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**SB-742 Intercity passenger rail services: motor carrier transportation of passengers.** (2019-2020)

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AMENDED IN SENATE MARCH 27, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

**SENATE BILL**

**No. 742**

**Introduced by Senator Allen**

**February 22, 2019**

~~An act to amend Section 1501 of the Health and Safety Code, relating to health and care facilities.~~ *An act to amend Section 14035.55 of the Government Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as amended, Allen. ~~Community care facilities.~~ *Intercity passenger rail services: motor carrier transportation of passengers.*

*Existing law authorizes the Department of Transportation to contract with Amtrak to provide commuter and intercity rail passenger services. Existing law also authorizes the department to provide funding to Amtrak to contract for rail feeder bus services operated in conjunction with the intercity trains, but subject to the restriction, among others, that the bus services be used only by passengers who are connecting to or from a train, subject to specified exceptions, including exceptions for passengers on certain routes where no private intercity bus company provides scheduled bus services.*

*This bill would instead authorize the department to provide funding to Amtrak, a joint powers authority, or any other public or private transit operator for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes. The bill would authorize a state or local government to enter into an agreement with Amtrak to provide for the intercity transportation of passengers by motor carrier over regular routes that are open to all riders, including passengers who are not connecting to a passenger rail service. The bill would also authorize a public or private transit operator to enter into a ticket-selling agreement with Amtrak, a joint powers authority, or any other public or private transit operator that provides intercity transportation of passengers by motor carrier over regular routes.*

~~The California Community Care Facilities Act provides for the licensure and regulation of community care facilities by the State Department of Social Services. The act includes legislative findings and declarations that there is an urgent need to establish a coordinated and comprehensive statewide service of quality community care for the mentally ill, the developmentally and physically disabled, and children and adults who require care or services.~~

~~This bill would make technical, nonsubstantive changes to those legislative findings and declarations.~~

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

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

**SECTION 1.** *The Legislature finds and declares both of the following:*

*(a) The coordination of public and private intercity transportation to and from transit stations and other passenger rail services is essential to providing connecting points for passenger rail service.*

*(b) The availability of intercity bus transportation to all riders on regular routes designated for passenger rail service is necessary to ensure the optimal use of intercity and commuter rail passenger transportation.*

**SEC. 2.** *Section 14035.55 of the Government Code is amended to read:*

~~14035.55.(a)The Legislature finds and declares all of the following:~~

~~(1)Intercity passenger bus service provided by intercity bus companies on a regular route basis is the only public mass transportation service in the state to provide surface transportation without public subsidy.~~

~~(2)The long term maintenance of private sector intercity passenger service is of vital importance to the state.~~

~~(3)Intercity bus companies serve many communities throughout California, providing a network of connection points without equal by any other mode of public or private transportation.~~

~~(b)~~

**14035.55.** *(a) To the extent permitted by federal law, the department shall encourage Amtrak and motor carriers of passengers to do both of the following:*

*(1) Combine or package their respective services and facilities to the public as a means of improving **intercity passenger rail** services to the public.*

*(2) Coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface ~~transportation~~ transportation to and from connecting points of passenger rail service.*

~~(c)Except as authorized under subdivisions (e) and (f), the~~

*(b) The department may provide funding to ~~Amtrak~~ Amtrak, a joint powers authority formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, or any other public or private transit operator for the purpose of entering into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular ~~routes only if all of the following conditions are met:~~ routes.*

~~(1)The motor carrier is not a public recipient of governmental assistance, as defined in Section 13902(b)(8)(A) of Title 49 of the United States Code, other than a recipient of funds under Section 5311(f) of that title and code. This paragraph does not apply if a local public motor carrier proposes to serve passengers only within its service area.~~

~~(2)Service is provided only for passengers on trips where the passengers have had prior movement by rail or will have subsequent movement by rail, evidenced by a combination rail and bus one-way or roundtrip ticket, or service is also provided on State Highway Route 50 between the City of Sacramento and the City of South Lake Tahoe and intermediate points or on State Highway Route 5 between the community of Lebec in Kern County and the City of Santa Clarita for passengers solely by bus if no other bus service is provided by a private intercity bus company.~~

~~(3)Vehicles of the motor carrier, when used to transport passengers pursuant to paragraph (2), are used exclusively for that purpose.~~

~~(4)The motor carrier is registered with the United States Department of Transportation (DOT) and operates in compliance with the federal motor carrier safety regulations, and provides service that is accessible to persons with disabilities in compliance with applicable DOT regulations pertaining to Amtrak services, in accordance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336).~~

~~(d)The department shall incorporate the conditions specified in subdivision (c) into state supported passenger rail feeder bus service agreements between Amtrak and motor carriers of passengers. The bus service agreements shall also provide that a breach of those conditions shall be grounds for termination of the agreements.~~

~~(e) Notwithstanding subdivisions (c) and (d), the department may provide funding to Amtrak for the purpose of entering into a contract with a motor carrier of passengers to transport Amtrak passengers on buses operated on a route, if the buses are operated by the motor carrier as part of a regularly scheduled, daily bus service that has been operating consecutively without an Amtrak contract for 12 months immediately prior to contracting with Amtrak.~~

~~(f) Notwithstanding subdivisions (c) and (d), or any other provision of law, the department may enter into a contract, either directly with a public motor carrier in the County of Monterey, or indirectly with that carrier through a contract with Amtrak, to provide mixed mode feeder bus service on the San Jose Gilroy Monterey route. The contract with a public motor carrier may only be entered into if the department determines that there is no private motor carrier providing scheduled bus service on the San Jose Gilroy Monterey route. However, the contract shall be terminated, within 120 days' notice to the public motor carrier, if a private motor carrier again operates a scheduled service on the San Jose Gilroy Monterey route.~~

~~(g) Pursuant to paragraph (2) of subdivision (c), the department may amend its contract with Amtrak to add a term to provide bus service to passengers traveling solely by bus on the Sacramento South Lake Tahoe route and between Lebec and Santa Clarita on the Bakersfield Santa Clarita route. A contract amendment with Amtrak may only be entered into if the department determines that there is no private motor carrier providing scheduled bus service on the route that is the subject of the contract amendment. However, the applicable contract amendment shall be terminated, within 120 days' notice to Amtrak, if a private carrier again operates a scheduled bus service on the Sacramento South Lake Tahoe route, or within 60 days' notice to Amtrak, if a private carrier again operates a scheduled bus service between Lebec and Santa Clarita on the Bakersfield Santa Clarita route.~~

~~(h) The department shall undertake a two-year study of patronage on the bus service operated between the City of Sacramento and the City of South Lake Tahoe and intermediate points pursuant to subdivision (g), identifying the number of passengers who are transferring to an Amtrak rail service and those who are traveling solely on the bus service. The study shall identify the revenue from each category of passengers and include other pertinent ridership information. The report shall be submitted to the transportation policy committees of the Legislature no later than March 1, 2010.~~

*(c) A state or local government may enter into an agreement with Amtrak to provide for the intercity transportation of passengers by motor carrier over regular routes that are open to all riders, including passengers who are not connecting to a passenger rail service.*

*(d) A public or private transit operator may enter into a ticket-selling agreement with Amtrak, a joint powers authority formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, or any other public or private transit operator that provides intercity transportation of passengers by motor carrier over regular routes.*

~~(i)~~

(e) For purposes of this section, the following terms have the following meanings:

(1) "Amtrak" means the National Railroad Passenger Corporation.

(2) "Department" means the Department of Transportation or the department's successor with respect to providing funds to subsidize Amtrak service.

(3) "Motor carrier of passengers" means a person or entity providing motor vehicle transportation of passengers for compensation.

~~(4) "Mixed mode feeder bus service" means bus service carrying both passengers connecting to or from a rail service and passengers only using the bus service.~~

SECTION 1. Section 1501 of the Health and Safety Code is amended to read:

~~1501.(a) The Legislature finds and declares that there is an urgent need to establish a coordinated and comprehensive statewide service system of quality community care for mentally ill, developmentally and physically disabled, and children and adults who require care or services by a facility or organization issued a license or special permit pursuant to this chapter.~~

~~(b) Therefore, the Legislature declares it is the intent of the state to develop policies and programs designed to: (1) ensure a level of care and services in the community that is equal to or better than that provided by the state hospitals; (2) ensure that all people who require them are provided with the appropriate range of social rehabilitative, habilitative and treatment services, including residential and nonresidential programs tailored to their needs; (3) protect the legal and human rights of a person in or receiving services from a community care~~

~~facility; (4) ensure continuity of care between the medical health elements and the supportive care rehabilitation elements of California's health systems; (5) ensure that facilities providing community care are adequate, safe, and sanitary; (6) ensure that rehabilitative and treatment services are provided at a reasonable cost; (7) ensure that state payments for community care services are based on a flexible rate schedule varying according to type and cost of care and services provided; (8) encourage the utilization of personnel from state hospitals and the development of training programs to improve the quality of staff in community care facilities; and (9) ensure the quality of community care facilities by evaluating the care and services provided and furnishing incentives to upgrade their quality.~~