

# Memorandum

To: CHAIR AND COMMISSIONERS  
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: April 25-26, 2012

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

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Subject: **PROPOSITION 1B – LETTER OF NO PREJUDICE**  
**RESOLUTION LONP1B-A-1112-14**

## **RECOMMENDATION:**

The California Department of Transportation recommends that the California Transportation Commission (Commission) consider this Letter of No Prejudice (LONP), available under Assembly Bill (AB) 672, for the BART Vehicles project in Santa Clara County.

## **ISSUE:**

Due to the unavailability of Proposition 1B State-Local Partnership Program (SLPP) funds, the Santa Clara Valley Transportation Authority (SCVTA) is requesting AB 672 authority to substitute \$34,760,000 of programmed SLPP construction funds with local district sales tax funds for the completion of the programmed project and to keep the BART Vehicles project on schedule.

The project will consist of purchasing up to 60 heavy rail vehicles to be used for the BART to San Jose Phase 1 Corridor project.

## **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 SLPP in the future.

## **RESOLUTION LONP1B-A-1112-14:**

Resolved, with all conditions stipulated still in effect, the California Transportation Commission hereby approves a Letter of No Prejudice (LONP) for the BART Vehicles project, programmed in, or otherwise funded from, the Proposition 1B State-Local Partnership Program (SLPP); and

Be it Further Resolved, that the agency understands that they proceed at their own risk, as reimbursement is dependent on future availability of SLPP 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 agency shall report to the California Department of Transportation following LONP approval on progress in executing agreements and third-party contracts needed to execute the work.