

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: September 27, 2012

Reference No.: 4.8
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **ADOPTION OF THE PROPOSITION 1B HIGHWAY RAILROAD CROSSING SAFETY
ACCOUNT 2012 PROGRAM**

ISSUE:

Should the Commission adopt the proposed Proposition 1B Highway Railroad Crossing Safety Account (HRCSA) 2012 Program?

RECOMMENDATION:

Commission staff recommends that the Commission adopt the proposed Proposition 1B Highway Railroad Crossing Safety Account 2012 Program as attached to this memorandum (Schedule 1).

BACKGROUND:

On November 7, 2006, the voters approved Proposition 1B. Proposition 1B provides \$250 million to fund the HRCSA program. The HRCSA program includes two sub-programs, Part 1 provides \$150 million for highway railroad grade separations derived from the California Public Utilities Commission's Section 190 grade separation priority list and Part 2 provides \$100 million for non-Section 190 high-priority grade crossing improvements.

Specifically, Proposition 1B authorized the \$250 million for HRCSA as follows:

Part 1. Proposition 1B provided that \$150 million from the HRCSA shall be made available for allocation to 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, with two exceptions: (1) a dollar for dollar match of non-state funds shall be provided for each project, and (2) the \$5 million maximum in Section 2454 shall not apply to HRCSA funds.

Part 2. Proposition 1B provided that the remaining \$100 million from the HRCSA shall be made available to high-priority railroad crossing improvements, including grade separation projects, that are not part of the process established in Chapter 10 (commencing with Section 2450) of Division 3 of the Streets and Highways Code. These may include projects at any of the following:

- (a) Crossings where freight and passenger rail share the affected rail line.
- (b) Crossings with a high incidence of motor vehicle-rail or pedestrian-rail collisions.
- (c) Crossings with a high potential for savings in rail and roadway traffic delay.
- (d) Crossings where an improvement will result in quantifiable emission benefits.
- (e) Crossings where the improvement will improve the flow of rail freight to or from a port facility.

Funds programmed in the 2010 HRCSA program that were not allocated by the Commission by June 30, 2012 as required under the HRCSA Guidelines, are eligible for programming in the 2012 HRCSA program. As of July 1, 2012, \$22,173 million is available for reprogramming in Part 1 and \$18,030 million in Part 2.

The HRCSA Guidelines directed agencies to nominate projects by July 1, 2012 for the 2012 program. In order to be eligible for consideration for programming, nominations were required to meet the requirements as detailed in the HRCSA Guidelines. Commission staff reviewed the nominations in accordance with the HRCSA Guidelines and nominations were considered for funding from either part of the program, as appropriate. The principal differences between the two parts of the HRCSA program are:

- PUC priority list. Projects to be funded from Part 1 must be on the priority list established by the PUC pursuant to Section 2452 of the Streets and Highways Code. Projects to be funded under Part 2 may be, but need not be, on the PUC priority list.
- Match. Projects to be funded from Part 1 require at least a one-to-one match of local, federal or private funds. In accordance with subdivision (d) of Section 2454 of the Streets and Highways Code, no allocation shall be made unless the railroad agrees to contribute 10 percent of the cost of the project. Projects to be funded from Part 2 do not require any specific match or railroad contribution. However, the Commission will give higher priority for funding from Part 2 to projects with a non-state match.
- Program Year. Because the PUC priority list to be adopted July 1, 2012, is valid only for the 2012-13 and 2013-14 fiscal years, the Commission will program Part 1 funding only for projects that are expected to be ready for a project construction allocation by June 2014. The Commission anticipates that it will allocate the remaining funds for Part 1 by June 2014. If it has not allocated all available Part 1 funding by that time, the Commission will update the HRCSA program of projects to reflect the PUC priority list to be adopted by July 1, 2014.

For Part 2, the 2012 program of projects may include projects scheduled for construction at any time through June 2014.

Based on this review and the available programming capacity, Commission staff recommends that the Commission adopt the Proposition 1B Highway-Railroad Crossing Safety Account 2012 Program as proposed in Schedule 1 attached to this memorandum.

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

RESOLUTION GS1B-P-1213-01

- 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 March 19, 2010 meeting, adopted the HRCSA Guidelines (Resolution GS1B-G-0910-01) and at its September 7, 2010 meeting adopted the 2010 HRCSA Program of Projects, and
- 1.6 WHEREAS in accordance with the HRCSA Guidelines, all funds programmed in the 2010 HRCSA Program that were not allocated by June 30, 2012 were eligible to be reprogrammed into the 2012 HRCSA Program, and
- 1.7 WHEREAS the Commission, at its March 28, 2012 meeting, updated the HRCSA Guidelines (Resolution GS1B-G-1112-01) to establish the schedule for the 2012 programming process and to instruct agencies to submit nominations by July 1, 2012, and
- 1.8 WHEREAS all other provisions of the HRCSA Guidelines adopted by the Commission on March 19, 2010 remain in effect, and

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- 1.9 WHEREAS for the 2012 HRCSA Program, \$22,173 million is available for reprogramming in Part 1 and \$18,030 million is available for reprogramming in Part 2, and
- 1.10 WHEREAS the Commission received 21 project nominations requesting \$55,394 million in HRCSA funds by the deadline of July 1, 2012, and
- 1.11 WHEREAS Commission staff has reviewed and evaluated the project nominations consistent with the criteria set forth in the adopted HRCSA Guidelines, and
- 1.12 WHEREAS the Commission held a public hearing on August 22, 2012, receiving comments and testimony on nominated projects, and
- 1.13 WHEREAS Commission staff released its recommendations on September 5, 2012 to program \$22,173 million for four projects in Part 1 and \$18,004 million for eight projects in Part 2,
- 2.1 NOW THEREFORE BE IT RESOLVED that the Commission adopts the attached list of projects as the Adopted Highway-Railroad Crossing Safety Account (HRCSA) 2012 Program, and
- 2.2 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
- 2.3 BE IT FURTHER RESOLVED that the Commission, in anticipation that a new PUC priority list is to be adopted July 1, 2014, will review the programming and delivery status of all HRCSA projects in the Spring 2014, and that funds not allocated by June 30, 2014 will be eligible for reprogramming in a 2014 HRCSA Program, and
- 2.4 BE IT FURTHER RESOLVED that the Commission expects the Department of Transportation and nominating agencies to execute project baseline agreements that set forth the project scope, measurable expected performance benefits, delivery schedule, and estimated costs and funding plan. The baseline agreements shall be signed by the Director of the Department of Transportation and nominating agency executive directors, and
- 2.5 BE IT FURTHER RESOLVED that the Commission requires that baseline agreements include quantification of expected benefits related to the effectiveness of the proposed 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

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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 in 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.

Attachment

Schedule 1
Highway Railroad Crossing Safety Account
2012 Program Recommendations
(Dollars in Thousands)

| Recommended for Programming Part 1 | | | | | | | | |
|---|-------------------|---|----------|-------------------|--------------|---------------|---------------|-----------------|
| County | Nominated By | Project Name | PUC List | Enviro. Clearance | Const. Start | Total Project | HRCSA Request | HRCSA Recommend |
| Sacramento | City of Elk Grove | Grant Line Road Grade Separation Project | x | Feb-11 | Nov-12 | 30,375 | 5,000 | 5,000 |
| San Joaquin | City of Lathrop | Lathrop Road Grade Separation with UPRR | x | Oct-09 | Jan-13 | 16,855 | 5,000 | 5,000 |
| San Mateo | PCJPB | San Mateo Bridges Grade Separation Project, Phase 2 | x | May-09 | May-14 | 30,000 | 9,000 | 9,000 |
| San Joaquin | Port of Stockton | Navy Drive/BNSF Underpass Improvements * Part 1 & 2 | x | Jul-12 | Mar-14 | 3,999 | 3,173 | 3,173 |
| | | Total Recommended for Programming Part 1 | | | | 81,229 | 22,173 | 22,173 |
| | | Available for Funding | | | | | | 22,173 |
| | | Remaining Balance | | | | | | - |

| Recommended for Programming Part 2 | | | | | | | | |
|---|------------------|---|----------|-------------------|--------------|---------------|---------------|-----------------|
| County | Nominated By | Project Name | PUC List | Enviro. Clearance | Const. Start | Total Project | HRCSA Request | HRCSA Recommend |
| San Joaquin | Port of Stockton | Navy Drive/BNSF Underpass Improvements * Part 1 & 2 | x | Jul-12 | Mar-14 | 5,098 | 2,567 | 2,567 |
| Contra Costa | City of Richmond | Marina Bay Parkway Grade Separation | | Jun-09 | Jan-13 | 42,180 | 4,230 | 4,230 |
| Tulare | City of Tulare | Santa Fe Trail at Union pacific RR Grade Separation | | Sep-12 | Aug-13 | 6,813 | 3,381 | 3,381 |
| Los Angeles | SCRRA | Branford Road Grade Crossing Safety Improvements | | Completed | Mar-13 | 3,048 | 1,325 | 1,325 |
| Ventura | SCRRA | Moorpark Avenue Grade Crossing Safety Improvement | | Dec-12 | Apr-13 | 5,041 | 4,841 | 4,841 |
| Los Angeles | SCRRA | Grandview Ave Grade Crossing Safety Improvements | | Completed | Sep-12 | 2,630 | 580 | 580 |
| Los Angeles | SCRRA | Sonora Ave Grade Crossing Safety Improvement | | Completed | Sep-12 | 2,630 | 580 | 580 |
| Los Angeles | SCRRA | Woodley Avenue Grade Crossing Safety Improvements | | Apr-12 | Mar-13 | 1,000 | 500 | 500 |
| | | Total Recommended for Programming Part 2 | | | | 68,440 | 18,004 | 18,004 |
| | | Available for Funding | | | | | | 18,030 |
| | | Remaining Balance | | | | | | 26 |

| Not Recommended for Programming | | | | | | | | |
|--|-------|--|--|-----------|--------|-------|-------|--|
| San Bernardino | SCRRA | Hellman Road Grade Crossing Safety Improvements | | Completed | Mar-13 | 6,006 | 3,181 | |
| Ventura | SCRRA | Sycamore Drive Grade Crossing Safety Improvement | | Dec-12 | Mar-13 | 4,055 | 1,217 | |
| Ventura | SCRRA | Erringer Road Grade Crossing Safety Improvement | | Dec-12 | Mar-13 | 4,383 | 1,217 | |
| Ventura | SCRRA | First Street Grade Crossing Safety Improvement | | Dec-12 | Mar-13 | 2,521 | 1,217 | |
| Los Angeles | SCRRA | Citrus Avenue Grade Crossing Safety Improvements | | Apr-13 | Jan-14 | 3,030 | 1,515 | |
| Los Angeles | SCRRA | Ramona Blvd Grade Crossing Safety Improvements | | Apr-13 | Jan-14 | 3,030 | 1,515 | |
| Los Angeles | SCRRA | Sierra Hwy Blvd Grade Crossing Safety Improvements | | Apr-13 | Jan-14 | 3,030 | 1,515 | |

| Not Eligible for Funding | | | | | | | | |
|---------------------------------|-------------------|--|--|-----------|--------|-------|-------|--|
| Orange | City of Santa Ana | Lincoln Ave Railroad Safety Pathway | | Oct-12 | Sep-13 | 1,022 | 920 | |
| Los Angeles | SCRRA | Doran St Grade Crossing Safety Improvement | | Completed | May-13 | 2,495 | 1,247 | |