

Memorandum

To: Chairman and Commissioners

Date: June 25, 2009

From: BIMLA G. RHINEHART
Executive Director

File No:
Book Item 2.1e
Action

Ref: PROPOSITION 116 RAIL PROGRAM APPLICATION AMENDMENT
RESOLUTION PA-09-04, Amending PA-09-01

ISSUE

Should the Commission approve the transfer of applicant status from the OCTA to the cities of Fullerton and Anaheim and approve the transfer of \$1,575,000 of Proposition 116 funds from the Fullerton project to the Anaheim project?

RECOMMENDATION

Staff recommends that the Commission approve the attached resolution to:

- transfer applicant status from the Orange County Transportation Authority (OCTA) to the City of Fullerton for the Fullerton Transportation Center Parking Structure project;
- transfer applicant status from the OCTA to the City of Anaheim for the Anaheim Regional Intermodal Transportation Center (ARTIC) project; and,
- transfer \$1,575,000 of Proposition 116 funds from the Fullerton Transportation Center Parking Structure project to the ARTIC project.

BACKGROUND

In February 2009, the Commission approved an application (PA-09-01) from the OCTA for the remaining \$121,298,778 in Proposition 116 Rail Bond funds out of the \$125,000,000 authorized under PUC Section 99645 by the Clean Air and Transportation Improvement Act of 1990.

The OCTA application requested that the \$121,298,778 in Proposition 116 funds be programmed to five projects included in the Orange County Commuter/Intercity Rail Program: (1) Metrolink Service Track Expansion and Crossing Improvements, (2) Fullerton Transportation Center Parking Structure, (3) Tustin Rail Station, (4) Sand Canyon Grade Separation, and (5) Anaheim Regional Intermodal Transportation Center.

In May 2009, the Commission received an amended application from the OCTA requesting approval of changes to two of the projects in the Orange County Commuter/Intercity Rail Program, the Fullerton Transportation Center Parking Structure, and the ARTIC project.

The OCTA has agreed that the City of Fullerton will be the lead implementing agency for the Fullerton Transportation Center Parking Structure project and that the City of Anaheim will be the lead implementing agency for the ARTIC project and has requested that the Commission approve the transfer of applicant status from the OCTA to Fullerton and Anaheim for the Proposition 116 funds available under PUC Section 99645 for their respective projects.

Both Fullerton and Anaheim have indicated that they will accept the transfer of applicant status, with its attendant rights and obligations, in accordance with the Commission's Proposition 116 Rail Program Guidelines.

In addition, the amended application requested the transfer of \$1,575,000 of Proposition 116 funds from the Fullerton project to the Anaheim project, in accordance with the revised financial plans for the two projects.

Commission staff has reviewed the amended Proposition 116 application as well as subsequent clarifications that appear to meet all basic requirements specified in the Proposition 116 Rail Bond Program, as well as the Commission's policies and guidelines, and staff recommends approval.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Amendment Approval
Orange County Transportation Authority
Proposition 116 Application for the
Orange County Commuter/Intercity Rail Program

Resolution PA-09-04, amending Resolution PA-09-01

- 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 should the project exceed the cost approved by the Commission, the increased cost shall be covered by funds other than Proposition 116; and
- 1.6 WHEREAS, in December 1990 the Commission adopted policy and application guidelines (#G-90-23) for the Proposition 116 rail program; and
- 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, Proposition 116 (PUC Section 99645) authorizes \$125,000,000 to the City of Irvine for construction of a fixed guideway demonstration project; and
- 1.9 WHEREAS, PUC Section 99665(a) requires applicants for grants pursuant to PUC Section 99645, to match on a dollar-for-dollar basis, the amount of the grant from other public or private sources, and to demonstrate to the satisfaction of the Commission, the availability of those other funds; and

- 1.10 WHEREAS, in May 1998, the Commission approved an application (PA-98-09) from the City of Irvine and the Orange County Transportation Authority (OCTA) for \$2,000,000 in Proposition 116 funds for Phase I of the detailed conceptual engineering and environmental certification for the Irvine Urban Rail Guideway Demonstration Project; and
- 1.11 WHEREAS, in March 1999, the Commission approved a supplemental application (PA-99-06) from the City of Irvine and the OCTA for an additional \$2,400,000 in Proposition 116 funds for Phase II of the detailed conceptual engineering and environmental certification leading to the design and implementation of the Irvine Urban Rail Guideway Demonstration Project; and
- 1.12 WHEREAS, in August 2002, the Commission approved an application amendment (PA-02-11) from the City of Irvine and the OCTA to deprogram \$698,778 in cost savings from Phase II of the detailed conceptual engineering and environmental certification for the Irvine Urban Rail Guideway Demonstration Project which had been completed at a cost of \$1,701,222; and
- 1.13 WHEREAS, the City of Irvine decided to not move forward with the guideway demonstration project and requested that the Commission reallocate the remaining \$121,298,778 to the OCTA, pursuant to PUC section 99653, including the transfer of applicant status from Irvine to the OCTA for the Proposition 116 funds available under PUC Section 99645; and
- 1.14 WHEREAS, in accordance with the Commission's Proposition 116 Rail Program Guidelines, the OCTA accepted transfer of applicant status, with its attendant rights and obligations; and
- 1.15 WHEREAS, in February 2009, the Commission approved an OCTA application (PA-09-01) for \$121,298,778 in Proposition 116 funds for five Orange County Commuter/Intercity Rail Program projects: (1) Metrolink Service Track Expansion and Crossing Improvements, (2) Fullerton Transportation Center Parking Structure, (3) Tustin Rail Station, (4) Sand Canyon Grade Separation, and (5) Anaheim Regional Intermodal Transportation Center (ARTIC); and
- 1.16 WHEREAS, in May 2009, the Commission received an amended application from the OCTA requesting changes to the Fullerton Transportation Center Parking Structure and the ARTIC projects, including:
 - o to transfer applicant status from the OCTA to the City of Fullerton for the Fullerton Transportation Center Parking Structure project;
 - o to transfer applicant status from the OCTA to the City of Anaheim for the ARTIC project;
 - o and to transfer \$1,575,000 of Proposition 116 funds from the Fullerton Transportation Center Parking Structure project to the ARTIC project; and
- 1.17 WHEREAS, in accordance with the Commission's Proposition 116 Rail Program Guidelines, the cities of Fullerton and Anaheim both have indicated that they will accept the transfer of applicant status, with its attendant rights and obligations; and
- 1.18 WHEREAS, the amended application from the OCTA, 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 NOW, THEREFORE BE IT RESOLVED, that the Commission hereby approves the amended application from the OCTA, and also approves the transfer of applicant status from the OCTA to the cities of Fullerton and Anaheim; and
- 2.2 BE IT FURTHER RESOLVED, that Resolution PA-09-01 is hereby amended.