

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: August 10-11, 2011

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

From: NORMA ORTEGA
Chief Financial Officer

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Division Chief
Transportation Planning

Subject: **PROPOSITION 1B-LETTER OF NO PREJUDICE**
RESOLUTION LONP1B-A-1112-06

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 43, Auto Center Drive Grade Separation (PPNO 1119) in Riverside County.

ISSUE:

The Riverside County Transportation Commission (RCTC) and the City of Corona (City) request AB 672 authority to substitute \$16,000,000 TCIF funds for Project 43, Auto Center Drive Grade Separation (Auto Center Drive) with federal Congestion Mitigation Air Quality funds in order to keep the project construction on schedule. The commitment of the funds from the programming agency, RCTC, was made at its June 8, 2011 meeting. The City will pursue the federal funding authorization from the Federal Highway Administration.

The project was adopted in the TCIF Program by the Commission on April 10, 2008. The City is seeking concurrent approval of a project Baseline Amendment to update the project schedule and funding plan at the August 2011 Commission meeting. Also, an allocation request has been placed on this month's agenda to allocate \$16,000,000 for the construction component. Should a full allocation of TCIF bond funding not be available at the time of the meeting, the City requests that this LONP be approved so that the project can advertise and proceed to construction by November 1, 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 the TCIF program in the future.

The Auto Center Drive project will grade separate the current at-grade crossing of Auto Center Drive with the Burlington Northern Santa Fe Railway Company to enhance goods movement and rail line reliability and improve vehicle circulation and public safety.

RESOLUTION LONP1B-A-1112-06

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 43, Auto Center Drive Grade Separation project (PPNO 1119) programmed in, or otherwise funded from, the Proposition 1B Trade Corridors Improvement Fund (TCIF) and,

Be it Further Resolved, that the City of Corona (City) 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 the City 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.