

**ALPINE COUNTY LOCAL
TRANSPORTATION COMMISSION**

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Markleeville, CA 96120
(530) 694-2140

**AMADOR COUNTY
TRANSPORTATION COMMISSION**

11400 American Legion Drive, Suite A
Jackson, CA 95642
(209) 267-2282

**CAL/
OF** **TAB 5**
692 Marshall Avenue, Unit A
San Andreas, CA 95249
(209) 754-2094

June 17, 2008

Mr. John Chalker, Chair
California Transportation Commission
1120 N Street, Room 2233 (MS-52)
Sacramento, CA 95814

Subject: Tri-County MOU II

Dear Mr. Chalker:

The transportation planning agencies serving the Tri-Counties (Alpine, Amador, and Calaveras) appreciate the opportunity being provided to present its second Memorandum of Understanding (MOU II) concerning proposed use of "pooled" State Transportation Improvement Program (STIP) funds during the Commission meeting on June 25, 2008. Since representatives of the Tri-Counties participated in discussions with the Commission and its staff during the last CTC meeting in San Diego on May 28 and 29, 2008, we have worked hard together to down-scope our STIP requests to address CTC concerns and fit today's transportation funding constraints.

Enclosed with this letter are copies of the materials we will present and discuss during the CTC meeting on June 25, 2008. The first two pages summarize the success of our prior ten-year effort (MOU I). The remaining pages show what we hope to accomplish over the next ten years (MOU II). Amador and Calaveras Counties, working with Caltrans District 10, are proposing to reduce the scopes of their two prioritized State highway projects (the SR 4 Wagon Trail Expressway and the SR 88 Pine Grove Corridor project). The Tri-Counties are requesting that Caltrans and the CTC prepare to program future IIP funds to help fund the right of way and construction phases of these projects when they are ready for delivery in the 2014 STIP.

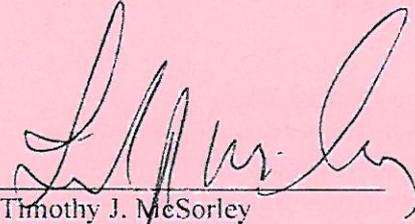
In addition, Calaveras has removed the SR 4/49 intersection project and Amador has removed the Sutter-Ione Road rehabilitation project from any further consideration at this time. Amador is also willing to delay programming funds for the SR 88 Pine Grove Corridor PA&ED from 2008/09 to 2010/11. The Tri-Counties are requesting that \$910,000 be programmed for Alpine County's Immigrant Trail Loop/Alpine Village local road rehab and the amount programmed for Calaveras Wagon Trail PA&ED be changed from \$200,000 to \$250,000, both in FY 2008/09.

The Tri-Counties are hopeful that by working cooperatively together, and with Caltrans to make the Tri-County MOU II financially constrained yet still capable of delivering the area's highest priority interregional highway needs, that we will be able to secure CTC support to achieve the same kind of success that we accomplished through MOU I.

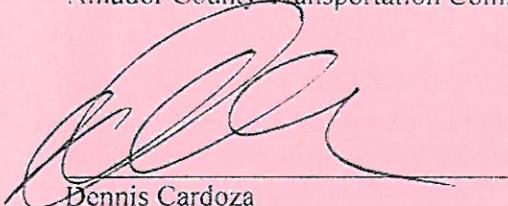
Sincerely,



Charles F. Field
Executive Director
Amador County Transportation Commission



Timothy J. McSorley
Executive Director
Calaveras Council of Governments



Dennis Cardoza
Executive Secretary
Alpine County Transportation Commission

**Memorandum of Understanding II
Between
Alpine County Local Transportation Commission
Amador County Transportation Commission and
Calaveras Council of Governments**

This Memorandum of Understanding ("MOU") is entered into on the _____ day of _____, 2008, by and between the Alpine County Local Transportation Commission (hereinafter referred to as "ALPINE"), the Amador County Transportation Commission (hereinafter referred to as "AMADOR"), and the Calaveras Council of Governments (hereinafter referred to as "CALAVERAS").

Background and Purpose of MOU

A. ALPINE, AMADOR and CALAVERAS (hereinafter referred to as the "TRI-COUNTIES") are local transportation commissions established pursuant to Government Code Section 29535 and have been designated by the Secretary of the State of California Business, Transportation and Housing Agency as the regional transportation planning agencies serving their respective counties. Each of the TRI-COUNTIES has the authority to recommend how its county's share of State Transportation Improvement Program ("STIP") funds, which share is known as Regional Improvement Program ("RIP") funds, are to be programmed within the STIP.

B. This MOU has been encouraged and supported by the State of California Department of Transportation (hereinafter referred to as "CALTRANS"). CALTRANS has authority to recommend how CALTRANS' share of STIP funds, known as Interregional Improvement Program ("IIP") funds, are to be programmed within the STIP. CALTRANS has expressed an intent to continue supporting the TRI-COUNTIES' effort as expressed in this MOU by providing matching funds from the IIP in order to support successful delivery of the State highway projects identified within this MOU.

C. The California Transportation Commission (hereinafter referred to as "CTC") is responsible for programming STIP funds for development and delivery of transportation projects using RIP funds as recommended by regional transportation planning agencies such as and including the TRI-COUNTIES, and IIP funds as recommended by CALTRANS. The CTC has encouraged regional transportation planning agencies including the TRI-COUNTIES to work together and to work with CALTRANS to bring forth funding recommendations for the STIP that are mutually beneficial to local and regional governments and the State and to work cooperatively in delivering such STIP projects when they are programmed.

D. The TRI-COUNTIES and CALTRANS have demonstrated their ability to work together cooperatively and effectively by delivering four State highway corridor projects, including two community bypass projects and two highway passing lane projects, within 12 years. This effort was accomplished by a previous MOU (hereinafter referred to as "MOU I") executed in September 1997. The TRI-COUNTIES are now desirous of establishing a second memorandum of understanding ("MOU II") for the purpose of "pooling" their apportionments of STIP funds (RIP) and securing a 50% match from CALTRANS' apportionments of IIP funds. It is intended that the IIP funds will be used for further corridor improvements on State Route ("SR") 88 in Amador County and on SR 4 in Calaveras County.

E. This MOU II also sets forth the intent to request the CTC to program limited amounts of RIP allocated to the TRI-COUNTIES for local road rehabilitation projects in Alpine County and in Amador County, and to address a highway bridge and intersection within the SR 4 Angels Camp Bypass relinquishment agreement in Calaveras. MOU II includes TRI-COUNTIES' support for early funding of Alpine County local road rehabilitation. Alpine County has always supported TRI-COUNTIES' effort but has never received any STIP funding for projects in Alpine County since SB 45 was adopted in 1998.

NOW, THEREFORE, in consideration of the performance of the covenants herein contained, the parties agree as follows:

Agreements

1. RIP and IIP Funded Projects. The purpose of this MOU is to set forth the understanding within and among the TRI-COUNTIES with respect to relative project priorities for recommendations of future RIP funding and to set forth an understanding about future requests to CALTRANS and the CTC for IIP funding. In this regard the TRI-COUNTIES agree to pool future apportionments of RIP and jointly request CALTRANS to provide 50% matching IIP funds for the following State highway corridor improvement projects:

(a) State Route 4 Wagon Trail Realignment Project – This proposed two-lane highway improvement will provide a safer and more efficient route between Copperopolis and Angels Camp and leading to tourist destinations in eastern Calaveras and Alpine Counties. The approximate 6-mile long project has been scoped in two ways – as a new alignment, with 65 mph design speed, or as an improved route near the existing alignment with a 55 mph design speed. Calaveras agrees to phase the project or to reduce the project's scope to fit within funding amounts prescribed by this MOU (\$40 million) unless alternative local funding sources become available for the project.

(b) State Route 88 Pine Grove Corridor Improvement Project – The Pine Grove Corridor project as proposed could include either 1) widening and improvements to State Route 88 through the town of Pine Grove or 2) a bypass around the town, either to the north side of town or to the south side of town. Amador agrees to support the lower cost widening and improvements to State Route 88 through Pine Grove or to otherwise down-scope the project to remain within funding limits prescribed by this agreement (\$40 million) unless alternative local funding sources become available for the project.

CALTRANS has completed Project Study Reports ("PSRs"), which are required in order for the CTC to program STIP funds. Based on the approved PSRs and more recent analysis Caltrans estimates that as much as \$76 million could be necessary for delivery of the Calaveras SR 4 Wagon Trail Realignment project and \$83 million for the Amador SR 88 Pine Grove Corridor Improvements Project. In total, these costs exceed the amount of RIP projected to be apportioned to the TRI-COUNTIES over the next 20 years or 10 STIP cycles. It is for this reason that the TRI-COUNTIES are endeavoring, by this MOU, to apply funding constraints to STIP projects before they are developed, hence reducing the scope and/or phasing the two highway projects. It is also the reason why the TRI-COUNTIES desire that CALTRANS acknowledge an intent to provide 1:1 matching funds (50% RIP:50% IIP) towards successful delivery of the projects so that they may be delivered in less than 10 years. The TRI-COUNTIES are willing to use RIP funds and, as necessary, RIP advances for project development purposes provided that CALTRANS has acknowledged and expressed support to contribute IIP matching funds for programming at the later right-of-way and/or construction project phases.

It is understood that project costs for each of the above-identified highway corridor projects may increase beyond the amounts identified in previously referenced PSRs or identified within this MOU. In such cases the TRI-COUNTIES agree to meet and confer and include CALTRANS in efforts to further reduce project scope or otherwise find cost savings or secure additional funds such that the general intent and intended funding period covered by this MOU II (10 years) is not exceeded.

2. RIP-Only Funded Projects.

(a) Alpine County Local Road Rehabilitation - ALPINE provided its RIP funds to highway projects in Calaveras and Amador Counties per prior MOU I. ALPINE is desirous of continuing to provide its RIP to the above-described State highway projects in Amador and Calaveras Counties per MOU II; however, ALPINE also desires to rehabilitate and extend the life of its local road system over the intended 20-year term of this MOU as well. In acknowledgement of ALPINE'S support for projects in Amador and Calaveras Counties, the TRI-COUNTIES agree to request programming of up to approximately \$5 million (\$5,000,000) for Alpine County local road rehabilitation projects consistent with STIP Guidelines. The \$5 million will come from Alpine shares of RIP funds and will be programmed for local road rehabilitation prior to Alpine shares being programmed for improvements on SR 88 or SR 4 State highway projects. Additionally, the TRI-COUNTIES agree to support \$910 thousand (\$910,000) of RIP funding for Alpine County local road rehabilitation in the 2008/09 fiscal year.

3. Priorities. Recognizing that the CTC will not have sufficient funds available to fully program all phases of all of the projects within any two STIP cycles, the TRI-COUNTIES agree to continue to cooperate and “pool” their regional share apportionments (RIP) over a period of 10 years or more as may be required until all projects are fully programmed and funded. In this regard, the TRI-COUNTIES agree to jointly advise the CTC of the following priority list of projects for use in programming available STIP funds.

(a) RIP and IIP Funded Priorities on State Highways

- (1) Calaveras SR 4 Wagon Trail Expressway (up to \$40 million, 50% RIP:50%IIP)
- (2) Amador SR 88 Pine Grove Corridor Improvements (up to \$40 million, 50% RIP:50% IIP)

(b) RIP-Only Funded Priorities

- (1) Alpine County Local Road Rehabilitation (up to \$5 million 100% RIP)

TRI-COUNTIES agree to jointly request that CALTRANS proceed with cooperative agreements that will enable the individual counties to become lead agencies for development and delivery of the projects in their respective counties.

TRI-COUNTIES agree to cooperate in seeking additional revenues and/or to cooperate in implementing cost savings strategies for projects in their jurisdictions and to advocate that any realized revenues and/or savings be used to make up shortfalls with any of the above projects. Sources for revenues and/or cost savings could include but are not necessarily limited to the following:

- Sales of excess right-of-way
- Conveyance and/or dedication of project rights-of-way
- Federal “earmark” funding
- Local or regional traffic impact mitigation fees
- Local option transportation sales funds (if approved by voters)

TRI-COUNTIES agree not to advocate or otherwise promote STIP funding for other projects without the mutual consent of all parties to this MOU. TRI-COUNTIES agree not to change the scope or limits of any of the above-defined projects without mutual consent of all parties to this MOU. TRI-COUNTIES agree to meet and confer upon request of any party to discuss any changes to project priorities identified above. Said consent will not be unreasonably withheld if it can be demonstrated that the proposed changes will not impact funding and or delivery of each and all of the priority projects.

4. Term of MOU. The terms and conditions of this MOU will remain in effect until all identified projects are complete or abandoned by formal action of all three parties to this MOU.

AMADOR, ALPINE, and CALAVERAS have by separate resolution or minute action authorized their duly appointed officers to execute this agreement. It is also understood and agreed that each of the three named Commissions will, with speed and diligence, seek resolutions from their respective County Boards of Supervisors ratifying this Memorandum of Understanding in order for the MOU to have full effect under the law.

For ALPINE:

Terry Woodrow, Chair
Alpine County Local Transportation Commission
Date: _____

County Counsel
Alpine County, California
Date: _____

For AMADOR:

Louis Boitano, Chair
Amador County Transportation Commission
Date: _____

Legal Counsel
Amador County, California
Date: _____

For CALAVERAS

Lee Seaton, Chair
Calaveras Council of Governments
Date: _____

County Counsel
Calaveras County, California
Date: _____

