

Memorandum

To: Chairman and Commissioners

Date: August 3, 2001

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 Ferry Dock - Access and Safety Improvements Project application for \$710,000 to increase the scope of two previously approved elements by \$265,000, for the construction of a New Ferry Plaza and Ferry Arcade Improvements, and to delete the Fountain Plaza, Bus Stop and the Pedestrian Access/Safety Improvement elements from the previously approved project?

Approval of the amended application, while increasing the cost by \$265,000 for two previously approved elements does not change the original programmed amount of \$710,000 in Proposition 116 Water-Borne Ferry Program funds due the three previously approved elements being deleted.

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 Fountain Plaza, Bus Stop and Pedestrian Access/Safety Improvements from the scope and approve a cost increase for the New Ferry Plaza and Ferry Arcade Improvement elements of the Town's Ferry Dock - Access and Safety Improvements Project for \$710,000 in Proposition 116 Water-Borne Ferry Program funds.

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 and May 1993, respectively, the Commission took action to adopt a priority list and funding recommendations for the FY 1991-92 and FY 1992-93, competitive funding cycle. Of the 14 eligible
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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.

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 Town's request was based on the Blue and Gold Fleet, installing, at no cost to the Town, a new ADA-accessible ferry dock that would fit within the footprint of the original dock. With the Blue and Gold Fleet's installation of the new ADA-accessible dock, the Town maintained that the original project need would be met and requested 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 the new project -- Tiburon Ferry Dock - Access and Safety Improvements Project.

In July 2000, the Commission approved the Town of Tiburon's request to amend its Proposition 116 Water-Borne Ferry Program application with the condition that prior to an executed Fund Transfer Agreement the Town would need to submit proof that the new ADA-accessible ferry dock had been installed.

In May 2001, the Town of Tiburon submitted another amended Proposition 116 Water-Borne Ferry Program application requesting that the Fountain Plaza, Bus Stop and Pedestrian Access/Safety Improvement elements totaling \$265,000 be deleted from the project and that the funds from the deleted elements be shifted to the two remaining elements; New Ferry Plaza and Ferry Arcade Improvements.

The Town has determined, as a result of a topographic survey being superimposed on the schematic of the site, that the New Ferry Plaza and Ferry Arcade did not physically fit the site and that pedestrian capacity constraints were clearly evident in two locations. Based on the new information it became necessary for the Town to rework the scope by increasing the area of the New Ferry Plaza and Arcade, which has driven Chairman and Commissioners

up the cost of the two elements therefore making the Fountain Plaza, Bus Stop and Pedestrian Access/Safety Improvement elements economically infeasible to complete with the available Proposition 116 Water-Borne Ferry and local funds.

The Town has submitted a Notice and Acknowledgement for Delivery and Installation of the ADA-accessible dock in Tiburon and is committed to construction and improvements of the New Ferry Plaza and existing Ferry Arcade, which are in the immediate vicinity of the existing dock at the Town of Tiburon's bay front. The improvements are to include but not limited to: a new brick plaza with benches, 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. The improvements will provide better and safer passenger access to and from the ferry dock. The total project cost is \$835,400. Of the total project cost \$710,000 or 85% will be funded with Proposition 116 Water-Borne Ferry Program funds and \$125,400 or 15% is local funds.

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 Ferry Dock - Access and Safety Improvements Project application for \$710,000 to increase the scope of two previously approved elements by \$265,000, for the construction of a New Ferry Plaza and Ferry Arcade Improvements, and to delete the Fountain Plaza, Bus Stop and the Pedestrian Access/Safety Improvement elements from the previously approved project.

The Town has indicated that the design is essentially complete and is seeking Commission approval to proceed with the project. Final design, environmental permitting and interagency coordination began with the Commission's approval of the project in July 2000, construction is expected to begin immediately after receipt of permits, which are expected by September 30, 2001, and total project completion is expected by December 23, 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-01-
Amending Resolution #PA-00-18

- 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 agreed; at no cost to the Town, to build a new Americans with Disabilities Act (ADA) accessible dock within the existing dock's footprint; 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, would consist of the following project elements:
 - New Ferry Plaza
 - Ferry Arcade Improvements
 - Fountain Plaza Improvements
 - Bus Stop Improvements
 - Pedestrian Access/Safety Improvements; and
- 1.13 WHEREAS, in July 2000, the Commission had placed a condition 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 the ADA accessible dock; and
- 1.14 WHEREAS, in May 2001, the Town of Tiburon submitted an amended application in the amount of \$710,000 to increase the scope of the project for the Tiburon Ferry Dock - Access and Safety Improvements Project, which includes, but is not limited to, construction of a New Ferry Plaza and Ferry Arcade Improvements, and to delete the Fountain Plaza, Bus Stop and Pedestrian Access/Safety Improvement elements; and
- 1.15 WHEREAS, the May 2001, 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
- 1.16 WHEREAS, in August 2001, Commission staff received documentation that the Blue and Gold Fleet installed, at no cost to the Town, a new ADA accessible dock within the original dock's footprint; and
- 2.1 BE IT THEREFORE RESOLVED, that the Commission hereby grants approval of the amended application from the Town of Tiburon in the amount of \$710,000 to increase the scope of the project for the Tiburon Ferry Dock - Access and Safety Improvements Project, which includes, but is not limited to, construction of a New Ferry Plaza and Ferry Arcade Improvements, and to delete the Fountain Plaza, Bus Stop and Pedestrian Access/Safety Improvement elements; 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 "Guidelines for Allocating, Monitoring, and Auditing of Funds for Local Assistance Projects" and subsequent fund transfer agreement.