

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: May 17-18, 2023

From: TANISHA TAYLOR, Interim Deputy Director

Reference Number: 4.21, Action

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Subject: Authorization for Funding Emergency Condition Response Projects for a Publicly Owned Rail Facility, Resolution G-23-20

Recommendation:

Staff recommends that the California Transportation Commission (Commission) delegate the authority to approve the allocation of funds from the Interregional Improvement Program of the State Transportation Improvement Program in response to a declared emergency condition impacting a publicly owned rail facility, as described in Resolution G-23-20 (Attachment A) to the Executive Director of the Commission.

Issue:

The occurrence of floods, slides, earthquakes, material failures, slip-outs, or other catastrophic events can suddenly endanger or damage publicly owned rail facilities. The resulting conditions place people, or property in jeopardy and may cause or threaten to cause closure or provide access of a publicly owned rail facility.

In order to respond promptly and effectively to sudden and unexpected emergencies without having to wait for the next regularly scheduled Commission meeting or convene an emergency meeting of the Commission, staff recommends the Commission provide the Executive Director of the Commission the authority to approve the allocation of funds for emergency condition response to rail projects under all of the following conditions:

- An emergency condition has been declared consistent with the provisions of Government Code section 14120 or by declaration of the Governor
- The rail facility is publicly owned
- The publicly owned rail facility provides state-supported intercity rail passenger service
- The maximum delegated allocation authority amount does not exceed \$10 million per fiscal year
- The allocation shall be for the construction capital phase
- The Commission Executive Director will report on any allocations at the next available Commission meeting, at which time the Interregional Improvement Program shares will be adjusted.

Allocations for emergency condition response to rail projects that are over \$10 million will need to request approval from the Commission.

Background:

Government Code Section 14533(a) authorizes the Commission to allocate funding to a project not programmed in an adopted State Transportation Improvement Program in response to an emergency condition which has placed either people or property in jeopardy or which has caused or threatens to cause closure of a critical transportation facility or access to it.

Attachment:

- Attachment A: Resolution G-23-20

CALIFORNIA TRANSPORTATION COMMISSION

Authorization for Funding Emergency Condition Response Projects for a Publicly Owned Rail Facility

RESOLUTION G-23-20

- 1.1 **WHEREAS**, the occurrence of fires, floods, slides, earthquakes, material failures, slip-outs, or other catastrophic events can suddenly endanger or damage publicly owned rail facilities in such a manner that the condition places people or property in jeopardy; and
- 1.2 **WHEREAS**, the occurrence may possibly cause or threaten to cause closure of a publicly owned rail facility that provides state supported intercity rail passenger service; and
- 1.3 **WHEREAS**, if the closure occurs, it may interrupt services causing significant impacts to the citizens of California that rely on state supported intercity passenger rail services for transport; and
- 1.4 **WHEREAS**, in such emergencies, the prompt response to a local agency's request for immediate financial assistance can be impaired if the California Transportation Commission (Commission) is unable to immediately convene an emergency meeting.
- 2.1 **NOW THEREFORE BE IT RESOLVED**, that the Commission's Executive Director is authorized to approve the allocation of funding from the Interregional Improvement Program of the State Transportation Improvement Program for emergency condition response to a publicly owned rail project that provides state-supported intercity passenger rail service when any of the conditions described above require the immediate performance of work; and
- 2.2 **BE IT FURTHER RESOLVED**, that prior to approving the emergency allocation, an emergency declaration has been declared consistent with Government Code section 14120 or by declaration of the Governor for the surrounding area that threatens the operations of, or access to, a publicly owned rail facility that provides state supported intercity passenger rail service; and
- 2.3 **BE IT FURTHER RESOLVED**, that the maximum delegated allocation authority amount under this delegation shall not exceed \$10 million per fiscal year; and
- 2.4 **BE IT FURTHER RESOLVED**, that the emergency allocation shall only be for the construction capital phase; and

- 2.5 **BE IT FURTHER RESOLVED**, that the Commission's Executive Director must report to the Commission all emergency allocations made under this Resolution at the next available Commission meeting; and
- 2.6 **BE IT FURTHER RESOLVED**, that at the time the report is presented to the Commission, the Interregional Improvement Program shares will be adjusted consistent with the report; and
- 2.7 **BE IT FURTHER RESOLVED**, that all timely use of funds provisions in the State Transportation Improvement Program Guidelines shall apply.