

Memorandum

To: Chairman and Commissioners

Date: August 17-18, 2005

From: Diane C. Eidam

**File No:
Book Item 2.1e.(8)
Action**

Ref: PROPOSITION 116 PROJECT APPROVALS/AMENDMENTS – AMEND PA-94-09 and PA-00-07, NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD – OCEANSIDE-SAN DIEGO COMMUTER RAIL PROJECT

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to fully implement the program, Commission staff intends to program funds available from projects that were canceled or withdrawn and savings from completed projects.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 projects from PUC Section 99629[a], the North San Diego County Transit Development Board's Oceanside-San Diego Commuter Rail Project that are complete with savings. In order to make the funds available for other projects, the Commission must first adjust the funding for each completed project to be consistent with the total amount expended and de-program the savings.

RECOMMENDATION:

Approve the attached resolution to adjust funding to the North San Diego County Transit Development Board's (PUC Section 99629[a]) Proposition 116 Rail Program project and de-program the savings for future uses.

BACKGROUND:

The North San Diego County Transit Development Board has completed the Oceanside-San Diego Commuter Rail Projects 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
North San Diego County Transit Development Board
Proposition 116 Application for the
Oceanside-San Diego Commuter Rail Project

Resolution PA-05-

Amending PA-00-07

- 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 99629[a]) authorizes \$45,000,000 to the Los Angeles-San Diego (LOSSAN) Rail Corridor Agency for intercity and commuter rail projects in San Diego County; and

- 1.10 WHEREAS, Proposition 116 (PUC Section 99642) authorizes \$77,000,000 on a per capita basis to the San Diego Metropolitan Transit Development Board and North San Diego County Transit Development Board (NSDCTDB), which shall be matched on a dollar-for-dollar basis, for rail projects within San Diego County; and
- 1.11 WHEREAS, in April 1994 the Commission approved an application request that transferred the applicant status from the LOSSAN Rail Corridor Agency to the NSDCTDB for the Proposition 116 application for development of the Oceanside to San Diego Commuter Rail Project; and
- 1.12 WHEREAS, in March 2000 the Commission approved the application submitted by NSDCTDB to increase Proposition 116 funds to the False-Bay Passing track project by \$520,000 for a total Proposition 116 amount of \$4,020,000 for the False-Bay element; and
- 1.13 WHEREAS, the March 2000 Commission approval also authorized Proposition 116 funds to the Sorrento to Miramar project of \$880,000; and
- 1.14 WHEREAS, the March 2000 Commission approve made no change to the original amount of \$24,456,000 (\$24,206,000 from PUC Section 99629[a], and \$250,000 from PUC Section 99642) in Proposition 116 funds previously approved due to the Elvira Curve Straightening project being deleted from the scope of work; and
- 1.15 WHEREAS, the NSDCTDB has completed the Oceanside to San Diego Commuter Rail Project and has a cost savings of \$406,177 from the False-Bay Project, and \$6,090 from the Sorrento to Miramar Project for a total savings of \$412,267; and
- 2.1 BE IT THEREFORE RESOLVED, that the Commission hereby approves the Proposition 116 amended application from the North San Diego County Transit Development Board and the Commission hereby adjusts the approved funding for the False-Bay project to \$3,612,658, and adjusts the approved funding for the Sorrento to Miramar project to 873,910, and de-programs a total savings of \$412,267 for future uses to be determined; and
- 2.2 BE IT FURTHER RESOLVED, that Resolution PA-00-07, is hereby amended.