

# Memorandum

**To:** Chair and Commissioners

**Date:** November 23, 2009

**From:** BIMLA G. RHINEHART  
Executive Director

**File:** Reference No. 2.1e.(2)  
ACTION

**Ref.:** PROPOSITION 116 RAIL PROGRAM APPLICATION AMENDMENT  
RESOLUTION PA-09-07, Amending RESOLUTION PA-09-04

## Issue

Should the Commission remove \$58.8 million in Proposition 116 funds from the Anaheim Regional Intermodal Transportation Center (ARTIC) project, and transfer the funds as follows: (1) \$29 million to the Metrolink Service Expansion and Grade Crossing Improvements project; (2) \$2.3 million to the Fullerton Transportation Center Parking Structure; (3) \$12.3 million to the Orange County Metrolink Fiber Optics Installation project; and (4) \$15.2 million to the Positive Train Control project?

## Recommendation

Staff recommends that the Commission approve the attached resolution to remove \$58,840,778 in Proposition 116 funds from the ARTIC project; delete the project from the Orange County Commuter/Intercity Rail Program; and transfer the \$58,840,778 as follows:

- o \$29,000,000 to the signal component of the Metrolink Service Expansion and Grade Crossing Improvements project;
- o \$2,325,000 to the Fullerton Transportation Center Parking Structure project;
- o \$12,300,000 to the Orange County Metrolink Fiber Optics Installation project; and,
- o \$15,215,778 to the Positive Train Control project.

Approval of the amendment removes the ARTIC project from the Proposition 116 Orange County Commuter/Intercity Rail Program and revises the program of projects to include the following six projects: (1) Metrolink Service Track Expansion and Grade Crossing Improvements; (2) Fullerton Transportation Parking Structure; (3) Tustin Rail Station Parking Expansion; (4) Sand Canyon Grade Separation; (5) Metrolink Fiber Optics Installation; and (6) Positive Train Control.

## Background

In February 2009, the Commission approved an application (PA-09-01) from the Orange County Transportation Authority (OCTA) for the remaining \$121,298,778 in Proposition 116 Rail Bond funds out of the \$125,000,000 authorized under PUC Section 99645 (added 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 Parking Expansion, (4) Sand Canyon Grade Separation, and (5) Anaheim Regional Intermodal Transportation Center.

In July 2009, the Commission approved an application (PA-09-04) making changes to two of the projects, the Fullerton Transportation Center Parking Structure and the ARTIC project, as follows:

- o transfer applicant status from the OCTA to the City of Fullerton for the Fullerton Transportation Center Parking Structure project;
- o transfer applicant status from the OCTA to the City of Anaheim for the ARTIC project; and,
- o transfer \$1,575,000 of Proposition 116 funds from the Fullerton Transportation Center Parking Structure project to the ARTIC project.

In November 2009, the Commission received an amended application requesting additional changes to the Orange County Proposition 116 programming. As the ARTIC project could not meet the Proposition 116 encumbrance deadline of July 1, 2010, the OCTA requested that the \$58,840,778 programmed to the ARTIC project be removed; that the project be deleted from the Orange County Commuter/Intercity Rail Program; and that the \$58,840,778 in Proposition 116 funds be transferred as follows:

- o \$29,000,000 to the signal component of the Metrolink Service Expansion and Grade Crossing Improvements project;
- o \$2,325,000 to the Fullerton Transportation Center Parking Structure project;
- o \$12,300,000 to the Orange County Metrolink Fiber Optics Installation project; and,
- o \$15,215,778 to the Positive Train Control project.

Including these changes from the amended OCTA application, the \$121,298,778 in Proposition 116 funds available under PUC Section 99645 will be programmed to six projects in the Orange County Commuter/Intercity Rail Program as follows: (1) Metrolink Service Track Expansion and Grade Crossing Improvements - \$49,169,000; (2) Fullerton Transportation Parking Structure - \$15,360,000; (3) Tustin Rail Station Parking Expansion - \$8,250,000; (4) Sand Canyon Grade Separation - \$22,004,000; (5) Metrolink Fiber Optics Installation - \$12,300,000; and (6) Positive Train Control - \$15,215,778.

Commission staff has reviewed the Proposition 116 application as well as subsequent clarifications, and they meet the 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

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

Resolution PA-09-07, amending Resolution PA-09-04

- 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 July 2009, the Commission approved an OCTA application (PA-09-04) making changes to the Fullerton Transportation Center Parking Structure and the ARTIC, 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 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 accepted the transfer of applicant status, with its attendant rights and obligations; and
- 1.18 WHEREAS, in November 2009, the Commission received an amended application from the OCTA requesting that the \$58,840,778 in Proposition 116 funds programmed to the ARTIC project be removed; that the project be deleted from the Orange County Commuter/Intercity Rail Program; and the \$58,840,778 be transferred as follows:
  - a. \$29,000,000 to the signal component of the Metrolink Service Expansion and Grade Crossing Improvements project;
  - b. \$2,325,000 to the Fullerton Transportation Center Parking Structure project;

- c. \$12,300,000 to the Orange County Metrolink Fiber Optics Installation project; and,
- d. \$15,215,778 to the Positive Train Control project.

1.19 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 removing \$58,840,778 in Proposition 116 funds from the ARTIC project; deletes the project and transfers the \$58,840,778 to four other projects in the Orange County Commuter/Intercity Rail Program; and
- 2.2 BE IT FURTHER RESOLVED, that the \$121,298,778 in Proposition 116 funds available under PUC Section 99645 will be programmed in the Orange County Commuter/Intercity Rail Program as follows: (1) Metrolink Service Track Expansion and Grade Crossing Improvements - \$49,169,000; (2) Fullerton Transportation Parking Structure - \$15,360,000; (3) Tustin Rail Station Parking Expansion - \$8,250,000; (4) Sand Canyon Grade Separation - \$22,004,000; (5) Metrolink Fiber Optics Installation - \$12,300,000; and (6) Positive Train Control - \$15,215,778.

2.2 BE IT FURTHER RESOLVED, that Resolution PA-09-04 is hereby amended.