

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Approval Amendment
North San Diego County Transit Development Board
Proposition 116 Application for the
Oceanside-San Diego Commuter Rail Project

Resolution PA-00-07

Amending PA-96-20

- 1.1 WHEREAS, in June 1990 the voters approved Proposition 116, the Clean Air and Transportation Improvement Act, 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
- 1.6 WHEREAS, the financial plans include a back-up funding plan, should the project exceed the cost approved by the Commission the increased cost shall be covered by funds other than Proposition 116; 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, in December 1990 the Commission adopted policy and application guidelines (#G-90-23) for the Proposition 116 rail program; and
- 1.9 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

- 1.10 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 County Transit Development Board (NSDCTDB), which shall be matched on a dollar-for-dollar basis, for rail projects within San Diego County; and
- 1.11 WHEREAS, the Commission's adopted Proposition 116 Rail Program Guidelines (#G-90-23) provide that "subject to its approval," the Commission may allow any public agency identified in Proposition 116 as an eligible applicant to transfer its applicant status to another eligible public agency that accepts the rights and responsibilities to implement and deliver the project (PUC Section 99654); and
- 1.12 WHEREAS, the Commission received Resolution #94-01 from the LOSSAN Board of Directors which transfers its lead applicant status under Proposition 116 (PUC Section 99629[a]) to the NSDCTDB for purposes of implementing the Oceanside to San Diego Commuter Rail project; and
- 1.13 WHEREAS, the Commission received Resolution #93-11 from the NSDCTDB which accepts the transfer of lead applicant status from the LOSSAN Rail Corridor Agency and the attendant rights and responsibilities to implement the Oceanside to San Diego Commuter Rail project; and
- 1.14 WHEREAS, in March 1994, the NSDCTDB submitted a Proposition 116 application requesting a total of \$24,456,000 which includes \$24,206,000 and \$250,000 from PUC Sections 99629 [a] and 99642, respectively, for preliminary engineering and design (\$1,200,000), track improvements (\$17,256,000), and station construction (\$6,000,000) for the Oceanside to San Diego Commuter Rail service; and
- 1.15 WHEREAS, the March 1994 application, including all supplemental information, was reviewed by Commission staff, and appeared to meet all the basic requirements as specified in Proposition 116 and the Commission's policies and guidelines; and
- 1.16 WHEREAS, on April 26, 1994, the Commission approved the transfer of lead applicant status from the LOSSAN Rail Corridor Agency to the NSDCTDB for the Proposition 116 application for development of the Oceanside to San Diego Commuter rail project; and
- 1.17 WHEREAS, on April 26, 1994, the Commission approved the NSDCTDB project application (#PA-94-09) for the Oceanside to San Diego Commuter Rail project, and on June 1, 1994, approved a technical amendment to #PA-94-09 which approved \$24,456,000 (\$24,206,000 from PUC Section 99629[a] and \$250,000 from PUC Section 99642) for said project; and
- 1.18 WHEREAS, in May 1996, the NSDCTDB submitted an amended Proposition 116 application, with no change to the \$24,456,000 in Proposition 116 funds previously approved, which would allow the Proposition 116 funds to be used for project scope of work activities in addition to those originally approved in #PA-94-09; and
- 1.19 WHEREAS, the NSDCTDB has determined that the Elvira Curve Straightening element of the Oceanside to San Diego Commuter Rail Project is no longer feasible at this time and has postponed this project until an alternative analysis is completed using non-state funds; and
- 1.20 WHEREAS, in February 2000, the NSDCTDB submitted an amended Proposition 116 application deleting the Elvira Curve Straightening element (\$1,400,000) from the previously approved application; and
- 1.21 WHEREAS, NSDCTDB requested in the February 2000 amended application, that the Proposition 116 funds from the deleted Elvira Curve Straightening element be distributed to

two other project elements on the Oceanside to San Diego Commuter Rail Project that have had cost increases, as follows:

- \$520,000 - False Bay Passing Track (total project element cost \$5,720,000);
- \$880,000 - Sorrento to Miramar Second Main Track (total project element cost \$31,717,600); and

1.22 WHEREAS, the Commission received clarification and supplemental information from the NSDCTDB on its February 2000 amended Proposition 116 application, which indicated that appropriate planning has occurred in the development of this project; and

1.23 WHEREAS, the February 2000 amended application, including all supplemental information, was reviewed by Commission staff, and appears to meet all the basic requirements as specified in Proposition 116 and the Commission's policies and guidelines; and

1.24 WHEREAS, the February 2000 amended application has no change to the original amount of \$24,456,000 (\$24,206,000 from PUC Section 99629[a] and \$250,000 from PUC Section 99642) in Proposition 116 funds previously approved.

2.1 BE IT THEREFORE RESOLVED, that the Commission hereby approves the Proposition 116 amended application from the NSDCTDB for the Oceanside to San Diego Commuter Rail Project, as follows:

- Delete the Elvira Curve Straightening element from the overall scope (-\$1,400,000);
- Increase the False Bay Passing Track element by \$520,000 for a total project element cost of \$5,720,000;
- Increase the Sorrento to Miramar element by \$880,000 for a total project element cost of \$31,717,600;

for a total overall project cost of \$187,990,393; and

2.2 BE IT FURTHER RESOLVED, that a Proposition 116 project approval by the Commission reserves the State funding within the Program, and allows project development work to be undertaken by the applicant agency, which will be subject to state reimbursement pursuant to the Commission's "Guidelines for Allocating, Monitoring, and Auditing Funds for Local Assistance Projects" and subsequent fund transfer agreement.