

# Memorandum

**To:** CHAIR AND COMMISSIONERS

**Meeting Date:** May 19-20, 2010

**From:** BIMLA G. RHINEHART  
Executive Director

**File:** Reference No. 2.1d.(3)  
ACTION

**Ref.: PROPOSITION 116 RAIL PROGRAM APPLICATION  
RESOLUTION PA-10-05**

## **ISSUE**

Should the Commission program \$137,957 in Proposition 116 funds, the balance of the \$47,000,000 authorized under PUC Section 99641 to the Santa Clara Valley Transportation Authority (VTA), for the LRT System Rail Replacement and Rehabilitation project?

## **RECOMMENDATION**

Staff recommends that the Commission approve the attached resolution to program the unallocated balance of \$137,957 to the VTA LRT System Rail Replacement and Rehabilitation project.

## **BACKGROUND**

In August 2005, the Commission adopted Resolution PA-05-13, approving an amended application from the VTA that adjusted the funding on the Tasman Drive and North First Street Embedded Girder Rail Replacement project, consistent with the total amount expended, and de-programmed \$137,957 in savings from the completed project for future uses.

In April 2010, the Commission received a Proposition 116 application from the Santa Clara Valley Transportation Authority (VTA) to program the \$137,957 balance, of the \$47,000,000 authorized under PUC Section 99641, to the VTA LRT System Rail Replacement and Rehabilitation project, for work at three separate locations, including:

- removal of the Harwood Diamond Spur on the Vasona LRT line;
- tie replacement on the Guadalupe Corridor between Capitol Expressway and Highway 85; and,
- rail de-stressing on the Guadalupe Corridor at Rio Robles.

Commission staff has reviewed the Proposition 116 application as well as subsequent clarifications, and they meet the requirements specified in the Proposition 116 Rail Bond Program, as well as the Commission's policies and guidelines, and staff recommends approval.

Attachment

CALIFORNIA TRANSPORTATION COMMISSION

Proposition 116 Project Application Approval  
Santa Clara Valley Transportation Authority (VTA)  
for the  
LRT System Rail Replacement and Rehabilitation project

Resolution PA-10-05

- 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 applications to specify full and complete capital plans, financial plans, and operating plans, including schedules and funding sources, and should the project exceed the cost approved by the Commission, the increased cost shall be covered by funds other than Proposition 116; and
- 1.6 WHEREAS, in December 1990 the Commission adopted policy and application guidelines (#G-90-23) for the Proposition 116 rail program; and
- 1.7 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
- 1.8 WHEREAS, PUC Section 99665(a) requires applicants for grants pursuant to PUC Section 99641, to match on a dollar-for-dollar basis, the amount of the grant from other public or private sources, and to demonstrate to the satisfaction of the Commission, the availability of those other funds; and
- 1.9 WHEREAS, Proposition 116 (PUC Section 99641) authorizes \$47,000,000 to the Santa Clara Valley Transportation Authority (VTA) for expenditure on rail projects; and

- 1.10 WHEREAS, in August 2005, the Commission adopted Resolution PA-05-13, approving an amended application from the VTA that adjusted the funding on the completed Tasman Drive and North First Street Embedded Girder Rail Replacement project, consistent with the final amount expended, and de-programmed \$137,957 in savings for future uses; and
  - 1.11 WHEREAS, in April 2010, the Commission received a Proposition 116 application from the VTA to program the \$137,957 balance, of the \$47,000,000 authorized under PUC Section 99641, to the VTA LRT System Rail Replacement and Rehabilitation project; and
  - 1.12 WHEREAS, the application from the VTA, 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 NOW, THEREFORE BE IT RESOLVED, that the Commission hereby approves the application from the VTA programming \$137,957 in Proposition 116 funds to the VTA LRT System Rail Replacement and Rehabilitation project; and
  - 2.2 BE IT FURTHER RESOLVED, that Resolution PA-10-05 is hereby adopted.