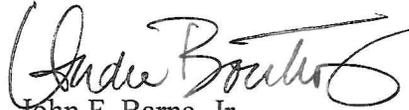


Memorandum

To: Chair and Commissioners

Date: August 8, 2008

From: 
John F. Barna, Jr.
for Executive Director

File No: Reference # 4.4a/b
Action

Ref: HIGHWAY-RAILROAD CROSSING SAFETY ACCOUNT PROGRAM ADOPTION
RESOLUTION GS1B-P-0809-01

Recommendation:

Staff recommends the California Transportation Commission (Commission) adopt the Proposition 1B Highway-Railroad Crossing Safety Account (HRCSA) Program, in accordance with the attached Resolution GS1B-P-0809-01 and HRCSA staff recommendations, issued August 8, 2008.

Issue:

Under the Commission's guidelines for the HRCSA program, adopted on April 9, 2008, applications were due June 16, 2008, staff recommendations were scheduled for August 8, 2008, and program adoption was scheduled for August 28, 2008.

Background:

On November 7, 2006, the voters approved Proposition 7. Per its implementing legislation (SB 88), the Commission is the administrative agency for \$250 million authorized for the HRCSA for two sub-programs: Part 1 provides \$150 million for highway-railroad grade separations derived from the California Public Utilities Commission's Section 190 grade separation priority list. Part 2 provides \$100 million for non-Section 190 high-priority grade crossing improvements. Projects to be funded under Part 2 may be, but need not be, on the PUC priority list.

The principal differences between the two parts of HRCSA are:

- Match. Projects funded from Part 1 require at least a one-to-one match of local, federal or private funds. Part 1 also requires a 10 percent contribution from the railroad. Projects funded from Part 2 do not require any specific match or railroad contribution. However, the Commission's guidelines give higher priority for funding from Part 2 to projects with a non-state match.
- Program Year. Because the PUC priority list adopted July 1, 2008 is valid only for the 2008-09 and 2009-10 fiscal years, the Commission's guidelines called for programming Part 1 funding only for projects that are expected to be ready for a project construction allocation by June 2010.

The Commission's guidelines give higher priority for funding to Part 2 projects with earlier delivery.

Attachment 1 – Staff Recommendations

Attachment 2 – Resolution GS1B-P-0809-01

CALIFORNIA TRANSPORTATION COMMISSION
Adoption of Proposition 1B
Highway-Railroad Crossing Safety Account (HRCSA) Program

RESOLUTION GS1B-P-0809-01

- 1.1 WHEREAS the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 was approved by voters as Proposition 1B on November 7, 2006, includes \$250 million for the Highway-Railroad Crossing Safety Account (HRCSA) Program to fund the completion of high-priority grade separation and railroad crossing safety improvements, and
- 1.2 WHEREAS the Bond Act provides that HRCSA funds are available, upon appropriation by the Legislature, to the Department of Transportation (Department), as allocated by the California Transportation Commission (Commission), and
- 1.3 WHEREAS the HRCSA program is subject to the provisions of Government Code Section 8879.23(j) (1) and (2), as added by Proposition 1B, and to Section 8879.63, as enacted through implementing legislation in 2007 (SB 88) designating the Commission the administrative agency responsible for programming HRCSA and the agency authorized to adopt guidelines for the program, and
- 1.4 WHEREAS the HRCSA program includes \$150 million under Government Code Section 8879.23(j)(1), described in the Commission's guidelines as Part 1, for projects on the priority list established by the Public Utilities Commission (PUC) pursuant to the process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code, and
- 1.5 WHEREAS the HRCSA program includes \$100 million under Government Code Section 8879.23(j)(2), described in the Commission's guidelines as Part 2, for high-priority railroad crossing improvements that are not part of the PUC priority list process, and
- 1.6 WHEREAS the Commission adopted HRCSA Program Guidelines on April 9, 2008, that identified the Commission's policy and expectations for the HRCSA program, including program development timelines, requirements for project nomination, and criteria for project evaluation and scoring, and
- 1.7 WHEREAS the Commission received 49 project applications requesting \$794,241,000 in HRCSA funds by the deadline of June 16, 2008, and
- 1.8 WHEREAS Commission staff has reviewed and evaluated the project nominations consistent with the criteria set forth in the adopted HRCSA guidelines, and

Resolution GS1B-P-0809-01

- 1.9 WHEREAS the Commission held a public hearing on July 24, 2008, receiving comments and testimony on nominated projects, and
- 1.10 WHEREAS the Commission gave higher priority to projects that can commence construction by December 2010, and those that have a higher level of non-state funding contribution, and
- 1.11 WHEREAS Commission staff released its recommendation on August 8, 2008, to program \$239,817,000 for 22 projects, and
- 1.12 WHEREAS the Commission received further public comment and testimony at its August 27, 2008 meeting, and directed staff to make adjustments to the recommended program,
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission adopts the attached list of projects as the Adopted Highway-Railroad Crossing Safety Account (HRCSA) Program, and
- 2.2 BE IT FURTHER RESOLVED that a project's approved HRCSA funding is to be considered a "not to exceed amount" and that any increase in project cost is the responsibility of the nominating agency, and
- 2.3 BE IT FURTHER RESOLVED that the Commission, in anticipation that a new PUC priority list is to be adopted July 1, 2010, will review the programming and delivery status of all HRCSA projects in the Spring 2010, and may adopt amendments to the program to recognize changes in project delivery, and
- 2.4 BE IT FURTHER RESOLVED that the Commission will amend the HRCSA program to delete projects unable to commence construction by December 2010, and
- 2.5 BE IT FURTHER RESOLVED that the Commission requires the nominating agency to provide a local board action or resolution that commits the funding identified in the project baseline agreement and funding plan, and
- 2.6 BE IT FURTHER RESOLVED that the Commission expects the Department and nominating agencies to execute project baseline agreements that set forth the project scope, measurable expected performance benefits, delivery schedule, and estimated costs and funding plan. The baseline agreements shall be signed by the Director of the Department of Transportation and nominating agency executive directors, and
- 2.7 BE IT FURTHER RESOLVED that the Commission requires that baseline agreements include quantification of expected benefits related to the effectiveness of the proposed project and the degree in which the project reduces corridor or air basin emissions, and that these benefits be updated at the time the HRCSA allocation is requested, and
- 2.8 BE IT FURTHER RESOLVED that the Commission expects the nominating agency to provide a local board resolution that commits the funding identified in the project baseline agreement and funding plan, and

- 2.9 BE IT FURTHER RESOLVED that the Commission may delete a project from the adopted HRCSA program for which a baseline agreement is not executed within 90 days of program adoption, and the Commission will not consider approval of project allocations prior to the execution of the baseline agreement, and
- 2.10 BE IT FURTHER RESOLVED that the Commission expects the Department will ensure that allocation requests for either Part 1 or Part 2 HRCSA funding conform with and contain certain elements required in a Section 190 allocation request including a PUC order to construct, railroad agreement, certification of environmental clearance, General plan of the project, including profiles and typical sections, and
- 2.11 BE IT FURTHER RESOLVED that the Commission expects that the Department, in cooperation with nominating agencies, to report on a quarterly basis, on the activities and progress made toward the implementation of the project, including those activities taking place prior to an HRCSA allocation and including the commitment status of supplemental funding indentified in the baseline agreement, and
- 2.12 BE IT FURTHER RESOLVED that the Department will furnish a final delivery report to the Commission, within six months of the project becoming operable, on the scope of the completed project, its final costs as compared to the approved project budget, its duration as compared to the project schedule in the project baseline agreement, and performance outcomes derived from the project as compared to those described in the project baseline agreement. The Department will also furnish a supplement to the final delivery report at the completion of the project to reflect final project expenditures at the conclusion of all project activities, and
- 2.13 BE IT FURTHER RESOLVED that the Department will ensure that project expenditures and outcomes are audited. For each HRCSA project, the Commission expects the Department to provide a semi-final audit report within 6 months after the final delivery report and a final audit report within 12 months after the supplement to the final delivery report.

Attachment

**Adopted Program of Projects
for the Proposition 1B
Highway-Railroad Crossing Safety Account (HRCSA) Program**
(Dollars in Thousands)

ID	County	Nominated By	Project Title	PUC Rank	Enviro. Clearance	Const. Start	Total Project Cost	HRCSA Request	HRCSA Funding Recomm'd
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Recommended Program for Part 1 - Construction Start by December 2010 and PUC Ranked

8	Kern	County of Kern	BNSF Grade Separation at 7th Standard Rd/Santa Fe Wa	89	May-06	Apr-09	\$ 28,853	\$ 9,926	\$ 9,926
44	San Mateo	PCJPB	San Mateo Bridges Grade Separation	58	Jun-04	Apr-09	\$ 46,521	\$ 5,000	\$ 5,000
12	Los Angeles	City of Los Angeles	North Spring Street Grade Separation Reconstruction	43	Dec-05	Jul-09	\$ 48,764	\$ 5,001	\$ 5,001
11	Los Angeles	City of Los Angeles	Riverside Drive Grade Separation Replacement	66	Dec-05	Jul-09	\$ 54,465	\$ 5,000	\$ 5,000
14	Los Angeles	ACE	Nogales Street Grade Separation	10	Jan-09	Dec-09	\$ 84,000	\$ 25,600	\$ 25,600
39	San Francisco	PCJPB	Jerrold Avenue & Quint Street Bridges Grade Separation	81	Sep-08	Dec-09	\$ 41,661	\$ 10,000	\$ 10,000
18	Merced	City of Merced	G Street Undercrossing	74	Jun-08	Mar-10	\$ 18,000	\$ 9,000	\$ 9,000
1	Alameda	City of Fremont	Warren Avenue Grade Separation	97	Jul-02	Apr-10	\$ 51,218	\$ 9,600	\$ 9,600
9	Kern	County of Kern	Hageman Road/BNSF Railroad Grade Separation	69	Aug-08	Jun-10	\$ 35,300	\$ 17,650	\$ 17,650
47	Tulare	City of Tulare	Bardsley Avenue Grade Separation	83	Dec-08	Jun-10	\$ 14,486	\$ 7,156	\$ 7,156
45	San Mateo	PCJPB	San Bruno Grade Separation	8	Dec-08	Jul-10	\$ 165,000	\$ 30,000	\$ 30,000
43	San Joaquin	City of Stockton	Lower Sacramento Road at UPRR Grade Separation	63	Jul-07	Jul-10	\$ 34,000	\$ 10,000	\$ 10,000
							\$ 622,268	\$ 143,933	\$ 143,933

Recommended Program for Part 2 - Construction Start by December 2010 with 50% or more Non-State Funding

33	San Diego	City of San Diego	Park Boulevard at Harbor Drive/Pedestrian Bridge		Jun-06	Jun-08	\$ 29,400	\$ 8,400	\$ 6,000
13	Los Angeles	SCRRA	Broadway-Brazil Street Grade Crossing Improvements		May-06	Sep-09	\$ 6,500	\$ 3,000	\$ 3,000
29	Sacramento	City of Sacramento	6th Street Overcrossing & 7th Street Undercrossing		Dec-07	Nov-09	\$ 35,814	\$ 17,968	\$ 17,968
2	Alameda	City of Fremont	Kato Road Grade Separation	118	Apr-09	Apr-10	\$ 40,239	\$ 10,000	\$ 10,000
48	Tulare	City of Tulare	Cartmill Avenue Grade Separation	109	Dec-08	Jun-10	\$ 22,760	\$ 11,293	\$ 11,293
46	Tulare	County of Tulare	Betty Drive Grade Separation		May-09	Jun-10	\$ 27,683	\$ 12,175	\$ 12,175
40	San Joaquin	Port of Stockton	Port of Stockton Expressway	116	Nov-09	Jun-10	\$ 31,700	\$ 10,448	\$ 10,448
41	San Joaquin	City of Stockton	Eight Mile Road/UPRR (East) Grade Separation	100	Jul-07	Jul-10	\$ 31,000	\$ 8,500	\$ 8,500
42	San Joaquin	City of Stockton	Eight Mile Road/UPRR (West) Grade Separation	106	Jul-07	Jul-10	\$ 25,000	\$ 8,500	\$ 8,500
20	Orange	City of Irvine	Sand Canyon Grade Separation	35	Sep-08	Aug-10	\$ 56,604	\$ 15,515	\$ 8,000
							\$ 306,700	\$ 105,799	\$ 95,884

Bond Admin Fees	\$ 5,000
Total Program	\$ 244,817

Staff Recommendations for the
Highway-Railroad Crossing Safety Account (HRCSA) Program
(Dollars in Thousands)

PART 2 Scoring Sheet

ID	County	Nominated By	Project Title	Const. Start	HRCSA Funding Recomm'd	A (50%)	B (20%)	C (10%)	D (20%)	Total Points (100%)
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Recommended Program for Part 2 - Construction Start by December 2010 with 50% or more Non-State Funding

33	San Diego	City of San Diego	Park Boulevard at Harbor Drive/Pedestrian Bridge	Jun-08	\$ 6,000	33	20	10	20	83
13	Los Angeles	SCRRA	Broadway-Brazil Street Grade Crossing Improvements	Sep-09	\$ 3,000	45	19	10	20	94
29	Sacramento	City of Sacramento	6th Street Overcrossing & 7th Street Undercrossing	Nov-09	\$ 17,968	40	19	10	20	89
2	Alameda	City of Fremont	Kato Road Grade Separation	Apr-10	\$ 10,000	32	18	10	20	80
48	Tulare	City of Tulare	Cartmill Avenue Grade Separation	Jun-10	\$ 11,293	35	17	10	20	82
46	Tulare	County of Tulare	Betty Drive Grade Separation	Jun-10	\$ 12,175	36	17	10	20	83
40	San Joaquin	Port of Stockton	Port of Stockton Expressway	Jun-10	\$ 10,448	34	17	10	20	81
41	San Joaquin	City of Stockton	Eight Mile Road/UPRR (East) Grade Separation	Jul-10	\$ 8,500	42	16	10	20	88
42	San Joaquin	City of Stockton	Eight Mile Road/UPRR (West) Grade Separation	Jul-10	\$ 8,500	41	16	10	20	87
20	Orange	City of Irvine	Sand Canyon Grade Separation	Aug-10	\$ 8,000	48	15	10	14	87

ID	County	Nominated By	Project Title	Const. Start	HRCSA Funding Recomm'd	A (50%)	B (20%)	C (10%)	D (20%)	Total Points (100%)
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Not Recommended for Funding

34	San Diego	City of Encinitas	Encinitas Grade-Separated Pedestrian Crossings	Mar-10	\$ -	32	18	10	1	61
5	Contra Costa	City of Richmond	Marina Bay Grade Separation	Sep-10	\$ -	42	15	10	5	72
3	Alameda	City of Hayward	Tennyson Road at UPRR Grade Separation	Dec-10	\$ -	43	12	10	0	65
10	Kern	City of Bakersfield	Route 58 (Rosedale)/Landco Grade Separation	Sep-11	\$ -	45	6	10	20	81
28	Riverside	County of Riverside	Jurupa Road Railroad Grade Separation	Jan-12	\$ -	42	5	10	20	77
26	Riverside	City of Riverside	ACE: Mary Street Grade Separation	Jan-12	\$ -	39	5	10	20	74
6	Contra Costa	City of Richmond	Cutting Boulevard Grade Separation	Apr-12	\$ -	45	5	10	20	80
35	San Diego	SANDAG	H Street at SD&AE Grade Separation	Oct-12	\$ -	38	4	10	20	72
36	San Diego	SANDAG	E Street at SD&AE Grade Separation	Oct-12	\$ -	38	4	10	20	72
37	San Diego	SANDAG	Sorrento Valley Boulevard at SDNR Grade Separation	Jun-13	\$ -	40	3	10	1	54
4	Alameda	City of Berkeley	Gilman Street Railroad Grade Separation	Jul-13	\$ -	44	3	10	18	75
38	San Diego	SANDAG	Taylor Street at SDNR Grade Separation	Feb-14	\$ -	45	2	10	0	57
7	Fresno	County of Fresno	Mountain View Avenue/UPRR Grade Separation Project	Mar-14	\$ -	40	2	10	5	57
16	Los Angeles	City of Santa Clarita	Magic Mountain Parkway Railroad Flyover	May-14	\$ -	44	2	10	20	76
17	Los Angeles	City of Palmdale	Rancho Vista Boulevard/Avenue P Grade Separation	Jul-14	\$ -	49	1	10	20	80

Scoring Criteria

- A Effectiveness of the project in providing transportation benefits, including the improvement of safety, operations, and effective capacity.
- B Deliverability - date by which the project will be ready for award of the construction contract
- C Project reduces local or regional emissions of diesel particulates and other air pollutants
- D Financial contribution from non-state funds