

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 22-23, 2011

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

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Subject: **PROPOSITION 1B LETTER OF NO PREJUDICE**  
**RESOLUTION LONP1B-A-1011-022**

## **RECOMMENDATION:**

The California Department of Transportation (Department) recommends the California Transportation Commission (Commission) approve a Letter of No Prejudice (LONP), authorized under Assembly Bill (AB) 672, for Segment 1 (from Concannon Boulevard to Jack London Boulevard, PPNO 0081G) of the Route 84 Expressway Widening project in Alameda County.

## **ISSUE:**

Segment 1 of the Route 84 Expressway Widening project will widen roadway from two lanes to four lanes, from Concannon Boulevard to Stanley Boulevard and from two lanes to six lanes, from Stanley Boulevard to Jack London Boulevard.

After Commission approval of a concurrent Corridor Mobility Improvement Account (CMIA) baseline amendment, Segment 1 will have \$17,050,000 CMIA for Construction Capital and \$2,950,000 CMIA for Construction Support. Due to limited Proposition 1B Bond sales, the Alameda County Transportation Commission (ACTC) is requesting AB 672 authority to substitute the CMIA funds with \$17,050,000 in Alameda County's Measure B sales tax funds in order to keep the project construction on schedule. The ACTC Board of Directors approved this funding commitment on May 26, 2011.

A concurrent allocation request has been placed on this month's agenda to allocate \$17,050,000 CMIA for Construction Capital and \$2,950,000 CMIA for Construction Support for this project. The Department recommends that the Commission allocate \$2,950,000 in bond proceeds for Construction Support activities; this would allow the Department to move forward with construction implementation immediately. The Department also recommends that the Construction capital allocation request be placed on the Delivered But Not Allocated List for consideration when additional 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 Corridor Mobility Improvement Account in the future. ACTC, as the applicant agency for this project, is requesting an LONP so that the Department can implement the construction phase of the project on schedule. When and if Proposition 1B funds become available and are allocated to the Department by the Commission, the Department will reimburse ACTC.

**RESOLUTION LONP1B-A-1011-022**

Resolved, with all conditions stipulated still in effect, the California Transportation Commission (Commission) hereby approves a Letter of No Prejudice for \$17,050,000 for Segment 1 (from Concannon Boulevard to Jack London Boulevard, PPNO 0081G) of the 84 Expressway Widening project programmed in, or otherwise funded from, the Proposition 1B Corridor Mobility Improvement Account (CMIA) and

Be it Further Resolved, that the Alameda County Transportation Commission (ACTC) agrees to commit a total of \$17,050,000 of Construction Capital funding, in lieu of CMIA funds, over the course of project construction; and

Be it Further Resolved, that ACTC understands the risks involved with committing local funds in lieu of CMIA, as reimbursement is dependent on future availability of CMIA funding; and

Be it Further Resolved that the California Department of Transportation (Department) agrees to reimburse ACTC if and when additional Proposition 1B funds become available and are allocated to the Department by the Commission.