

# Memorandum

**To: Chairman and Commissioners**

**Date: July 13, 2000**

**From: Robert I. Remen**

**File No:  
Book Item 2.1e  
Action**

**Ref: Project Application Approval Amendment for the Town of Tiburon's Ferry Dock – Access and Safety Improvements Project**

**Issue:**

Should the Commission approve the Town of Tiburon's amended Proposition 116 Water-Borne Ferry Program application for \$710,000 to delete its Ferry Dock Replacement Project and approve a new project for Ferry Dock Access and Safety Improvements? Approval of the amended application would have no overall change to the funding in the Proposition 116 Water-Borne Ferry Program.

**Recommendation:**

Commission staff has reviewed the amended Proposition 116 application, as well as subsequent clarifications that appear to meet all basic requirements specified in the Proposition 116 Water-Borne Ferry Program, as well as the Commission's policies and guidelines. Staff recommends that the Commission approve the attached resolution, which would grant approval of the Town of Tiburon's amended application to delete the Town's Ferry Dock Replacement Project and approve the Ferry Dock Access and Safety Improvements Project for \$710,000 in Proposition 116 Water-Borne Ferry Program funds. Approval of the amended application has no overall change to the funding in the Water-Borne Ferry Program.

**Background:**

Proposition 116 in PUC Section 99651 authorizes \$20,000,000 to be allocated to fund a program of competitive grants to local agencies for the construction, improvement, acquisition, and other capital expenditures associated with water-borne ferry operations for the transportation of passengers or vehicles, or both.

In 1991, the Commission adopted the Proposition 116 Water-Borne Ferry Program Guidelines, Resolution #G-91-5. The Guidelines authorize the Commission to approve up to \$10 million per year for two years, but it may increase that amount if competition for funding shows that it is insufficient. In December 1991, the Commission approved \$10.975 million toward the FY 1991-92 funding cycle for a total of five Proposition 116 ferry projects.

In August 1992, the Commission approved Resolution #G-92-17 (replacing Resolution #G-91-5). In approving the revised Guidelines, it was the intent of the Commission to approve all the remaining \$9.025 million in Proposition 116 funds during the FY 1992-93 funding cycle. In addition, the evaluation criteria

contained in the guidelines were refined to provide a project evaluation form for scoring each ferry project as part of the competitive application process.

For FY 1992-93, the Commission received 14 eligible project applications from eight agencies for a total over \$18 million. Since the applications received exceeded the total remaining funds available, a competitive evaluation and ranking process was used to determine which projects would be recommended for funding.

In May 1993, the Commission took action to adopt a priority list and funding recommendations for the FY 1992-93 competitive funding cycle. Of the 14 eligible project applications, a total of eight projects were fully funded at the requested amount. Two additional projects were partially funded from the Proposition 116 Water-Borne Ferry Program. Four projects, out of the original 14, did not receive any Proposition 116 Water-Borne Ferry Program funds. However, two of the four projects not recommended for funding under the Program later received funding from other sources. The other two projects not recommended for funding were a Children's Day Care Center at the Alameda/Oakland Ferry Terminal and Ferry Vessel Acquisitions for the Tahoe Transportation District, in the case of both projects, the agencies subsequently determined the projects were infeasible.

At the May 1993 Commission meeting, the Town of Tiburon received approval for \$710,000 in Proposition 116 Water-Borne Ferry Program funding for the Tiburon Dock Realignment and Reconstruction Project to reconfigure the existing dock in the Town of Tiburon. The project was delayed several times when nearby residents threatened legal action against the Town due to possible blockage of their view by the extended ferry dock.

At a May 1999 public meeting in the Town of Tiburon, Point Tiburon residents restated their resistance to a new shortened pier design. At this same meeting, representatives from the Blue and Gold Fleet proposed, as a compromise measure and at its own cost, installation of a variable height ramp (VHR) system. In return, the existing arrangement between the Blue and Gold Fleet and the owner of the current ferry dock would remain in place. The installation of the VHR system appears to meet the approval of the Point Tiburon residents and as a result the Town has subsequently directed its staff to formalize the Blue and Gold Fleet's offer, prior to amending its Proposition 116 application.

In April 2000, the Town of Tiburon submitted an amended Proposition 116 Water-Borne Ferry Program application requesting that the previously approved Tiburon Dock Realignment and Reconstruction Project be deleted while adding the Tiburon Ferry Dock – Access and Safety Improvements Project. The Blue and Gold Fleet has agreed, at no cost to the Town, to replace the existing ferry dock with a new, ADA-accessible ferry dock that fits within the current footprint of the existing dock. With the agreement of the Blue and Gold Fleet to build a new ADA-accessible dock, the Town maintains that the original project has been met and now requests to

use the \$710,000 in Proposition 116 Water-Borne Ferry Program funds, in addition to \$134,000 in local funds committed by the Town, for a new project.

Chair and Commissioners

July 13, 2000

Page 3

The Tiburon Ferry Dock – Access and Safety Improvements Project consists of improvements in the immediate vicinity of the existing dock at the Town of Tiburon’s bayfront. The improvements are to include but not limited to: a new brick plaza with concrete seatwalls, concrete removal and new turf; improvements to the existing Ferry Arcade area will include new signage/schedules, new lighting, removal of an old ferry deck with steps and construction of a new ADA compliant ferry deck; and improvements to the existing Fountain Plaza, bus stop and pedestrian walkways will include new signage/schedules, new lights, sidewalk widening and landscaping. The improvements will provide better and safer passenger access to and from the ferry dock. The total project cost is \$844,000.

The original Proposition 116 Competitive Water-Borne Ferry priority list is no longer current and the projects on the list were funded through Proposition 116 other fund sources or were determined to be infeasible. The Commission no longer has a priority list for water-borne ferry projects. In a similar circumstance with the competitive bicycle program, the Commission concluded that having another statewide competitive cycle for the small amounts of Proposition 116 funds becoming available due to cost savings and project deletion/failure was not cost effective. The project requested by the Town of Tiburon is an eligible project under Resolution #G-92-17. Therefore, staff recommends that the Commission approve the attached resolution, which would grant approval of the Town of Tiburon’s amended application for \$710,000 in Proposition 116 funds to delete the Ferry Dock Replacement Project and approve the Ferry Dock Access and Safety Improvements.

Approval of the Town of Tiburon’s amended Proposition 116 Water-Borne Ferry Program application would have no net funding change to the Proposition 116 Program. The Town has indicated that the conceptual design is essentially complete and is seeking Commission approval to proceed with the project. Final design, environmental permitting and interagency coordination can begin with the Commission’s approval of the project, this phase of the project has a projected completion date of December 2000 with construction to begin immediately thereafter and total project completion expected by June 2001.

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Approval Amendment  
Town of Tiburon  
Proposition 116 Application for the  
Ferry Dock – Access and Safety Improvements

Resolution #PA-00-  
Amending Resolution #PA-93-21

- 1.1 WHEREAS, in June 1990 the voters approved Proposition 116, the Clean Air and Transportation Improvement Act, for \$1.99 billion for rail and mass transportation purposes; and
- 1.2 WHEREAS, the California Transportation Commission is designated in Proposition 116 to oversee the five grant programs over the 20-year term of the Proposition; and
- 1.3 WHEREAS, Proposition 116 calls for the Commission to establish an application process and to develop and adopt guidelines to implement those programs; and
- 1.4 WHEREAS, Proposition 116 establishes as a purpose of the application process that it "facilitate implementation of improved cost-effective transit service to the maximum number of Californians and to prevent the funds provided for by this part from being spent on needlessly costly features"; and
- 1.5 WHEREAS, Proposition 116 requires applications to specify full and complete capital plans, financial plans, and operating plans, including schedules and funding sources; and
- 1.6 WHEREAS, the financial plans include a back-up funding plan, should the project exceed the cost approved by the Commission the increased cost shall be covered by funds other than Proposition 116; and
- 1.7 WHEREAS, in August 1992 the Commission adopted revised policy and application guidelines (#G-91-17) for the Proposition 116 Water-Borne Ferry program; and
- 1.8 WHEREAS, Proposition 116 specifies that \$20 million shall be allocated to fund a program of competitive grants to local agencies for the construction, improvement, acquisition and other capital expenditures associated with waterborne ferry operations for the transportation of passengers or vehicles or both (PUC Section 99651); and
- 1.9 WHEREAS, the Commission approved in May 1993, PA-93-21 for 10 ferry project applications totaling \$9.025 million; and

- 1.10 WHEREAS, the \$9.025 million approved included \$710,000 to the Town of Tiburon, for the Tiburon Dock Realignment and Reconstruction project; and
- 1.11 WHEREAS, the privately owned Blue and Gold Fleet has agreed; at no cost to the Town, to build a new Americans with Disabilities Act (ADA) accessible dock that will be delivered in July 2000; and
- 1.12 WHEREAS, in April 2000, the Town of Tiburon submitted an amended application requesting that the original project approved by the Commission be replaced with the new Tiburon Ferry Dock – Access and Safety Improvements project for \$710,000 which is no change to the original approved Proposition 116 funding amount; and
- 1.13 WHEREAS, the Tiburon Ferry Dock – Access and Safety Improvements with a total project cost of \$830,000 (\$710,000 Proposition 116 and \$120,000 local funds) will consist of the following project elements:
- New Ferry Plaza
  - Ferry Arcade Improvements
  - Fountain Plaza Improvements
  - Bus Stop Improvements
  - Pedestrian Access/Safety Improvements
- 1.14 WHEREAS, the April 2000, Proposition 116 amended application from the Town of Tiburon, as well as supplemental information has been reviewed by Commission staff, and appears to meet all basic requirements as specified in the Proposition 116 Water-Borne Ferry Program and the Commission’s policies and guidelines; and
- 2.1 BE IT THEREFORE RESOLVED, that the Commission hereby grants approval of the amended application from the Town of Tiburon replacing the Ferry Dock Replacement Project with the new Tiburon Ferry Dock – Access and Safety Improvements project; and
- 2.2 BE IT FURTHER RESOLVED, that prior to execution of the Fund Transfer Agreement, the Town of Tiburon shall submit proof, by signed documents between the Blue and Gold Fleet and the Town, that the Blue and Gold Fleet delivered the new ADA accessible dock; and
- 2.3 BE IT FURTHER RESOLVED, that a Proposition 116 project approval by the Commission reserves the State funding within the Program, and allows project development work to be undertaken by the applicant agency, which will be subject to state reimbursement pursuant to the Commission’s “Financial Guidelines for Local Agency Reimbursement” and subsequent fund transfer agreement.