

Memorandum

To: Chair and Commissioners

Date: August 18, 2009

From: BIMLA G. RHINEHART
Executive Director

File: Reference No. 2.1e.
ACTION

Ref.: **PROPOSITION 116 RAIL PROGRAM**
PROJECT APPLICATION AMENDMENT
RESOLUTION PA-09-xx, AMENDING RESOLUTION PA-03-06

Issue

The Transportation Agency for Monterey County (TAMC) has completed the feasibility analysis for its Monterey Branch Line project and it shows that the project can proceed to the next phase.

TAMC requests that \$131,525 in savings from the \$9,370,000 in Proposition 116 funds allocated for acquisition of the Monterey Branch Line be deallocated and unprogrammed from the right of way phase and that the \$131,525 in savings be reprogrammed and allocated for the PA&ED phase, to be used to complete the environmental documents for this project.

Recommendation

Staff recommends that the Commission approve the amended application from TAMC to reprogram \$131,525 in Proposition 116 Bond funds from right of way acquisition to environmental activities.

Background

Proposition 116 (PUC Section 99638) authorizes \$17,000,000 to TAMC for either the (a) extension of Caltrain service to Monterey County; or (b) another rail project within Monterey County.

On August 14, 2003, the Commission approved Resolution PA-03-06, programming \$9,370,000 for acquisition activities on the Monterey Branch Line project. In addition, the Commission approved Resolution BFP-03-02 allocating the \$9,370,000 programmed.

The right of way acquisition was completed with \$131,525 in savings out of the \$9,370,000 allocated on August 14, 2003.

In July 2009, the Transportation Agency of Monterey County submitted an amended application requesting that the savings be unprogrammed from right of way and be reprogrammed to preliminary activities.

The remaining \$131,525 is to be used for environmental work on the project.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION

Commission Project Application Approval Amendment
Transportation Agency for Monterey County
Monterey Branch Line

Resolution PA-09-xx
Amending Resolution PA-03-06

- 1.1 WHEREAS, in June 1990 the voters approved the Clean Air and Transportation Improvement Act, Proposition 116, 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 application 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 and that increased costs shall be covered by funds other than Proposition 116; 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 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
- 1.9 WHEREAS, Proposition 116 (PUC Section 99638) authorizes \$17,000,000 to the Transportation Agency of Monterey County for the following: (a) extension of Caltrain service; or (b) other rail project within Monterey County; and

Resolution PA-09-xx, Amending
Resolution PA-03-06

- 1.10 WHEREAS, on August 14, 2003, the Commission approved PA-03-06, programming \$9,370,000 for right of way acquisition on the Monterey Branch Line project; and
 - 1.11 WHEREAS, on August 14, 2003, the Commission also approved BFP-03-02, allocating \$9,370,000, of that amount, \$131,525 remains as savings in the right of way phase; and
 - 1.12 WHEREAS, in July 2009, the Transportation Agency of Monterey County submitted an amended application requesting the transfer of the \$131,525 from R/W to PA&ED; and
 - 1.13 WHEREAS, the July 2009 Proposition 116 amended application from the Transportation Agency of Monterey County, 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.
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- 2.1 BE IT THEREFORE RESOLVED, that the Commission hereby approves the amended application from the Transportation Agency of Monterey County; and
 - 2.2 BE IT FURTHER RESOLVED, that the Commission hereby acknowledges that a concurrent request will be submitted to de-allocate the \$131,525 in savings from Resolution BFP-03-02, reducing the amended allocation to the previously expended \$9,238,475; and
 - 2.3 BE IT FURTHER RESOLVED, that the Commission hereby acknowledges that a concurrent request will be submitted to re-allocate the \$131,525 for environmental activities on the Monterey Branch Line project; and
 - 2.4 BE IT FURTHER RESOLVED, that Resolution PA-03-06 is hereby amended.