

Memorandum

To: Chairman and Commissioners

Date: March 18, 2001

From: Robert I. Remen

**File No:
Book Item 2.1d
Action**

Ref: Project Application Amendment for the City of Napa's Commuter Bicycle Path Project

Issue:

Should the Commission:

- Approve the City of Napa's amended Proposition 116 application for the City's Commuter Bicycle Path project?
- Rescind its condition of December 1999 (BFA-99-09), which requires that all pre-construction expenditures in excess of \$125,000 to be repaid to the State if the City of Napa is unable to construct the project for \$2.5 million?

Overview:

The amended application moves Section 3 of the project (Third St. to Imola Ave.) from the Wine Train right of way location to along the river thereby increasing the scope of the project to include construction of a levee, floodwalls and additional amenities, as well as including recently voted Measure "A" funds to the project. Additionally, Commission staff recently discovered that the project was originally programmed to construct an 8-mile Class I bikeway, however several years ago the City discovered the error that depicted the project at 8-miles when in reality the project is only 4-miles in length. In 1998, when the error was discovered, Caltrans administratively made the change in the project parameters to mirror the actual project limits from Redwood Rd. on the north to Imola Avenue on the south. There is no change to the amount of Proposition 116 funds on the project (\$2.5 million) but the City is adding nearly \$5.1 million in Measure "A" funding for a new project total of \$7.6 million to construct a 4-mile Class I bikeway along the Napa Valley Wine Train right of way and the Napa River.

Recommendation:

Commission staff has reviewed the amended Proposition 116 application, as well as subsequent clarifications that appear to meet all basic requirements specified in Proposition 116, as well as the Commission's policies and guidelines. Staff recommends that the Commission approve the attached resolution, which would grant approval of the City of Napa's amended application to increase the scope of the Bicycle Path project and rescind its condition placed on the City via BFA-99-09 in December 1999.

Background:

Proposition 116 in PUC Section 99628 authorizes \$73,000,000 for allocation by the Commission on a per capita basis to 28 Non-Urban Counties for railroad grade crossing improvements, acquisition of railroad rights-of-way for rail transportation purposes, rail passenger or other rail stations, railroad sound walls, and other local rail improvements for safety; purchase of Paratransit vehicles; and other capital facilities for public transportation, such as bicycle facilities and paths for bicycle commuters. The City of Napa's per capita amount is \$5,163,071, which

the City has programmed to transit in the amount of \$2,660,943 and \$2,500,000 to a bike project. The City of Napa has \$2,128 remaining for programming.

In October 1993, the Commission approved PA-93-38 for the City of Napa's Commuter Bicycle Path in the amount of \$2,500,000 in Proposition 116 Non-Urban County Bond funds to construct a Class I bikeway along the Napa Valley Wine Train right of way.

In December 1999, the City returned with an amended allocation request to waive the Commission's policy that allows up to 5% of Proposition 116 funds to be expended on pre-construction activities. The City's new request was for 11% of its Proposition 116 funds to go toward pre-construction activities. At the December 1999 meeting, the Commission rescinded the City's previous \$2.5 million allocation, allowed the waiver, thereby allocating \$277,000 for pre-construction but placed a condition on the allocation, which requires the City to pay back the State the amount over \$125,000 (5% of the original project amount) should the final project cost exceed \$2.5 million.

In February 2001, after further design, the City submitted an amended application that would complete Section 1 - Redwood Rd. to California Blvd and Section 2 - California Blvd. to Soscol Ave/Third St. for the original programmed amount of \$2.5 million and to complete Section 3 - Third St. to Imola Ave. with Measure "A" funds. Originally, the entire project was scheduled to use Proposition 116 funds exclusively but the amended application has included local funds, as well as an increase in the overall project cost and scope. The City has explained that the increase in the project is necessary due to the move of Section 3 of the bike path to the new river location. To build the last section of the bike path along the river a levee and floodwalls will be constructed. The Army Corp of Engineers and the Napa County Flood District will be completing the work along the river.

The City is requesting that the Commission waive its policy for 5% pre-construction activities to allow it to use the \$277,000 previously allocated to the project on the design and engineering phase of Sections 1 and 2 of the bicycle path and that the Commission rescind its condition requiring the City to pay the State the amount over \$125,000 should the project cost more than the original \$2.5 million to complete. The City has expanded the project and is including local funds to complete the entire length of the project as originally planned, albeit with one section being moved to a different location.

Approval of the attached resolution amending the City of Napa's Commuter Bike Path project will increase the project scope to include construction of a levee, floodwalls and other bicycle amenities, as well as increase the total project cost to \$7.6 million of which \$2.5 million is from Proposition 116 Non-Urban County Bond funds and \$5.1 million is from the City's local Measure "A" funds. Approval of the attached resolution will also constitute the rescission of the condition placed in BFA-99-09.

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Approval Amendment
Proposition 116 Non-Urban Counties Program
Applications for Bicycle Facilities
City of Napa
Napa Commuter Bicycle Path

Resolution PA-00-

Amending PA-93-38

- 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, in August 1992 the Commission adopted the Bicycle Program Guidelines #G-91-4 for the Proposition 116 bicycle program; and
- 1.8 WHEREAS, Proposition 116 (PUC Section 99628) specifies that \$73 million shall be allocated on a per capita basis to the transportation planning agencies having jurisdiction in the 28 non-urban counties for bicycle, pedestrian, and transit projects; and
- 1.9 WHEREAS, the bicycle program guidelines require applicants to submit complete applications for bicycle projects; and
- 1.10 WHEREAS, the transportation planning agency in Napa is the Metropolitan Transportation Commission; and

- 1.11 WHEREAS, the Proposition 116 Non-Urban County Program Guidelines allow a regional transportation planning agency to transfer its applicant status to another local agency that accepts the rights and responsibilities to implement and deliver the project; and
- 1.12 WHEREAS, the Metropolitan Transportation Commission by resolution transferred its applicant status to the City of Napa and the City of Napa by resolution accepted the transfer of applicant status with its attendant rights and obligations under the Commission's Proposition 116 Non-Urban County Transit Policies and Guidelines; and
- 1.13 WHEREAS, in October 1993, the Commission approved PA-93-38 for the City of Napa for the Napa Commuter Bicycle Path project totaling \$2,500,000 in Proposition 116 Non-Urban County Bond funds to construct a Class I bikeway along the Napa Valley Wine Train right of way; and
- 1.14 WHEREAS, in December 1999, the Commission placed a condition on the City of Napa via allocation resolution BFA-99-09 that stipulates that the City of Napa is required to reimburse the State for all pre-construction expenditures in excess of \$125,000, should the Napa Commuter Bicycle Path project not be completed at a cost of \$2,500,000 or less; and
- 1.15 WHEREAS, in February 2001, the City of Napa submitted an amended Proposition 116 application for its Napa Commuter Bicycle Path project to complete Sections 1 and 2 for the original programmed amount of \$2,500,000 and to complete Section 3 of the project with local Measure "A" funds; and
- 1.16 WHEREAS, the City of Napa's amended application requested that the Commission rescind its December 1999 condition in BFA-99-09; and
- 1.17 WHEREAS, Commission staff, has reviewed the Proposition 116 Non-Urban County Program bicycle application and has determined that the appropriate planning has occurred in the development of the project and that the project and application comply with the bicycle program guidelines; and
- 2.1 NOW THEREFORE BE IT RESOLVED, that the Commission hereby approves the amended Proposition 116 Non-Urban County project application from the City of Napa totaling \$2,500,000 in Proposition 116 funds; and
- 2.2 NOW THEREFORE BE IT FURTHER RESOLVED, that the Commission hereby rescinds its December 1999 stipulation that the City of Napa is required to reimburse the State for all pre-construction expenditures in excess of \$125,000, should the Napa Commuter Bicycle Path project not be completed at a cost of \$2,500,000 or less; and
- 2.3 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.