

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 11-12, 2010

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

From: NORMA ORTEGA
Chief Financial Officer

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Division Chief
Local Assistance

Subject: **STATE-LOCAL PARTNERSHIP PROGRAM - LETTERS OF NO PREJUDICE
RESOLUTION LONP1B-1011-03**

RECOMMENDATION:

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve two Letters of No Prejudice (LONP) for the two projects identified on the attached spreadsheet, consistent with Assembly Bill (AB) 672 provisions.

ISSUE:

The City of West Sacramento and the County of Tulare are requesting AB 672 authority to substitute State-Local Partnership Program (SLPP) funds with other funds for construction of their programmed projects to keep the project on schedule due to unavailability of Proposition 1B funds.

The City of West Sacramento is requesting authority to substitute Community Facilities 23 local bond funds for SLPP funds for the Tower Bridge Gateway - East Phase project, which will convert the Tower Bridge Gateway (formerly Route 275) from a freeway to a city street in the area extending from the Union Pacific Railroad Underpass to the Tower Bridge. In addition, this project will remove the Third Street Undercrossing and will provide new, at grade signalized intersections at Fifth Street and Third Street.

The County of Tulare is requesting authority to substitute Measure R local funds for SLPP funds for the Road 108 Widening project, which will provide efficiency and safety improvements while maintaining an acceptable level of service on this route.

The agencies further request that the projects remain on the Projects Delivered But Not Yet Allocated list for consideration when Proposition 1B bond funds become available.

BACKGROUND

Government Code Section 14556.33 allows an applicant agency that is either a regional or local entity, to seek approval of a 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-0910-03

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 in accordance with the attached project list; and

Be it Further Resolved, that the City of West Sacramento and the County of Tulare each understands that they proceed its own risk, as reimbursement is dependent on future availability of State-Local Partnership Program 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 City of West Sacramento and the County of Tulare shall each 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.(10d)
August 11-12, 2010
Attachment

| Program | Delivered List Number | Project ID Number | Agency | Project | Total Project Cost | LONP Amount | Alternate Fund Source |
|----------------|------------------------------|--------------------------|-------------------------|-----------------------------------|---------------------------|---------------------|---------------------------------------|
| SLPP | 49 | 7425 | City of West Sacramento | Tower Bridge Gateway - East Phase | \$ 8,789,000 | \$ 1,000,000 | Community Facilities 23 Bond Funds |
| SLPP | 51 | 7429 | Tulare County | Road 108 Widening | \$ 29,498,000 | \$ 2,295,000 | Measure R |
| Totals | | | | | \$ 38,287,000 | \$ 3,295,000 | |