

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: January 19-20, 2011

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

From: NORMA ORTEGA  
Chief Financial Officer

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Division Chief (Interim)  
Division of Mass  
Transportation

Subject: **PROPOSITION 1B – LETTER OF NO PREJUDICE**  
**RESOLUTION LONP1B-A-1011-12**

## **RECOMMENDATION:**

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

## **ISSUE:**

Due to the unavailability of Proposition 1B funds at this time, the Bay Area Rapid Transit District (BART) is requesting AB 672 authority to substitute \$23,341,000 State-Local Partnership Program (SLPP) funds with local Measure and Bay Area Toll Authority Bridge Tolls funds. This project will consist of a 5.4 mile extension south of the existing Fremont Station to the Warm Springs Station in Alameda County. BART further requests that the project remain on the Delivered But Not Yet Allocated List for consideration when additional SLPP funds become available.

Due to the unavailability of Proposition 1B funds at this time, the San Mateo County Transit District is requesting AB 672 authority to substitute \$49,000 State-Local Partnership Program (SLPP) funds with Local Transportation Funds (LTF). The project will consist of purchasing two medium size paratransit vehicles. A concurrent allocation request of \$49,000 in SLPP Prop 1B funds is also being requested.

Due to the unavailability of Proposition 1B funds at this time, the San Mateo County Transit District is requesting AB 672 authority to substitute \$100,000 State-Local Partnership Program (SLPP) funds with LTF. The project will consist of purchasing ten paratransit mini-vans. A concurrent allocation request of \$100,000 in SLPP Prop 1B funds is also being requested.

Due to the unavailability of Proposition 1B funds at this time, the San Mateo County Transit District is requesting AB 672 authority to substitute \$150,000 State-Local Partnership Program (SLPP) funds with LTF. The project will consist of replacing a bus washer facility. A concurrent allocation request of \$150,000 in SLPP Prop 1B funds is also being requested.

**BACKGROUND:**

Government Code Section 14556.33 allows an applicant agency that is either a regional or local entity, to seek 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 SLPP in the future.

**RESOLUTION LONP1B-A-1011-12:**

Resolved, with all conditions stipulated still in effect, the California Transportation Commission hereby approves a Letter of No Prejudice (LONP) for two 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 at their 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.(10b)  
January 19-20, 2010  
Attachment

<b>Program</b>	<b>Delivered List Number</b>	<b>Project ID Number</b>	<b>Agency</b>	<b>Project</b>	<b>Total Project Cost</b>	<b>LONP Amount</b>	<b>Alternate Fund Source</b>
SLPP			Bay Area Rapid Transit District	BART Warm Springs Extension	\$ 890,000,000	\$ 23,341,000	Local Measure B funds
SLPP			San Mateo County Transit District	Two Medium Buses for Expansion of ADA Paratransit	\$ 215,000	\$ 49,000	Local funds
SLPP			San Mateo County Transit District	Replacement Mini-Vans	\$ 604,000	\$ 100,000	Local funds
SLPP			San Mateo County Transit District	Replacement Bus Washer	\$ 676,000	\$ 150,000	Local Funds
<b>Totals</b>					<b>\$ 890,215,000</b>	<b>\$ 23,640,000</b>	