

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: November 3-4, 2010

Reference No.: 2.1c.(1e)
Action

From: BIMLA G. RHINEHART
Executive Director

Subject: **AMENDMENT TO THE CORRIDOR MOBILITY IMPROVEMENT ACCOUNT PROGRAM
RESOLUTION CMIA-PA-1011-21**

ISSUE:

Should the Commission approve the proposed amendment to the Corridor Mobility Improvement Account (CMIA) Program to reprogram \$15.5 million of CMIA Private Placement Bond savings from the I-215 Segment 5 and SR-210/I-215 Connector Projects to the I-215 High Occupancy Vehicle (HOV) Bi-County Gap Closure Project?

RECOMMENDATION:

Commission staff recommends that the Commission approve the proposed amendment to the CMIA Program to reprogram \$15.5 million of CMIA Private Placement Bond savings from the I-215 Segment 5 and SR-210/I-215 Connector Projects to the I-215 High Occupancy Vehicle (HOV) Bi-County Gap Closure Project?

BACKGROUND:

In response to the state's inability to sell bonds during the spring of 2009, the San Bernardino Associated Governments (Sanbag) entered into a private Bond Purchase Contract with the Treasurer of the State of California in order to fund four of its Proposition 1B projects. Under the terms of the Bond Purchase Contract, project cost savings from the funded projects are to be expended for other projects qualified under the Bond Act and located in the same geographic region as the projects. In accordance with the terms of the Bond Purchase Contract, Sanbag is requesting to reprogram \$15.5 million of project cost savings from the I-215 Segment 5 and SR-210/I-215 Connector Projects to the I-215 High Occupancy Vehicle (HOV) Bi-County Gap Closure Project.

**California Transportation Commission
Adoption of the Amended Program of Projects for the
Corridor Mobility Improvement Account (CMIA)
in Accordance with AB X3-20**

Resolution CMIA-PA-1011-21

- 1.1 WHEREAS the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 was approved by voters as Proposition 1B on November 7, 2006, and
- 1.2 WHEREAS the Bond Act includes a program of funding from \$4.5 billion to be deposited in the Corridor Mobility Improvement Account (CMIA), and
- 1.3 WHEREAS the funds in the CMIA are to be available to the California Transportation Commission (Commission), upon appropriation in the annual Budget Act by the Legislature, for allocation for performance improvements on the state highway system or major access routes to the state highway system, and
- 1.4 WHEREAS the Commission adopted the initial CMIA program of projects on February 28, 2007, and
- 1.5 WHEREAS in order to address funding constraints with Proposition 1B Bond funds on projects in San Bernardino County, the San Bernardino Associated Governments (Sanbag) entered into a private Bond Purchase Contract with the Treasurer of the State of California to provide funding for four of its Proposition 1B projects, and
- 1.6 WHEREAS under the terms of the private Bond Purchase Contract, project cost savings from the funded projects are to be expended for other projects qualified under the Bond Act and located in the same geographic region as the projects, and
- 1.7 WHEREAS in accordance with the terms of the Bond Purchase Contract, Sanbag is requesting to reprogram \$15.5 million of project cost savings from the I-215 Segment 5 and SR-210/I-215 Connector Projects to the I-215 High Occupancy Vehicle (HOV) Bi-County Gap Closure Project, and
- 1.8 WHEREAS Commission staff reviewed the project submitted by Sanbag for compliance with the CMIA Guidelines, and

- 2.1 NOW THEREFORE BE IT RESOLVED THAT the Commission hereby approves programming the \$15.5 million of project cost savings from the I-215 Segment 5 and SR-210/I-215 Connector Projects to the I-215 High Occupancy Vehicle (HOV) Bi-County Gap Closure Project, and
- 2.2 BE IT FURTHER RESOLVED THAT, the Commission's approval of project funding is only for the cost of construction, and
- 2.3 BE IT FURTHER RESOLVED THAT the Commission finds that the inclusion of the project in the CMIA Program is based on a demonstration that the project meets all of the following criteria:
 - a. Is a high-priority project in the corridor as demonstrated by its nomination by regional agency;
 - b. Can commence construction or implementation no later than December 31, 2012;
 - c. Improves mobility in a high-congestion corridor by improving travel times or reducing delay, improves the connectivity of the state highway system between rural, suburban, and urban areas, or improves the operation or safety of a highway segment;
 - d. Improves access to jobs, housing, markets, and commerce;
- 2.4 BE IT FURTHER RESOLVED THAT consistent with Resolution CMIA-G-0708-001, the Commission directs the implementing agency, within three months of the adoption of the amended program, to submit an executed project baseline agreement, which sets forth the project scope, benefits, delivery schedule, and the project budget and funding plan as a basis for project delivery monitoring, and
- 2.5 BE IT FURTHER RESOLVED THAT the Commission will not consider approval of a project allocation prior to the execution of a project baseline agreement, and
- 2.6 BE IT FURTHER RESOLVED THAT the Commission finds that any increases in cost estimates from CMIA amended program adoption to finalized cost estimates are the responsibility of the nominating agency, and
- 2.7 BE IT FURTHER RESOLVED THAT the Commission requires the implementing agency and the Department of Transportation to meet the requirements of Government Code Section 8879.23(c)(1), as added by Proposition 1B, and to Government Code Section 8879.50, as enacted through implementing legislation in 2007 (Senate Bill 88 and Assembly Bill 193), and
- 2.8 BE IT FURTHER RESOLVED THAT the Commission requires the implementing agency and the Department of Transportation to adhere to the California Transportation Commission's CMIA Guidelines and Accountability Implementation Plan.