

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 22-23, 2011

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

From: NORMA ORTEGA
Chief Financial Officer

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Transportation Planning

Subject: **PROPOSITION 1B-LETTER OF NO PREJUDICE**
RESOLUTION LONP1B-A-1011-18

RECOMMENDATION:

The California Department of Transportation recommends the California Transportation Commission (Commission) approve a Letter of No Prejudice (LONP), available under Assembly Bill (AB) 672 for the Trade Corridors Improvement Fund (TCIF) Project 15 (Phase One), San Gabriel Valley Grade Separation Project (PPNO TC15).

ISSUE:

The Alameda Corridor-East Construction Authority (ACE) requests AB 672 authority to substitute the \$13,000,000 TCIF funds for Phase One of the project with Los Angeles Metropolitan Transportation Authority Local Measure R funds to keep the project on schedule due to the unavailability of Proposition 1B TCIF funds. Commitment of the funds is demonstrated by the Measure R Expenditure Plan adopted by the Los Angeles County Metropolitan Transportation Authority Board of Directors on July 24, 2008.

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.

TCIF Project 15 consists of multiple grade separation projects where major urban arterials cross freight mainlines in eastern Los Angeles County. It was adopted in the TCIF Program by the Commission on April 10, 2008. ACE is seeking concurrent approval of a project Baseline Amendment to split the project into two phases and allocations for both phases at the June 2011 Commission meeting.

RESOLUTION LONP1B-A-1011-18

Be it Resolved, with all conditions stipulated still in effect, that the California Transportation Commission hereby approves a Letter of No Prejudice (LONP) for Project 15 (Phase One) San Gabriel Valley Grade Separation Project (PPNO TC15) programmed in, or otherwise funded from, the Proposition 1B Trade Corridors Improvement Fund (TCIF) and,

Be it Further Resolved, that the Alameda Corridor-East Construction Authority (ACE) 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 ACE shall report to the California Department of Transportation within four months following LONP approval on progress in executing agreements and third-party contracts needed to execute the work.