

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: March 23 - 24, 2011

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

From: NORMA ORTEGA  
Chief Financial Officer

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Division Chief  
Local Assistance

Subject: **PROPOSITION 1B – LETTER OF NO PREJUDICE**  
**RESOLUTION LONP1B-A-1011-14**

## **RECOMMENDATION:**

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

## **ISSUE:**

The Town of Apple Valley and the City of Hesperia are requesting AB672 authority to substitute State-Local Partnership Program (SLPP) funds with other funds for construction of their programmed projects to keep their projects on schedule due to unavailability of Proposition 1B funds.

The Town of Apple Valley is requesting authority to substitute local traffic impact fees for SLPP funds for the Bear Valley Road / Deep Creek Road Traffic Signal project. The project is to install a new traffic signal, install signs and stripe the roadway within the current right of way at the intersection of Bear Valley Road and Deep Creek Road in the Town of Apple Valley.

The City of Hesperia is requesting authority to substitute Hesperia Redevelopment Agency funds for SLPP funds for the Rancho Road Grade Separation project. This project will construct a new railroad undercrossing at Rancho Road between 7<sup>th</sup> Avenue and Danbury Road.

The agencies further request that the projects stay 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-1011-14:**

Resolved, with all conditions stipulated still in effect, the California Transportation Commission hereby approves a Letter of No Prejudice (LONP) for the 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 Town of Apple Valley and the City of Hesperia both understand that they proceed at their 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 Apple Valley and the City of Hesperia 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.

Attachment

REQUESTS FOR LETTERS OF NO PREJUDICE  
(ASSEMBLY BILL 672)

Reference No: 2.1c.(10b)  
March 23-24, 2011  
Attachment

Program	Delivered List Number	Project ID Number	Agency	Project	Total Project Cost	LONP Amount	Alternate Fund Source
SLPP		7473	Town of Apple Valley	Bear Valley Road/Deep Creek Road Traffic Signal project	\$ 184,000	\$ 92,000	Local Traffic Impact Fees
SLPP		7481	City of Hesperia	Ranchero Road Grade Separation	\$ 28,428,000	\$ 1,000,000	Hesperia Redevelopment Agency Funds
<b>Totals</b>					<b>\$ 28,612,000</b>	<b>\$ 1,092,000</b>	