

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: September 22-23, 2010

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

From: NORMA ORTEGA  
Chief Financial Officer

Prepared by: Jane Perez  
Chief (Interim)  
Division of Mass Transportation

Subject: **PROPOSITION 1B – LETTER OF NO PREJUDICE**  
**RESOLUTION LONP1B-A-1011-07**

## **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 the Oakland Airport Connector (OAC) Project (PPNO 2103).

## **ISSUE:**

Due to the unavailability of State-Local Partnership Program (SLPP) funds, the Bay Area Rapid Transit District (BART) is requesting AB 672 authority to substitute \$20,000,000 of programmed SLPP construction funds with other local funds for the completion of the programmed project and to keep the OAC project on schedule.

The project will provide a connection between the Oakland International Airport and the BART regional rail network.

BART further requests that the project remain on the Delivered But Not Yet Allocated List for consideration when additional SLPP funds become available.

A concurrent allocation request of \$25,400,000 in Regional Improvement Program and Proposition 1A 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-1011-07:**

Resolved, with all conditions stipulated still in effect, the California Transportation Commission hereby approves a Letter of No Prejudice for the Oakland Airport Connector project, programmed in, or otherwise funded from, the Proposition 1B State-Local Partnership Program (SLPP); and

Be it Further Resolved, that the 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 following LONP approval on progress in executing agreements and third-party contracts needed to execute the work.