

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 22-23, 2011

Reference No.: 2.1d
Action

From: 
BIMLA G. RHINEHART
Executive Director

Subject: **PROPOSITION 116 RAIL PROGRAM APPLICATION AMENDMENT**
RESOLUTION PA-11-01, AMENDING RESOLUTION PA-10-04

ISSUE

Should the Commission remove \$4,588,000 in Proposition 116 funds from Fullerton Transportation Center (FTC) Parking Structure project and transfer the funds to three new projects in the Orange County Proposition 116 Commuter/Intercity Rail Program of Projects?

RECOMMENDATION

Staff recommends that the Commission approve the attached Proposition 116 resolution to:

- unprogram \$4,588,000 from the FTC Parking Structure project;
- program \$3,245,000 to the Southern California Regional Rail Authority (SCRRA) for the new Control Point (CP) Stadium Crossover (Anaheim) project;
- program \$600,000 to the Orange County Transportation Authority (OCTA) for the new North Beach Crossing Safety Enhancements project; and
- program \$743,000 to the City of Fullerton for the new FTC Elevators project.

BACKGROUND

In February 2009, the Commission adopted Resolution PA-09-01, approving an application from the OCTA for the remaining \$121,298,778 out of the \$125,000,000 in Proposition 116 Rail Bond funds authorized under PUC Section 99645.

The OCTA application programmed five projects in the Orange County Commuter/Intercity Rail Program: (1) Metrolink Service Track Expansion and Crossing Improvements (MSEP); (2) FTC Parking Structure; (3) Tustin Rail Station Parking Expansion; (4) Sand Canyon Grade Separation; and (5) Anaheim Regional Intermodal Transportation Center (ARTIC).

In July 2009, the Commission approved Resolution PA-09-04, amending the FTC Parking Structure project and the ARTIC project, as follows:

- transfer applicant status from the OCTA to Fullerton for the FTC Parking Structure project;
- transfer applicant status from the OCTA to the City of Anaheim for the ARTIC project; and,

- transfer \$1,575,000 of Proposition 116 funds from the FTC Parking Structure project to the ARTIC project.

In December 2009, the Commission approved Resolution PA-09-07, removing the \$58,840,778 in Proposition 116 funds from the ARTIC project; deleting the ARTIC project from Proposition 116 programming; and transferring the \$58,840,778 in Proposition 116 funds as follows:

- \$29,000,000 to the signal component of the MSEP project;
- \$2,325,000 to the FTC Parking Structure project;
- \$12,300,000 to the Orange County Metrolink Fiber Optics Installation project; and
- \$15,215,778 to the new Positive Train Control (PTC) project.

The resolution revised programming of the \$121,298,778 in Proposition 116 funds as follows: (1) MSEP - \$48,169,000; (2) FTC Parking Structure - \$15,360,000; (3) Tustin Rail Station Parking Expansion - \$8,250,000; (4) Sand Canyon Grade Separation - \$22,004,000; (5) Metrolink Fiber Optics Installation - \$12,300,000; and (6) PTC - \$15,215,778.

In May 2010, the Commission approved Resolution PA-10-04, removing \$17,500,000 from the MSEP project; transferring the \$17,500,000 to the PTC project; and transferring applicant status for the PTC project from the OCTA to the SCRRA; and to transfer applicant status for the Sand Canyon Grade Separation project from the City of Irvine to the OCTA.

In May 2011, the Commission received an amended application requesting additional changes to the Proposition 116 Orange County Commuter/Intercity Rail Program including to unprogram \$4,588,000 from the FTC Parking Structure project; and to transfer the \$4,588,000 as follows:

- program \$3,245,000 to the SCRRA for the new CP Stadium Crossover (Anaheim) project;
- program \$600,000 to the OCTA for the new North Beach Crossing Safety Enhancements project; and
- program \$743,000 to the City of Fullerton for the FTC Elevators project.

Approval of the amendment revises the Proposition 116 Orange County Commuter/Intercity Rail Program as follows: (1) MSEP - \$30,669,000; (2) FTC Parking Structure - \$10,772,000; (3) Tustin Rail Station Parking Expansion - \$8,250,000; (4) Sand Canyon Grade Separation - \$22,004,000; (5) Metrolink Fiber Optics Installation - \$12,300,000; (6) PTC - \$32,715,778; (7) CP Stadium Crossover (Anaheim) - \$3,245,000; (8) North Beach Crossing Safety Enhancements - \$600,000; and (9) FTC Elevators - \$743,000.

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 Approval
Orange County Transportation Authority (OCTA)
Application Amendment for the
Orange County Commuter/Intercity Rail Program

Resolution PA-11-01, amending Resolution PA-10-04

- 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, Proposition 116 (PUC Section 99645) authorizes \$125,000,000 to the City of Irvine for construction of a fixed guideway demonstration project; and
- 1.9 WHEREAS, PUC Section 99665(a) requires applicants for grants pursuant to PUC Section 99645, 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

- 1.10 WHEREAS, in May 1998, the Commission approved an application (PA-98-09) from the City of Irvine and the Orange County Transportation Authority (OCTA) for \$2,000,000 in Proposition 116 funds for Phase I of the detailed conceptual engineering and environmental certification for the Irvine Urban Rail Guideway Demonstration Project; and
- 1.11 WHEREAS, in March 1999, the Commission approved a supplemental application (PA-99-06) from the City of Irvine and the OCTA for an additional \$2,400,000 in Proposition 116 funds for Phase II of the detailed conceptual engineering and environmental certification leading to the design and implementation of the Irvine Urban Rail Guideway Demonstration Project; and
- 1.12 WHEREAS, in August 2002, the Commission approved an application amendment (PA-02-11) from the City of Irvine and the OCTA to deprogram \$698,778 in cost savings from Phase II of the detailed conceptual engineering and environmental certification for the Irvine Urban Rail Guideway Demonstration Project which had been completed at a cost of \$1,701,222; and
- 1.13 WHEREAS, the City of Irvine decided to not move forward with the guideway demonstration project and requested that the Commission reallocate the remaining \$121,298,778 to the OCTA, pursuant to PUC section 99653, including the transfer of applicant status from Irvine to the OCTA for the Proposition 116 funds available under PUC Section 99645; and
- 1.14 WHEREAS, in accordance with the Commission's Proposition 116 Rail Program Guidelines, the OCTA accepted transfer of applicant status, with its attendant rights and obligations; and
- 1.15 WHEREAS, in February 2009, the Commission adopted Resolution PA-09-01, approving an OCTA application for the Orange County Commuter/Intercity Rail Program for \$121,298,778 in Proposition 116 funds for five projects: (1) Metrolink Service Track Expansion and Crossing Improvements, (2) Fullerton Transportation Center Parking Structure, (3) Tustin Rail Station, (4) Sand Canyon Grade Separation, and (5) Anaheim Regional Intermodal Transportation Center (ARTIC); and
- 1.16 WHEREAS, in July 2009, the Commission approved Resolution PA-09-04, making changes to the Fullerton Transportation Center Parking Structure and the ARTIC, including to:
 - transfer applicant status from the OCTA to the City of Fullerton for the Fullerton Transportation Center Parking Structure project;
 - transfer applicant status from OCTA to the City of Anaheim for the ARTIC project; and
 - transfer \$1,575,000 of Proposition 116 funds from the Fullerton Transportation Center Parking Structure project to the ARTIC project; and
- 1.17 WHEREAS, in accordance with the Commission's Proposition 116 Rail Program Guidelines, the cities of Fullerton and Anaheim both accepted the transfer of applicant status, with its attendant rights and obligations; and
- 1.18 WHEREAS, in December 2009, the Commission approved Resolution PA-09-07, removing the \$58,840,778 from ARTIC; deleting the project; and transferring the \$58,840,778 as follows:
 - \$29,000,000 to the signal component of the Metrolink Service Expansion and Grade Crossing Improvements (MSEP) project;
 - \$2,325,000 to the Fullerton Transportation Center Parking Structure project;
 - \$12,300,000 to the Orange County Metrolink Fiber Optics Installation project; and,
 - \$15,215,778 to the Positive Train Control (PTC) project; and

- 1.19 WHEREAS, in May 2010, the Commission approved Resolution PA-10-04, to transfer \$17,500,000 from the MSEP project to the PTC project; and to transfer applicant status for the PTC project from the OCTA to the Southern California Regional Rail Authority (SCRRA); and to transfer applicant status for the Sand Canyon Grade Separation project from the City of Irvine to the OCTA; and
- 1.20 WHEREAS, in accordance with the Commission's Proposition 116 Rail Program Guidelines, the SCRRA and the OCTA both accepted the transfer of applicant status, with its attendant rights and obligations; and
- 1.21 WHEREAS, in May 2011, the Commission received an amended application requesting additional changes to the Orange County Commuter/Intercity Rail Program including to unprogram \$4,588,000 from the Fullerton Transportation Center Parking Structure project, and to transfer the \$4,588,000 as follows:
- program \$3,245,000 to the Control Point (CP) Stadium Crossover (Anaheim) project;
 - program \$600,000 to the OCTA for the North Beach Crossing Safety Enhancements project; and
 - program \$743,000 to the City of Fullerton for the Fullerton Transportation Center Elevators project.
- 1.22 WHEREAS, the amended application from the OCTA, 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.
- 2.1 NOW, THEREFORE BE IT RESOLVED, that the Commission hereby approves the amended application from the OCTA to unprogram \$4,588,000 from the Fullerton Transportation Center Parking Structure project; to program \$3,245,000 to the SCRRA for the Control Point (CP) Stadium Crossover (Anaheim) project; to program \$600,000 to the OCTA for the North Beach Crossing Safety Enhancements project; and to program \$743,000 to the City of Fullerton for the Fullerton Transportation Center Elevators project; and
- 2.2 BE IT FURTHER RESOLVED, that \$121,298,778 in Proposition 116 funds available under PUC Section 99645 for the Orange County Commuter/Intercity Rail Program will be programmed as follows: (1) MSEP - \$30,669,000; (2) Fullerton Transportation Parking Structure - \$10,772,000; (3) Tustin Rail Station Parking Expansion - \$8,250,000; (4) Sand Canyon Grade Separation - \$22,004,000; (5) Metrolink Fiber Optics Installation - \$12,300,000; (6) Positive Train Control - \$32,715,778; (7) CP Stadium Crossover (Anaheim) - \$3,245,000; (8) - North Beach Crossing Safety Enhancements - \$600,000; and (9) Fullerton Transportation Center Elevators - \$743,000; and
- 2.3 BE IT FURTHER RESOLVED, that Resolution PA-10-04 is hereby amended.