

# Memorandum

To: Chair and Commissioners

Date: September 9, 2008

From: JOHN F. BARNA, JR.  
Executive Director

File No: 2.1e  
Action

Ref: **Project Application Amendment for the Caltrain Extension to Monterey County Project Resolution PA-08-03, amending Resolution PA-04-02**

**Recommendation:** Staff recommends that the Commission approve the amended application from the Transportation Agency for Monterey County (TAMC) requesting additional time to expend \$580,000 in Proposition 116 Bond funds for design on the Caltrain Extension to Monterey project.

**Issue:** The TAMC cannot begin design activities on the Caltrain Extension to Monterey project until the Federal Transit Administration (FTA) approves the Environmental Assessment in their application for federal "Small Starts" funding.

The FTA has requested that TAMC further develop the ridership-forecasting model, beyond the ridership numbers provided in the Alternative Analysis submitted to the FTA as part of the "Small Starts" funding application.

Because the FTA will not process the federal Environmental Assessment until the ridership data has been validated, this results in delays to the overall project schedule. This request for additional time assumes receiving an FTA approval to allow TAMC to start design in the spring of 2009.

**Background:** Proposition 116 (PUC Section 99638) authorizes \$17,000,000 to the TAMC for the following: (a) extension of Caltrain service; or (b) other rail project within Monterey County.

On April 8, 2004, the Commission approved PA-04-02, programming \$3,000,000 for project development costs for the Caltrain Extension to Monterey project. In addition, the Commission approved BFP-03-04 allocating \$932,187 out of the \$3,000,000 programmed.

Out of that \$932,187 allocated on April 8, 2004, \$352,187 has been used as required match to federal Earmark funds expended to complete ridership analyses to qualify the project for federal "Small Starts" funds. The remaining \$580,000 is to be used for design of the project.

In August 2008, the Transportation Agency of Monterey County submitted an amended application requesting additional time to spend the \$580,000 for design, which cannot begin until the TAMC complies with the additional, unforeseen FTA requirements.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Approval Amendment  
Transportation Agency for Monterey County  
Caltrain Extension to Monterey County

Resolution PA-08-03  
Amending Resolution #PA-04-02

- 1.1 WHEREAS, in June 1990 the voters approved the Clean Air and Transportation Improvement Act, Proposition 116, 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 application 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 and that increased costs shall be covered by funds other than Proposition 116; and
- 1.7 WHEREAS, in December 1990 the Commission adopted policy and application guidelines (#G-90-23) for the Proposition 116 rail program; and
- 1.8 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
- 1.9 WHEREAS, Proposition 116 (PUC Section 99638) authorizes \$17,000,000 to the Transportation Agency of Monterey County for the following: (a) extension of Caltrain service; or (b) other rail project within Monterey County; and

Resolution PA-08-03, Amending  
Resolution PA-04-02

- 1.10 WHEREAS, on April 8, 2004, the Commission approved PA-04-02, programming \$3,000,000 for project development costs for the Caltrain Extension to Monterey County project and also waiving the Commission's policy of a 5% limitation for project development costs; and
- 1.11 WHEREAS, on April 8, 2004, the Commission also approved BFP-03-04, allocating \$932,187, of that amount, \$352,187 has been used as required match to federal Earmark funds and \$580,000 is to be used for PS&E; and
- 1.12 WHEREAS, in August 2008, the Transportation Agency of Monterey County submitted an amended application requesting additional time to spend the \$580,000 for PS&E; and
- 1.13 WHEREAS, the August 2008 Proposition 116 amended application from the Transportation Agency of Monterey County, including all supplemental information, has been reviewed by Commission staff, and appears to meet all the basic requirements as specified in Proposition 116 and the Commission's policies and guidelines.
- 2.1 BE IT THEREFORE RESOLVED, that the Commission hereby approves the amended application from the Transportation Agency of Monterey County; and
- 2.2 BE IT FURTHER RESOLVED, that the Commission hereby acknowledges that a concurrent request will be submitted to de-allocate the \$580,000 from Resolution BFP-03-04, reducing the amended allocation to the previously expended \$352,187; and
- 2.3 BE IT FURTHER RESOLVED, that the Commission hereby acknowledges that a concurrent request will be submitted to re-allocate the \$580,000 for design on the Caltrain Extension to Monterey County project, thereby extending the expenditure deadline to June 30, 2011; and
- 2.4 BE IT FURTHER RESOLVED, that Resolution PA-04-02 is hereby amended.