

Memorandum

To: Chair and Commissioners

Date: May 25, 2006

From: JOHN F. BARNA, JR.
Executive Director

Ref Number:
Book Item 2.1e.(1)
Action

Ref: PROPOSITION 116 RAIL PROGRAM PROJECT APPROVALS/AMENDMENTS TO THE NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD'S OCEANSIDE-SAN DIEGO COMMUTER RAIL PROJECT AMENDING PA-00-07 AND PA-96-20

Recommendation:

Approve the attached resolution to de-program funding to the North San Diego County Transit Development Board's Proposition 116 (PUC Sections 99629[a] and 99642) Oceanside-San Diego Commuter Rail Project. The amount of this amendment is \$472,728. The amendment is being requested as the project could not be built due to funding constraints.

Background:

Proposition 116 (PUC Section 99629[a]) authorizes that \$45,000,000 of the \$202,000,000 available shall be allocated to intercity commuter rail projects for expenditure in San Diego County.

Proposition 116 (PUC Section 99642) authorizes that \$77,000,000 shall be allocated on a per capita basis to the San Diego Metropolitan Transit Development Board and the North San Diego County Transit Development Board for expenditure on rail projects within San Diego County.

In April 2006, Commission staff received an application amendment to de-program \$472,728 (\$223,924 PUC Section 99629[a] and \$248,804 PUC Section 99642) from the Sorrento to Miramar Project. The original design for the construction of the Sorrento to Miramar Curve Straightening and Second Main Track Project could not be built due to funding constraints.

Attachment

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-06-__
Amending PA-00-07 and PA-96-20

- 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.
- 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 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, the March 2000 Commission approval also authorized Proposition funds to the Sorrento to Miramar project of \$880,000; and
- 1.13 WHEREAS, in February 2002 Chapter 743 (SB 1703) was enacted and created a consolidated transportation agency in San Diego from specified existing agencies, including the San Diego Association of Governments, the Metropolitan Transit Development Board, and the North County Transit Development Board; and
- 2.1 BE IT FURTHER RESOLVED, that the Commission hereby approves the Proposition 116 amended application from the San Diego Association of Governments and hereby deprograms \$472,728 for the Sorrento to Miramar project (\$223,924 from PUC Section 99629[a] and \$248,804 from PUC Section 99642); and
- 2.2 BE IT FURTHER RESOLVED, that Resolutions PA-00-07 and PA-96-20 are hereby amended.