

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 10-11, 2009

Reference No.: 4.13
Action Item

From: CINDY McKIM
Chief Financial Officer

Prepared by: William D. Bronte
Chief,
Division of Rail

Subject: **HIGHWAY-RAILROAD CROSSING SAFETY ACCOUNT PROGRAM AMENDMENT
RESOLUTION GS1B-P-0809-04, AMENDING RESOLUTIONS GS1B-P-0809-01 AND
GS1B-P-0809-02**

RECOMMENDATION:

The California Department of Transportation (Department) recommends that the California Transportation Commission (Commission) approve the attached Resolution GS1B-P-0809-04 and the amended project list for the Proposition 1B Highway-Railroad Crossing Safety Account (HRCSA) Program. The Department also requests that the Commission approve the baseline agreement for the Peninsula Corridor Joint Powers Board's (PCJPB) San Bruno Grade Separation (Project 45).

ISSUE:

An amendment is needed to the HRCSA program to reflect scope and schedule adjustments for four projects. In addition, before an allocation request can be processed, the baseline agreement for PCJPB's San Bruno Grade Separation project needs to be approved. Commission staff has reviewed the baseline agreement and has found the agreement to be consistent with the Commission's HRCSA program guidelines.

This amendment proposes the following changes to the existing program:

- The Marina Bay project programmed in the Trade Corridor Improvement Fund (TCIF) (Resolution TCIF-P-0809-10) and no longer needs the HRCSA funding. This amendment will remove the Marina Bay project from the HRCSA program. The funds will be returned to the HRCSA program.
- The City of Sacramento is proposing to split the 6th Street Overcrossing & 7th Street Undercrossing project (Project 29) into two sub-projects: 6th Street Overcrossing (Project 29A) and 7th Street Undercrossing (Project 29B). All of the milestones for both subprojects will remain the same. The funding for both sub-projects will be split according to the programming documents.
- Kern County is changing the construction start date for the BNSF Grade Separation at 7th Standard Road/Santa Fe Way (Project 8) project from April 2009 to September 2009 due to uncertainties in bond funding. A baseline agreement amendment will be processed to reflect this change. Furthermore, the change in start date does not affect the eligibility of the project.

- The PCJPB has submitted the baseline agreement for the San Bruno Grade Separation project. The Commission staff has reviewed the baseline agreement and has found the agreement to be consistent with the Commission's HRCSA program guidelines. The baseline agreement needs to be approved prior to any allocation of funds.

All of the above changes do not effect the original scoring of the projects. Commission approval of the amendment and baseline agreement is needed to allow project sponsors to proceed with the project.

BACKGROUND:

On November 7, 2006, the voters approved Proposition 1B. Per its implementing legislation (Senate Bill 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 Public Utilities Commission 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.

On August 28, 2008, the Commission adopted the HRCSA program. The program included 12 high-priority grade separation projects from the PUC list under Part 1 for \$143.933 million, and 11 grade separation and railroad crossing safety improvement projects under Part 2 for \$94.836 million, as amended January 14, 2009 (Resolution GS1B-P-0809-02).

Attachments

**Proposed Changes to
Highway-Railroad Crossing Safety Account (HRCSA) Program**
Program Amendments
(Dollars in Thousands)

Reference No.4.13
June 10-11, 2009
Attachment 1

| ID | Cnty | County | Nominated By | Project Title | PUC Rank | Baseline Enviro Clear | Baseline Const Start | Baseline Total Project Cost | HRCSA Amount Approved |
|----|------|--------|--------------|---------------|----------|-----------------------|----------------------|-----------------------------|-----------------------|
|----|------|--------|--------------|---------------|----------|-----------------------|----------------------|-----------------------------|-----------------------|

Recommended Program for Part 1 - Construction Start by December 2010 and PUC Ranked

| | | | | | | | | | |
|----|-----|---------------|---------------------|--|----|--------|---------------|-------------------|-------------------|
| 8 | KER | Kern | County of Kern | BNSF Grade Separation at 7th Standard Rd/Santa Fe Wa | 89 | May-06 | Apr-09 | \$ 28,853 | \$ 9,926 |
| 8 | KER | Kern | County of Kern | BNSF Grade Separation at 7th Standard Rd/Santa Fe Wa | 89 | May-06 | Sep-09 | \$ 28,853 | \$ 9,926 |
| 44 | SM | San Mateo | PCJPB | San Mateo Bridges Grade Separation | 58 | Aug-09 | Dec-09 | \$ 46,521 | \$ 5,000 |
| 12 | LA | Los Angeles | City of Los Angeles | North Spring Street Grade Separation Reconstruction | 43 | Dec-05 | Jun-10 | \$ 48,764 | \$ 5,001 |
| 11 | LA | Los Angeles | City of Los Angeles | Riverside Drive Grade Separation Replacement | 66 | Dec-05 | Jun-10 | \$ 57,965 | \$ 5,000 |
| 14 | LA | Los Angeles | ACE | Nogales Street Grade Separation | 10 | Jan-09 | Mar-10 | \$ 84,049 | \$ 25,600 |
| 39 | SF | San Francisco | PCJPB | Jerrold Avenue & Quint Street Bridges Grade Separation | 81 | Sep-09 | Jul-10 | \$ 41,619 | \$ 10,000 |
| 18 | MER | Merced | City of Merced | G Street Undercrossing | 74 | Jun-08 | Mar-10 | \$ 18,000 | \$ 9,000 |
| 1 | ALA | Alameda | City of Fremont | Warren Avenue Grade Separation | 97 | Jul-02 | Apr-10 | \$ 51,564 | \$ 9,600 |
| 9 | KER | Kern | County of Kern | Hageman Road/BNSF Railroad Grade Separation | 69 | Aug-08 | Jun-10 | \$ 35,300 | \$ 17,650 |
| 47 | TUL | Tulare | City of Tulare | Bardsley Avenue Grade Separation | 83 | Dec-08 | Jun-10 | \$ 14,486 | \$ 7,156 |
| 43 | SJ | San Joaquin | City of Stockton | Lower Sacramento Road at UPRR Grade Separation | 63 | Jul-07 | Jul-10 | \$ 34,000 | \$ 10,000 |
| | | | | | | | | \$ 461,121 | \$ 113,933 |

New Date

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

| | | | | | | | | | |
|----|-----|-------------|--------------------|--|-----|--------|--------|-------------------|------------------|
| 33 | SD | San Diego | City of San Diego | Park Boulevard at Harbor Drive/Pedestrian Bridge | | Jun-06 | Jun-08 | \$ 27,000 | \$ 6,000 |
| 13 | LA | Los Angeles | SCRRA | Broadway-Brazil Street Grade Crossing Improvements | | May-06 | Nov-09 | \$ 6,500 | \$ 3,000 |
| 29 | SAC | Sacramento | City of Sacramento | 6th Street Overcrossing & 7th Street Undercrossing | | Dec-07 | Nov-09 | \$ 35,814 | \$ 17,968 |
| 29 | SAC | Sacramento | City of Sacramento | 6th Street Overcrossing | | Dec-07 | Nov-09 | \$ 33,545 | \$ 16,824 |
| 29 | SAC | Sacramento | City of Sacramento | 7th Street Undercrossing | | Dec-07 | Nov-09 | \$ 2,269 | \$ 1,144 |
| 2 | ALA | Alameda | City of Fremont | Kato Road Grade Separation | 118 | Apr-09 | Apr-10 | \$ 40,239 | \$ 10,000 |
| 48 | TUL | Tulare | City of Tulare | Cartmill Avenue Grade Separation | 109 | Dec-08 | Jun-10 | \$ 22,760 | \$ 11,293 |
| 46 | TUL | Tulare | County of Tulare | Betty Drive Grade Separation | | May-09 | Jun-10 | \$ 28,075 | \$ 12,175 |
| 40 | SJ | San Joaquin | Port of Stockton | Port of Stockton Expressway | 116 | Nov-09 | Jun-10 | \$ 11,500 | \$ 4,400 |
| 41 | SJ | San Joaquin | City of Stockton | Eight Mile Road/UPRR (East) Grade Separation | 100 | Jul-07 | Jul-10 | \$ 31,000 | \$ 8,500 |
| 42 | SJ | San Joaquin | City of Stockton | Eight Mile Road/UPRR (West) Grade Separation | 106 | Jul-07 | Jul-10 | \$ 25,000 | \$ 8,500 |
| 20 | ORA | Orange | City of Irvine | Sand Canyon Grade Separation | 35 | Sep-03 | Aug-10 | \$ 54,604 | \$ 8,000 |
| | | | | | | | | \$ 282,492 | \$ 89,836 |

Split

Sub-Project 1

Sub-Project 2

Recommend Baseline Approval

| | | | | | | | | | |
|----|----|-----------|-------|----------------------------|---|--------|--------|------------|-----------|
| 45 | SM | San Mateo | PCJPB | San Bruno Grade Separation | 8 | Jan-09 | Dec-10 | \$ 165,000 | \$ 30,000 |
|----|----|-----------|-------|----------------------------|---|--------|--------|------------|-----------|

Approve

Recommend Dropping

| | | | | | | | | | |
|---|--------------|------------------|-----------------------------|--|--|--------|--------|-----------|----------|
| 5 | Contra-Costa | City of Richmond | Marina Bay Grade Separation | | | Jun-09 | Oct-13 | \$ 37,500 | \$ 5,000 |
|---|--------------|------------------|-----------------------------|--|--|--------|--------|-----------|----------|

Delete

| | |
|----------------------|-------------------|
| \$ 908,613 | \$ 233,769 |
| Admin Fees | \$ 5,000 |
| Total Program | \$ 238,769 |

* Construction Start Date has been updated from September 2009 for the Broadway-Brazil Street Grade Crossing Improvements but does not requirement amendment. Updated information to be reflected in quarterly report.

CALIFORNIA TRANSPORTATION COMMISSION
Proposition 1B
Highway-Railroad Crossing Safety Account (HRCSA) Program
Resolution GS1B-P-0809-04,
Amending Resolutions GS1B-P-0809-01 and GS1B-P-0809-02

- 1.1 WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by voters as Proposition 1B on November 7, 2006, includes \$250 million for the Highway-Railroad Crossing Safety Account (HRCSA) Program, available to the Department of Transportation (Department) upon appropriation by the Legislature, as allocated by the California Transportation Commission (Commission), to fund priority grade separation and railroad crossing safety improvements, and
- 1.2 WHEREAS, the HRCSA program (the Program) is subject to the provisions of Government Code Section 8879.63, as enacted through implementing legislation in 2007 (SB 88) designating the Commission as the administrative agency responsible for programming HRCSA and the agency authorized to adopt guidelines for the Program, and
- 1.3 WHEREAS, on April 9, 2008, the Commission adopted the Program guidelines under Resolution GS1B-G-0708-01, that identified the Commission's policy and expectations for the Program, including program development timelines, requirements for project nomination, and criteria for project evaluation and scoring, and
- 1.4 WHEREAS, the 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 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, on August 28, 2008, the Commission adopted the initial list of HRCSA projects under Resolution GS1B-P-0809-01, to program \$244,817,000 for 23 projects, and
- 1.7 WHEREAS, the Program guidelines provide for amendments to the program of projects, and the implementing agency may request and the Commission may approve an amendment of the Program at any time, and

Resolution GS1B-P-0809-04

- 1.8 WHEREAS, on January 14, 2009, the Commission approved an amendment to the Program (Resolution GS1B-P-0809-02) revising the application for the Port of Stockton project to reduce its approved HRCSA amount from \$10,448,000 to \$4,400,00, and amending the Program to \$238,769,000 for 23 projects, and
- 1.9 WHEREAS, on March 12, 2009, the Commission amended the Trade Corridor Improvement Fund (TCIF) (Resolution TCIF-P-0809-10) to program \$18.975 million TCIF funds and add the City of Richmond's Marina Bay Parkway Grade Separation project, and
- 1.10 WHEREAS, Department and Commission staff determined that the Marina Bay project and \$5,000,000 of funding should be deleted from the Program, reducing the Program to \$233,769,000 for 22 projects, and
- 1.11 WHEREAS, Department and Commission staff reviewed the baseline agreements for the City of Sacramento's 6th Street Overcrossing & 7th Street Undercrossing project and request that the project be amended and listed in the Program as two separate sub-projects in accordance with the approved baseline agreements, and
- 1.12 WHEREAS, Department and Commission staff reviewed the request by Kern County to adjust the construction start date for the BNSF Grade Separation at 7th Standard Road/Santa Fe Way (Project 8) project from April 2009 to September 2009 due to uncertainties in bond funding, and determined that the change in start date does not affect the eligibility of the project, and
- 1.13 WHEREAS, Department and Commission staff reviewed the baseline agreement for Peninsula Corridor Joint Powers Board's (PCJPB) San Bruno Grade Separation project and found it to be consistent with the Commission's HRCSA Program Guidelines.
- 2.1 NOW, THEREFORE BE IT RESOLVED, that the Commission does hereby amend the HRCSA Program of Projects to delete the Marina Bay Parkway Grade Separation project from the Program, reducing the approved Program to \$233,769,000 for 22 projects, leaving \$5,000,000 un-programmed and available for future programming, and
- 2.2 BE IT FURTHER RESOLVED, that the Program is amended to split the City of Sacramento's 6th Street Overcrossing & 7th Street Undercrossing project in the two separate sub-projects in accordance with the executed project baseline agreements, and
- 2.3 BE IT FURTHER RESOLVED, that the Program is amended to revise the construction start date for Kern County's BNSF Grade Separation at 7th Standard Road/Santa Fe Way (Project 8) project from April 2009 to September 2009, and
- 2.4 BE IT FURTHER RESOLVED, that the Commission hereby approves the executed PCJPB baseline agreement for the San Bruno Grade Separation project, and
- 2.5 BE IT FURTHER RESOLVED, that the Commission here by amends the HRCSA Program of Projects in accordance with the attached list.

Attachment

Highway-Railroad Crossing Safety Account (HRCSA) Program

Program Amendments
(Dollars in Thousands)

| ID | Cnty | County | Nominated By | Project Title | PUC Rank | Baseline Enviro Clear | Baseline Const Start | Baseline Total Project Cost | HRCSA Amount Approved |
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Recommended Program for Part 2 - Construction Start by December 2010 with 50% or more Non-State Funding

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| | | |
|----------------------|-------------------|-------------------|
| Total | \$ 908,613 | \$ 233,769 |
| Admin Fees | \$ 5,000 | |
| Total Program | \$ 238,769 | |