

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: April 9-10, 2008

Reference No.: 2.5h.  
Action Item

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Subject: **ADJUSTMENT TO FISCAL YEAR 2007-08 RIGHT OF WAY LUMP SUM ALLOCATION  
RESOLUTION FM-07-05, AMENDING RESOLUTIONS FM-06-06 AND FM-07-01**

## **RECOMMENDATION:**

The Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve the Resolution below to reduce the Fiscal Year (FY) 2007-08 right of way lump sum capital allocation by \$46,384,000, from \$330,384,000 to \$284,000,000.

## **ISSUE:**

The FY 2007-08 right of way lump sum capital allocation of \$320,384,000 was approved on June 7, 2007, under Resolution FM-06-06. An additional \$10,000,000 in Border Infrastructure Program funds were added to the lump sum amount on July 26, 2007, under Resolution FM-07-01. Right of way capital expenditures from the lump sum allocation have been less than previously forecast. A reduction of \$46,384,000 is needed to adjust the FY 2007-08 Right of Way lump sum allocation to reflect current spending.

## **BACKGROUND:**

Resolution G-01-09 requires the Department to annually present its Right of Way Capital Outlay Expenditure Plan (Plan) to the Commission for review and acceptance. The Resolution states that the Plan will be supported by a project list that includes at a minimum, project description, source programming document, district, county, route, post mile, expenditure authorization, planning programming number, planned right of way expenditure, and total programmed right of way capital.

On June 7, 2007, the Commission approved the FY 2007-08 Plan presented by the Department for \$320,384,000. At the time, the FY 2007-08 Plan was consistent with the Department's Program documents. The allocation fully funded all State Highway Operation and Protection Program (SHOPP), State Transportation Improvement Program (STIP) and Route 99 Bond projects. It listed specific categories that covered projected Post Certification expenditures, Damage to Property Settlements, and Project Development costs. Consistent with Resolution G-01-09, the Department reviewed with Commission staff the proposed list of project expenditures that comprised the requested FY 2007-08 allocation.

On July 26, 2007, the Commission also approved an augmentation to the Plan for \$10,000,000 in Border Infrastructure Program (BIP) funds on the Brawley Bypass project for the Route 78 project in the county of Imperial, which increased the Plan to \$330,384,000. BIP funds are programmed, allocated and expended in the same manner as other federal transportation capital funds in the STIP.

Right of way expenditures on the three Route 99 Bond funded projects are minimal this fiscal year. The schedule for the Brawley Bypass project has moved out and right of way requirements have not been received, so the BIP funds will not be expended in FY 2007-08. Mitigation acquisitions on the Prunedale Route 101 STIP project in Monterey County will be committed in a future fiscal year. The remaining reduction is for Inverse Condemnation and Post Certification Condemnation related expenditures that were delayed until FY 2008-09 due to pending court dates and settlement delays.

The table below has been revised to reflect a reduction of \$46,384,000.

### **RESOLUTION:**

Resolved, that the California Transportation Commission does hereby reduce the right of way lump sum capital allocation of \$330,384,000 by \$46,384,000, for a revised total of \$284,000,000, to be allocated from the Budget Act of 2007, Budget Act Items 2660-301-0042, 2660-301-0890, 2660-302-0042, 2660-302-0890, 2660-304-6072, and Non-Budget Act Item 2660-801-3008, for Fiscal Year 2007-08.

#### **FY 2007-08 ESTIMATED ALLOCATION OF FUNDS FOR R/W (Dollars in Thousands)**

	<b>ALLOCATION FM-06-06 &amp; FM-07-01</b>	<b>CURRENT ADJUSTMENT</b>	<b>REVISED ALLOCATION</b>
<b>Capital Projects</b>			
STIP	<b>\$187,000</b>	<b>(\$16,000)</b>	<b>\$171,000</b>
SHOPP	<b>\$40,000</b>	<b>\$0</b>	<b>\$40,000</b>
Route 99 Bond	<b><u>\$7,384</u></b>	<b><u>(\$7,284)</u></b>	<b><u>\$100</u></b>
Total Capital Projects	<b>\$234,384</b>	<b>(\$23,284)</b>	<b>\$211,100</b>
<b><u>Specific Categories:</u></b>			
Post Certifications	<b>\$73,000</b>	<b>(\$18,000)</b>	<b>\$55,000</b>
Damage to Property (Inverse Condemnations)	<b>\$22,000</b>	<b>(\$5,100)</b>	<b>\$ 16,900</b>
Project Development Capital	<b><u>\$1,000</u></b>	<b><u>\$0</u></b>	<b><u>\$1,000</u></b>
Total Specific Categories	<b>\$96,000</b>	<b>(\$23,100)</b>	<b>\$72,900</b>
<b><u>Pre-project Mitigation:</u></b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b><u>Total R/W</u></b>	<b>\$330,384</b>	<b>(\$46,384)</b>	<b>\$284,000</b>