

## Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: September 15, 2011

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

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Subject: **PROPOSITION 1B LETTER OF NO PREJUDICE**  
**RESOLUTION LONPIB-A-1112-07**

### **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 I-805/HOV Managed Lanes – North project (PPNO 0732A) in San Diego County.

### **ISSUE:**

The I-805/HOV Managed Lanes – North project (PPNO 0732A) will design and construct one High Occupancy Vehicle lane in the median in each direction on I-805 from just south of State Route 52 to just north of Mira Mesa Boulevard and on Route 52, from .2 mile west to .4 mile east of I-805 separation including the south-facing Direct Access Ramp at Carroll Canyon Road. Once completed, this project will improve traffic congestion and reduce traffic delays, increasing mobility for users of the I-805 corridor.

In March 2011, the Commission approved the programming of \$2,000,000 in Proposition 1B State and Local Partnership Program (SLPP) funds for construction of the I-805/HOV Managed Lanes – North project. This month's agenda includes a request to program an additional \$57,500,000 in Proposition 1B Corridor Mobility Improvement Account (CMIA) funds for construction. If the programming is approved and the Propositions 1B funds are not available for allocation, the San Diego Association of Governments requests AB 672 authority to substitute the CMIA and SLPP funds with \$59,500,000 in San Diego County's TransNet II funds in order to keep the project construction on schedule.

### **BACKGROUND**

Government Code Section 14556.33 allows an applicant agency that is either a regional or local entity, to seek approval of an 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 CMIA and SLPP in the future.

**RESOLUTION LONP1B-A-1112-07**

Resolved, with all conditions stipulated still in effect, the California Transportation Commission hereby approves a Letter of No Prejudice for \$59,500,000 for the I-805/HOV Managed Lanes – North project (PPNO 0732A) programmed in, or otherwise funded from, the Proposition 1B Corridor Mobility Improvement Account (CMIA) and the Proposition 1B State and Local Partnership Program (SLPP); and

Be it Further Resolved, that the San Diego Association of Governments (SANDAG) understand that they proceed at their own risk, as reimbursement is dependent on future availability of CMIA and SLPP funding; and

Be it Further Resolved, that the project should be ready to proceed to contract award once the LONP is approved; and

Be it Further Resolved, that SANDAG shall report to the California Department of Transportation within four months following Letter of No Prejudice approval on progress in executing agreements and third-party contracts needed to execute the work.