

# Memorandum

**To: Chairman and Commissioners**

**Date: August 17-18,2005**

**From: Diane C. Eidam**

**File No:  
Book Item 2.1e.(5)  
Action**

**Ref: PROPOSITION 116 PROJECT APPROVALS/AMENDMENTS – AMEND PA-98-22,  
SANTA CLARA COUNTY TRANSIT DISTRICT – TASMAN DRIVE and NORTH FIRST  
STREET EMBEDDED GIRDER RAIL REPLACEMENT**

## **ISSUE:**

According to Resolution G-90-23, the Clean Air and Transportation Improvement Act Rail Program Guidelines, passed by the Commission on December 7, 1990, the Commission will award grants as specified in CATIA and ensure that the CATIA is implemented over a term of the Act from 1990 to 2010. In order to fully implement the program, Commission staff intends to program funds available from projects that were canceled or withdrawn and savings from completed projects. Staff is in the process of determining the future uses for the available funding.

Commission staff has identified a project from PUC Section 99641, the Santa Clara County Transit District's Tasman Drive and North First Street Embedded Girder Rail Replacement Project that is complete with savings. In order to make the funds available for other projects, the Commission must first adjust the funding for each completed or withdrawn project to be consistent with the total amount expended and de-program the savings.

## **RECOMMENDATION:**

Approve the attached resolution to adjust funding to the Santa Clara County Transit District's (PUC Section 99641) Proposition 116 Rail Program project and de-program the savings for future uses.

## **BACKGROUND:**

The Santa Clara County Transit District has completed the Tasman Drive and North First Street Embedded Girder Rail Replacement Project with savings. The attached resolution includes the date of project approval, the applicant and project title, the approved funding, the total project cost, and the savings from the project.

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Approval Amendment  
Santa Clara County Transit District  
Proposition 116 Application for the  
Tasman Drive and North First Street Embedded  
Girder Rail Replacement

Resolution PA-05-\_\_\_

Amending PA-98-22

- 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, the Commission has established a Hazardous Waste Identification and Clean-up Policy (#G-91-2) that requires the local agency to have performed full due diligence in identifying the hazardous waste in the right-of-way and easements and properties as well as clean-up, and that the state has been indemnified from clean-up liability of damages, both present and future; and
- 1.8 WHEREAS, in December 1990 the Commission adopted policy and application guidelines (#G-90-23) for the Proposition 116 rail program; and
- 1.9 WHEREAS, Proposition 116 (PUC Section 99641) authorizes \$47,000,000 to the Santa Clara County Transit District (SCCTD) for expenditure on rail projects; and

- 1.10 WHEREAS, in August 1998 the Commission approved the application submitted by the Santa Clara County Transit District to program \$1,748,661 in Proposition 116 funds for three new minor construction/rehab projects; and
- 1.11 WHEREAS, the Santa Clara County Transit District has completed the Tasman Drive and North First Street Embedded Girder Rail Replacement project and has a cost savings of \$137,957; and
- 2.1 BE IT THEREFORE RESOLVED, that the Commission hereby approves the Proposition 116 amended application from the Santa Clara County Transit District and the Commission hereby adjusts the approved funding for the Tasman Drive and North First Street Embedded Girder Rail Replacement project to \$1,610,704 and de-programs the savings of \$137,957 for future uses to be determined; and
- 2.2 BE IT FURTHER RESOLVED, that Resolution PA-98-22, is hereby amended.