

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: August 17-18, 2005

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

From: CINDY McKIM
 Chief Financial Officer

Prepared by: Ross A. Chittenden
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 Transportation Programming

Ref: **TRAFFIC CONGESTION RELIEF (TCR) PROGRAM LETTER OF NO PREJUDICE APPROVALS RESOLUTION TL-05-**

RECOMMENDATION:

The California Department of Transportation (Department) has received five AB 1335 Letter of No Prejudice (LONP) requests totaling \$21,264,000. The Department recommends that the California Transportation Commission (Commission) consider these five LONP requests at the August 2005 meeting.

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 to seek allocation and reimbursement from the Traffic Congestion Relief Fund in future years. On August 14, 2003, the Commission approved Resolution G-03-12 adopting the Guidelines for Letter of No Prejudice, Traffic Congestion Relief Program.

Senate Bill 66 proposes language that would potentially change the Letter of No Prejudice eligibility and may require the development of new guidelines.

As of July 2005, the Commission has approved a total of \$479,476,000 for 14 LONP requests and has approved allocations totaling \$2,222,000 for three LONP liquidations. The following table summarizes this information, as well as those LONP requests anticipating approval. The amounts are shown in the fiscal year of completion for phases of work with an approved or requested LONP:

	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11
Previously Approved Amounts	\$119,158,000		\$179,704,000		\$16,700,000	\$166,914,000
Current Proposed Amounts	\$2,314	\$24,220	\$3,000			
Amount Allocated for LONP Liquidation	-\$2,222,000					
Totals to Date	\$116,938,314	\$24,220	\$179,707,000		\$16,700,000	\$166,914,000

The following list identifies the five LONP requests totaling \$21,264,000 received since the July 2005 Commission meeting:

- Project #12.2 – \$2,200,000 for PA&ED and PS&E, Bay Area Transit Connectivity - Hercules Rail Station and related improvements in West Contra Costa County.
Applicant Agency: Contra Costa Transportation Authority
Alternate Funds: Local Redevelopment Funds
- Project #22 – \$6,000,000 for PA&ED, Route 101; reconstruction of Doyle Drive, from Lombard St./Richardson Avenue to Route 1 Interchange in San Francisco County.
Applicant Agency: San Francisco County Transportation Authority
Alternate Funds: Proposition K
- Project #27.1 – \$6,350,000 for R/W, Vasco Road Safety and Transit Enhancement Project in Alameda and Contra Costa Counties.
Applicant Agency: Alameda County Congestion Management Agency (ACCMA)
Alternate Funds: Federal and Local
- Project #31 – \$6,000,000 for PS&E, Route 580; construct eastbound and westbound HOV lanes from Tassajara Road/Santa Rita Road to Vasco Road in Alameda County.
Applicant Agency: Department/ACCMA
Alternate Funds: Regional Measure 2
- Project #97.2 – \$714,000 for PS&E and R/W, Operational improvements on Shaw, Chestnut, Willow, and Barstow Avenue near California State University, Fresno in Fresno County.
Applicant Agency: California State University, Fresno
Alternate Funds: University Funds

The following list identifies the two LONP requests totaling \$8,270,000 deferred by the Commission at the July 2005 meeting:

- Project #7.2 – \$5,270,000 for PA&ED, PS&E, and R/W, CalTrain; Lick to Gilroy Track Improvements and Gilroy Yard Revisions and Storage Facility.
Applicant Agency: Santa Clara Valley Transportation Authority
Alternate Funds – Measure A
- Project #23 – \$3,000,000 for PS&E, CalTrain Peninsula Corridor; grade separations at Poplar Avenue, 25th Avenue, and Linden Avenue in San Mateo County.
Lead Agency: San Mateo County Transportation Authority
Alternate Funds – Measure A