

Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: June 10-11, 2009

Reference No.: 2.5i.
Action Item

From: CINDY McKIM
Chief Financial Officer

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Division Chief
Division of Budgets

Subject: **FINANCIAL ALLOCATION FOR FY 2009-10 RIGHT OF WAY LUMP SUM
RESOLUTION FM-08-06**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve a partial allocation of \$104,000,000 for Fiscal Year (FY) 2009-10 Right of Way (R/W) Capital Outlay activities.

ISSUE:

Each year the Department is required to obtain an annual R/W capital allocation from the Commission before it can deliver the R/W needs for programmed projects in the Project Delivery Plan. The estimated need for FY 2009-10 Right of Way activities is \$238,000,000, as displayed below.

	SHOPP	STIP	TOTAL
Capital Projects	\$31,000	\$134,000	\$165,000
Specific Categories:			
Post Certification	\$19,000	\$33,000	\$52,000
Damage to Property (Inverse)	\$7,000	\$13,000	\$20,000
Project Development	\$0	\$1,000	\$1,000
Total Specific Categories	\$26,000	\$47,000	\$73,000
Pre-Project Mitigation	0	0	0
Roberti Re-Purchase	0	0	0
Total Right of Way	\$57,000	\$181,000	\$238,000

SHOPP = State Highway Operation and Protection Program
STIP = State Transportation Improvement Program

Due to uncertain funding availability in the 2009-10 fiscal year, the Department is requesting a partial allocation at this time. The approval of this allocation will provide the Department the ability to deliver its R/W commitments for FY 2009-10, with the exception of new capital STIP projects. The Department will request the balance of funds at a later date.

BACKGROUND:

Resolution G-01-09 requires the Department to annually present its R/W capital expenditure plan to the Commission for review and acceptance. The Resolution states that the plan will be supported by a project list that includes at a minimum, project description, source programming document, district, county, route, post mile, expenditure authorization, planning programming number, planned R/W expenditure, and total programmed R/W capital.

The FY 2009-10 R/W Capital Outlay Expenditure Plan is consistent with the Department's State Highway Operation and Protection Program (SHOPP) and State Transportation Improvement Program (STIP) documents, as approved by the Commission, and it includes the specific categories of Post Certification expenditures, Damage to Property Settlements as well as estimated Project Development Capital.

Separate line items for Pre-Project Mitigation costs and the cost of the re-purchase of previously sold excess land under Government Code Section 54235, et seq., commonly referred to as the Roberti Bill, for violations of terms of the purchase agreement between the Department and the purchaser are also shown as part of the R/W allocation.

Consistent with Resolution G-01-09, the Department reviewed with Commission staff the proposed list of projects that comprise the requested FY 2009-10 R/W capital allocation.

RESOLUTION:

Resolved, that the amount of \$104,000,000 be allocated from the Budget Acts of 2008 and 2009, Items 2660-301-0042, 2660-301-0890, 2660-302-0042, 2660-302-0890, and the Non-Budget Act Item 2660-801-3008, as a partial lump sum for R/W capital expenditures for FY 2009-10.

FY 2009-10 ESTIMATE OF FUNDS ALLOCATED FOR R/W
(Dollars x 1,000)
ALLOCATION RESOLUTION FM-08-06

	SHOPP	STIP	TOTAL
Capital Projects	\$31,000		\$31,000
Specific Categories:			
Post Certification	\$19,000	\$33,000	\$52,000
Damage to Property (Inverse)	\$7,000	\$13,000	\$20,000
Project Development	\$0	\$1,000	\$1,000
Total Specific Categories	\$26,000	\$47,000	\$73,000
Pre-Project Mitigation	0	0	0
Roberti Re-Purchase	0	0	0
Total Right of Way	\$57,000	\$47,000	\$104,000