

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: October 27-28, 2004

Reference No.: 2.1c.(3)
Action Item

From: CINDY MCKIM
Acting Chief Financial Officer

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Ref: **TRAFFIC CONGESTION RELIEF (TCR) PROGRAM APPLICATION AMENDMENT APPROVALS, RESOLUTION TAA-04-12, AMENDING RESOLUTIONS TA-02-09 and TAA-02-03**

ISSUE:

Attached is a Resolution for one Traffic Congestion Relief (TCR) project application amendment that proposes to redefine project scope and update project schedule for a previously approved TCR project application. A fact sheet describing the project is attached.

RECOMMENDATION:

The California Department of Transportation (Department) recommends approval.

BACKGROUND:

TCR Project #32.5 – North Coast Railroad; Sub-paragraph (e) environmental remediation projects has experienced schedule and cost variances to approved and allocated phases of work. Specific changes are noted in the attached fact sheet.

Approval of this Resolution will allow the Department to amend existing agreements with said agency.

Attachments

Regional North Coast Railroad; Sub-paragraph (e) environmental remediation projects.

(\$ X 1,000)

<i>Estimated Project Cost:</i>	\$4,100	<i>TCRP Funds covered by the application:</i>	\$1,146
<i>Total TCRP Funds Available:</i>	\$4,100	<i>Phases(s) covered in application:</i>	1,2,4
<i>Lead Agency:</i>	North Coast Railroad Authority (NCRA)	<i>Implementing Agency:</i>	NCRA

<i>TCRP Allocation Requested Concurrently with Application</i>	\$0	<i>for Phases(s):</i>	N/A
<i>Advance Requested:</i>	\$0	<i>for Phases(s):</i>	N/A
<i>TCRP Allocations to Date:</i>	\$1,146	<i>for Phases(s):</i>	1,2,4
<i>Advance Approved:</i>	\$331	<i>for Phases(s):</i>	1,2,4

Project Summary:

The overall project will provide for environmental remediation as identified in the Consent Decree and Stipulated Judgment ordered by the Mendocino County Superior Court in People of the State of California v. North Coast Railroad Authority, Case No. CV80240. The Consent Decree (CD) requires immediate removal of hazardous wastes, rail ties, and regulated debris from the maintenance facilities and Hopland Station. The CD Assessment Report found that stored wastes at some locations may represent a threat to human health and/or the environment. In addition, the State Agencies party to the Consent Decree (Departments of Toxic Substances, and Fish and Game, and the California Regional Water Quality Control Board North Coast Region) require that a Storm Water Pollution and Prevention Plan (SWPPP) be implemented prior to the winter season at the Willits facility to mitigate existing storm water impacts. \$89,712 of funding provided under AB 2782, Statutes of 1998, was used to complete some of the environmental remediation work. TCRP funds will be used to complete the remaining work identified by the CD Assessment Report.

Amendment Summary:

This amendment is to update the schedule and modify the scope of work. Changes are shown in ~~strike through~~ and **bold**.

Reason for Change:

In mid 2002 it was anticipated that the project could be accomplished in 9 months. However, weather delays, cash flow issues to compensate the consultant team, and changes in NCRA management have caused the schedule to be extended by 18 months. This extended time frame has substantially increased the project management costs. In addition, NCRA's Project Manager position is currently vacant; therefore NCRA has no staff available to administer the WDCP Project. Thus, with the consent of the CD State Agencies, NCRA has extended its contract with their Prime



Map of the Northwestern Pacific Railroad

Consultant to also provide contract administration services for construction management. These budget adjustments have resulted in the need to modify the scope of project and defer certain deliverables related to Site Characterization Plans to a future application for the next phase of the overall CD compliance work program.

Cost and Schedule (\$ X 1,000)

<i>Phase</i>	<i>Scope</i>	<i>Start</i>	<i>End</i>	<i>Cost</i>
1	Review the Consent Decree and develop scope of work. Envir / PE / Permits – Site Characterization Plans	2/02	8/02	\$100
		7/02	11/04 3/03	\$515
	ECD Required Plans and Programs (SWPPP)	7/02	10/03 3/03	\$26
	Bidding Assistance	01/04	06/04	\$15
	Future work required (TBD)	12/04 4/03	9/06 9/05	\$1,262
2	Clean up Plans and Bid specifications for waste and debris cleanup / site remediation	7/02	10/03 9/02	\$115
4	Waste and Debris Clean-up / Site Remediation (non sensitive areas)	7/04 7/02	11/04 3/03	\$390
	Future work to be determined by Site Characterization Plan activities.	4/03	9/06 9/05	\$1,692
				\$4,115
<i>Total:</i>				\$4,100

Funding Plan (\$ X 1,000)

<i>Source</i>	<i>Type</i>		<i>Phase 1</i>	<i>Phase 2</i>	<i>Phase 3</i>	<i>Phase 4</i>	<i>Total</i>
TCRP	State	Committed	\$641	\$115		\$390	\$1,146
		Proposed	\$1,262			\$1,692	\$2,954
Local	Admin. Fund	Committed	\$15				\$15
		Proposed					
	Totals	Committed	\$656 \$641	\$115		\$390	\$1,161 \$1,146
		Proposed	\$1,262			\$1,692	\$2,954
	Project	\$1,918	\$115		\$2,082	\$4,115	
	Total	\$1,903				\$4,100	

Prior TCRP Action:

- Original application was approved on September 28, 2000 (Resolution TA-00-01) for \$100,000 to hire a consultant to review and analyze the Consent Decree.
- An application amendment was approved on February 21, 2001 (Resolution TAA-01-01) revising the conditions set forth for this project.
- An application amendment to extend the completion date of the comprehensive assessment was approved on November 7, 2001 (Resolution TAA-01-07).
- An application amendment to update the overall project schedule was approved May 9, 2002 (Resolution TAA-02-03).
- An application to fund activities relating to environmental remediation was approved June 13, 2002 (Resolution TA-02-09).

Status of Conditions:

The following condition was set forth under Resolution TA-01-08, and reiterated in Resolution TAA-01-07:

- Prior to an allocation of funds for right of way acquisition and construction NCRA shall demonstrate environmental approval for proposed capital improvements.

[Note: Construction activities funded under Resolution TA-02-09 are Categorically Exempt under CEQA.]

The condition(s) set forth under Resolution TA-01-18 regarding administrative and debt reduction costs has been met.

The following conditions remain under Resolution TAA-01-01, as reiterated in Resolution TAA-01-07:

- The 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, within the funding available, must satisfy the requirements of the ECD and must also include a schedule for satisfactory completion of required ECD actions.

[Note: All Parties to the ECD signed off on the scope of work and schedule funded under Resolution TA-02-09.]

- 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.

[Note: All Parties to the ECD signed off on the contents of the application approved under Resolution TA-02-09.]

- 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.

[Note: All Parties to the ECD signed off on the scope of work approved under TA-02-09.]

The following condition was set forth under Resolution TAA-02-03: “with the possible exception of funding for work to be completed under Government Code section 14556.50, subparagraph (e) – environmental remediation projects, no additional TCR Program funds shall be allocated to the NCRA until such time as the NCRA demonstrates to the Commission that the outstanding issues with the current common carrier rail operator have been resolved to allow the resumption of service by the current common carrier or by another common carrier operating pursuant to all appropriate state and federal statutes, codes, and regulations.”

Discussion/Issues: No additional issues.

CALIFORNIA TRANSPORTATION COMMISSION
Approval of Traffic Congestion Relief Program
Project Application Amendment

RESOLUTION TAA-04-12,
Amending Resolutions TA-02-09 and TAA-02-03

- 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 in accordance with Government Code Section 14556.11 the California Transportation Commission (Commission) has adopted guidelines, in consultation with the Department of Transportation (Department) and regional agencies, to implement the Traffic Congestion Relief (TCR) Program; and
- 1.3 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
- 1.4 WHEREAS the Commission identified those factors leading to changes in project scope, cost, and scheduled and established guidelines for agencies to submit amendments to TCR project applications in Resolution G-00-23, with further clarifications in Resolution G-01-23; and
- 1.5 WHEREAS the Department has reviewed the following proposed application amendment for the TCR project as submitted by the applicant agency and found it to be in compliance with the guidelines adopted by the Commission.
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission does hereby approve the following TCR project application amendment as submitted, with subsequent clarifications and revisions:
 - Project #32.5 – North Coast Railroad; Sub-paragraph (e) environmental remediation projects. Amend application to redefine project scope and update project schedule previously approved under Resolutions TA-02-09 and TAA-02-03
 - Applicant Agency: North Coast Railroad Authority (NCRA)
 - Implementing Agency: NCRA;and
- 2.2 BE IT FURTHER RESOLVED that all previous conditions stipulated at time of application and/or application amendment approval are still in effect; and
- 2.3 BE IT FURTHER RESOLVED that all applicant agencies shall provide the Commission and the Department with a progress report on April 1st and October 1st of each year on actual expenditures and status of work, until the projects have been completed; and
- 2.4 BE IT FURTHER RESOLVED that Resolutions TA-02-09 and TAA-02-03 are hereby amended