State of California
Business, Transportation and Housing Agency
Department of Transportation

MASS TRANS FINANCIAL MATTERS
Local P116 Rail Program Allocations
Resolution: BFP-99-12

CTC Meeting: March 29-30, 2000

Agenda Item: 2.6b.(1)

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PASSED BY
CTC
MAR 30 2000
CALIFORNIA
TRANSPORTATION COMMISSION

W. J. EVANS, Deputy Director
Finance
March 1, 2000

FINANCIAL ALLOCATION
LOCAL PROPOSITION 116 RAIL PROGRAM PROJECT

RESOLUTION BFP-99-12

RECOMMENDATION
The Department of Transportation recommends the California Transportation Commission approves the following resolution, allocating a total of $215,124 to one (1) project on the attached Vote List funded from Local Proposition 116 Rail Bond funds.

FINANCIAL RESOLUTION
Resolved That:

1.1 WHEREAS, the California Transportation Commission (Commission) has adopted an annual program for mass transportation capital purposes, and the electorate enacted both Proposition 108, the Passenger Rail and Clean Air Bond Act of 1990, and Proposition 116, the Clean Air and Transportation Improvement Bond Act of 1990 in the June, 1990, election authorizing the sale of general obligation rail bonds for rail transit purposes; and

1.2 WHEREAS, the Project(s), further detailed in the attached Vote List, as component phases or in its entirety, appears on the necessary State capital projects funding list and is entitled to participate in this allocation; and

1.3 WHEREAS, the Recipient(s) is committed to providing any required local matching funds and to fully fund implementation of the Project(s) in compliance with grant or bond funding requirements or, if Recipient(s) meets that criteria, in compliance with the conditions of Commission Resolution G-92-14, "Guidelines for the Deferral of the Commission's Proportional Expenditure of State Funds Policy"; and

1.4 WHEREAS, the Commission has established a "Hazardous Waste Identification and Clean-up Policy" (#G-91-2) which requires the Recipient(s) to perform, with diligence, the process of identification and remediation of any hazardous waste in the right-of-way, easements and properties.

2.1 NOW THEREFORE BE IT RESOLVED, that an allocation of $215,124 in PROPOSITION 116 CLEAN AIR AND TRANSPORTATION IMPROVEMENT BOND proceeds be allocated to the Recipient(s) for the Project(s), as detailed in the attached Vote List; and

2.2 BE IT FURTHER RESOLVED, that the transfer of funds for the Project(s) shall be governed by a fund transfer agreement, and subsequent amendments to the same if required, executed between the Recipient(s) and the Department of Transportation (Department); and

2.3 BE IT FURTHER RESOLVED, that the Recipient(s) shall provide the Department with an updated expenditure plan on a quarterly basis by category including any proposed changes for the balance of all funded Project allocations commencing with the first quarter; and

2.4 BE IT FURTHER RESOLVED, that in any instance of rail bond financing of the project(s), the Commission, acting on behalf of the State, by this Resolution intends:

A. To cause and approve the issuance of taxable or tax-exempt State general obligation bonds under Proposition 116, as appropriate: to reimburse the Recipient(s) for the Project(s) identified in the attached Vote List;

B. To reimburse the Recipient(s) for expenditures that shall not have been paid from the proceeds of any other tax-exempt indebtedness unless such prior indebtedness is retired with the proceeds of such State monies;

C. That this Resolution be a declaration of official intent of the State within the meaning of U.S. Treasury Regulations Section 1.103-17(c) with respect to the Project(s); and

2.5 BE IT FURTHER RESOLVED, that in any instance of rail bond financing, an allocation for the Project(s) is subject to the following conditions and assurances:

A. Completed bond sales authorized by the Office of the State Treasurer;

B. Receive bond certification from the Department, preferably prior to the Commission's allocation action but, certification must be obtained prior to execution of the fund transfer agreement;

C. The Recipient's certification that it will not adopt new or increased current development taxes, fees, exactions or permit fees for the purpose of providing local matching funds; and the certification of this delivered to this Commission, preferably by the time of Commission allocation action but not later than prior to execution of a fund transfer agreement,

D. A formal resolution by the Recipient's Board stating that when utilizing State funding for acquisition of property or for capital improvements on the Project(s), Recipient(s) has exercised all due diligence in the discovery of hazardous wastes; that Recipient(s) will enter into enforceable agreement(s) with any and all owners of to-be-acquired properties for clean-up of hazardous wastes pursuant to the requirements of Resolution G-91-2 regarding Hazardous Waste Identification and Clean-up for Rail Right-of-Way; delivered to this Commission,

E. A formal resolution by the Recipient's Board, stating that when utilizing state-provided and other-than-state funding for acquisition of property or for capital improvements on the Project(s), Recipient(s) shall agree to indemnify, defend and hold harmless the State, Department and the Commission from clean-up liability or damage, both present and future; and that no additional State funds will be requested for clean-up, damages, or liability associated with hazardous wastes on or below the acquired property, delivered to this Commission;

F. That in any instance of rail bond financing with Proposition 116 funds, eligible costs may be incurred for project development after the project application approval, and all reimbursements of eligible costs are subject to an executed fund transfer agreement;

G. The Recipient(s) shall provide the Commission with an "Evaluation of Property Report" by the time of the Commission allocation action, in compliance with Commission Policy G-95-09, Rail Right-of-Way Review Policy, to be verified by the Department or its Agent;

H. The Recipient(s) shall post on the Project construction site(s) at least one sign, visible to the public, stating that the Project(s) is partially funded with Proposition 116 Clean Air and Transportation Improvement Bond Act of 1990 proceeds;

2.6 BE IT FURTHER RESOLVED, that this Commission shall be entitled to a then present value refund, or credit, at State's option, equivalent to the proportionate funding participation by the State towards property acquisition and project construction in the event that Recipient(s), or successor public entities, fail or cease to utilize the Project(s) for the intended public passenger rail purposes or sells or transfers title to the Project(s). The credit for future purchases or condemnation of all or portions of the Project(s) by the State, and the refund or credit due the Commission in each instance, will be measured by the ratio of State and other public funding to that provided from Recipient(s). That ratio will be applied to the then fair market value of the Project property; and

2.7 BE IT FURTHER RESOLVED, that if the Recipient(s) receives any revenues or profits from any non-governmental use of property allowed pursuant to bond certification (whether approved at this time or hereafter approved by the State), the Recipient(s) agrees that such revenues or profits shall be used exclusively for the public transportation services for which the project(s) was initially approved, either for capital improvements or maintenance and operational costs. If the Recipient(s) does not so dedicate the revenues or profits, a proportionate share shall (unless disapproved by State's Bond Counsel) be paid to the State equivalent to the State's percentage participation in the Project(s).

2.8 BE IT FURTHER RESOLVED, that an allocation for the Project(s) is subject to the following conditions and assurances:

A. Reimbursements of eligible costs are subject to the terms and conditions of the executed fund transfer agreement;

B. The Recipient(s) shall provide the Department with notification of contract award within twelve (12) months from the date of this allocation, and must complete the work to be reimbursed and the actual reimbursement within thirty-six (36) months from award of said contract, unless the Commission authorizes a waiver that extends, if permitted by statute, the period of availability of the funds.

Attachment

2.6 Mass Transportation Financial Matters

Project # / Allocation Amount / Recipient / RTPA/CTC / District-County / Legislative District	Project Title / Project Description / Funding Summary	EA / Dist-PPNO / Program / Year / PA#: / PUC Code / Prgm'd Amt	Fund Program Code	Allocation Amount
2.6b(1) Local Proposition 116 Rail Program Project				**Resolution BFP-99-12**
1 $215,124 North San Diego Transit Development Board SANDAG 11-San Diego Senate: 39 Assembly: 76	**Sorrento to Miramar Double Track and Curve Realignment** **Oceanside – San Diego Commuter Rail Corridor** Realign curves and construct a second track. (Concurrent PA Amendment under Item 2.1e.(2).)	R6906B 11-8201 P116I/99-00 PA-00-07 99629(a) $215,124	P116 30.20.020.000	$215,124 $215,124

FUNDING	PRIOR	CURRENT	FUTURE	TOTAL
State	$1,508,100	$215,124	$29,994,376	$31,717,600
Local	0	0	0	0
TOTAL	$1,508,100	$215,124	$29,994,376	$31,717,600