

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: November 3-4, 2010

Reference No.: 4.18
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **AMENDMENT TO THE HIGHWAY RAILROAD CROSSING SAFETY ACCOUNT PROGRAM**
RESOLUTION GS1B-P-1011-02

ISSUE:

Should the Commission approve the proposed amendment to the Highway Railroad Crossing Safety Account Program to program an additional \$1 million to the Broadway-Brazil Street Grade Crossing Improvements Project?

RECOMMENDATION:

Given the critical need for safety improvements within SCRRA's Sealed Corridor, Commission staff recommends that the Commission make an exception to policy and approve the proposed amendment to the HRCSA Program to program an additional \$1million to the Broadway-Brazil Street Grade Crossing Improvements Project.

BACKGROUND:

At its meeting in September 2010, the Commission programmed \$3 million for the Broadway-Brazil Street Grade Crossing Improvements Project in the HRCSA 2010 Program. This was the same amount as previously awarded in the HRCSA 2008 Program and included in the project's baseline agreement. The nominating agency, Southern California Regional Rail Authority (SCRRA) requested an additional \$1 million for the project in the HRCSA 2010 Program. Given that programming additional bond funds to an existing bond project is not consistent with the Commission's policy as stated in the Proposition 1B Accountability Implementation Plan, the Commission programmed the Broadway-Brazil Grade Crossing Improvements Project in the HRCSA 2010 Program for the same amount as the HRCSA 2008 Program.

At the direction of the Commission, SCRRA provided additional information to Commission staff regarding the Broadway-Brazil Grade Crossing Improvements Project and the request for the additional \$1 million of HRCSA funding. According to SCRRA, since the adoption of the HRCSA 2008 Program, the estimate for the project has increased from \$6.5 million to \$9.1 million. The cost increase is due to the need to coordinate the safety improvements at the crossing with adjacent crossings requiring the installation of communications cable as well as the addition of pedestrian safety improvements to meet SCRRA guidelines adopted after the initial estimate. SCRRA is funding \$1.6 million of the \$2.6 million cost increase.

The Broadway-Brazil Grade Crossing Improvements Project is part of SCRRA's Sealed Corridor. The Sealed Corridor is a comprehensive strategy to enhance safety along the railroad corridor using measures to systematically reduce the opportunity for accidents at grade crossings within the corridor. SCRRA will fully fund the Broadway-Brazil Grade Crossing Improvements Project if the additional \$1 million in HRCSA funding is not programmed, however, as there is limited funding available for the Sealed Corridor, improvements to another crossing in the Sealed Corridor will be delayed.

CALIFORNIA TRANSPORTATION COMMISSION
Adoption of Amendment to the Proposition 1B
Highway-Railroad Crossing Safety Account (HRCSA) Program

RESOLUTION GS1B-P-1011-02

- 1.1 WHEREAS the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 was approved by voters as Proposition 1B on November 7, 2006, includes \$250 million for the Highway-Railroad Crossing Safety Account (HRCSA) Program to fund the completion of high-priority grade separation and railroad crossing safety improvements, and
- 1.2 WHEREAS the Bond Act provides that HRCSA funds are available, upon appropriation by the Legislature, to the Department of Transportation (Department), as allocated by the California Transportation Commission (Commission), and
- 1.3 WHEREAS the HRCSA program includes \$150 million under Government Code Section 8879.23(j)(1), described in the Commission's guidelines as Part 1, for projects on the priority list established by the Public Utilities Commission (PUC) pursuant to the process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code, and
- 1.4 WHEREAS the HRCSA program includes \$100 million under Government Code Section 8879.23(j)(2), described in the Commission's guidelines as Part 2, for high-priority railroad crossing improvements that are not part of the PUC priority list process, and
- 1.5 WHEREAS the Commission, at its April 9, 2008 meeting, adopted the HRCSA Guidelines (Resolution GS1B-G-0708-01) and at its August 27, 2008 meeting adopted the initial HRCSA Program of Projects, and
- 1.6 WHEREAS in accordance with the HRCSA Guidelines, all funds programmed in the initial HRCSA Program that were not allocated by June 30, 2010 were eligible to be reprogrammed into the 2010 HRCSA Program, and
- 1.7 WHEREAS the Commission, at its May 19, 2010 meeting, updated the HRCSA Guidelines (Resolution GS1B-G-0910-01) to establish the schedule for the for the 2010 programming process and to instruct agencies to submit nominations to Bimla G. Rhinehart, Executive Director of the California Transportation Commission by July 1, 2010, and
- 1.8 WHEREAS all other provisions of the HRCSA Guidelines adopted by the Commission on April 9, 2008 remain in effect, and

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- 1.9 WHEREAS for the 2010 HRCSA Program, \$59.3 million is available for reprogramming in Part 1 and \$33.1 million is available for reprogramming in Part 2, and
- 1.10 WHEREAS the Commission at its September 22, 2010 meeting adopted the HRCSA 2010 Program, and
- 1.11 WHEREAS the adopted HRCSA 2010 Program included \$3 million in funding for the Broadway-Brazil Grade Crossing Improvements Project, consistent with the programming in the HRCSA 2008 Program, and
- 1.12 WHEREAS the nominating agency, the Southern California Regional Rail Authority (SCRRA) had requested \$4 million for the Broadway-Brazil Grade Crossing Improvements Project, and
- 1.13 WHEREAS the Commission directed SCRRA to provide additional information to Commission staff regarding the request for the additional \$1 million of HRCSA funding, and
- 1.14 WHEREAS, Commission staff reviewed the additional information and recommended the Commission make an exception to its policy as stated in the Proposition 1B Accountability Implementation Plan and program the additional \$1 million of HRCSA funding to the Broadway-Brazil Grade Crossing Improvements Project, given the critical safety improvements needed within SCRRA's Sealed Corridor, and BE IT FURTHER RESOLVED that a project's approved HRCSA funding is to be considered a "not to exceed amount" and that any increase in project cost is the responsibility of the nominating agency, and
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission adopts an amendment to the HRCSA 2010 Program, programming an additional \$1 million of HRCSA funding to the Broadway-Brazil Grade Separation Improvements Project, and
- 2.2 BE IT FURTHER RESOLVED that the projects approved HRCSA funding is to be considered a "not to exceed amount" and that any increase in project cost is the responsibility of the nominating agency, and
- 2.3 BE IT FURTHER RESOLVED that the Commission, in anticipation that a PUC priority list is to be adopted July 1, 2012, will review the programming and delivery status of all HRCSA projects in the Spring 2012, and that funds not allocated by June 30, 2012 will be eligible for reprogramming in a 2012 HRCSA Program, and
- 2.4 BE IT FURTHER RESOLVED that the Commission expects the Department of Transportation and nominating agency to execute a project baseline agreement that sets forth the project scope, measurable expected performance benefits, delivery schedule, and estimated costs and funding plan. The baseline agreement shall be signed by the Director of the Department of Transportation and nominating agency executive director, and
- 2.5 BE IT FURTHER RESOLVED that the Commission requires that the baseline agreement include quantification of expected benefits related to the effectiveness of the proposed

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project and the degree in which the project reduces corridor or air basin emissions, and that these benefits be updated at the time the HRCSA allocation is requested, and

- 2.6 BE IT FURTHER RESOLVED that the Commission expects the nominating agency to provide a local board resolution that commits the funding identified in the project baseline agreement and funding plan, and
- 2.7 BE IT FURTHER RESOLVED that the Commission may delete a project from the adopted HRCSA program for which a baseline agreement is not executed within 90 days of program adoption, and the Commission will not consider approval of project allocations prior to the execution of the baseline agreement, and
- 2.8 BE IT FURTHER RESOLVED that the Commission expects the Department of Transportation will ensure that allocation requests for either Part 1 or Part 2 HRCSA funding conform with and contain all elements required in a Section 190 allocation request including, but not limited to, a PUC order to construct, railroad agreement, certification of environmental clearance, General plan of the project, including profiles and typical sections, and
- 2.9 BE IT FURTHER RESOLVED that the Commission requires the implementing agencies and the Department of Transportation to meet the requirements of Government Code Section 8879.23(j)(1), as added by Proposition 1B, and to Government Code Section 8879.50, as enacted through implementing legislation in 2007 (Senate Bill 88 and Assembly Bill 193), and
- 2.10 BE IT FURTHER RESOLVED that the Commission requires the implementing agencies and the Department of Transportation to adhere to the California Transportation Commission's HRCSA Guidelines and Accountability Implementation Plan.