

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 13, 2010

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

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Brenda Schimpf
Program Manager
Proposition 1B

Subject: **PROPOSITION 1B LETTERS OF NO PREJUDICE**
RESOLUTION LONP1B-A-0910-01

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve a Letter of No Prejudice (LONP), available under Assembly Bill 672, for the four projects identified on the attached spreadsheet.

ISSUE:

Due to limited State/Local Partnership Program (SLPP) funds available from Proposition 1B bond sales, the Los Angeles County Metropolitan Transportation Authority, the Bay Area Rapid Transit District, the County of San Diego, and the City of Indio are requesting AB 672 authority to substitute SLPP funds with other funds for construction of their programmed projects in order to keep the projects on schedule.

The agencies further request that the projects remain on the Delivered But Not Allocated List (Reference 4.6) for consideration when additional Proposition 1B bond funds become available.

BACKGROUND

Government Code Section 14556.33 allows an applicant agency that is either a regional or local entity, to seek approval of a 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 State and Local Partnership Program in the future.

RESOLUTION LONP1B-A-0910-01

Resolved, with all conditions stipulated still in effect, the California Transportation Commission hereby approves a Letter of No Prejudice (LONP) for four projects programmed in, or otherwise funded from, the Proposition 1B State/Local Partnership Program (SLPP), in accordance with the attached project list; and

Be it Further Resolved, that each agency understands that they proceed its own risk, as reimbursement is dependent on future availability of SLPP funding; and

Be it Further Resolved, that the project component covered by an approved 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 within four months following LONP approval on progress in executing agreements and third-party contracts needed to execute the work.

Attachment

REQUESTS FOR LETTERS OF NO PREJUDICE
(ASSEMBLY BILL 672)

Reference No: 2.1c.(10)
January 13, 2010
Attachment

Program	Agency	Project	Total Project Cost	LONP Amount	Alternate Fund Source
SLPP	Los Angeles County Metropolitan Transportation Authority	MTA San Fernando Valley North-South Bus Rapid Transit Project, Canoga Extension Element (SFV Canoga).	\$ 224,000,000	\$ 14,700,000	Measure R
SLPP	Bay Area Rapid Transit District	BART Oakland Airport Connector	\$ 529,000,000	\$ 1,000,000	BATA/ACTIA
SLPP	City of Indio	City of Indio Golf Center Parkway	\$ 3,400,000	\$ 433,000	CVAG/City of Indio
SLPP	County of San Diego	San Diego South Santa Fe Avenue (North) Road	\$ 35,000,000	\$ 1,000,000	Local (Transnet)
Totals			\$ 791,400,000	\$ 17,133,000	