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EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
JULY 20, 2006

SUBJECT: STATE LEGISLATION

ACTION: APPROVE STAFF RECOMMENDATION ON STATE LEGISLATION

RECOMMENDATION

Adopt the following positions:

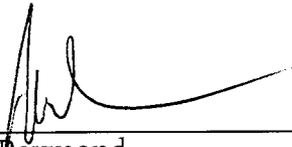
- A. SB 208 (Alquist) – **SUPPORT** - Would authorize the California Transportation Commission to enter into full funding grant agreements for Traffic Congestion Relief Program projects with outstanding allocations over \$100 million.

- B. AB 1699 (Frommer) – **OPPOSE UNLESS AMENDED** – Places restrictions on passenger seating in the operation of commuter rail services in the State of California until 2010, with the exception of Amtrak. After 2010, the bill would prohibit a specific operating configuration in commuter rail services.

ATTACHMENTS

Attachments A - B: Legislative Analysis

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BILL: SB 208
AUTHOR: STATE SENATOR ELAINE ALQUIST
(D-SAN JOSE)
SUBJECT: TRAFFIC CONGESTION RELIEF PROGRAM
STATUS: ASSEMBLY APPROPRIATIONS COMMITTEE
POSITION: SUPPORT

RECOMMENDATION

Staff recommends that the Board of Directors adopt a support position on the SB 208 (Alquist).

ISSUE

Authorizes the California Transportation Commission (CTC) to develop full funding grant agreement for large unallocated project fund balances in the Traffic Congestion Relief Program (TCRP).

PROVISIONS

Existing law creates the Traffic Congestion Relief Program and funds a list of specific congestion relief projects with the proceeds from the sales tax on gasoline. SB 208 would authorize the California Transportation Commission to enter into full funding grant agreements for TCRP projects with outstanding allocations over \$100 million.

IMPACT ANALYSIS

In 2000, AB 2928 (Torlakson), created the TCRP. This measure transfers the sales tax on gasoline to transportation and funds a specific list of congestion relief projects, the State Transportation Improvement Program, street and road repair and public transit. In 2002, Proposition 42 was approved by the voters permanently dedicating the sales tax on fuel for transportation projects. The TCRP was also incorporated in the measure.

The State of California has suspended Proposition 42 due to recent budget deficits and this has delayed funding for TCRP projects. These suspensions have taken the form of loans so the State is ultimately responsible to maintain funding for the entire program including the TCRP projects. However, the delays in funding and the long term repayment of these funds place projects, especially large outstanding projects at risk.

During the Proposition 42 suspensions, Metro took the unprecedented step of advancing local funds for TCRP projects to keep many projects on schedule and under budget. Local funds were “de-obligated” from other projects and placed on TCRP projects, namely the Metro Gold Line Eastside Extension and the Metro Orange Line. In doing so, Metro did not access an allocation of TCRP funds since they were unavailable.

Under law these project allocations are still available to Metro and would be used to replace the local funds advanced to the state. Under this scenario Metro would apply to the CTC for allocation of TCRP funds as they become available through loan repayments. This would place Metro’s projects in competition with other projects in the State.

SB 208 would authorize the CTC to enter into full funding grant agreements similar to those used at the Federal level, for projects over \$100 million. This would provide the CTC with the flexibility to set aside large outstanding project allocations, and provide a long-term yet stable funding program for these projects. Having solidified the funding for large projects the CTC would have more flexibility to address funding for the smaller projects. This would have the dual effect of stabilizing funding for large projects and creating more certainty for projects under \$100 million.

Metro has several TCRP projects that would be eligible for full funding grant agreements. However, there are specified projects that fall short of the \$100 million threshold. Metro staff is working closely with the author to consider an amendment to lower the threshold to \$75 million unallocated balances. This would increase the number of Metro sponsored TCRP projects that would be eligible for the full funding agreements.

The recent budget agreement which makes a substantial repayment of outstanding Proposition 42 loans may impact this legislation. If the CTC is able to make funding available for a number of projects then it may be appropriate to keep the threshold for full funding grant agreements at \$100 million. However, staff is currently in discussions with the CTC and the author on this matter.

Staff recommends that the Board support SB 208 but maintain the option to pursue an amendment reducing the threshold to \$75 million if warranted.

BILL: AB 1699
AUTHOR: ASSEMBLY MEMBER DARIO FROMMER
(D-GLENDALE)
SUBJECT: COMMUTER RAIL OPERATIONS
STATUS: SENATE APPROPRIATIONS COMMITTEE
POSITION: OPPOSE UNLESS AMENDED

RECOMMENDATION

Staff recommends that the Board of Directors take an oppose unless amended position on the AB 1699 (Frommer).

ISSUE

This bill mandates that transit operators providing commuter rail service shall prohibit passengers from sitting in the forward ten rows of a cab car when in the push configuration of operations, and, after January 1, 2010 the operators shall not operate commuter rail service in the push configuration.

PROVISIONS

AB 1699 as currently drafted would place restrictions on the operation of commuter rail services in the State of California. Specifically AB 1699 would:

- Until 2010 would prohibit commuter rail operators from allowing passengers to sit in the first rows of a train while the train is operating in the push-configuration.
- After 2010 would prohibit commuter rail operators from operating in the push configuration.
- Would specify that the push configuration is one where a train is powered by a locomotive at the rear of the train while the operator is in a cab car or modified passenger car at the front of the train.
- Would exempt Amtrak operated services from these requirements.

IMPACT ANALYSIS

AB 1699 has been proposed in response to the tragic incident involving a Metrolink train in Glendale in 2005. This incident involved a train in the push configuration and an individual who drove onto the tracks.

AB 1699 will result in considerable fiscal impacts to commuter rail operators in California. Commuter rail operators will have to significantly alter their operations and make significant capital investment in order to respond to the mandates of AB 1699. These modifications include operating trains with a locomotive at each end or purchasing large amounts of real estate at the end of lines to create facilities where the train can turn around. Metrolink maintains that it would need turning facilities at 15 locations. The typical turning location requires eight acres and the loop requires 13 acres. Metrolink was unable to place a cost on this strategy.

Should these requirements be imposed Metrolink would have to reduce service to comply and would result in a reduction of about 1/3 of their overall service. Additionally Metrolink has ordered modified cab cars designed to provide greater protection in such incidents. They would be unable to use the new cab cars being acquired.

Additionally, a recent study by the Federal Railroad Administration has found that injuries sustained in incidents while a train is operating in the push configuration are not significantly greater than injuries resulting in the pull configuration.

In response to the Glendale incident Metrolink has embarked upon two programs; Sealed Corridors and Improved Cab Car Safety. Sealed Corridors is a multifaceted program to improve grade crossing through redesign, and the construction of additional grade separations; construct fences and gates to constrain pedestrian and vehicle access to the right-of-way; and change land uses near grade crossing to remove potentially hazardous activities adjacent to grade crossings. Improve Cab Car Safety is an international effort to improve cab car safety, since push-pull operation is a standard procedure throughout the world. This program has developed crash energy management designs (CEM) for cab cars as well as the rest of the train. A new design has been developed, tested under operating conditions, and is expected to become the new national standard in a few months.

AB 1699 was considered by the Senate Transportation and Housing Committee on June 27, 2006 and the committee recommended that the bill be modified to eliminate the prohibitions on push configuration and instead proposed a study of the push configuration. As of the drafting of this report, the bill has not been amended. Staff feels it is appropriate for the Board to be on record opposing the prohibitions proposed by AB 1699 and support the bill if it is modified to study push configuration.

AB 1699 is opposed by Amtrak, the LOSSAN Rail Corridor Agency, Ventura County Transportation Commission, San Bernardino Associated Governments (SANBAG), California Transit Association, The Transit Coalition, Train Riders of California (TRAC), Rail Passenger Association of California, American Public Transit Association, Southern California Regional Rail Authority (Metrolink), North San Diego County Transit (operator of Coaster service), San Joaquin Regional Rail Commission (operator of ACE service), and Caltrain.