

# M e m o r a n d u m

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 29-30, 2016

Reference No.: 2.5w. (3)  
Action

From: SUSAN BRANSEN  
Executive Director

Subject: **ACTIVE TRANSPORTATION ALLOCATION DEFERRAL - THE LA JOLLA BAND OF LUISEÑO INDIANS IN SAN DIEGO COUNTY RESOLUTION FATP-1516-13**

## **ISSUE:**

Should the Commission defer the allocation of \$4,505,000 in Active Transportation Program (ATP) funds to the La Jolla Band of Luiseño Indians for up to 12 months? Senate Bill 99 (Chapter 359, Statutes of 2013) allows the Commission to program and allocate ATP funds to eligible applicants, including but not limited to Tribal Governments, who successfully compete in the ATP competitive selection process. Implementing agencies are required to enter into a Local Administering Agency-State Master Agreement (Master Agreement) with Caltrans. In addition to other requirements, California law mandates that Master Agreements provide for a limited waiver of sovereign immunity by the Tribal Government. In light of the Tribal Governments' reluctance to agree to such limited waiver, and as an alternative to the Master Agreement, Caltrans and Tribal Governments have developed the option of entering into an Intergovernmental Fund Transfer Agreement (Fund Transfer Agreement) with Caltrans and the Bureau of Indian Affairs (BIA) for the transfer of such funds to the Tribal Governments. The negotiation of a three-party Fund Transfer Agreement has proven to be a time-consuming and complicated endeavor; and one which has significantly delayed the La Jolla Band of Luiseño Indians' (La Jolla Band) ATP project. Unless the Commission defers the allocation of \$4,505,000 in ATP funds to the La Jolla Band of Luiseño Indians, these funds will lapse.

## **RECOMMENDATION:**

Staff recommends that the Commission vote to defer the allocation of \$4,505,000 in ATP funds to the La Jolla Band for the ATP project in San Diego County for up to 12 months. The La Jolla Band may request the allocation of these funds only after it has provided to the Commission their approved environmental document for the ATP project.

## **BACKGROUND:**

The La Jolla Band project was programmed for \$4,855,000 in Cycle 1 of the ATP funds at the August 2014 Commission meeting. At their election, the La Jolla Band entered into a Fund Transfer Agreement with Caltrans and the BIA, dated June 10, 2016. At the March 2016 Commission meeting, the Commission allocated \$350,000 for the PA&ED phase to the La Jolla Band.

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 29-30, 2016

Reference No.: 2.5w.(3)  
Action Item

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Steven Keck, Chief  
Division of  
Budgets

Subject: **FINANCIAL ALLOCATION FOR AN ACTIVE TRANSPORTATION PROGRAM PROJECT  
RESOLUTION FATP-1516-14**

## **RECOMMENDATION:**

The California Department of Transportation recommends the California Transportation Commission allocate \$4,505,000 for the La Jolla Active Transportation Program (ATP) project.

## **ISSUE:**

The attached vote list describes the ATP project totaling \$4,505,000. The local agency is ready to proceed with this project and is requesting an allocation at this time.

## **FINANCIAL RESOLUTION:**

Resolved, that \$4,505,000 be allocated from the Budget Act of 2014, Budget Act Item 2660-108-0890 for the ATP project described on the attached vote list.

Attachment

