

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 8-9, 2004

Reference No.: 2.1c.(2)
Action Item

From: CINDY MCKIM
Acting Chief Financial Officer

Prepared by: Ross Chittenden
Division Chief
Transportation Programming

Ref: **TRAFFIC CONGESTION RELIEF (TCR) PROGRAM PROJECT APPLICATION
AMENDMENT APPROVALS
RESOLUTION TAA-04-13, AMENDING RESOLUTIONS TA-02-04, TAA-02-08, TAA-04-05**

ISSUE:

Attached is a Resolution for three Traffic Congestion Relief (TCR) project application amendments to update project schedules and amend funding plans by redistributing previously approved funds with no net change in TCR funds. A fact sheet describing each project is attached.

RECOMMENDATION:

The California Department of Transportation (Department) recommends approval.

BACKGROUND:

Due to the uncertainty of TCR Fund reimbursement, TCR projects have experienced schedule and cost variances to approved and allocated phases of work. Specific changes are noted in the attached fact sheets.

The FY 2004/05 Budget Act includes the transfer of \$163,000,000 from the General Fund to the TCR Fund for those TCR projects with existing allocations. The previously approved and allocated TCR funds, to be redistributed by the attached Resolution, are included in the amount of this transfer.

Approval of this Resolution will allow the Department to amend existing agreements with agencies and to reimburse said agencies for eligible costs under approved and allocated phases of a project.

Attachments

TCR Program – Application Amendment Project #1.1

Santa Clara / Alameda BART to San Jose; extend BART from Fremont to Downtown San Jose in Santa Clara and Alameda Counties.

(\$ X 1,000)

<i>Estimated Project Cost:</i>	\$678,833	<i>TCRP Funds Covered by Application:</i>	\$111,433
	\$695,484		
<i>TCRP Funds-Sub-Project #1.1:</i>	\$111,433	<i>Phases(s) Covered by Application:</i>	2,3,4
<i>Total TCRP Funds for Project #1:</i>	\$725,000	<i>TCRP Funds Previously Approved for 1.1</i>	\$111,433
<i>Lead Agency:</i>	Santa Clara Valley Transportation Authority (VTA)	<i>Implementing Agency:</i>	San Francisco Bay Area Rapid Transit District (BART)

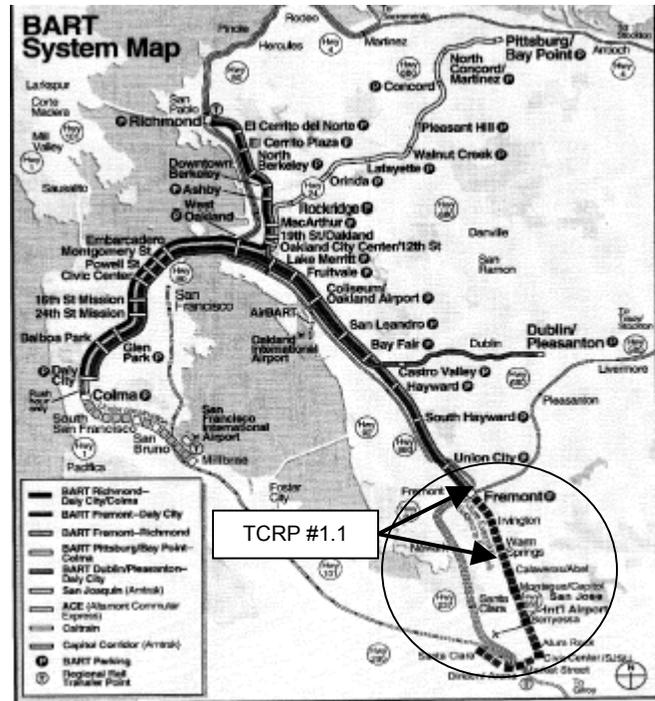
<i>TCRP Allocation Amendment Concurrently with Application:</i>	\$10,000	<i>for Phases(s)</i>	From 2 to 3
<i>Advance Requested:</i>	\$0	<i>for Phase(s):</i>	N/A
<i>TCRP Allocations To Date:</i>	\$54,115	<i>for Phase(s):</i>	1,2,3

Project Summary

The overall project will involve extending Bay Area Rapid Transit (BART) from the existing Fremont Station in Alameda County to downtown San Jose in Santa Clara County. For implementation purposes, this project will be split into two sub-projects.

- **Sub-Project #1.1** – BART Extension from Fremont to Warm Springs (Total = \$695,484,000, including \$111,433,000 in TCRP).
- Sub-Project #1.2 – BART Extension from Warm Springs to downtown San Jose (Total = \$3,708,727,000, including \$613,567,000 in TCRP).

Sub-Project #1.1, the Fremont to Warm Springs BART Project, is a 5.4-mile extension south of the existing Fremont Station that will significantly improve the regional transit network by bringing BART further into southern Alameda County. The project will better balance current local and regional transportation demand and will provide increased transportation capacity for future growth in employment and population. The extension will help relieve increasing congestion on highways and local streets by offering people a high-quality alternative to driving. It would also support the region's efforts to meet state and federal air quality standards.



The project, to be implemented via the Design-Build contracting method, will include all necessary interfaces with the operating system at the Fremont Station as well as provision of all facilities, systems and equipment normally associated with BART service. The proposed Warm Springs Station, just south of Grimmer Boulevard, will have approximately 2,300 parking spaces. South of the Warm Springs Station, tail-tracks will continue for about 3,000 feet and a small maintenance facility will be constructed.

Amendment Summary: This amendment updates the funding and project schedule and transfers allocated funds from Phase 2 to Phase 3 (concurrent action under 2.6e.(2)). Changes proposed by this amendment are reflected in ~~strike through~~ and **bold**.

Reason for Change: The San Francisco Bay Area Rapid Transit District has decided to use a design-build process on this project, thereby reducing the costs of Phase 2. Phase 3 allocated TCRP funding will be increased by \$10,000,000, but the total proposed TCR funds for Phase 3 will be reduced. Unallocated, programmed TCR funds are moved to Phase 4, leaving the TCRP total the same at \$111,433,000. Changing to a design-build process has necessitated a change in the schedule for Phase 2, and will lead to an earlier completion date.

Cost and Schedule (\$ x 1,000)

Phase	Scope	Start	End	Cost
1	Final EIR		9/92	
			2/05	\$8,713
1	Update EIR (Supplemental)	1/02	12/04	\$11,550
			12/07	\$20,565
2	Plans, Specifications & Estimates	12/02	8/05	\$30,565
				\$105,000
3	Right of Way Acquisition	2/02	1/08	\$101,000
4	Rollingstock Acquisition	12/07	3/12	\$90,408
		12/06	12/10	\$454,147
4	Construction	6/06	6/11	\$461,961
			Total:	\$678,833
				\$695,484

Funding Plan (\$ x 1,000)

Source	Type		Phase 1	Phase 2	Phase 3	Phase 4	Total
TCRP	State	Committed	\$6,550	\$20,565	\$27,000	\$57,318	\$111,433
		Proposed		\$30,565	\$74,318		
CMA-TIP (mostly sales tax)	Local	Committed	\$2,163			\$2,837	\$5,000
			\$5,000				
STIP - RIP	State	Committed				\$57,700	\$57,700
		Proposed			\$9,700	\$10,000	\$19,700
STIP -IIP	State	Committed				\$80,000	\$80,000
		Proposed					
Bridge Toll	Local	Committed			\$6,000	\$79,000	\$85,000
		Proposed				\$68,000	\$68,000
SamTrans	Local	Committed				\$145,000	
		Proposed			\$6,982	\$138,018	\$145,000
Measure B	Measure	Committed			\$72,000		\$72,000
					\$10,000		\$10,000
		Proposed				\$123,000	\$123,000
						\$244,651	\$244,651
BART	Local	Committed					
		Proposed				\$11,700	\$11,700
		Committed	\$8,713	\$20,565	\$105,000	\$139,155	\$273,433
			\$11,550	\$30,565	\$84,318		\$126,433
	Totals:	Committed				\$405,400	\$405,400
		Proposed			\$16,682	\$552,369	\$569,051
		Totals:	\$8,713	\$20,565	\$105,000	\$544,555	\$678,833
			\$11,550	\$30,565	\$101,000	\$552,369	\$695,484

Prior TCRP Action:

- The original application for the Major Investment Study for the Warm Springs to San Jose portion (TCRP Subproject #1.2) was approved on February 21, 2001, under Resolution TA-01-03.
- An application for Phase 1 – Environmental Studies and Permits, Phase 2 – Preliminary Engineering and Design, and Phase 3 – Right of Way Acquisition, for TCRP Subproject #1.1 was approved on April 4, 2002, under Resolution TA-02-05.
- A minor amendment to update the project schedule and funding plan was approved June 26, 2003, under Resolution TAA-03-03. Additional time is required due to a new bus alternative that was requested for consideration as an option in the Supplemental Environmental Impact Report for the extension of BART to Warm Springs.
- An amendment to update the project schedule was approved June 17, 2004, under Resolution TAA-04-05. Additional time is required as BART seeks to initiate a National Environmental Protection Act (NEPA) analysis, which would result in a Federal Transit Administration (FTA) Record of Decision, making this project eligible for the use of federalized State Transportation Improvement Program (STIP) and ITIP funds

Status of Conditions: No conditions under Resolution TA-01-03. The following condition was set forth under Resolution TA-02-05: Prior to an allocation of funds for right of way capital, Department Right of Way staff must review real estate appraisals for methodology of valuation, and report findings to the Commission prior to Commission allocation.

Discussion/Issues: The proposed funding plan for the Fremont to Warm Springs Extension Project includes STIP-Regional Improvement Program (RIP), STIP-Interregional Improvement Program (IIP), Bridge Tolls, San Mateo County Transit District (SamTrans), Alameda County Measure B and BART funding. The BART Fremont to Warm Springs Extension Project is a California Environmental Quality Act (CEQA)-only cleared project. The STIP-RIP/IIP funding will be requested as State-only.

This project has a full funding plan in Metropolitan Transportation Commission's (MTC) 2001 Regional Plan. However, there are two identifiable risks associated with this funding plan: First, if the STIP-IIP/RIP funds do become available, state-only funding may be limited. To insure project delivery, the Alameda County Congestion Management Agency, Alameda County Transportation Improvement Authority, BART, VTA, and MTC will work to exchange any federal funds obtained through the programming process with non-federal funds. And, second, the amount of STIP-IIP/RIP funding proposed for this project may not be available. The funding partners identified above have committed to work together to bridge any funding gaps if STIP-RIP/IIP dollars do not materialize.

TCR Program – Application Amendment Project #51

Los Angeles **Route 101/405; add auxiliary lane and widen ramp through freeway interchange in Sherman Oaks in Los Angeles County.**

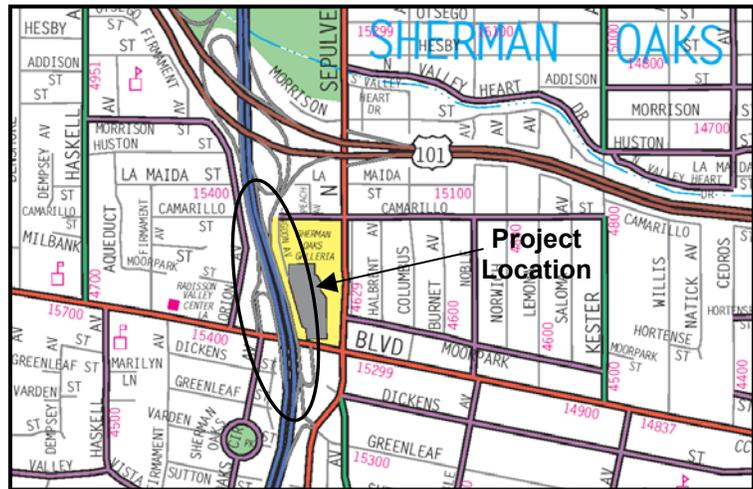
(\$ X 1,000)

<i>Estimated Project Cost:</i>	\$43,908	<i>TCRP Funds Covered by Application:</i>	\$0
	\$37,611		
<i>Total TCRP Funds Available:</i>	\$21,000	<i>Phase(s) Covered by Application:</i>	All
		<i>TCRP Funds Previously Approved for #51:</i>	\$8,200
<i>Lead Agency:</i>	California Department of Transportation	<i>Implementing Agency:</i>	Same

<i>TCRP Allocation Request Concurrently with Application:</i>	\$0	<i>for Phase(s):</i>	N/A
<i>Advance requested:</i>	\$0	<i>for Phase(s):</i>	N/A
<i>TCRP Allocations to Date:</i>	\$8,200	<i>for Phase(s):</i>	1,2,3

Project Summary: The project will extend the auxiliary lane past the Greenleaf Street off-ramp to the Route 101 Connector, close the loop on-ramp from westbound Ventura Blvd., and grade separate the on-ramp from Sepulveda Blvd. to northbound Route 405. This project will close the gap between two currently programmed projects to the north and south of the proposed TCRP project.

Amendment Summary: This amendment updates the overall project schedule and funding plan. \$147,000 of TCR funds are transferred from Phase 1 to Phase 2 and \$75,000 of TCR funds are transferred from Phase 1 to Phase 3. Changes proposed by this amendment are reflected in ~~strike through~~ and **bold**.



Reason for Amendment: The cost of right of way increased due to difficulty in the relocation of tenants and court expenses.

Cost and Schedule (\$ x 1,000)

<i>Phase</i>	<i>Scope</i>	<i>Start</i>	<i>End</i>	<i>Cost</i>
1	Identify scope of preferred alternative, environmental impacts, needed permits, and costs.	1/00	7/01	\$378 \$600
2	Prepare roadway plans sheets, structure plan sheets, right of way engineering, utility plans, process permits, etc.	7/01	5/04 4/04	\$3,547 \$3,400
3	Right of Way appraisal, acquisition and certification.	4/02	9/04 12/03	\$9,446 \$4,200
4	Construction inspection & administration, construction support, etc.	4/05 7/04	6/08 1/08	\$30,537 \$29,411
			Total:	\$43,908 \$37,611

Funding Plan (\$ x 1,000)

Source	Type		Phase 1	Phase 2	Phase 3	Phase 4	Total
TCRP	State	Committed	\$378	\$3,547	\$4,275		\$8,200
		Proposed	\$600	\$3,400	\$4,200		
STIP-RIP	State	Committed			\$174	\$3,826	\$4,000
		Proposed				\$4,000	
STIP-RIP	GARVEE	Committed				\$16,771	\$16,771
		Proposed					
STIP-IIP	GARVEE	Committed				\$8,640	\$8,640
		Proposed					
Prop C	Measure	Committed			\$4,997	\$1,300	\$6,297
		Proposed					
Totals:		Committed	\$378	\$3,547	\$9,446	\$30,537	\$43,908
		Proposed	\$600	\$3,400	\$4,200	\$29,411	\$37,611
Totals:		Totals:	\$378	\$3,547	\$9,446	\$30,537	\$43,908
			\$600	\$3,400	\$4,200	\$29,411	\$37,611

Additional TCRP Funds Available (\$ x 1,000)

Source	Type		Phase 1	Phase 2	Phase 3	Phase 4	Total
TCRP	State	Committed					
		Proposed				\$12,800	\$12,800
Totals:						\$12,800	\$12,800

Prior TCRP Action:

- Original application was approved on September 28, 2000 (TA-00-01) for \$4,000,000 for Phases 1 and 2.
- The funding plan was updated based on the 2000 STIP Adoption (G-00-32). The 2000 STIP programmed \$5,000,000 of STIP-RIP funds and \$5,338,000 of STIP-IIP funds.
- Application was approved on April 3, 2002 (TA-02-04) for \$4,200,000 for Phase 3. The application included extending the completion of Phase 1 from June 2001 to July 2001.
- The funding plan was updated based on the 2002 STIP Adoption (G-02-04). The 2002 STIP programmed \$3,787,000 of STIP-RIP funds and \$3,786,000 of STIP-IIP funds.
- The funding plan was updated based on STIP Amendment 02S-067. This amendment programmed \$12,800,000 of STIP-RIP funds to replace suspended TCRP funds.
- The funding plan was updated based on STIP Amendment 02S-105, adopted December 11, 2003. The amendment approved this project for GARVEE funding.

Status of Conditions: No conditions set.

Discussion/Issues: Project is fully funded. The Commission reviewed the Negative Declaration and approved the project for future consideration of funding on December 5, 2000 under CTC Resolution E-01-10. Environmental and Regional Transportation Plan documentation is on file.

TCR Program – Application Amendment Project #156

Regional Seismic retrofit and core segment improvements for the Bay Area Rapid Transit system.

(\$ X 1,000)

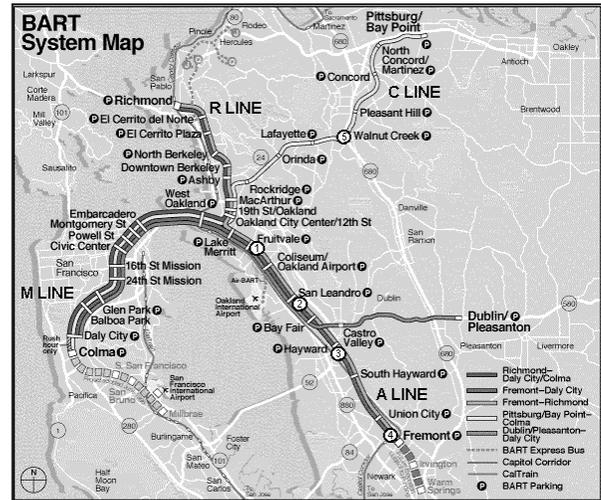
<i>Estimated Project Cost:</i>	\$592,600	<i>TCRP Funds Covered by Application:</i>	\$0
<i>Total TCRP Funds Available:</i>	\$20,000	<i>Phase(s) covered by application:</i>	1,2
<i>Lead Agency:</i>	San Francisco Bay Area Rapid Transit District	<i>TCRP Funds Previously Approved for #156</i>	\$20,000
		<i>Implementing Agency:</i>	Same

<i>TCRP Allocation requested Concurrently with Application:</i>	\$11,530	<i>for Phase(s):</i>	2
<i>Advance Requested:</i>	\$0	<i>for Phase(s):</i>	N/A
<i>TCRP Allocations to Date:</i>	\$8,470	<i>for Phase(s):</i>	1

Project Summary: The overall project will make improvements to the BART system to provide the Bay Area with a critical transit lifeline in the event of an earthquake. Improvements will be made from Montgomery Station through the Transbay Tube and eastward towards the Caldecott Tunnel. The original BART system design needs to be brought up to current standards to withstand a Maximum Credible Earthquake (MCE) and return to service with a minimum delay after such an event.

The project will be segmented and, therefore, phases may overlap.

Summary of Amendment: This amendment updates the overall project schedule and funding plan. Changes proposed by this amendment are reflected in ~~strikethrough~~ and **bold**.



Reason for Change: The revised schedule reflects additional review times related to comments received by the Department and FHWA on the draft environmental document. The revised cost reflects additional costs escalation, schedule slippage, and financing costs associated with the successful November 2004 bond measure.

Cost and Schedule (\$ x 1,000)

Phase	Scope	Start	End	Cost
1	Prepare Engineering Studies, Environmental Review, Permits	3/00	5/05 6/04	\$52,847 \$40,796
2	Prepare PS&E for Seismic Core System	5/05 3/03	7/07 11/05	\$39,850 \$32,800
3	Right of Way Easements	5/05	7/07	\$5,500
4	Construct Core System Seismic Improvements	6/06	6/12	\$494,403
Total:				\$592,600

Funding Plan (\$ x 1,000)

Source	Type		Phase 1	Phase 2	Phase 3	Phase 4	Total
TCRP	State	Committed	\$8,470	\$11,530			\$20,000
		Proposed					
Local Seismic Safety	State	Committed	\$9,647	\$17,523	\$500	\$56,330	\$84,000
		Proposed	\$9,100	\$18,070			
STIP-RIP	State	Committed	\$10,200				\$10,200
		Proposed					
BART	Local	Committed	\$10,500	\$0	\$5,000	\$316,874	\$332,374
		Proposed	\$10,000	\$2,000			
STP	Federal	Committed	\$3,026				\$3,026
		Proposed					
Regional Measure 2	Measure	Committed	\$11,004	\$10,797		\$121,199	\$143,000
		Proposed					
	Totals:	Committed	\$52,847	\$39,850	\$5,500	\$494,403	\$592,600
		Proposed	\$40,796	\$31,600			
		Totals:	\$52,847	\$39,850	\$5,500	\$494,403	\$592,600
			\$40,796	\$32,800			

Prior TCRP Action:

- Original application was approved on July 11, 2001 (TA-01-11) for \$500,000 for Phase 1.
- Minor amendment was approved on February 7, 2002 based on the October 2001 Progress Report.
- Minor amendment was approved on June 27, 2002 based on the April 2002 Progress Report.
- Major amendment was approved August 22, 2002 (TAA-02-08) to update the schedule and funding plan based on the completed Vulnerability Study.

Status of Conditions: The condition set forth in resolution TA-01-11 for allocation of funds for design has been met. Phase 2 is fully funded with TCRP and other funds.

Discussion/Issues: Regional Transportation Plan documentation is on file. The project is fully funded with the passage of the November 2004 bond measure.

CALIFORNIA TRANSPORTATION COMMISSION
Approval of Traffic Congestion Relief Program
Project Application Amendment

RESOLUTION TAA-04-13
Amending Resolutions TA-02-04, TAA-02-08, TAA-04-05

- 1.1 WHEREAS the Traffic Congestion Relief Act of 2000 (herein after referred to as “statute”), which was established by Chapters 91 (AB 2928) and 656 (SB 1662) of the Statutes of 2000, establishes the Traffic Congestion Relief Program, providing \$5.39 billion for projects throughout the State of California to reduce traffic congestion, provide for safe and efficient movement of goods, and provide system connectivity; and
- 1.2 WHEREAS in accordance with Government Code Section 14556.11 the California Transportation Commission (Commission) has adopted guidelines, in consultation with the Department of Transportation (Department) and regional agencies, to implement the Traffic Congestion Relief (TCR) Program; and
- 1.3 WHEREAS the statute and guidelines require applicants to specify full and complete project applications, including scope, cost and schedule, financial plans and funding sources; and
- 1.4 WHEREAS the Commission identified those factors leading to changes in project scope, cost, and scheduled and established guidelines for agencies to submit amendments to TCR project applications in Resolution G-00-23, with further clarifications in Resolution G-01-23; and
- 1.5 WHEREAS the Department has reviewed the following application amendments for three TCR projects as submitted by applicant agencies and found all to be in compliance with the guidelines adopted by the Commission.
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission does hereby approve the following three TCR project application amendments as submitted, with subsequent clarifications and revisions:
- Project #1.1 – BART to San Jose; extend BART from Fremont to Downtown San Jose in Santa Clara and Alameda Counties. Amend application to redefine project scope and update project schedule and funding plan previously approved under Resolution TAA-04-05.
Applicant Agency: Santa Clara Valley Transportation Agency
Implementing Agency: San Francisco Bay Area Rapid Transit District (BART)
 - Project #51 – Route 101/405; add auxiliary lane and widen ramp through freeway interchange in Sherman Oaks in Los Angeles County. Amend application to update project schedule and funding plan previously approved under Resolution TA-02-04.
Applicant Agency: California Department of Transportation (Department)
Implementing Agency: Department

- Project #156 – Seismic retrofit and core segment improvements for the Bay Area Rapid Transit system. Amend application to update project schedule and funding plan previously approved under Resolution TAA-02-08
Applicant Agency: BART
Implementing Agency: BART;
and
- 2.2 BE IT FURTHER RESOLVED that all conditions stipulated at time of application and/or application amendment approval are still in effect; and
- 2.3 BE IT FURTHER RESOLVED that all applicant agencies shall provide the Commission and the Department with a progress report on April 1st and October 1st of each year on actual expenditures and status of work, until the projects have been completed; and
- 2.4 BE IT FURTHER RESOLVED that this TCR project application approval by the Commission reserves the State funding for the projects as specified by the statute, and allows the applicant agencies to incur costs in accordance with the approved project application, statute and guidelines; and
- 2.5 BE IT FURTHER RESOLVED that Resolutions TA-02-04, TAA-02-08, TAA-04-05 are hereby amended.