

Memorandum

TAB 24

To: CHAIR AND COMMISSIONERS

Meeting Date: February 24-25, 2010



From: BIMLA G. RHINEHART
Executive Director

File: Reference No. 2.1e.
ACTION

Ref.: **PROPOSITION 116 RAIL PROGRAM APPLICATION AMENDMENT**
RESOLUTION PA-10-02, Amending RESOLUTIONS PA-06-04 and PA-07-01

Issue

Should the Commission remove \$95,500 in savings from the completed Del Mar Bluffs Stabilization Project 2, deprogram \$405,281 from the Del Mar Bluffs Stabilization Project 3 and delete the project from Proposition 116; and reprogram the \$500,781 in Proposition 116 funding to the new Tecolote-Washington Crossovers project?

Recommendation

Staff recommends that the Commission approve the attached resolution to change Proposition 116 programming for three San Diego Association of Governments (SANDAG) rail projects within San Diego County along the Los Angeles-San Diego (LOSSAN) corridor as follows:

- remove \$95,500 in savings from the completed Del Mar Bluffs Stabilization Project 2, and reduce its Proposition 116 programming to \$1,907,500 (\$1,658,696 from PUC Section 99629[a] and \$248,804 from PUC Section 99642);
- deprogram the \$405,281 in Proposition 116 funds (PUC Section 99629[a]) from the Del Mar Bluffs Stabilization Project 3 and delete the project from Proposition 116; and
- reprogram the available \$500,781 in Proposition 116 funding (PUC Section 99629[a]) to the new Tecolote-Washington Crossovers project.

Background

Proposition 116 (PUC Section 99629[a]) authorizes \$45,000,000 to the Los Angeles-San Diego (LOSSAN) Rail Corridor Agency for intercity and commuter rail projects in San Diego County).

Proposition 116 (PUC Section 99642) authorizes \$77,000,000 on a per capita basis to the San Diego Metropolitan Transit Development Board and North San Diego Transit Development Board (NSDCTDB), for rail projects within San Diego County.

On April 26, 1994 the Commission approved a request from the LOSSAN Board of Directors to transfer its applicant status under Proposition 116 (PUC Section 99629[a]) to the NSDCTDB, and the NSDCTDB accepted the transfer of lead applicant status

In February 2002, Chapter 743 (SB 1703) was enacted and created SANDAG from specified existing agencies, including the NSDCTDB.

On June 8, 2006, the Commission adopted Resolution PA-06-04 approving the SANDAG application for \$2,003,000 in Proposition 116 funds (PUC Section 99629[a] and PUC Section 99642) for the Del Mar Bluffs Stabilization Project 2. A concurrent allocation was approved at the same meeting.

The Del Mar Bluffs Stabilization Project 2 has been completed with a cost savings of \$95,500.

On April 26, 2007, the Commission adopted Resolution PA-07-01 approving the SANDAG application for \$405,281 in Proposition 116 funds (PUC Section 99629[a]) for the Del Mar Bluffs Stabilization Project 3. The project was programmed but not allocated.

In January 2010, SANDAG submitted an amended application requesting that the \$95,500 in savings from the completed Del Mar Bluffs Stabilization Project 2 and the \$405,281 from the Del Mar Bluffs Stabilization Project 3, for a total of \$500,781 in Proposition 116 funds combined, be reprogrammed to the new Tecolote-Washington Crossovers project.

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
San Diego Association of Governments (SANDAG)
Tecolote-Washington Crossovers Project

Resolution PA-10-02, amending Resolutions PA-06-04 and PA-07-01

- 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 99629[a]) authorizes \$45,000,000 to the Los Angeles-San Diego (LOSSAN) Rail Corridor Agency for intercity and commuter rail projects in San Diego County; and
- 1.9 WHEREAS, Proposition 116 (PUC Section 99642) authorizes \$77,000,000 on a per capita basis to the San Diego Metropolitan Transit Development Board and North San Diego Transit Development Board (NSDCTDB), which shall be matched on a dollar-for-dollar basis, for rail projects within San Diego County; and

- 1.10 WHEREAS, on April 26, 1994 the Commission approved a request from the LOSSAN Board of Directors to transfer its applicant status under Proposition 116 (PUC Section 99629[a]) to the NSDCTDB, and the NSDCTDB accepted the transfer of lead applicant status; and
- 1.11 WHEREAS, in February 2002, Chapter 743 (SB 1703) was enacted and created a consolidated transportation agency in San Diego (SANDAG) from specified existing agencies, including the San Diego Association of Governments, the Metropolitan Transit Development Board, and the North County Transit Development Board; and
- 1.12 WHEREAS, on June 8, 2006, the Commission adopted Resolution PA-06-04 approving the SANDAG application for \$2,003,000 in Proposition 116 funds (PUC Section 99629[a] and PUC Section 99642) for the Del Mar Bluffs Stabilization Project 2; and
- 1.13 WHEREAS, also on June 8, 2006, the Commission adopted Resolution BFP-05-08 approving the allocation of the \$2,003,000 (\$1,754,196 from PUC Section 99629[a] and \$248,804 from PUC Section 99642) and the project has been completed with a cost savings of \$95,500; and
- 1.14 WHEREAS, on April 26, 2007, the Commission adopted Resolution PA-07-01 approving the SANDAG application for \$405,281 in Proposition 116 funds (PUC Section 99629[a]) for the Del Mar Bluffs Stabilization Project 3; and
- 1.15 WHEREAS, in January 2010, SANDAG submitted an amended application requesting that the \$95,500 in savings from the completed Del Mar Bluffs Stabilization Project 2 and \$405,281 from the Del Mar Bluffs Stabilization Project 3, for a total of \$500,781 in Proposition 116 funds combined, be reprogrammed to the Tecolote-Washington Crossovers project; and
- 1.16 WHEREAS, the amended application from SANDAG, 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 January 2010 application from SANDAG, removing \$95,500 in savings from the completed Del Mar Bluffs Stabilization Project 2, and reducing its programming to \$1,907,500 (\$1,658,696 from PUC Section 99629[a] and \$248,804 from PUC Section 99642); and
- 2.2 BE IT FURTHER RESOLVED, that Commission approval of the January 2010 Proposition 116 amended application from SANDAG also deprograms the \$405,281 from the Del Mar Bluffs Stabilization Project 3 and deletes the project from Proposition 116; and
- 2.3 BE IT FURTHER RESOLVED, that Commission approval of the January 2010 Proposition 116 amended application from SANDAG also reprograms the available \$500,781 in Proposition 116 funding to the Tecolote-Washington Crossovers project; and
- 2.4 BE IT FURTHER RESOLVED, that Resolutions PA-06-04 and PA-07-01 are hereby amended.