

# Memorandum

**To:** CHAIR AND COMMISSIONERS

**Meeting Date:** April 7-8, 2010

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

**File:** Reference No. 2.1d  
ACTION

**Ref.: PROPOSITION 116 RAIL PROGRAM  
PROJECT APPLICATION AMENDMENT  
RESOLUTION PA-10-03, AMENDING RESOLUTION PA-04-02**

## **ISSUE**

The Transportation Agency for Monterey County (TAMC) has completed the environmental report for its Commuter Rail Extension to Monterey County project and its Board has adopted the project as the Locally Preferred Alternative for the Highway 101 transit corridor.

TAMC requests that \$6,247,813 out of the \$7,180,000 in Proposition 116 funds available for this project be programmed and allocated for the right of way phase.

## **RECOMMENDATION**

Staff recommends that the Commission approve the amended application from TAMC to reprogram \$6,247,813 in Proposition 116 Bond funds for right of way acquisition activities.

## **BACKGROUND**

Proposition 116 (PUC Section 99638) authorizes \$17,000,000 to TAMC for either the (a) extension of Caltrain service to Monterey County; or (b) another rail project within Monterey County.

TAMC has programmed \$9,820,000 from the \$17,000,000 in Proposition 116 funds for project development and right of way acquisition for the San Francisco to Monterey Intercity Rail Line. The remaining \$7,180,000 is for its Commuter Rail Extension to Monterey County project.

On April 8, 2004, the Commission approved Resolution PA-04-02, programming \$3,000,000 for the CalTrain Extension to Monterey project. Of the \$3,000,000, \$932,187 was for project development activities, of which \$352,187 was used as match for federal New Starts to complete the alternatives analysis and conceptual design, and the remaining \$580,000 will be used for PS&E.

The other \$2,067,813 was programmed for construction but not allocated. TAMC has determined that reprogramming this amount, along with the \$4,180,000 that is not programmed, to the right of way phase, is a more efficient use of \$6,247,813 out of the \$7,180,000 in Proposition 116 funds for this project and will fully fund the right of way component.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Approval Amendment  
Transportation Agency for Monterey County  
Commuter Rail Extension to Monterey County

Resolution PA-10-03  
Amending Resolution PA-04-02

- 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 the 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 99638) authorizes \$17,000,000 to the Transportation Agency of Monterey County for the following: (a) extension of Caltrain service; or (b) other rail project within Monterey County; and
- 1.9 WHEREAS, on September 22, 1998, the Commission approved PA-98-19, programming \$450,000 for PA&ED on the Monterey Branch Line project; and

Resolution PA-10-03, Amending  
Resolution PA-04-02

- 1.10 WHEREAS, on October 20, 1998, pursuant to authority delegated by the Commission, the Department approved Resolution G25-95-05 approving the allocation of the \$450,000 for PA&ED on the Monterey Branch Line project; and
  - 1.11 WHEREAS, on August 14, 2003, the Commission approved PA-03-06 to program, and also approved BFP-03-02 to allocate, \$9,370,000 for right of way acquisition on the Monterey Branch Line project; and
  - 1.12 WHEREAS, on April 8, 2004, the Commission approved PA-04-02, programming \$3,000,000 for the Caltrain Extension to Monterey project; and
  - 1.13 WHEREAS, also on April 8, 2004, the Commission approved BFP-03-04 approving a partial allocation of \$932,187 out of the \$3,000,000 for preliminary activities on the Caltrain Extension to Monterey project; and
  - 1.14 WHEREAS, in March 2010, TAMC submitted an amended application requesting that the other \$2,067,813 programmed under PA-04-02, along with the \$4,180,000 that is not programmed, be reprogrammed to the right of way phase, as a more efficient use of \$6,247,813 remaining from the \$7,180,000 in Proposition 116 funds available for this project, to fully fund the right of way on the Commuter Rail Extension to Monterey County project; and
  - 1.15 WHEREAS, the amended application from TAMC, 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 BE IT THEREFORE RESOLVED, that the Commission hereby approves the amended application from the Transportation Agency of Monterey County; and
  - 2.2 BE IT FURTHER RESOLVED, that the Commission hereby acknowledges that a concurrent request will be submitted to allocate the \$6,247,813 in Proposition 116 funds for right of way acquisition on the Commuter Rail Extension to Monterey County project; and
  - 2.3 BE IT FURTHER RESOLVED, that Resolution PA-04-02 is hereby amended.