowering, or retrofitting of locomotive*  
37 *engines, including engines within railyards in southern California,*  
38 *moving port-related cargo.*

39 *(3) Mobile or portable shoreside distributed power generation*  
40 *to oceangoing cargo container vessels that eliminates the need to*

1 *use the electricity grid at the Port of Los Angeles or the Port of*  
2 *Long Beach, and that has been tested and verified by the State Air*  
3 *Resources Board or a local air quality management district.*

4 *(4) The electrification of the rail infrastructure used to move*  
5 *cargo to and from the Port of Los Angeles or the Port of Long*  
6 *Beach.*

7 *(5) Shoreside electrical power generation to oceangoing cargo*  
8 *container vessels at the Port of Los Angeles or the Port of Long*  
9 *Beach.*

10 *(6) Container cargo-handling equipment at the Port of Los*  
11 *Angeles or the Port of Long Beach.*

12 *(b) The authority shall consult with the South Coast Air Quality*  
13 *Management District before compiling a list of projects pursuant*  
14 *to this section.*

15 SEC. 2. If the Commission on State Mandates determines that  
16 this act contains costs mandated by the state, reimbursement to  
17 local agencies and school districts for those costs shall be made  
18 pursuant to Part 7 (commencing with Section 17500) of Division  
19 4 of Title 2 of the Government Code.