

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: November 3-4, 2010

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

From: NORMA ORTEGA
Chief Financial Officer

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Local Assistance

Subject: TRADE CORRIDORS IMPROVEMENT FUND-LETTER OF NO PREJUDICE
RESOLUTION LONP1B-A-1011-10

RECOMMENDATION:

California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve a Letter of No Prejudice (LONP), available under Assembly Bill (AB) 672, for the Placentia Avenue Undercrossing Project (TCIF Project 36).

ISSUE:

The Orange County Transportation Authority (OCTA) requests AB 672 authority to substitute the programmed \$14,934,000 Trade Corridors Improvement Fund (TCIF) funds with OCTA Measure M2 local sales tax funds to keep the project on schedule due to the unavailability of Proposition 1B TCIF funds.

The Placentia Avenue Undercrossing Project is programmed under the TCIF Program of Projects, adopted by the Commission on April 10, 2008, and is scheduled to begin construction on April 11, 2011.

The project will construct a grade separation at the current at-grade Placentia Avenue and the Burlington Northern Santa Fe (BNSF) Railway intersection. This will provide benefits to vehicle and truck traffic traveling on Placentia Avenue by eliminating delays and traffic congestion associated with the current at-grade crossing. This will also provide safety benefits through the elimination of conflicts between trains operating in the BNSF rail corridor and vehicles traveling on Placentia Avenue.

OCTA filed a Notice of Exemption on January 20, 2010.

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 TCIF program in the future.

RESOLUTION LONP1B-A-1011-10

Resolved, with all conditions stipulated still in effect, that the Commission hereby approves a Letter of No Prejudice (LONP) for the Placentia Avenue Undercrossing Project (TCIF Project 36) programmed in, or otherwise funded from, the Proposition 1B Trade Corridors Improvement Fund (TCIF); and

Be it Further Resolved, that Orange County Transportation Authority (OCTA) understands that they proceed at their own risk, as reimbursement is dependent on future availability of TCIF 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 OCTA shall report to the Department within four months following LONP approval on progress in executing agreements and third-party contracts needed to execute the work.