

# Memorandum

To: **Chairman and Commissioners**

Date: **October 22, 2001**

From: **Diane C. Eidam**

File No:  
**Book Item 2.1e(2)  
Action**

Ref: **Change of Applicant Status from the Department of Transportation to the California High-Speed Rail Authority AND Project Approval for \$519,303 to the California High-Speed Rail Authority for the Los Angeles-Bakersfield Project EIR/EIS**

## **Issue:**

Should the Commission approve the following:

- A request from the Department and the California High-Speed Rail Authority to change applicant status for Proposition 116 funds under PUC Section 99622[b]; and
- The California High-Speed Rail Authority's request for Project Application Approval for \$519,303 in Proposition 116 funds under PUC Section 99622[b] to analyze the Los Angeles to Bakersfield route alignments?

## **Recommendation:**

Commission staff has reviewed the Proposition 116 application, as well as subsequent clarifications and recommends that the Commission approve the attached resolution that would grant approval of the Department of Transportation's (Department's) and the California High-Speed Rail Authority's request to change applicant status for funds remaining under PUC Section 99622[b], and the California High-Speed Rail Authority's Project Application for \$519,303 in Proposition 116 funds under PUC Section 99622[b] to analyze the Los Angeles to Bakersfield route alignments, which will include a technical analysis on tunneling through the Tehachapi Mountains.

## **Background:**

Proposition 116 (PUC Section 99622[b]) authorizes \$5,000,000 to the Department for preliminary engineering and feasibility studies of a high-speed passenger rail link between Bakersfield and Los Angeles.

In February 1993, the Commission approved a Proposition 116 Bond application from the Department for the Bakersfield - Los Angeles Preliminary Engineering and Feasibility Study in the amount of \$5,000,000. The scope of the study, which began in October 1993, was initiated to examine alignment alternatives from a technical, cost and environmental impact perspective. The report resulting from the study, "Los Angeles Bakersfield High-Speed Ground Transportation Preliminary Engineering Feasibility Study" is a combination of plans, profiles and other drawings and reports compiled over a one-year period. The study was divided into six major task areas; technology assessment, alignment alternatives, preliminary

engineering, cost estimates, preliminary environmental analysis, and a feasibility study report. For each of the task areas, a series of deliverables were produced, including reports, technical memorandums, working papers, plans and profiles, videos and mapping. The information from the report was then used to assist with the discussions that eventually led to the founding of the California High-Speed Rail Authority. Upon completion of the study the Department had expended \$4,480,697 of the \$5 million authorized leaving \$519,303 available for future expenditures.

In July 2001, Commission staff received a request for a change of applicant status for the remaining funds under PUC Section 99662[b] from the Department of Transportation to the California High-Speed Rail Authority. Staff has also received a letter from the Department of Finance in which the California High-Speed Rail Authority is requesting the authority to accept and expend \$519,303 in Proposition 116 funds to conduct an analysis of the Los Angeles to Bakersfield route alignments, which will also include a technical analysis on tunneling through the Tehachapi Mountains. The Department of Finance has submitted the request for comments to the Legislature via the Section 28.50 process. The comment period ends on November 11, 2001.

Also in July 2001, Commission staff received a Proposition 116 Application from the California High-Speed Rail Authority (Authority) requesting \$519,303 in Proposition 116 Bond funds to conduct an analysis of the Los Angeles to Bakersfield route alignments.

The Project Application indicates that in April 2001, the Authority, acting as the lead State agency for the CEQA process, and the Federal Railroad Administration (FRA), acting as the lead federal agency for the NEPA process, commenced with a Program EIR/EIS. The Authority in association with the FRA, has completed the scoping phase and is currently conducting a preliminary screening analysis of potential routes and station locations. In the next few months the Authority intends to complete the screening phase, resulting in a narrowed set of the most promising alternatives to carry through the environmental and engineering process. By June 2003, the Authority expects to complete the statewide program EIR/EIS document. The Proposition 116 funding will be used to further analyze the Los Angeles to Bakersfield route alignments that remain after the initial screening and will provide for a more technical analysis on tunneling through the Tehachapi Mountains. According to the Authority, this work will result in an additional technical report that will be used to recommend a route adoption (preferred alignments and station locations) in the Los Angeles to Bakersfield corridor prior to the completion of the statewide program EIR/EIS. The Proposition 116 funds will be combined with \$700,000 in Transportation Congestion Relief Program funds that were previously authorized through the Transportation Congestion Relief Act of 2000, for a total project cost of \$1,219,303.

Approval of the attached resolution would authorize all the Proposition 116 funds that were available under PUC Section 99622[b].

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Approval  
California High-Speed Rail Authority  
Proposition 116 Application for  
Los Angeles to Bakersfield Project EIR/EIS

Resolution #PA-01-

- 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 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
- 1.7 WHEREAS, in December 1990 the Commission adopted policy and application guidelines (#G-90-23) for the Proposition 116 rail program; and
- 1.8 WHEREAS, the Proposition 116 Program Guidelines allow for a transfer of applicant status to another agency that accepts the rights and responsibilities to implement and deliver the project; and
- 1.9 WHEREAS, the Department of Transportation by letter transferred its applicant status to the California High-Speed Rail Authority and the California High-Speed Rail Authority by letter has requested approval from the Department of Finance to accept and expend the Proposition 116 funds; and

- 1.10 WHEREAS, upon approval from the Department of Finance, the California High-Speed Rail Authority will accept the transfer of applicant status with its attendant rights and obligations under the Commission's Proposition 116 Policies and Guidelines; and
  - 1.11 WHEREAS, the California High-Speed Rail Authority expects Department of Finance approval on or about November 11, 2001, and
  - 1.12 WHEREAS, Proposition 116 (PUC Section 99622 [b]) authorizes \$5,000,000 to the Department of Transportation (Department) for preliminary engineering and feasibility studies of a high speed passenger rail link between Bakersfield and Los Angeles; and
  - 1.13 WHEREAS, in July 2001, the Commission received an application from the California High-Speed Rail Authority requesting approval of \$519,303 in Proposition 116 funds for the Los Angeles to Bakersfield Project EIR/EIS; and
  - 1.14 WHEREAS, the July 2001, Proposition 116 application from the California High-Speed Rail Authority, including all supplemental information, has been 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
- 2.1 BE IT THEREFORE RESOLVED, that the Commission hereby approves the Proposition 116 application from the California High-Speed Rail Authority for the Los Angeles to Bakersfield Project EIR/EIS for \$519,303 with the following condition:
    - Prior to commencing any work elements for the Los Angeles to Bakersfield Project EIR/EIS that would utilize Proposition 116 funds, the California High-Speed Rail Authority will provide documentation of Department of Finance approval for expenditures to the Commission; 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.