

Memorandum

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

CTC Meeting: June 11, 2013

Reference No.: 2.8d.(1)
Action Item

From: NORMA ORTEGA
Chief Financial Officer

Prepared by: Jane Perez
Division Chief
Mass Transportation

Subject: **REQUEST TO EXTEND THE PERIOD OF PROJECT DEVELOPMENT
EXPENDITURES PER RESOLUTION G-99-25, GUIDELINES FOR ALLOCATING,
MONITORING, AND AUDITING OF FUNDS FOR LOCAL ASSISTANCE PROJECTS
WAIVER 13-29**

RECOMMENDATION:

The California Department of Transportation recommends the California Transportation Commission (Commission) approve a 20-month extension for the period of project development expenditures, to February 28, 2015, for the Capitol Light Rail Transit Extension Phase I project, in Santa Clara County.

ISSUE:

On September 2010, the Commission approved Resolutions MFP-10-06 allocating \$8,340,000 to the Santa Clara Valley Transportation Authority (SCVTA) for the Capitol Light Rail Transit Extension Phase I project. Completion of the Right of Way acquisition has been delayed due to past and present legal challenges. On November 2012, a court ruled in favor of the SCVTA and gave an order of possession to the SCVTA to enter the property and begin construction. However, although the SCVTA has legal authority of the property, a court appeal has been filed by the former property owner, which has further delayed acquisition of the existing property. A new trial is set to begin in October 2013 and it is unknown at this time when a final court decision will be rendered.

To date, right of way acquisition is 90 percent complete. The remaining balance of \$940,000 will be expended over the next 22 months.

BACKGROUND:

Resolution G-99-25, Guidelines for Allocating, Monitoring, and Auditing of Funds for Local Assistance Projects, adopted by the Commission on August 18, 1999, stipulates that funds allocated for local project development or Right of Way costs must be expended by the end of the second fiscal year following the fiscal year in which the funds were allocated. The Commission may approve a waiver to the timely use of funds deadline one time only for up to 20 months in accordance with Section 14529.8 of the Government Code.