

## Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: October 19-20, 2016

Reference No.: 2.1c.(10)  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

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Transportation

Subject: **LETTER OF NO PREJUDICE - TRANSIT AND INTERCITY RAIL CAPITAL PROGRAM  
RESOLUTION LONP TIRCP-1617-01**

### **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) consider this Letter of No Prejudice (LONP), available under Senate Bill (SB) 9, for the Elvira to Morena Double Track Project in San Diego County.

### **ISSUE:**

The Elvira to Morena Double Track Project is located along the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor, north of Control Point, and includes converting 2.6 miles of single track to double track, bridge replacement, and signal improvements. This project is ready to proceed with construction and will support increased ridership and reduced greenhouse gas emissions through improvements that will enable more frequent and integrated intercity and commuter rail service, promoting the movement of people and goods. The Elvira to Morena Double Track Project is a component of the LOSSAN All Aboard: Transforming Southern California Rail approved project for FY 16-17 and FY 17-18 funding.

Due to the majority of Transit and Intercity Rail Capital Program (TIRCP) funds becoming available through future auction proceeds, the San Diego Association of Governments is requesting SB 9 authority to substitute other local funds for \$61,938,000 of programmed TIRCP funds with other local funds to keep the project on schedule.

### **BACKGROUND:**

Government Code Section 14556.33 allows an applicant agency that is either a regional or local entity, to seek to approval of an LONP. If approved by the Commission, the LONP allows the applicant agency to expend its own funds for any component of the transportation project, and seek allocation and reimbursement from the TIRCP in the future.

**RESOLUTION LONP TIRCP-1617-01**

Be it Resolved, with all conditions stipulated still in effect, the California Transportation Commission hereby approves a Letter of No Prejudice (LONP) for the Elvira to Morena Double Track Project, programmed in, or otherwise funded by, the Transit and Intercity Rail Capital Program (TIRCP); and

Be it Further Resolved, that the agency understands that they proceed at their own risk, as reimbursement is dependent on future availability of TIRCP funding; and

Be it Further Resolved, that the project component covered by an LONP should be ready to proceed to contract award (or equivalent) once the LONP is approved; and

Be it Further Resolved, that the agency shall report to the Department following LONP approval on progress in executing agreements and third party contracts needed to execute the work.