

Memorandum

To: Chair and Commissioners

Date: April 27, 2009

From: BIMLA G. RHINEHART
Executive Director

File: Reference No. 2.1d.
ACTION

Ref.: **PROJECT APPLICATION AMENDMENT**
PROPOSITION 116 VALLEJO WATER-BORNE FERRY PROGRAM
RESOLUTION PA-09-02, AMENDING PA-04-01 AND PA-04-03

Recommendation

Staff has reviewed the City of Vallejo's amended Proposition 116 application, and recommends that the Commission approve the attached Resolution to move savings in the amount of \$23,491 from the completed Ferryboat Purchase project to the Permanent Ferry Fueling Facility project.

Issue

Should the Commission approve the City of Vallejo's amended application to adjust the final approved Proposition 116 funding for the completed Ferryboat Purchase project from \$421,000 to \$397,509, and program the \$23,491 in cost savings from that project to the Permanent Ferry Fueling Facility project to increase its approved Proposition 116 funding from \$581,841 to \$605,332?

Background

Proposition 116 (PUC Section 99646) authorizes \$10,000,000 to be allocated to the City of Vallejo for expenditure on water-borne ferry vessels and terminal improvements.

In April 1991, the Commission adopted Resolution #G-91-5, the Proposition 116 Water-Borne Ferry Program Guidelines. In August 1992, the Commission approved Resolution #G-92-17 (replacing Resolution #G-91-5), to clarify the Guidelines regarding the Competitive Water-Borne Ferry Program.

In December 2003, the City of Vallejo submitted an application for the Ferryboat Purchase project. At its January 9, 2004 meeting, the Commission adopted Resolution PA-04-01 approving the application for \$421,000 to complete the purchase of the low emissions ferry for Vallejo's Baylink service. The project has been completed with a cost savings of \$23,491.

At the June 17, 2004 meeting, the Commission adopted Resolution PA-04-03 approving the City of Vallejo application for \$581,841 for the Permanent Ferry Fueling Facility project.

In March 2009, the City of Vallejo submitted an amended application requesting that the final approved funding for the completed Ferryboat Purchase project be reduced from \$421,000 to \$397,509, and the \$23,491 in savings be reprogrammed to the Permanent Ferry Fueling Facility project to increase its approved funding from \$581,841 to \$605,332.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION

Project Application Amendment
Proposition 116
City of Vallejo Water-Borne Ferry Program
Permanent Ferry Fueling Facility

Resolution PA-09-02, Amending
Resolutions PA-04-01 and PA-04-03

- 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 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, and 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, on April 25, 1991, the Commission adopted guidelines (#G-91-05, replaced by #G-92-17 on August 13, 1992) for the Proposition 116 Water-Borne Ferry Program; and
- 1.8 WHEREAS, the Commission has established a Hazardous Waste Identification and Clean-up Policy (#G-91-02) 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 99646) authorizes \$10,000,000 to the City of Vallejo for expenditure on water-borne ferry vessels and terminal improvements; and

- 1.10 WHEREAS, on January 9, 2004, the Commission adopted Resolution PA-04-01 approving the application from the City of Vallejo for \$421,000 for the Ferryboat Purchase project; and
 - 1.11 WHEREAS, on February 26, 2004, the Commission adopted Resolution BFP-03-03 approving the allocation of \$421,000 to the City of Vallejo for the Ferryboat Purchase project, and the project has been completed with a cost savings of \$23,491; and
 - 1.12 WHEREAS, on June 17, 2004, the Commission adopted Resolution PA-04-03 approving the City of Vallejo application for \$581,841 for the Permanent Ferry Fueling Facility project; and
 - 1.13 WHEREAS, also on June 17, 2004, the Commission adopted Resolution BFP-03-05 approving the allocation of \$109,000 of the \$581,841, leaving an unallocated balance of \$472,841 for the Permanent Ferry Fueling Facility project; and
 - 1.14 WHEREAS, in March 2009, the City of Vallejo submitted an amended application requesting that the final approved funding for the completed Ferryboat Purchase project be adjusted from \$421,000 to \$397,509, and the \$23,491 in savings be reprogrammed to the Permanent Ferry Fueling Facility project to increase its approved funding from \$581,841 to \$605,332, and to increase its available unallocated balance from \$472,841 to \$496,332; and
 - 1.15 WHEREAS, the amended application from the City of Vallejo, 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.
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- 2.1 NOW, THEREFORE BE IT RESOLVED, that the Commission hereby approves the amended application from the City of Vallejo, and hereby reduces the final approved funding for the completed Ferryboat Purchase project from \$421,000 to \$397,509, and programs the \$23,491 in cost savings to the Permanent Ferry Fueling Facility project to increase its approved funding from \$581,841 to \$605,332; and
 - 2.2 BE IT FURTHER RESOLVED, that Resolutions PA-04-01 and PA-04-03 are hereby amended.