PASSED BY

CTC

OCT 30 2003

CALIFORNIA TRANSPORTATION COMMISSION

CALIFORNIA TRANSPORTATION COMMISSION
Approval of Traffic Congestion Relief Program
Letters of No Prejudice

RESOLUTION TL-03-02

1.1 WHEREAS the Traffic Congestion Relief Act of 2000 (herein after referred to as "statute"), which was established by Chapters 91 (AB 2928) and 656 (SB 1662) of the Statutes of 2000, establishes the Traffic Congestion Relief Program, providing $5.39 billion for projects throughout the State of California to reduce traffic congestion, provide for safe and efficient movement of goods, and provide system connectivity; and

1.2 WHEREAS in accordance with Government Code Section 14556.11 the California Transportation Commission (Commission) has adopted guidelines, in consultation with the Department of Transportation (Department) and regional agencies, to implement the Traffic Congestion Relief Program (TCRP); and

1.3 WHEREAS Government Code Section 14556.33, established by Chapter 908 (AB1335) of the Statutes of 2001 allows the California Transportation Commission (Commission) to establish guidelines regarding AB 1335 Letter of No Prejudice (Letter) approval for lead applicant agencies allowing the regional or local entity to expend its own funds for any component of said agency's Traffic Congestion Relief Program (TCRP) project; and

1.4 WHEREAS on August 14, 2003, the Commission adopted the Guidelines for Letter of No Prejudice, Traffic Congestion Relief Program (Guidelines), allowing applicant agencies to seek alternate sources of funding under Resolution G-03-12; and

1.5 WHEREAS within the Letter request, the applicant agencies identify the alternate local funds that will be substituted for TCRP funds and provide a demonstration that the stated alternate funds are available; and

1.6 WHEREAS those Letter requests for construction or procurement phase of a project that expands or extends transit service (rail, bus, or ferry), are accompanied by demonstration by applicant agency of financial capability to operate the expanded service once the project has been completed; and

1.7 WHEREAS those Letter requests for capital phases (right of way and/or construction) are accompanied by documentation of Commission review of the Final Environmental Document, as appropriate, and approval for consideration of future funding; and

1.8 WHEREAS the Commission, with assistance from the Department, has reviewed submitted TCRP project Letter requests, and subsequent clarifications and revisions, and determined they comply with the statute and guidelines.

2.1 NOW THEREFORE BE IT RESOLVED the Commission does hereby approve the following four Traffic Congestion Relief Program Letter requests totaling $249,448,000 as submitted, with subsequent clarifications and revisions:

- Project #33 – $150,000,000 for Phase 4, for Bus Transit; acquire low-emission buses for Los Angeles County MTA bus transit service.
  Applicant Agency: Los Angeles County Metropolitan Transportation Authority (LACMTA)
  Alternate fund source: MTA local and regional federal funds

- Project #38.1 – $98,000,000 for Phase 4, for Los Angeles-San Fernando Valley Transit Extension; build an East-West Bus Rapid Transit system in the Burbank-Chandler corridor, from North Hollywood to Warner Center.
  Applicant Agency: LACMTA
  Alternate fund source: Local Prop C

- Project #74.6 – $200,000 for Phase 1, for Pacific Surfliner; double track intercity rail line within San Diego County, add maintenance yard in San Diego County – Leucadia Boulevard Grade Separation Project Study Report.
  Applicant Agency: San Diego Association of Governments (SANDAG)
  Alternate fund source: General Funds from City of Encinitas

- Project #74.7 – $1,248,000 for Phases 1 and 2, for Pacific Surfliner; double track intercity rail line within San Diego County, add maintenance yard in San Diego County – Encinitas Grade-Separated Pedestrian Crossing(s).
  Applicant Agency: SANDAG
  Alternate fund source: General Funds from City of Encinitas;

and

2.2 BE IT FURTHER RESOLVED that all conditions stipulated at time of application and/or application amendment approval are still in effect; and

2.3 BE IT FURTHER RESOLVED that agencies proceed at their own risk and that reimbursement is dependent on availability of TCR funding; and

2.4 BE IT FURTHER RESOLVED that within 6 months following this date, the agency shall report to the Department on progress in executing agreements and third-party contracts needed to execute the work on the phase(s) covered by the approved Letter; and

2.5 BE IT FURTHER RESOLVED that all applicant agencies shall provide the Commission and the Department with a progress report on April 1st and October 1st of each year on actual expenditures and status of work, until the projects have been completed; and

2.6 BE IT FURTHER RESOLVED that upon completion of the phase(s) of a Letter approved by the Commission, the lead applicant agency may request to have its Letter liquidated with an allocation by the Commission, or at the Commission's direction by the Department, and

2.7 BE IT FURTHER RESOLVED that reimbursement of eligible costs is subject to the policies, restrictions and assurances as set forth in the Commission's policy for allocating, monitoring, and auditing TCR projects, and is governed by the terms and conditions of the Fund Transfer Agreement, Program Supplement or Cooperative Agreement, and subsequent amendments to the same if required, as executed between the Implementing Agency and the Department; and

2.8 BE IT FURTHER RESOLVED that it is the responsibility of the lead applicant agency to disperse funds to all contributors of the alternate local funds.