

Memorandum

To: CHAIR AND COMMISSIONERS

Date: September 7, 2010

From: BIMLA G. RHINEHART
Executive Director

File No: Reference 4.7
ACTION

Ref: Adoption of the Proposition 1B Highway-Railroad Crossing Safety Account 2010 Program

ISSUE

Should the Commission adopt the proposed Proposition 1B Highway-Railroad Crossing Safety Account 2010 Program?

RECOMMENDATION

Commission staff recommends that the Commission adopt the proposed Proposition 1B Highway-Railroad Crossing Safety Account 2010 Program as attached to this memorandum (Schedule 1).

BACKGROUND

On November 7, 2006, the voters approved Proposition 1B. Proposition 1B provides \$250 million to fund the HRCSA for two sub-programs – \$150 million for highway-railroad grade separations derived from the California Public Utilities Commission's Section 190 grade separation priority list and \$100 million for non-Section 190 high-priority grade crossing improvements.

Specifically, Proposition 1B authorized the \$250 million for the HRCSA in two parts:

- (1) Part 1. Proposition 1B provided that \$150 million from the HRCSA shall be made available for allocation to 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, with two exceptions: (1) a dollar for dollar match of non-state funds shall be provided for each project, and (2) the \$5 million maximum in Section 2454 shall not apply to HRCSA funds.
- (2) Part 2. Proposition 1B provided that the other \$100 million from the HRCSA shall be made available to high-priority railroad crossing improvements,

including grade separation projects, that are not part of the process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code. These may include projects at any of the following:

- (a) Crossings where freight and passenger rail share the affected rail line.
- (b) Crossings with a high incidence of motor vehicle-rail or pedestrian-rail collisions.
- (c) Crossings with a high potential for savings in rail and roadway traffic delay.
- (d) Crossings where an improvement will result in quantifiable emission benefits.
- (e) Crossings where the flow of rail freight to or from a port facility will be improved.

Funds programmed in the initial HRCSA program that were not allocated by the Commission by June 30, 2010, as required under the HRCSA Guidelines, are eligible for programming in the 2010 HRCSA program. As of July 1, 2010, \$59.3 million is available for reprogramming in Part 1 and \$33.1 million in Part 2.

The HRCSA Guidelines directed agencies to nominate projects by July 1, 2010 for the 2010 Program. In order to be eligible for consideration for programming, nominations were required to meet the requirements as detailed in the HRCSA Guidelines. Commission staff reviewed the nominations in accordance with the HRCSA Guidelines and nominations were considered for funding from either part of the program, as appropriate. The principal differences between the two parts of the HRCSA program are:

- PUC priority list. Projects to be funded from Part 1 must be on the priority list established by the PUC pursuant to Section 2452 of the Streets and Highways Code. Projects to be funded under Part 2 may be, but need not be, on the PUC priority list.
- Match. Projects to be funded from Part 1 require at least a one-to-one match of local, federal or private funds. In accordance with subdivision (d) of Section 2454 of the Streets and Highways Code, no allocation shall be made unless the railroad agrees to contribute 10 percent of the cost of the project. Projects to be funded from Part 2 do not require any specific match or railroad contribution.
- Program Year. Because the PUC priority list to be adopted by July 1, 2010, will be valid only for the 2010-11 and 2011-12 fiscal years, the Commission will initially program Part 1 funding only for projects that are expected to be ready for a project construction allocation by June 2012. The Commission anticipates that it will allocate all of the remaining funds for Part 1 by June 2012. If it has not allocated all available Part 1 funding by that time, the

Commission will update the HRCSA program of projects to reflect the PUC priority list to be adopted by July 1, 2012.

For Part 2, the 2010 program of projects may include projects scheduled for construction at any time through June 2012.

Based on this review and the available programming capacity as documented in Schedule 2, Commission staff recommends that the Commission adopt the Proposition 1B Highway-Railroad Crossing Safety Account 2010 Program as proposed in Schedule 1 attached to this memorandum.

CALIFORNIA TRANSPORTATION COMMISSION
Adoption of Proposition 1B
Highway-Railroad Crossing Safety Account (HRCSA) Program

RESOLUTION GS1B-P-1011-01

- 1.1 WHEREAS the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 was approved by voters as Proposition 1B on November 7, 2006, includes \$250 million for the Highway-Railroad Crossing Safety Account (HRCSA) Program to fund the completion of high-priority grade separation and railroad crossing safety improvements, and
- 1.2 WHEREAS the Bond Act provides that HRCSA funds are available, upon appropriation by the Legislature, to the Department of Transportation (Department), as allocated by the California Transportation Commission (Commission), and
- 1.3 WHEREAS the HRCSA 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
- 1.4 WHEREAS the HRCSA 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
- 1.5 WHEREAS the Commission, at its April 9, 2008 meeting, adopted the HRCSA Guidelines (Resolution GS1B-G-0708-01) and at its August 27, 2008 meeting adopted the initial HRCSA Program of Projects, and
- 1.6 WHEREAS in accordance with the HRCSA Guidelines, all funds programmed in the initial HRCSA Program that were not allocated by June 30, 2010 were eligible to be reprogrammed into the 2010 HRCSA Program, and
- 1.7 WHEREAS the Commission, at its May 19, 2010 meeting, updated the HRCSA Guidelines (Resolution GS1B-G-0910-01) to establish the schedule for the for the 2010 programming process and to instruct agencies to submit nominations to Bimla G. Rhinehart, Executive Director of the California Transportation Commission by July 1, 2010, and
- 1.8 WHEREAS all other provisions of the HRCSA Guidelines adopted by the Commission on April 9, 2008 remain in effect, and

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- 1.9 WHEREAS for the 2010 HRCSA Program, \$59.3 million is available for reprogramming in Part 1 and \$33.1 million is available for reprogramming in Part 2, and
- 1.10 WHEREAS the Commission received 12 project nominations requesting \$88.1 million in HRCSA funds by the deadline of July 1, 2010, and
- 1.11 WHEREAS Commission staff has reviewed and evaluated the project nominations consistent with the criteria set forth in the adopted HRCSA Guidelines, and
- 1.12 WHEREAS the Commission held a public hearing on August 11, 2010, receiving comments and testimony on nominated projects, and
- 1.13 WHEREAS Commission staff released its recommendations on August 26, 2010 to program \$47.4 million for four projects in Part 1 and \$25.8 million for six projects in Part 2,
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission adopts the attached list of projects as the Adopted Highway-Railroad Crossing Safety Account (HRCSA) 2010 Program, and
- 2.2 BE IT FURTHER RESOLVED that a project's approved HRCSA funding is to be considered a "not to exceed amount" and that any increase in project cost is the responsibility of the nominating agency, and
- 2.3 BE IT FURTHER RESOLVED that the Commission, in anticipation that a new PUC priority list is to be adopted July 1, 2012, will review the programming and delivery status of all HRCSA projects in the Spring 2012, and that funds not allocated by June 30, 2012 will be eligible for reprogramming in a 2012 HRCSA Program, and
- 2.4 BE IT FURTHER RESOLVED that the Commission expects the Department of Transportation and nominating agencies to execute project baseline agreements that set forth the project scope, measurable expected performance benefits, delivery schedule, and estimated costs and funding plan. The baseline agreements shall be signed by the Director of the Department of Transportation and nominating agency executive directors, and
- 2.5 BE IT FURTHER RESOLVED that the Commission requires that baseline agreements include quantification of expected benefits related to the effectiveness of the proposed project and the degree in which the project reduces corridor or air basin emissions, and that these benefits be updated at the time the HRCSA allocation is requested, and
- 2.6 BE IT FURTHER RESOLVED that the Commission expects the nominating agency to provide a local board resolution that commits the funding identified in the project baseline agreement and funding plan, and
- 2.7 BE IT FURTHER RESOLVED that the Commission may delete a project from the adopted HRCSA program for which a baseline agreement is not executed within 90 days of program adoption, and the Commission will not consider approval of project allocations prior to the execution of the baseline agreement, and

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- 2.8 BE IT FURTHER RESOLVED that the Commission expects the Department of Transportation will ensure that allocation requests for either Part 1 or Part 2 HRCSA funding conform with and contain all elements required in a Section 190 allocation request including, but not limited to, a PUC order to construct, railroad agreement, certification of environmental clearance, General plan of the project, including profiles and typical sections, and
- 2.9 BE IT FURTHER RESOLVED that the Commission requires the implementing agencies and the Department of Transportation to meet the requirements of Government Code Section 8879.23(j)(1), as added by Proposition 1B, and to Government Code Section 8879.50, as enacted through implementing legislation in 2007 (Senate Bill 88 and Assembly Bill 193), and
- 2.10 BE IT FURTHER RESOLVED that the Commission requires the implementing agencies and the Department of Transportation to adhere to the California Transportation Commission's HRCSA Guidelines and Accountability Implementation Plan.

Attachment

Schedule 1
Highway-Railroad Crossing Safety Account
2010 Program Recommendations
(Dollars in Thousands)

Recommended for Programming Part 1								
Cnty	Nominated By	Project Title	PUC Rank	Enviro. Clearance	Const. Start	Total Project Cost	HRCSA Request	HRCSA Recommended
TUL	City of Tulare	Bardsley Avenue Grade Separation	65	Dec-08	Dec-10	16,935	7,156	7,156
LA	ACE	Nogales Street Grade Separation	6	Sep-09	Oct-11	89,049	25,600	25,600
ALA	City of Fremont	Warren Avenue Grade Separation	44	Jul-02	Nov-11	57,168	9,600	9,600
LA	City of Los Angeles	North Spring Street Grade Separation Reconstruction	33	Jun-11	Jun-12	48,766	5,001	5,001
Total Recommended for Programming						211,918	47,357	47,357

Recommended for Programming Part 2								
Cnty	Nominated By	Project Title	PUC Rank	Enviro. Clearance	Const. Start	Total Project Cost	HRCSA Request	HRCSA Recommended
SAC	City of Sacramento	6th Street Overcrossing		Dec-07	Apr-11	16,102	8,051	7,865
ALA	City of Fremont	Kato Road Grade Separation	90	Apr-09	May-11	52,265	10,000	10,000
LA	SCRRA	Broadway-Brazil Street Grade Crossing Improvements		May-06	Jul-11	8,900	4,005	3,000
ORA	OCTA	Dana Point & San Clemente Crossings Safety Enhancements		Mar-11	Nov-11	4,200	2,100	2,100
ORA	OCTA	San Clemente Beach Trail Crossings Safety Enhancements		Jun-11	Nov-11	4,500	2,250	2,250
ORA	OCTA	North Beach Crossing Safety Enhancements		Jun-11	Jun-12	1,200	600	600
Total Recommended for Programming						87,167	27,006	25,815

Not Recommended for Programming								
Cnty	Nominated By	Project Title	PUC Rank	Enviro. Clearance	Const. Start	Total Project Cost	HRCSA Request	Notes
ORA	OCTA	Kraemer Blvd & Placentia Avenue Track Improvements		Jan-10	Feb-11	78,229	6,875	Programmed/TCIF
ORA	OCTA	Raymond Avenue & State College Blvd Track Improvements	9	Nov-09	Sep-12	76,768	6,875	Programmed/TCIF

Schedule 2
Highway-Railroad Crossing Safety Account
Funding Available for Programming
2010 Program
(Dollars in Thousands)

Dst	Cnty	Applicant	Project Name	PUC Rank	Total Project	HRCSA Prgrmd
PART 1						
6	KER	County of Kern	BNSF GS at 7th Stndrd Rd/Santa Fe Way	89	\$ 28,853	\$ 9,926
4	SM	PCJPB	San Mateo Bridges GS	58	\$ 13,440	\$ 1,445
7	LA	City of Los Angeles	Riverside Drive GS Replacement	66	\$ 57,865	\$ 5,000
4	SF	PCJPB	Jerrold Avenue & Quint St Bridges GS	81	\$ 19,630	\$ 4,674
10	MER	City of Merced	G Street Undercrossing	74	\$ 18,000	\$ 9,000
6	KER	County of Kern	Hageman Road/BNSF Railroad	69	\$ 35,300	\$ 17,650
4	SM	PCJPB	San Bruno GS	8	\$ 165,000	\$ 30,000
10	SJ	City of Stockton	Lower Sacramento Rd at UPRR GS	63	\$ 34,000	\$ 10,000
			Total Part 1 Allocated		\$ 372,088	\$ 87,695
			Part 1 Program Funding			\$ 150,000
			Remainig Balance before Admin Fees			\$ 62,305
	0.02	150000	2% Admin Fees-Bond Issuance Cost			\$ 3,000
			Part 1 Program Funding Available for 2010 Programming			\$ 59,305
PART 2						
11	SD	City of San Diego	Park Blvd at Harbor Dr./Pedestrian Bridge		\$ 27,000	\$ 6,000
3	SAC	City of Sacramento	6th St Overcrossing - Bridgework		\$ 11,974	\$ 5,987
6	TUL	City of Tulare	Cartmill Avenue GS	109	\$ 26,808	\$ 11,293
6	TUL	County of Tulare	Betty Drive GS		\$ 28,075	\$ 12,175
10	SJ	Port of Stockton	Port of Stockton Expressway	116	\$ 11,500	\$ 4,400
10	SJ	City of Stockton	Eight Mile Road/UPRR (East) GS	100	\$ 31,000	\$ 8,500
10	SJ	City of Stockton	Eight Mile Road/UPRR (West) GS	106	\$ 25,000	\$ 8,500
12	ORA	City of Irvine	Sand Canyon GS	35	\$ 54,604	\$ 8,000
			Total Part 2 Allocated		\$ 215,961	\$ 64,855
			Part 2 Program Funding			\$ 100,000
			Remainig Balance before Admin Fees			\$ 35,145
	0.02	100000	2% Admin Fees-Bond Issuance Cost			\$ 2,000
			Part 2 Program Funding Available for 2010 Programming			\$ 33,145
			Total HRCSA Program Funding Available for 2010 Programming			\$ 92,450