

AGENDA (Amended May 21, 2018)
MEETING OF THE BOARD OF COMMISSIONERS
HUMBOLDT BAY HARBOR, RECREATION AND CONSERVATION DISTRICT

DATE: May 24, 2018
TIME: Regular Session – 7:00 PM
PLACE: Woodley Island Marina Meeting Room

The Meeting Room is wheelchair accessible. Accommodations and access to Harbor District meetings for people with other handicaps must be requested of the Director of Administrative Services at 443-0801 at least 24 hours in advance of the meeting.

1. **Call to Order Regular Session at 7:00 P.M. and Roll Call**
2. **Pledge of Allegiance**
3. **Report on Executive Closed Session**
4. **Public Comment**

Note: This portion of the Agenda allows the public to speak to the Board on the various issues not itemized on this Agenda. A member of the public may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to the Brown Act, the Board may not take action on any item that does not appear on the Agenda. Each speaker is limited to speak for a period of three (3) minutes regarding each item on the Agenda. Each speaker is limited to speak for a period of three (3) minutes during the PUBLIC COMMENT portion of the Agenda regarding items of special interest to the public not appearing on the Agenda that are within the subject matter jurisdiction of the Board of Commissioners. The three (3) minute time limit may not be transferred to other speakers. The three (3) minute time limit for each speaker may be extended by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District. The three (3) minute time limit for each speaker may be enforced by the President of the Board of Commissioners or the Presiding Member of the Board of Commissioners at the regular meeting of the District.

5. **Consent Calendar - None**
6. **Communications and Reports**
 - a) Staff Reports
 - b) District Counsel, District Planner, District Engineer and District Treasurer Reports
 - c) Executive Director's Report
 - d) Commissioner's Reports
 - e) Standing/Ad Hoc Committee Reports
7. **Unfinished Business**
 - a) **FY 2018-19 District Budget Preparation – draft goals revenues and expenditures by programmatic activity**

Staff Recommendation: receive staff presentation and comment on draft goals

Summary: The Executive Director is presenting the budget review to the full Board in a series of regular and special meetings prior to June adoption. The schedule includes presentation of draft goals, revenues and expenditures by programmatic activity for Port Operations, Conservation and Recreation Programs, Administrative Services, General Operating and Staffing at this meeting. The series of meeting double as strategy sessions for the Board, Executive Director and District Staff to get a clear understanding of financials for each activity and what can reasonably be accomplished within financial means.
8. **New Business**
 - a) **Senate Bill 1029: Great Redwood Trail Act**

Staff Recommendation: Receive suggested edits, discuss, and provide direction to staff as required regarding the Great Redwood Trail Act (SB 1029, McGuire).
9. **Administrative and Emergency Permits - None**
10. **Adjournment**

Agenda Item 7.a

Humboldt Bay Harbor, Recreation, and Conservation District

FY 2018-19 Budget Preparation

May 24, 2018 Board Review

Port Operations

Administrative Services

Conservation and Recreation

General Operating and Staffing

FY 2018-19 Budget Preparation

Budget Process

- Review goals, revenues, and expenditures by facility/
programmatic activity

Study Session Outcomes

- Overview of where we are now
- Goals for the next year
- Revenues and expenditures summary
- Board input

Budget Schedule

Date	Meeting Type	Purpose
April 26 th	Regular	Preliminary Goals, Income, and Expenditures: 1. Redwood Marine Terminal I 2. Redwood Marine Terminal II 3. Fields Landing Boat Yard 4. Shelter Cove
May 10 th	Special	Preliminary Goals, Income, and Expenditures: 1. Woodley Island Marina 2. Dredging
May 24 th	Regular	Preliminary Goals, Income, and Expenditures: 1. Port Operations 2. Conservation and Recreation Programs 3. Administrative Services 4. General Operating and Staffing
June 14 th	Special	Adoption of Preliminary Budget and public notice published (June 15)
June 28 th	Regular	Budget review as required
July 26 th	Regular	Adoption of Final Budget and transmission to Board of Supervisors

Port Operations GOALS

- Dredging strategy coordination with USACE for Federal Channel dredging that address winter shoaling issues.
- Begin Planning for multi-purpose berth development
 - Work with RCEA to prepare port for off-shore wind energy development
- Work with commercial fishing industry to evaluate existing support facilities and determine their needs.

Port Operations GOALS

- Continue to work with Humboldt Bay Cruise Ship Collaborative to market and develop port as cruise ship destination.
- Work with Sediment Advisory Committee to complete Sediment Management Plan Program EIR
- Work with the County, City of Eureka, RREDC, and private dock owners on a port marketing strategy to attract businesses to Humboldt Bay.

Conservation GOALS

- Coordinate dredging activities with potential beneficial reuse projects.
- Review Eelgrass Management Plan and begin to implement management strategy.
- Work with the County, City of Eureka, and City of Arcata to implement stormwater runoff programs to keep the Bay clean.

Recreation GOALS

- Promote boater safety and training programs for recreational and commercial users.
- Evaluate additional recreational boating opportunities around Dock I and Woodley Island Marina.

Agenda Item 8.a

At our last Harbor District meeting, I was charged with bringing back to the other Commissioners, suggested edits for SB 1029 McGuire.

These proposed changes work with the spirit of the “The Great Redwood Trail” SB1029. The following suggested edits are a balanced approach to allow for commerce and environmental priorities to be met equally and recognizing that a balance of both is important.

1. CalTrans, California Transportation Commission and Department of Transportation all have demanded that the NCRA be abolished. Everything else is secondary. There must be push back regarding Department of Transportation becoming the agency in charge of the right of way. Local control is preferable. Possibly the Harbor District would be appropriate for at least temporary management.
2. The provision in Section 5585 (b) that excursion rail service "shall not interfere with or harm the agency's trail" must be removed. We must stress that maintaining the rails is primary and not subservient to the adjacent trail. Maintaining all options is most beneficial to the future of transportation in Humboldt County. Removing one (rail) just because it is an expedient to enhancing another (trail) is shortsighted. We need and should demand both rail with trail. We need to continue with our region’s 2012 adopted policy of “Rails with Trails”. Both Arcata and Eureka have been very successful installing and maintaining trail with rail.
3. An excursion train operating in Humboldt County is widely supported. The possible excursion train should reach Founder’s grove at South Fork just below Scotia and North around the Bay to Fairhaven with options of spurs into Arcata if needed. The local lodging alliances see it as a way to increase Humboldt County’s tourism business, this gets people to stay another day. The Alliances, have financially supported an update to the existing excursion train feasibility study. Past studies have indicated this is a viable tourism component to Humboldt Bay. An excursion train fits well with the City of Eureka, the County and the District’s work to enhance the cruise ship business in Humboldt Bay.
4. Because of the enormous investments in docks along the Bay, it is imperative that the District protect all forms of transportation options around the port. A short rail system can assist in loading and unloading of cargo and connect the Bay to nearby warehouse terminal facilities. This same short rail system could assist in the movement of dredge spoils for local beneficial reuse within the county. This system could reduce truck traffic dramatically with multiple obvious benefits in financial costs and environmental sensitivity and community enhancements. A side benefit, currently by the rail lines existing around the Bay are dike like protection to public roads and trails and public and private lands.
5. Lastly, the use of a short rail from Scotia to the North reaches of Humboldt Bay and or Arcata could allow for mass transit opportunities both in an environmentally sound manner and fiscally sound manner. This simple transit service could connect South and North communities benefiting the entire County and assist and augment the Transit Authority’s bus schedules.

Larry Doss - Humboldt Bay Harbor, Recreation, and Conservation Director, District 1
May 10, 2018


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SB-1029 North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency: Sonoma-Marín Area Rail Transit District. (2017-2018)

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Date Published: 04/30/2018 02:00 PM

AMENDED IN SENATE APRIL 30, 2018

AMENDED IN SENATE APRIL 16, 2018

AMENDED IN SENATE APRIL 05, 2018

AMENDED IN SENATE MARCH 15, 2018

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

No. 1029

Introduced by Senator McGuire

February 08, 2018

An act to add Section 14111 to, and to add Chapter 4 (commencing with Section 93030) to Title 12 of, the Government Code, to add Chapter 14 (commencing with Section 5880) to Division 5 of, and to repeal Section 5883 of, the Public Resources Code, and to amend Sections 105001, 105003, 105012, 105020, 105032, and 105095 of, to add Section 105088 to, and to repeal Sections 105104, 105105, and 105180 of, the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1029, as amended, McGuire. North Coast Railroad Authority: right-of-way: Great Redwood Trail Agency: Sonoma-Marín Area Rail Transit District.

(1) Existing law creates the North Coast Railroad Authority with various powers and duties relating to rail service in the north coast area of the state, including the authority to acquire, own, operate, and lease real and personal property reasonably related to the operation and maintenance of railroads.

This bill would require the authority, before April 1, 2019, to transfer its rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to both its right-of-way south of a point in the City of Willits and the railroad assets the authority owns to the Sonoma-Marín Area Rail Transit District, and to transfer its rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to its right-of-way north of that point in the City of Willits to the Department of Transportation. The bill would abolish the authority after those transfers are made.

(2) Existing law establishes the Active Transportation Program, within the Department of Transportation, to fund projects that promote active modes of transportation, such as biking and walking.

This bill would require the department, within 2 years of being transferred the rights, privileges, and responsibilities relating to the northern right-of-way described in paragraph (1), to inventory any parcel or contract related to the right-of-way and complete an environmental assessment of the right-of-way. The bill would require the department, before January 1, 2021, to transfer those rights, privileges, and responsibilities to the Great Redwood Trail Agency.

This bill would create the Great Redwood Trail Agency, and provide for the appointment of its board of directors. The bill would require the agency, upon 4 board members joining the agency's initial board of directors, to advise the department on certain issues relating to the northern right-of-way. The bill would require the agency to create and maintain a trail in, or next to, the northern right-of-way. The bill would require the agency to complete the railbanking process on a portion of the northern right-of-way, and would authorize the agency to contract with an operator to operate freight or excursion rail service on the remaining portion of the northern right-of-way, as specified.

(3) Existing law creates, within the Counties of Sonoma and Marin, the Sonoma-Marín Area Rail Transit District, which is governed by a 12-member board of directors, with specified duties and powers. Existing law requires the district to work with specified authorities to achieve a safe, efficient, and compatible system of passenger and freight rail service and authorizes the district to own, operate, manage, and maintain a passenger rail system within the territory of the district.

This bill would additionally require the district to ~~provide~~ *consider the need and financing for* employee workforce ~~housing and the means to finance it,~~ *housing*, and would add a member to the *district's* board of directors, to be appointed by the Mendocino County Board of Supervisors. The bill would require the district to conduct a freight rail study incorporating the ~~entire length of the~~ southern right-of-way transferred to the district as described in paragraph (1). The bill would also make various conforming changes to the district's provisions relating to the abolishment of the North Coast Rail Authority. The bill would repeal the requirement that the district obtain coverage for itself and its employees under certain federal laws.

(4) Because this bill would impose new requirements on local entities, it would impose a state-mandated local program.

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 the statutory provisions noted above.

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

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

SECTION 1. This bill shall be known, and may be cited, as the Great Redwood Trail Act.

SEC. 2. It is the intent of the Legislature to do all of the following:

(a) Create a systemwide hiking, biking, and riding trail along or parallel to the North Coast Railroad Authority's railroad tracks on the north coast.

(b) Settle all liabilities, debts, contractual obligations, and leasehold interests held by the Northwestern Pacific Railroad Company, and other legal obligations of the North Coast Railroad Authority, transfer the authority's assets and the right-of-way as provided for in this act, and abolish the North Coast Railroad Authority, which was established by statute in 1989.

(c) Transfer the North Coast Railroad Authority's real property, rail assets, rail easements, and right-of-way south of mile post 142.5 in Willits, California, to the Sonoma-Marín Area Rail Transit District for the purposes of creating and maintaining a passenger and freight railroad service and trail system.

(d) Provide funding for the construction and maintenance of the systemwide trail and railroad line, including funding for any related design needs, environmental assessment, permits, mitigation measures, or associated property interests.

(e) Create the Great Redwood Trail Agency, which will be responsible for constructing and maintaining a hiking, biking, and riding trail in the northern portion of the right-of-way, from mile post 142.5 to mile post 300.5.

(f) Transfer the northern portion of the North Coast Railroad Authority's right-of-way, from mile post 142.5 to mile post 300.5, to the Department of Transportation for a period of not more than two years, and then have it transferred to the Great Redwood Trail Agency.

(g) Ensure each portion of the right-of-way not used for rail is railbanked or otherwise used as a trail.

(h) Ensure each portion of the right-of-way used for rail also has a trail created and maintained in, or next to, it.

(i) (1) Provide for the creation of the trail as a multiuse trail wherever practical, provide a safe, continuous alignment with appropriate and flexible design standards for site conditions, and support the intended uses of the trail.

(2) Provide for the specific trail use types, including hiking, biking, and equestrian uses, to be determined by site specific studies and a broad community engagement process.

~~(j) Any successor agency to North Coast Railroad Authority shall be subject to the California Environmental Quality Act (CEQA), to the extent indicated by Friends of the Eel River v. North Coast Railroad Authority (2017) 3 Cal.5th 677.~~

SEC. 3. Section 14111 is added to the Government Code, to read:

14111. (a) Within two years of receiving the North Coast Railroad Authority's rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to the authority's right-of-way north of mile post 142.5 in the City of Willits, including any associated branch or spur lines, pursuant to Section 93031, the department shall do both of the following:

(1) Inventory any parcel or contract related to the right-of-way.

(2) Complete an environmental assessment of the right-of-way.

(b) Before January 1, 2021, and after receiving notice from the Great Redwood Trail Agency pursuant to Section 5884 of the Public Resources Code, the department shall transfer those rights, privileges, and responsibilities described in subdivision (a) to the Great Redwood Trail Agency.

SEC. 4. Chapter 4 (commencing with Section 93030) is added to Title 12 of the Government Code, to read:

CHAPTER 4. Abolishment

93030. Before April 1, 2019, the authority shall transfer its rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to both its right-of-way south of mile post 142.5 in the City of Willits, including any associated real property, rail easements, and branch or spur lines, and the railroad assets the authority owns to the Sonoma-Marín Area Rail Transit District created pursuant to Section 105010 of the Public Utilities Code.

93031. Before April 1, 2019, the authority shall transfer its rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to its right-of-way north of mile post 142.5 in the City of Willits, including any associated branch or spur lines, to the Department of Transportation.

93032. In making the transfers pursuant to Sections 93030 and 93031, the authority shall transfer all of its rights, privileges, and responsibilities, excluding any preexisting liability related to debt, litigation, or contractual obligations, relating to any right-of-way.

93033. Upon making all of the transfers described in this chapter, the authority shall be abolished.

SEC. 5. Chapter 14 (commencing with Section 5880) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 14. Great Redwood Trail Agency

5880. The Great Redwood Trail Agency is hereby created.

5881. For purposes of this chapter, the following definitions shall apply:

- (a) "Agency" means the Great Redwood Trail Agency.
- (b) "Board" means the agency's board of directors described in Section 5882.
- (c) "Department" means the Department of Transportation.
- (d) "Right-of-way" means the entire length of the right-of-way transferred to the department pursuant to Section 93031 of the Government Code.

5882. The agency shall be governed by a board of directors, composed as follows:

- (a) The Governor shall appoint two board members, one representing the department and one representing the Natural Resources Agency, who are knowledgeable about trails, parks, railroads, or rivers.
- (b) The Senate Committee on Rules shall appoint one board member who is knowledgeable about trails, parks, railroads, or rivers.
- (c) The Speaker of the Assembly shall appoint one board member who is knowledgeable about trails, parks, railroads, or rivers.
- (d) The Board of Supervisors of the County of Mendocino may appoint one board member.
- (e) The Board of Supervisors of the County of Humboldt may appoint one board member.
- (f) ____ may appoint one board member.

5883. (a) Upon four board members joining the agency's initial board, the agency shall advise the department on issues relating to railbanking and the creation and maintenance of a trail in, or next to, the right-of-way.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

5884. (a) Before January 1, 2021, the board of directors shall notify the department that the agency is ready to assume ownership of the right-of-way.

(b) Upon the department making the transfer described in Section 14111 of the Government Code, the agency shall assume ownership of the right-of-way.

5885. The agency shall do all of the following:

- (a) For the portion of the right-of-way between mile post 142.5 and mile post 284, including any associated branch or spur lines, the agency shall complete the railbanking process on, and create and maintain a trail in, or next to, that portion of the right-of-way. The agency may contract with a trail manager or organization to meet the requirements of this subdivision.
- (b) For the portion of the right-of-way between mile post 284 and mile post 300.5, including any associated branch or spur lines, the agency shall create and maintain a trail in, or next to, that portion of the right-of-way, and may contract with a trail manager or organization to meet these requirements. The agency may contract with an operator to operate freight or excursion rail service on this portion of the right-of-way, except that the service shall not interfere with or harm the agency's trail.
- (c) Before January 1, 2020, and annually thereafter, submit a report to the Legislature, in compliance with Section 9795 of the Government Code, describing its progress towards fulfilling the requirements and goals relating to the right-of-way.

5886. The agency shall have and may exercise all rights and powers, expressed or implied, necessary to carry out the purposes and intent of this chapter, including, but not limited to, to enter into and perform all necessary contracts pursuant to Article 53.5 (commencing with Section 20815) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code.

5887. The agency shall be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

SEC. 6. Section 105001 of the Public Utilities Code is amended to read:

105001. It is the intent of the Legislature in enacting this part to provide for a unified, comprehensive institutional structure for the ownership and governance of a passenger rail system within the Counties of Sonoma and Marin and a freight service that operates upon the same rail line and serves the Counties of Humboldt, Marin, Mendocino, Napa, and Sonoma.

SEC. 7. Section 105003 of the Public Utilities Code is amended to read:

105003. As used in this part, the following terms have the following meanings:

(a) "District" means the Sonoma-Marín Area Rail Transit District.

(b) "Rail transit" means the transportation of passengers and their incidental baggage by rail and provision of freight service by rail.

(c) "Rail transit works" or "rail transit facilities" means any or all real and personal property, equipment, ~~rights~~ *rights*, or interests owned or to be acquired by the district for rail transit service purposes, including ancillary bicycle and pedestrian pathways that provide connections between and access to station sites.

(d) "Board of directors," "board," or "directors" means the board of directors of the district.

(e) "Public agency" includes the state, and any county, city and county, city, district, or other political subdivision or public entity of, or organized under the laws of, this state, or any department, instrumentality, or agency thereof.

SEC. 8. Section 105012 of the Public Utilities Code is amended to read:

105012. (a) Upon the dissolution of the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority, the district shall succeed to any or all of the powers, duties, rights, obligations, liabilities, indebtedness, bonded and otherwise, immunities, and exemptions of the commission and its board of commissioners and the authority and its board of directors.

(b) Upon the dissolution of the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority, the district shall assume the rights and obligations of the commission and the authority under any contract to which the commission or the authority is a party and ~~which~~ *that* is to be performed, in whole or in part, on or after the date of dissolution of the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority.

(c) All real and personal property owned by the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority may be transferred to the district.

(d) Upon the dissolution of the Sonoma-Marín Area Rail Transit Commission, the district shall assume, without any condition whatsoever, all responsibilities and obligations previously assumed by the commission with respect to its fund transfer agreement with the Department of Transportation for the funding of the Sonoma-Marín Area Rail Transit Project.

(e) On and after the date of dissolution of the Sonoma-Marín Area Rail Transit Commission and the Northwestern Pacific Railroad Authority, any reference in any provision of law or regulation to the commission or the authority shall be deemed to refer to the district.

SEC. 9. Section 105020 of the Public Utilities Code is amended to read:

105020. The government of the district shall be vested in a board of directors, which shall consist of 12 or 13 members, appointed as follows:

(a) Two members of the Sonoma County Board of Supervisors, each of whom shall also serve on the Board of Directors of the Sonoma County Transportation Authority, appointed by the Sonoma County Board of Supervisors.

(b) Two members of the Marin County Board of Supervisors, appointed by the Marin County Board of Supervisors.

(c) Three members, each of whom shall be a mayor or council member of a city or town within the County of Sonoma, appointed by the Sonoma County Mayors and Council Members Association or its successor, provided the following conditions are met:

- (1) At least two members are also city representatives for the Sonoma County Transportation Authority.
- (2) All of the members are from cities on the rail line in Sonoma County.
- (3) No city has more than one member.

(d) The member of the City Council of the City of Novato who also serves on the Marin County Congestion Management Agency, appointed by the Marin County Congestion Management Agency or its successor.

(e) The member of the City Council of the City of San Rafael who also serves on the Marin County Congestion Management Agency, appointed by the Marin County Congestion Management Agency or its successor.

(f) One member, who shall be a mayor or council member of a city or town within the County of Marin and a member of the Marin County Congestion Management Agency, appointed by the Marin County Council of Mayors and Council Members or its successor.

(g) Two members of the Golden Gate Bridge, Highway and Transportation District, neither of whom shall be a member of the Marin or Sonoma County Boards of Supervisors, appointed by the Golden Gate Bridge, Highway and Transportation District or its successor.

(h) One member appointed by the Mendocino County Board of Supervisors, if it chooses to do so.

SEC. 10. Section 105032 of the Public Utilities Code is amended to read:

105032. It shall be the duty of the board and it shall have the power to:

- (a) Own, operate, manage, and maintain a passenger rail system within the territory of the district.
- (b) Determine the rail transit facilities, including ancillary bicycle and pedestrian pathways, to be acquired and constructed by the district, the manner of operation, and the means to finance them.
- (c) Adopt an annual budget for the district that provides for the compensation of its officers and employees.
- (d) Fix rates, rentals, charges, and classifications of rail transit service operated by the district.
- (e) Adopt an administrative code that prescribes the powers and duties of district officers, the method of appointment of district employees, and the methods, procedures, and systems for the operation and management of the district.
- (f) Adopt rules and regulations governing the use of rail transit facilities owned or operated by the district.
- (g) Cause a postaudit of the financial transactions and records of the district to be made at least annually by a certified public accountant.
- (h) Adopt rules and regulations providing for the administration of employer-employee relations.
- (i) ~~Provide~~ *Consider the need and financing for* employee workforce ~~housing and the means to finance it.~~ *housing.*
- (j) Do any and all things necessary to carry out the purposes of this part.

SEC. 11. Section 105088 is added to the Public Utilities Code, to read:

105088. Upon receiving the North Coast Railroad Authority's rights, privileges, and responsibilities relating to the authority's right-of-way south of mile post ~~142~~ *142.5* in the City of Willits pursuant to Section 93030 of the Government Code, and upon receiving funding, the district shall do all of the following:

- (a) Conduct a freight rail study incorporating the ~~entire length~~ *portion* of the ~~right-of-way.~~ *right-of-way between mile post 0.0 and mile post 142.5.*
- (b) Create or assign the positions of trail manager and freight rail manager.

(c) Before January 1, 2020, and annually thereafter, submit a report to the Legislature, in compliance with Section 9795 of the Government Code, describing its progress towards fulfilling the requirements and goals relating to the right-of-way.

SEC. 12. Section 105095 of the Public Utilities Code is amended to read:

105095. The district may provide a rail transit system for the transportation of passengers and their incidental baggage by rail and provision of freight service by rail.

SEC. 13. Section 105104 of the Public Utilities Code is repealed.

SEC. 14. Section 105105 of the Public Utilities Code is repealed.

SEC. 15. Section 105180 of the Public Utilities Code is repealed.

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