

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

MASS TRANS FINANCIAL MATTERS  
TCR Application Approval Amendments  
Resolutions: TAA-01-01, TFP-00-02

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CTC Meeting: February 21-22, 2001

Agenda Item: 2.1c.(2)

*Original Signed by*  
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W. J. EVANS, Deputy Director  
Finance  
February 9, 2001

**APPLICATION APPROVAL AMENDMENT FOR  
TRAFFIC CONGESTION RELIEF (TCR) PROGRAM PROJECT**

**RESOLUTION TAA-01-01,  
Amending Resolutions TA-00-01 and TFP-00-02**

**RECOMMENDATION**

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve the following resolution, amending Resolutions TA-00-01 and TFP-00-02, revising the condition stipulated as part of the application/allocation approval process for \$100,000 for Project #32.5, Environmental Remediation Projects, for the North Coast Railroad Authority (NCRA).

**BACKGROUND**

On September 28, 2000, the Commission approved Resolutions TA-00-01 (application) and TFP-00-02 (allocation), authorizing \$100,000 to the NCRA for Project #32.5 (Environmental Remediation). Funding was provided to hire a consultant for the completion of a study and analysis of steps necessary to ensure NCRA's compliance with the Environmental Consent Decree (ECD) between the NCRA and various State environmental agencies. The consultant will produce a scope of work for this project. Before additional funds can be allocated, the Commission stipulated that the NCRA obtain concurrence from the Compliance Monitor (appointed by the Department of Fish and Game) that the final scope of work is in compliance with the ECD. The State Attorney General's (SAG) Office has notified the Department that the Compliance Monitor is not the appropriate person to represent all of the state agencies that are parties to the ECD. The SAG, representing the state agencies, requests an application approval amendment to clarify the roles and responsibilities of SAG, the state agencies parties to the ECD, and NCRA in order to ensure implementation of the Environmental Consent Decree.

**CALIFORNIA TRANSPORTATION COMMISSION**  
**Application Approval Amendment for**  
**Traffic Congestion Relief Program Project**

**RESOLUTION TAA-01-01,**  
**Amending Resolutions TA-00-01 and TFP-00-02**

- 1.1 WHEREAS the Traffic Congestion Relief Act of 2000 (herein after referred to as “statute”), which was established by Chapters 91 (AB 2928) and 656 (SB 1662) of the Statutes of 2000, establishes the Traffic Congestion Relief Program, providing \$5.39 billion for projects throughout the State of California to reduce traffic congestion, provide for safe and efficient movement of goods, and provide system connectivity; and
- 1.2 WHEREAS the statute and guidelines require applicants to specify full and complete project applications, including scope, cost and schedule, financial plans and funding sources; and
- 1.3 WHEREAS on September 28, 2000, the Commission approved Resolution TA-00-01 authorizing \$100,000 for the NCRA for Project #32.5, Environmental Remediation Projects; and
- 1.4 WHEREAS \$100,000 was previously approved for the purposes of hiring a consultant to complete a study and analysis of the Environmental Consent Decree (ECD) to determine those remaining actions needed to be completed and which would result in the defined scope of work necessary to be in compliance with the ECD; and
- 1.5 WHEREAS as part of the application approval process the Commission stipulated the following condition:
  - Before additional funds are allocated, concurrence that the final scope of work is in compliance with the Environmental Consent Decree (ECD) and agreed to by the Compliance Monitor appointed by the Department of Fish and Game through the Consent Decree; and
- 1.6 WHEREAS the State Attorney General (SAG), on behalf of the state agencies party to the ECD, has advised the Department and the Commission that the Compliance Monitor employed by the Department of Fish and Game is not the appropriate person to evaluate and determine full compliance with the ECD. SAG, on behalf of the state agencies, party to the ECD, requests an amendment to the Commission's application approval (Resolution TA-00-01) and allocation approval (Resolution TFP-00-02) to include the following language:

- Prior to the release of the \$100,000 to the NCRA, NCRA must demonstrate to the Department and the Commission that NCRA and the state agencies party to the ECD have entered into a Memorandum of Understanding that outlines the parameters and schedule for delivery of the interim and final products necessary to prepare a scope of work and schedule to implement the ECD within the funding available; and
  - NCRA will submit, as part of all future project applications for Project #32.5, written certification that, in the course of completing the study and analysis of the ECD and developing the scope of work to address the ECD, NCRA has actively consulted and solicited input from those state agencies, party to the ECD, and has obtained concurrence of those ECD parties to the interim and final products; and
  - Said final product, within the funding available, must satisfy the requirements of the ECD and must also include a schedule for satisfactory completion of required ECD actions; and
- 1.7 WHEREAS the Commission staff, with assistance from the Department, has reviewed submitted TCRP project allocation information including the proposed scope of work, and subsequent clarifications and revisions, and determined they comply with the statute and guidelines.
- 2.1 NOW THEREFORE BE IT RESOLVED the Commission does hereby approve the revised condition for Project #32.5, Environmental Remediation, as follows:
- Prior to the release of the \$100,000 to the NCRA, NCRA must demonstrate to the Department and the Commission that NCRA and the state agencies party to the ECD have entered into a Memorandum of Understanding that outlines the parameters and schedule for delivery of the interim and final products necessary to prepare a scope of work and schedule to implement the ECD within the funding available; and
  - NCRA will submit, as part of all future project applications for Project #32.5, written certification that, in the course of completing the study and analysis of the ECD and developing the scope of work to address the ECD, NCRA has actively consulted and solicited input from those state agencies, party to the ECD and has obtained concurrence of those ECD parties to the interim and final products; and
  - Said final product, within the funding available, must satisfy the requirements of the ECD and must also include a schedule for satisfactory completion of required ECD actions; and

- 2.2 BE IT FURTHER RESOLVED that such written certifications from NCRA shall be signed by the Executive Director of the NCRA and each representative of the ECD state agency parties and shall be submitted as part of the future project application for the remaining \$4,000,000 available to the project; and
- 2.3 BE IT FURTHER RESOLVED that the remaining \$4,000,000 for environmental remediation will not be allocated by the Commission until the NCRA submits certifications to the Department and the Commission verifying that the NCRA and the state agencies party to the ECD have reached agreement regarding the scope of work, schedule and use of those funds; and
- 2.4 BE IT FURTHER RESOLVED that the Commission hereby approves the Traffic Congestion Relief Program application amendment, Resolution TAA-01-01, amending Resolution TA-00-01 and Resolution TFP-00-02, revising the original application and allocation approval condition of the project without changing the amount or purpose of the project.