

## Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 22-23, 2011

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

From: NORMA ORTEGA  
Chief Financial Officer

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Transportation Programming

Subject: **PROPOSITION 1B LETTER OF NO PREJUDICE**  
**RESOLUTION LONPIB-A-1011-23**

### **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 the State Route (SR) 99 Manteca Widening Phase 1 project (PPNO 7634A).

### **ISSUE:**

The SR 99 Manteca Widening Phase 1 project (PPNO 7634A) proposes to widen the highway from four to six lanes and construct auxiliary lanes in Manteca, from 0.9 mile south of Route 120 west to 0.4 mile south of Arch Road.

The project is programmed in the Proposition 1B SR 99 Bond program with \$45,000,000 for Construction Capital and \$5,000,000 for Construction Support. The current construction estimate is \$50,000,000. Due to limited Proposition 1B Bond sales, the San Joaquin Council of Governments (SJCOG) is requesting AB 672 authority to substitute SR 99 Bond funds with \$50,000,000 in San Joaquin County Measure K funds in order to keep construction on schedule. The San Joaquin Council of Governments Governing Board approved the funding commitment on April 28, 2011.

The Department has placed a request on this month's agenda to allocate \$45,000,000 for Construction Capital and \$5,000,000 for Construction Support. Should a full allocation of SR 99 Bond funding not be available at the time of the meeting, SJCOG requests that this LONP be approved so that this project can advertise and proceed to construction by Fall 2011.

### **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 SR 99 Bond funds in the future. SJCOG, 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 SJCOG.

**RESOLUTION LONP1B-A-1011-23**

Be it Resolved, with all conditions stipulated still in effect, the California Transportation Commission (Commission) hereby approves a Letter of No Prejudice (LONP) for \$50,000,000 for the SR 99 Manteca Widening Phase 1 project (PPNO 7634A) programmed in, or otherwise funded from, the Proposition 1B State Route 99 (SR 99) Bond funds; and

Be it Further Resolved, that the San Joaquin Council of Governments (SJCOG) agrees to commit San Joaquin County Measure K funds for a total of \$5,000,000 of Construction Support funding and \$45,000,000 of Construction Capital funding, in lieu of SR 99 Bond funds, over the course of project construction; and

Be it Further Resolved, that SJCOG understands the risks involved with committing local funds in lieu of SR 99 Bond funding, as reimbursement is dependent on future availability of SR 99 Bond funding; and

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