

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: December 10, 2003

Reference No.: 2.5g.  
Action Item

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Ref: AUGMENTATION OF FISCAL YEAR 2003-04 ALLOCATION OF FUNDS FOR  
RIGHT OF WAY PROGRAM  
RESOLUTION FM 03- , AMENDING RESOLUTION FM-03-01

**ISSUE:** Is there sufficient cash available for the California Transportation Commission (Commission) to approve a Resolution to augment the Fiscal Year (FY) 2003-04 annual Right of Way Program (R/W) allocation?

**RECOMMENDATION:** The Department of Transportation (Department) recommends approval of a Resolution to augment the approved \$150 million FY 2003-04 R/W Program allocation by \$23.5 million.

**BACKGROUND:**

During the August 2003 meeting, the Commission approved Resolution FM 03-01 for a cash constrained annual allocation of \$150 million for R/W Capital Outlay funds for the 2003-04 fiscal year. Prior to approval of the constrained allocation it was noted that the reduced funding was due to the current cash flow situation and reduced State Highway Account revenues. It was also noted that programmed R/W needs for FY 2003-04 were really approximately \$259 million and that the reduced allocation would cause some projects to be delayed. The Commission asked for a list of those projects. A list was presented at the September 2003 Commission meeting identifying 87 projects with a programmed R/W need of approximately \$87.5 million in FY 2003-04, and indicating that these projects would be delayed to a later year because of the reduced funding.

The \$150 million approved by the Commission in the constrained allocation was for funding safety and key projects with previous commitments, and for identified Post Certification and Damage to Property (Inverse) costs. The Department indicated that there is a level of risk with the constrained allocation because of uncertainty of the status of negotiations and level of commitment on some projects, and the unpredictable nature and the timing of Post Certification estimates and Damage to Property (Inverse). Out of the \$150 million that was allocated, \$106 million has already been committed. The expenditure of the remaining \$44 million has been identified to a specific need and is being closely managed, which makes it obvious that there are not sufficient funds remaining to cover the immediate and critical needs of the R/W program. This request for approval of a Resolution to

augment the constrained allocation will allow the Department to continue to deliver safety needs and meet previous commitments. The augmentation provides funds for:

1. Major STIP (Post Certification) - The Department indicated that there is a level of risk with the constrained allocation because of uncertainty of the status of negotiations and level of commitment on some projects, and the unpredictable nature and the timing of Post Certification estimates. However the expenditures are exceeding the risk estimated.
2. Safety projects - Additional safety projects have been identified for funding. These new projects are a result of pulling safety components out of unfunded projects and delivering the safety portion of the project.
3. Damage to Property (Inverse) - Expenditures for existing inverse condemnations have exceeded original funding estimates.
4. Other (Obligations and Commitments on Unfunded Projects) - While backing out of some ongoing R/W activities on unfunded projects, the Department has identified obligations and commitments upon which property owners based their financial decisions. Funding those identified obligations is critical to providing fair and equitable treatment to all impacted property owners and to avoid financial injury. Not funding these financial obligations could result in substantial increase in future costs to the Department.

This request will be revenue neutral by using SHOPP savings. While most of the funds required in the augmentation are for STIP projects, since STIP funds are not available, the Department has determined that sufficient SHOPP cash flow savings will be realized during the year to off-set the additional right of way costs. SHOPP projects delivered through the October 2003 Commission meeting have an allocation savings of about 4.8 percent (\$12.6 million). It is expected that allocation savings for the remainder of the \$800 million SHOPP Allocation Plan will have similar cash flow savings that will cover the supplemental request. The Department has agreed with Commission staff to closely monitor and report on the savings. Should insufficient savings be generated, projects could be delayed as necessary to cover the right of way augmentation.

A summary of the additional needs and a project list is attached.

The Department will continue to report expenditures and highlight any savings or new critical R/W issues to the Commission as we proceed through the fiscal year. The Department is committed to managing within the constrained allocation, but if needed will suggest adjustments to avoid significant cost increases or major future problems.

Attachments

**SUMMARY OF FY 03/04 RIGHT OF WAY ALLOCATION /REVISED ESTIMATE***(Dollars in Millions)*

	Fiscal Year Allocation	Revised Estimate	Net Difference
Major Capital Projects Total			
New Major STIP	9.0	9.0	0.0
Major STIP (Post Cert)	83.0	90.6	7.6
Other ( Including Unfunded Project Obligations/Commitments)	12.5	27.0	14.5
Fund Reservation			
Minor Projects, Safety, etc.	1.6	2.0	0.4
Post-Certification	31.0	31.0	0.0
Hardships	0.5	0.5	0.0
Proj Dev/Environmental Permit Fees	0.4	0.4	0.0
Damage to Property (Inverse)	12.0	13.0	1.0
<b>TOTALS</b>	<b>\$150</b>	<b>\$173.5</b>	<b>23.5</b>

**NEW SAFETY PROJECTS**

<b>Co-Rte-PM</b>	<b>District/EA</b>	<b>Description</b>
DN-199-7.6	01-410000	IN DEL NORTE COUNTY NEAR HIOUCHI AT 0.3 KM NORTH OF MYRTLE CREEK SIDE-HILL VIADUCT NO 2 - CURVE IMPROVEMENT
MEN-175-2.0/2.3	01-431501	NEAR HOPLAND FROM 1.4 KM TO 1.9 KM EAST OF EAST SIDE ROAD - REALIGN CURVE AND WIDENING
LAK-029-2734/28.0	01-410200	IN LAKE COUNTY ABOUT 12 KM NORTH OF LOWER LAKE FROM 0.8 KM S OF ROUTE 281 TO 0.2 KM NORTH OF ROUTE 281- REALIGN VERTICAL CURVE
MEN-101-96.6/96.9	01-410501	IN MENDOCINO COUNTY ABOUT 7.0 KM NORTH OF LEGGETT FROM 0.1 TO 0.6 KM NORTH OF DORA CREEK BRIDGE #10-264 - REALIGN CURVE
MEN-101-37.4/38.6	01-410701	NEAR WILLITS FROM 6.7 KM TO 6.1 KM SOUTH OF SOUTH WILLITS OH #10-1 - REALIGNMENT AND WIDENING
PLU-089-0.7/2.7	02-366001	IN PLU CO NEAR GRAEAGLE FROM 1.1 KM NORTH OF SIE CO TO 1.1 KM SOUTH OF SULFUR CR. BR. - REALIGN CURVE
SHA-299-32.0/32.3	02-384801	IN SHA CO NEAR BELLA VISTA FROM OLD ALTURAS RD TO 0.3 KM E OF OAK KNOLLS RD - CONSTRUCT TWO-WAY L TURN LANE #1843
SHA-273-6.9	02-393701	IN SHASTA COUNTY NEAR ANDERSON AT OX YOKE ROAD - INSTALL TRAFFIC SIGNALS
TRI-299-51.9/52.4	02-354801	IN TRINITY COUNTY AT WEAVERVILLE FRM BREMER ST TO MOUNTAIN VIEW STREET - WIDEN SHOULDERS
PLA-193-4.0/4.3	03-1C5801	NEAR LINCOLN, AT FOWLER ROAD - CONST LEFT-TURN CHANNELIZATION
COL-020-32.8/33.1	03-0C0500	IN COLUSA FROM BUTTE VISTA WAY TO MOON BEND ROAD - CONSTRUCT TWO WAY LEFT TURN LANE
SOL-029-0.1	04-299200	IN SOLANO COUNTY IN THE CITY OF VALLEJO AT THE ROUTE 29 AND MARITIME ACADEMY DRIVE INTERSECTION - INSTALL TRAFFIC SIGNAL AND LEFT-
SCR-009-9.4/9.7	05-465601	IN BEN LOMOND FROM GLEN ARBOR ROAD TO MILL STREET - CONSTRUCT LEFT TURN LANE
MON-101-76.0/77.9	05-0A1401	IN MONTEREY CO AT CHUALAR FROM 1.5 KM SOUTH TO 1.4 KM NORTH OF MAIN ST OC - CONSTRUCT MEDIAN BARRIER
SLO-001-8.4/8.5	05-445001	BETWEEN OCEANO AND GUADALUPE 1.0 KM SOUTH OF HALCYON RD - REALIGN INTERSECTION
SB-101-77.4/78.5	05-0J8001	IN SB CO ON RTE 101 N OF LOS ALAMOS NEAR SOLOMAN SUMMIT - PAVING/RUMBLE STRIPS
TUL-137-20.4/20.9	06-323101	IN TUL CO NEAR TULARE ON RTE 137 FROM 0.4 KM W TO 0.4 KM E OF ROAD 140 (LOVERS LANE) INTERSECTION - SIGNALS, LIGHTING

Co-Rte-PM	District/EA	Description
KER-184-2.9/3.1	06-463401	IN LAMONT ON RTE 184 AT MOUNTAIN VIEW ROAD INTERSECTION - CONSTRUCT LEFT-TURN LANE
LA-138-56.2	07-4G4000	IN LOS ANGELES AT 96TH STREET EAST INTERSECTION - PLACE LEFT TURN POCKET
RIV-079-R11.9/R12.5	08-1A5801	IN RIVERSIDE COUNTY ON SR 79 FROM 0.5 KM NORTH OF SCOTT RD TO 0.5 KM SOUTH OF SCOTT RD - WIDEN INTERSECTION, INSTALL SIGNALS
RIV-079-2.2/2.3	08-438111	AGUANGA JCT RTES 79/371 - REALIGN TO CREATE "T" INTERSECTION
SBD-066-17.1/17.2	08-492501	FONTANA & RIALTO @ MAPLE AVENUE - INSTALL TRAFFIC SIGNAL & INT IMP
SBD-138-17.1/19.2	08-437001	CAJON PASS, 3.0 KM E/O RTE 15 TO 0.4 KM W/O SUMMIT POST OFFICE ROAD - CONST 2-LANE 40' PAVED SECTION
SBD-018-36.2/37.3	08-451401	NR RUNNING SPRINGS, 2.1 KM S/O SNOW VALLEY DR - WIDEN LANE & CORRECT SUPERELEVATION
SJ-120-6.7/7.0	10-0A7501	IN SAN JOAQUIN COUNTY, IN AND NEAR MANTECA FROM 0.3 KM WEST TO 0.2 KM EAST OF AUSTIN ROAD INSTALL TRAFFIC SIGNALS
AMA-088-7.1/7.6	10-1A6701	IN AMADOR CO, NEAR IONE ON ROUTE 88 FROM 0.4KM WEST OF RTE 104 TO 0.4KM EAST OF ROUTE 104 - CONSTRUCT LEFT TURN LANE AND WIDEN
CAL-026-7.2/8.3	10-498401	IN CAL CO NEAR VALLEY SPRINGS AT SILVER RAPIDS RD - CURVE CORRECTION AND WIDEN
STA-132-18.6	10-0H0201	IN STANISLAUS COUNTY ON ROUTE 132 AT THE INTERSECTION OF MCCLURE RD. - INSTALL SIGNALS.
IMP-098-41.9/42.2	11-250201	IN IMPERIAL COUNTY ABOUT 14 KM EAST OF CALEXICO FROM 0.3 KM WEST TO 0.2 KM EAST OF HAWK/BONDS CORNER ROAD - LEFT TURN CHANNELIZATION, SHOULDER
SD-078-20.7/R21.3	11-241901	IN SAN DIEGO COUNTY NEAR ESCONDIDO FROM CITRUS DR TO FLORA VISTA DR - REVISE INTERSECTION WIDEN SHOULDERS
ORA-133-0.3	12-0G0200	IN LAGUNA BEACH FOREST AVE INTERSECTION OF RTE 133 AND FOREST AVENUE - UPGRADE SIGNALS AND REFRESH

**UNFUNDED PROJECTS WITH PENDING COMMITMENTS/OBLIGATIONS**

<b>Co-Rte-PM</b>	<b>District/EA</b>	<b>Description</b>
ALA-084-R4.9/R5.9	04-444009	IN NEWARK FROM THE NEWARK BOULEVARD UNDERCROSSING TO 0.1 WEST OF THE ROUTE 84/880 INTERCHANGE - WB HOV LANE EXTENSION AND BYPASS
NAP-029-29.3/32.8	04-128479	IN NAPA COUNTY IN CITY OF ST HELENA FROM YORK CREEK BRIDGE TO BALE LANE - ROADWAY REHABILITATION
SON-101-19.5/21.6	04-245409	IN SONOMA COUNTY IN SANTA ROSA ON RTE. 12 FROM S. SANTA ROSA OVERHEAD TO ROUTE 12/101 SEPARATION AND ON RTE. 101 FROM EARLE ST PED OVERCROSSING TO STEELE LANE UNDERCROSSING - WIDEN FREEWAY TO 6 LANES, CONSTRUCT
SCL-087-2.5	04-151269	IN SANTA CLARA COUNTY IN SAN JOSE AT 0.1 KM SOUTH OF CAROL DRIVE UNDERCROSSING - INSTALL TRAFFIC OPERATIONS SYSTEM
MRN-101-11.2/12.8	04-226141	IN MARIN COUNTY IN SAN RAFAEL ON ROUTE 101 FROM 0.8 KM SOUTH OF THE COLEMAN SCHOOL PEDESTRIAN OVER CROSSING TO NORTH SAN PEDRO ROAD UNDERCROSSING - REVERSIBLE HOV LANE
SM-082-22.1/22.3	04-299709	IN SAN MATEO COUNTY IN SOUTH SAN FRANCISCO ON EL CAMINO REAL AT ARLINGTON DRIVE - INSTALL TRAFFIC SIGNAL, FLASHING
SBD-062-0.8/9.6	08-359029	NEAR MORONGO VALLEY & YUCCA VALLEY, 0.1 KM W/O HESS BLVD TO LA HONDA WY - SHOULDER WIDENING, REALIGNMENT
SBD-215-5.0/6.7	08-007179	IN SAN BERNARDINO FROM 0.4 KM S/O ORANGE SHOW RD OC TO 0.2 KM S/O RIALTO AVE UC. SEGMENT 3 - WIDEN FWY, MODIFY IC'S & C/D RDS-SEG3
RIV-010-42.4/43.9	08-456009	NR RANCHO MIRAGE FROM 1.5 KM W/O TO 0.9 KM E/O RAMON RD IC - CONST BOB HOPE DR EXT W/NEW DIAMOD
STA-120-3.0/R12.9	10-345409	0.1 MILE WEST OF VALLEY HOME ROAD TO 2.8 MILE EAST OF LANCASTER ROAD (OAKDALE BYPASS) - CONSTRUCT 2-LANE EXPRESSWAY
MER-099-23.8/R26.5	10-414809	IN MERCED COUNTY NEAR THE CITY OF ATWATER ON RTE 99 FROM 0.4 KM NORTH OF ATWATER OVERHEAD TO 0.4 KM SOUTH OF ARENA WAY - CONVERT 4-LANE EXPRESSWAY TO 6-LANE
CAL-004-R21.1/R23.4	10-362509	IN ANGELS CAMP FROM NORTH JCT RTE 49 TO 0.9 KM E OF ROLLER BYPASS RD - CONSTRUCT 2 LANE EXPRESSWAY
MER-099-10.2/12.8	10-363109	IN MERCED FROM MC HENRY RD TO 0.4 KM SOUTH OF CHILDS AVE OC - 4E TO 4F ON 8F R/W ALIGNMENT

**CALIFORNIA TRANSPORTATION COMMISSION**

**AUGMENTATION OF FISCAL YEAR 2003-04  
RIGHT OF WAY PROGRAM ALLOCATION**

**RESOLUTION FM-03-\_\_\_,  
AMENDING RESOLUTION FM-03-01**

- 1.1 **WHEREAS**, Resolution G-01-09 requires the Department of Transportation (Department) to present the annual right of way (R/W) capital outlay expenditure allocation plan to the California Transportation Commission (Commission) for review and acceptance; and
- 1.2 **WHEREAS**, at the June 26, 2003 Commission Meeting, Resolution FM-02-03 was approved allocating \$59,000,000 from Fiscal Year (FY) 2002-2003 to go towards FY 2002-03 and FY 2003-04 project commitments; and
- 1.3 **WHEREAS**, in August 2003, a constrained amount of \$150,000,000, including the \$59,000,000 approved in June 2003, was allocated under Resolution FM-03-01 for R/W Capital Outlay expenditures for the 2003-04 fiscal year, while recognizing that to meet programmed commitments the Department needs have been identified at \$259,000,000; and
- 1.4 **WHEREAS**, the Department has indicated that there is a level of risk with the constrained allocation because of uncertainty of the status of negotiations and level of commitment on some projects, and the unpredictable nature and the timing of Post Certification estimates and Damage to Property (Inverse); and
- 1.5 **WHEREAS**, it has been determined that an additional \$23,500,000 is needed to allow the Department to continue to deliver safety needs and meet previous commitments, bringing the total to be allocated for R/W Capital Outlay expenditures to \$173,500,000; and
- 1.6 **WHEREAS**, the augmentation of \$23,500,000 will provide for:
  1. Major STIP (Post Certification) projects
  2. Safety projects
  3. Damage to Property (Inverse)
  4. Other Obligations and Commitments on Unfunded Projects

- 1.8 **WHEREAS**, the Department has determined that sufficient SHOPP cash flow savings will be realized during the year to off-set the additional right of way costs.
- 2.1 **NOW, THEREFORE, BE IT RESOLVED** that the Commission does hereby allocate \$23,500,000 in State Highway Account funds for specified projects on the R/W Capital Outlay expenditure plan that fall into one of the categories listed above, bringing the total amount allocated for R/W Capital Outlay expenditures to \$173,500,000; and
- 2.2 **BE IT FURTHER RESOLVED** the Department will closely monitor and report on the SHOPP savings, and should insufficient savings be generated, projects funded under this allocation could be delayed as necessary to cover the right of way augmentation; and
- 2.2 **BE IT FURTHER RESOLVED** that Resolution FM-03-01 is hereby amended.