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High-Speed Rail. Future Bond Sales. New Transportation Technologies. Initiative Statute.

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January 2, 2014

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

RECEIVED

JAN 02 2014

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Initiative Coordinator:

With this letter I submit a proposed statewide ballot measure in accordance with Article II of Section 10(d) of the California Constitution. I am the proponent of the measure and a registered voter in the State of California. Please prepare a circulating title and summary of the measure as provided by law.

Enclosed with this letter and text of the proposed measure is a check in the amount of \$200 and the affidavits required by the Elections Code.

For purposes of inquiries from the public and the media, please direct them as follows:

Nick Garzilli
13488 Maxella Ave. #605
Marina Del Rey, CA 90292
nickgarzilli@gmail.com
(310) 729-6905

Thank you for your time and attention processing my request.

Sincerely,



Nicholas J. Garzilli

THE TRANSPORTATION INNOVATION ACT

SECTION 1. STATEMENT OF FINDINGS

A. California bureaucrats have embarked on a multi-billion dollar project to bring "high-speed" rail to fruition. The project was just barely approved by the voters in 2008. Since then, costs estimates have sky-rocketed, the promises made in Proposition 1A have been broke, and initial planning for the system shows that it will be over-budget, overdue, and will not be "high-speed" or energy efficient.

B. While California wastes billions of taxpayer funds on old transportation technology, new technologies are being developed and employed in other cities, states, and countries. These technologies, including hyper-loop, evacuated tube technology, local area personal rapid transit, among others, do not require billions of taxpayer dollars -- they merely require vision and leadership.

C. As the technology capital of the world, California should be leading the development of energy efficient, high-speed transportation systems. Yet, California has no regulatory framework to allow for private investment and development of these innovative transportation technologies. The billions the government plans to spend on old technology is creating economic disincentive for competition and innovation.

D. If allowed to compete, head-to-head, with "high-speed" rail, these innovative technologies will prove to be:

1) Faster and more reliable: Hyper-loop and evacuated tube technology can achieve speeds matching or exceeding those of commercial airplanes.

2) Energy efficient: Measured by energy consumed per passenger-mile, these new innovative technologies will be significantly more energy efficient than high-speed rail, which is not much more efficient than passenger cars and planes.

3) Flexible: High-Speed-Rail systems are not flexible to allow frequent access points as frequent stops between major cities result in long travel times and/or reduced throughput. Also High-Speed-Rail track and infrastructure are extremely costly regardless of consumer demand. New technologies are flexible to offer frequent points of accessibility, and are much less expensive; thus frequent access points can be adapted to fit consumer demand without reducing travel time or capacity.

4) Less costly: Rail will cost tens, if not hundreds, of billions of taxpayer dollars to construct and will require taxpayer subsidies to operate. The construction costs for these new technologies is so much lower, there is NO cost to taxpayers because the private sector will fund construction and operation. All the government needs to do is provide right-of-way for the systems and inspect the construction and operation of the systems to insure public safety.

SECTION 2. STATEMENT OF PURPOSE

The people hereby enact the "Transportation Innovation Act" to:

1) Suspend the further issuance of bonds and construction of the high-speed rail system beyond the first leg that has been planned, in order to allow for the construction and operation of a pilot project using different technology so the voters can compare the cost, efficiency, and reliability of the two systems;

2) Empower the state to obtain necessary right-of-way and to provide for the construction, inspection, and operation of new transportation technologies to ensure public safety.

SECTION 3. SUSPENSION OF HIGH-SPEED RAIL BOND ISSUANCE AND CONSTRUCTION

Section 2705 is added to Chapter 20 of Division 3 of the Streets and Highways Code, to read:

§ 2705(a) Notwithstanding any provision of this chapter, or any other law, no bonds authorized by this chapter shall be sold to pay the capital costs associated with the construction of any high-speed train system or line, except for any segment of such a system, under construction at the time of the enactment of this section.

(b) The Authority, with the consent of the Legislature, may continue the construction of the first segment of the high-speed train system pursuant to this chapter, for purposes of demonstration and comparison with other transportation technologies to be developed pursuant to the Transportation Innovation Act.

(c) Upon completion and operation of a comparable system, or within eight years, whichever is later, the Legislature, upon a two-thirds vote, may repeal this section.

SECTION 4. THE TRANSPORTATION INNOVATION ACT

Division 26 (commencing with section 260000) of the Public Utilities Code is added to read:

§ 260000. The Public Utilities Commission shall pursuant to this division and regulations enacted by the Commission:

(1) Within one year from enactment of this section, make existing right-of-way owned or maintained by the state or acquire new right-of-way, for the development of pilot projects using high-speed and/or high-efficient, transportation technologies ("HS/HE transportation technologies") including, but not limited to, hyper-loop, evacuated tube technology, and local area personal rapid transit technology;

(2) Within two years from enactment of this section, let competitively bid contracts allowing the use of such right-of-way with private developers for the construction and operation of such HS/HE transportation technologies as pilot projects, at no cost to taxpayers or the state, to compare with high-speed rail systems;

(3) Establish regulatory, inspection, and safety standards over the construction and operation of HS/HE transportation system pilot projects.

(4) Impose fees on private operators to recover the actual costs of regulatory and safety oversight of the HS/HE transportation system pilot projects.

(5) Report to the Legislature the effectiveness of the HS/HE pilot projects in comparison, if any, to high-speed rail including speed, reliability, energy efficiency, taxpayer cost to construct and operate, and flexibility.

(6) Develop a plan for full-scale implementation of one or more HS/HE transportation technologies that would service major metropolitan areas of the state, similar to the high-speed rail system, within eight (8) years from enactment of this section.

(b) Construction of a pilot project pursuant to this section shall be exempt from the California Environmental Quality Assurance Act (Pub. Res. Code §§ 21000 et. seq.).

(c) For purposes of this section;

(1) "Actual costs of regulatory and safety oversight" includes the Commission's actual cost to develop any new construction and operation standards as may be required to insure public health and safety, but does not include the costs of acquisition of right of way for such HS/HE transportation technology systems.

(2) "Acquire" means the permanent or temporary acquisition of right-of-way for the purposes of the Act.

(3) "Competitively bid contracts" means that the proposal to use right-of-way by a private developer of HS/HE transportation technology will be based on the following factors:

- (a) No cost to taxpayers for construction and operation of the transportation system.
- (b) Timetable for completion, testing, and operation of transportation system.
- (c) Speed, passenger counts, and energy usage.

(4) "Evacuated tube technology" means any form of a transportation network using magnetically levitated small passenger and/or cargo vehicles operating within an enclosed structure intended to improve energy efficiency and speed by removing more than 99% of the air from the enclosed structure.

(5) "High-Speed, High-Efficiency transportation technology" means hyper-loop, evacuated tube technology, local area personal rapid transit technology, or any other transportation technology that exceeds 250 miles per hour and/or energy efficiencies in excess of 120 passenger- miles per gallon of gasoline or equivalent measure of energy.

(6) "Hyper-loop" means any form of a transportation network using air pressure supported large passenger and/or cargo vehicles within an enclosed structure intended to improve energy efficiency and speed by manipulating, adding, or removing air from the enclosed structure.

(7) "Local area personal rapid transit technology" means any computer controlled transportation network that operates using guideways.

(8) "Pilot project" means construction and operation of a HS/HE transportation technology of a minimum of five miles that transports passengers and/or cargo between two or more end points.

SECTION 5. GENERAL PROVISIONS

(a) If any provision of this Act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

(b) This Act is intended to be comprehensive. It is the intent of the People that in the event this Act or measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes, the provisions of this Act shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.